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Pennsylvania Bulletin  
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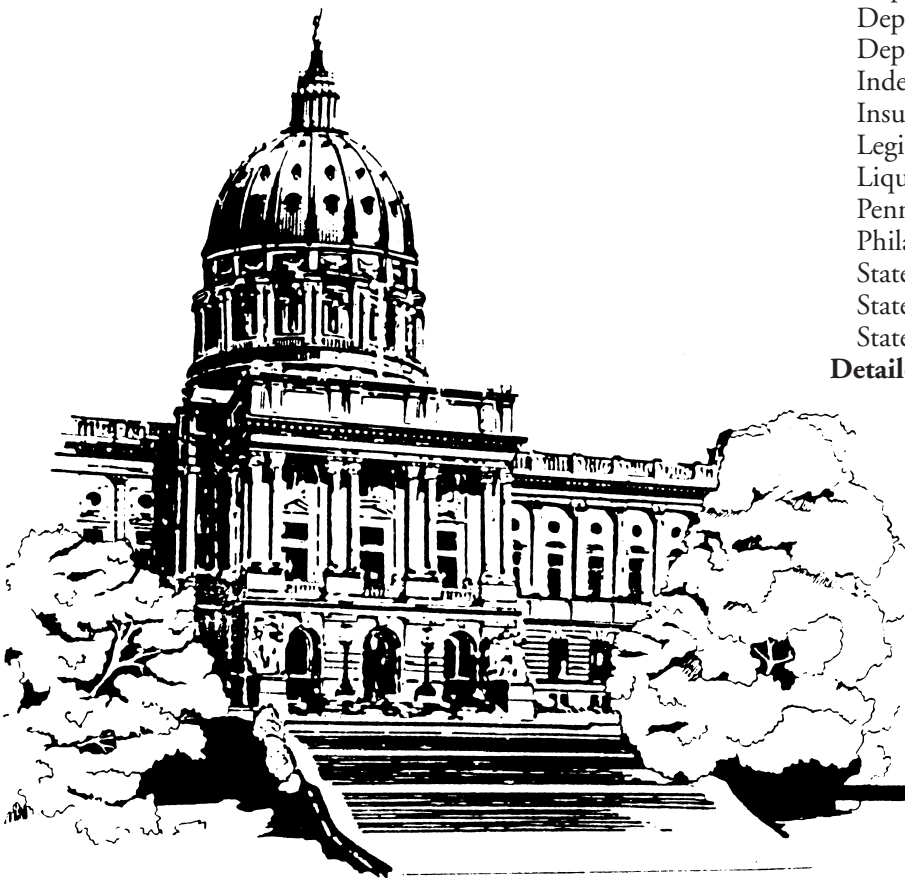
# PENNSYLVANIA BULLETIN

Volume 41  
Saturday, November 19, 2011 • Harrisburg, PA  
Number 47  
Pages 6185—6314

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State Board of Medicine  
State Employees' Retirement Board

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

**No. 444, November 2011**

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**BULLETIN**

(ISSN 0162-2137)

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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Unclassified .. 14, 218, 344, 346, 521, 588, 589, 590, 724,  
837, 838, 839, 924, 1016, 1017, 1168, 1169, 1332,  
1456, 1620, 1763, 1896, 2001, 2002, 2221, 2224,  
2225, 2525, 2532, 2537, 2843, 3083, 3184, 3541,  
3821, 3822, 3823, 3972, 3973, 3974, 4085, 4086,  
4089, 4097, 4098, 4208, 4532, 4533, 4534, 4621,  
4622, 4852, 4853, 4944, 4945, 4946, 5063, 5154  
5359, 5746, 5955, 5956, 6085, 6196, 6203,  
6212, 6213

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 372 Judicial Administration Doc.

##### Order

*Per Curiam:*

And now, this 3rd day of November, 2011, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2010 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter K. COSTS, FINES AND FEES

#### § 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2010 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 372 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2010 was 1.5% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 9, 2011.)

[Pa.B. Doc. No. 11-1984. Filed for public inspection November 18, 2011, 9:00 a.m.]

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 371 Judicial Administration Doc.

##### Order

*Per Curiam:*

And now, this 3rd day of November, 2011 it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of

Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2012.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

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

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

##### Subchapter K. COSTS, FINES AND FEES

#### § 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court and Philadelphia Traffic Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

#### § 29.402. 42 Pa.C.S. § 1725.1 Costs.

(a) *Civil cases.*—In calendar year 2012, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less .....	\$48.00
(2) Actions involving more than \$500 but not more than \$2,000 .....	\$64.00
(3) Actions involving more than \$2,000 but not more than \$4,000 .....	\$79.50
(4) Actions involving between \$4,001 and \$12,000 .....	\$119.50
(5) Landlord-tenant actions involving less than \$2,000 .....	\$72.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 .....	\$87.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000 .....	\$119.50
(8) Order of execution .....	\$36.00
(9) Objection to levy .....	\$16.00
(10) Reinstatement of complaint .....	\$8.00

(11) Entering Transcript on Appeal or Certiorari ..... \$4.00  
 Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2012, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v) ..... \$7.50

(b) *Criminal cases.*—In calendar year 2012, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases ..... \$45.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) ..... \$36.00
- (3) Summary conviction, motor vehicle cases, hearing demanded ..... \$43.00
- (4) Misdemeanor ..... \$52.00
- (5) Felony ..... \$60.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2012, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary ..... \$8.00
- (2) Marrying each couple, making record thereof, and certificate to the parties ..... \$40.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) ..... \$16.00
- (4) Issuing a search warrant (except as provided in subsection (d)) ..... \$16.00
- (5) Any other issuance not otherwise provided in this subsection ..... \$16.00

**§ 29.403. 42 Pa.C.S. § 3571.**

In calendar year 2012, Commonwealth portion of fines, etc.

\* \* \* \* \*

- (c) *Costs in magisterial district judge proceedings.*
- (2) Amounts payable to the Commonwealth:
    - (i) Summary conviction, except motor vehicle cases ..... \$16.00
    - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) ..... \$16.00
    - (iii) Summary conviction, motor vehicle cases, hearing demanded ..... \$16.00
    - (iv) Misdemeanor ..... \$20.80
    - (v) Felony ..... \$32.00
    - (vi) Assumpsit or trespass involving:
      - (A) \$500 or less ..... \$20.00

- (B) More than \$500 but not more than \$2,000 . \$32.00
  - (C) More than \$2,000 but not more than \$4,000 ..... \$47.70
  - (D) Between \$4,001 and \$12,000 ..... \$79.65
- (vii) Landlord-tenant proceeding involving:
- (A) \$2,000 or less ..... \$32.00
  - (B) More than \$2,000 but not more than \$4,000 ..... \$39.75
  - (C) More than \$4,000 but not more than \$12,000 ..... \$55.75
- (viii) Objection to levy ..... \$8.00
- (ix) Order of execution ..... \$24.00
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)).. \$11.20
- (xi) Order of possession ..... \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) ..... \$6.00

[Pa.B. Doc. No. 11-1985. Filed for public inspection November 18, 2011, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## INDIANA COUNTY

### Adoption of Orphan’s Court Rules; No. 32-11-0490

#### Order of Court

*And Now*, this 20th day of October 2011, it is hereby *Ordered and Directed*, pursuant to Pennsylvania Orphans’ Court Rule 1.2, that the Indiana County Orphan’s Court Local Rules are promulgated and adopted. The Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all actions filed in Orphan’s Court after such effectiveness date.

It is further *Ordered and Directed* that the Indiana County Register and Recorder shall:

- (1) file One (1) certified copy of the Local Rules with the Administrative Office of Pennsylvania Courts;
- (2) file two (2) certified copies with the Orphan’s Court Rules Committee of the Pennsylvania Supreme Court;
- (3) file two (2) certified copies and one (1) CD-ROM with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (4) furnish one (1) certified copy to the Indiana County Law Library;
- (5) keep available for public inspection copies of the Local Rules in the Indiana County Register and Recorder’s Office.

*By the Court*

WILLIAM J. MARTIN,  
*President Judge*

## INDIANA COUNTY ORPHANS' COURT RULES

## RULE 1

## JUDGES—LOCAL RULES

**Rule 1.2.1. Local Rules.**

a. These rules shall be known as the Indiana County Orphans' Court Rules and may be cited as ICOCR. These rules are promulgated under the authority of Pennsylvania Orphans' Court Rule 1.2.

b. These rules, in conjunction with the Pennsylvania Orphans' Court Rules and all relevant Acts of Assembly, shall regulate the practice and procedure of the Orphans' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania.

## RULE 2

## CONSTRUCTION AND APPLICATION OF RULES

**Rule 2.2.1. Waiver of Time Limitations.**

The Court, upon its own motion or upon motion of any party, may extend any limitation of time imposed by these rules.

**Rule 2.3.1. Definitions.**

Terms defined in the Pennsylvania Orphans' Court Rules shall have the same meanings when used in these rules. When used in these rules, unless the context clearly indicates otherwise, the following words shall have the meanings set forth below.

a. "Exception" shall mean a disagreement with any order, decree, confirmation or other adjudication of the Court, or of any auditor, master or other official appointed by the Court.

b. "Objection" shall mean a disagreement with any act or omission of a fiduciary, to include, without limitation, disagreements concerning the family exemption, the surviving spouse's allowance, inventories and accounts.

c. "Party in interest" shall mean any person whose interests are affected materially by the disposition of the action. Depending upon the circumstances, and without limitation, "party in interest" may include intestate heirs, testamentary or trust beneficiaries, creditors, claimants and lienholders.

d. "PEF Code" shall mean the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 101, *et seq.*

The Court may disregard any misnomer of an exception or objection, and such misnomer shall not be grounds for dismissal.

## RULE 3

## PLEADING AND PRACTICE

**Rule 3.1.1. Conformity to Local Procedure in Civil Actions.**

Except where inconsistent with these rules, the Local Rules of the Court of Common Pleas of Indiana County shall apply in Orphans' Court cases. No pleading in Orphans' Court shall require the Notice to Defend described in Pennsylvania Rule of Civil Procedure 1018.1.

**Rule 3.2.1. Pleadings.**

The pleadings in matters before this Court shall be limited to a petition, an answer, a new matter, a reply to new matter, preliminary objections and an answer to preliminary objections.

**Rule 3.2.2. Failure to Respond.**

a. Failure to Answer. If the respondent fails to file a responsive pleading to a petition by the return date fixed by the citation or order, or if no such date is fixed, within twenty (20) days after service, such failure shall act as an admission of all material averments of fact in the petition. In such case, and upon proof that the petition and citation or order were served upon the respondent not less than twenty (20) days prior to the return date, the Court, in its discretion, may grant the prayer for relief of the petition, or grant such other relief as may be appropriate, upon motion of the petitioner only. This rule shall not apply to petitions seeking the appointment of a guardian for an alleged incapacitated person, for termination of parental rights, or for adoption.

b. Failure to Reply to New Matter. If the petitioner fails to file a reply to a new matter within twenty (20) days following service, the material averments of fact set forth in the new matter shall be deemed to be admitted, and the case shall be at issue.

**Rule 3.4.1. Form of Petitions and Motions.**

a. Every petition and motion filed with the Court shall cite the statute, rule of court, or other authority relied upon to justify the relief requested, shall state the grounds for such relief with particularity, and shall state the names and addresses of all known parties in interest.

b. A proposed order shall accompany every petition or motion, and also every pleading filed in opposition to a petition or motion.

c. The Court may direct that a citation be issued, may direct a written response to be filed upon notice, or may schedule a hearing or conference, as the facts and issues in the case may require.

**Rule 3.4.2. Exhibits.**

a. Petitions shall include as attached exhibits the originals or true and correct copies of all wills, codicils, agreements or other written instruments relied upon, or shall state the reason why any such instrument is not so attached.

b. An attorney's signature to a pleading shall act as a certification by that attorney that all copies of written instruments attached to such pleading are true and correct copies of the originals, and that all original instruments attached to such pleading are authentic.

**Rule 3.4.3. Consents and Joinders.**

Whenever a party other than a petitioner desires to consent to or join in the prayer for relief of a petition, such consent or joinder shall be in a writing signed by the subject party, attached as an exhibit to the petition, and substantially in the following form:

I have read the contents of the attached petition. I waive all notice or service of the attached petition, or notice of any hearing to be held upon that petition. I authorize the Court to note my general appearance in the subject action, to the same effect as if I had appeared personally or by counsel. I waive all objections to the Court's jurisdiction over my person. I consent to and join in the prayer for relief of the attached petition, and (add specifics of prayer for relief).

**Rule 3.5.1. Proof of Service.**

a. Personal Service. Proof of personal service of a citation or notice shall conform to the provisions of § 766 of the PEF Code. The return of service shall set forth the

date, time, place and manner of service of true and correct copies of the citation, petition, order or notice so served.

b. Service by Mail. Proof of service of a citation by registered or certified mail shall be made by affidavit of the person making service. Such affidavit shall set forth that true and correct copies of the citation, petition, order or notice so served were mailed to the respondent postage prepaid, return receipt requested, and shall specify the date of mailing and the address to which notice was mailed. The signed return receipt card shall be attached to the return of service.

c. Service by Publication. Service by publication shall be proven by affidavit of the publisher, accompanied by proofs of the notice published.

### **Rule 3.6.1. Depositions and Discovery.**

Practice concerning depositions, discovery, production of documents and perpetuation of evidence shall be as provided under the Pennsylvania Rules of Civil Procedure, and under Indiana County Local Rules of Civil Procedure L-4007.1 and L-4007.3.

## **RULE 5 NOTICE**

### **Rule 5.2.1. Method; Person under Incapacity.**

Notice to a person who is not sui juris shall be given to his guardian or trustee. In the absence of such guardian or trustee, such notice shall be given to the person, if the person is not sui juris solely by reason of minority but is fourteen or more years of age, and, unless the Court directs otherwise by special order, to one or more of the following:

- a. A custodial parent of an unmarried minor, provided that such parent is sui juris;
- b. The spouse of the person;
- c. An individual with whom the person resides, or by whom the person is maintained;
- d. The official in charge of the institution having custody of the person;
- e. An agent or attorney-in-fact with power to act on behalf of the person under a durable general power of attorney; or
- f. Such other person as the Court may direct by special order.

## **RULE 6 ACCOUNTS AND DISTRIBUTION**

### **Rule 6.3.1. Notice of Account.**

a. Every person filing an account for confirmation by the Court shall give notice of the filing of the account, and of the procedure for filing objections to that account, to every unpaid claimant who has given written notice of his claim to the accountant, and to every other person known to the accountant to have or to claim an interest in the estate as a creditor, heir, beneficiary or otherwise.

b. Attached to or enclosed with such notice shall be either a copy of the entire account or a copy of the Statement of Proposed Distribution if such Statement is included with the account, as the accountant may elect.

c. Unless the accountant proposes to refer distribution to an auditor under Rule 6.9.1., the form of notice shall be substantially similar to Form 1, attached.

d. In any case where the accountant proposes to request distribution to be determined by an auditor, the form of notice shall be substantially similar to Form 2, attached.

e. The accountant shall attach to the account a certification, signed by the accountant or by the accountant's attorney, that notice of the filing of the account, and of the dates by which written objections must be filed, has been given to every unpaid claimant who has given written notice of his claim to the accountant, and to every other person known to the accountant to have or to claim an interest in the estate as a creditor, heir, beneficiary or otherwise. Such notice shall also set forth the names and addresses of every person or party to whom such notice has been given.

f. The accountant shall attach to the account proof of publication of advertisement of the grant of letters in a local newspaper of general circulation in the manner required by PEF Code § 3162. Such proof of publication shall be by affidavit of the publisher, accompanied by a copy of the notice published.

### **Rule 6.3.2. Advertising.**

The Clerk of Orphans' Court will cause advertisements of the filing and proposed dates of confirmation of all accounts to be published in the manner required by law. Such advertisements will set out the dates of confirmation nisi and absolute, and will state that unless written objections are filed with the Clerk of Orphans' Court of Indiana County on or before the date of confirmation absolute, the account will be confirmed absolutely.

### **Rule 6.4.1. Time for Filing.**

The Clerk shall determine annually the dates for the filing, confirmation nisi, and confirmation absolute of accounts. The date of confirmation nisi shall be the first Monday of each calendar month which is not a legal holiday. The last date of filing accounts for each such date of confirmation nisi shall be the thirtieth (30th) day prior to each date of confirmation nisi. The date of confirmation absolute shall be the tenth (10th) day following the date of confirmation nisi. The Clerk shall post notice of such dates in the Clerk's office, and shall otherwise make such dates available to the Bar and the public.

### **Rule 6.9.1. Statement of Proposed Distribution.**

a. Except as provided in Rule 6.9.1.b., each account shall include a Statement of Proposed Distribution, which shall identify each proposed distributee by name, and shall clearly identify the property to be distributed.

b. In the alternative, an accountant may request that the Court appoint an auditor to determine distribution. Such request may be made only when there are issues of fact or law which make determination of the proper distribution uncertain. In making such request, the accountant shall state specifically the issues of fact or law in question. The Court may either appoint an auditor as requested, or may direct the accountant to file an amended account containing a Statement of Proposed Distribution, as the Court elects, and without additional or special motion.

### **Rule 6.10.1. Objections to Accounts.**

a. Objections to an account, including objections to a Statement of Proposed Distribution, must be in writing, numbered consecutively, and signed by the objectant or by the objectant's attorney.

b. Each objection shall specify the item in the account, or the item omitted from the account, to which the objection is being made.

c. Each objection shall concern only one item in the account, or omitted from the account, to which the objection is being made. If there are several objections, or separate issues of law or fact, concerning any one item in the account, or omitted from the account, each such objection shall be included as a sub-paragraph of one numbered objection.

d. Each objection shall set forth briefly the reason or reasons supporting the objection.

e. Objections must be filed no later than the date of confirmation absolute of the account, and shall be filed with the Clerk.

#### **Rule 6.10.2. Notice of Objections.**

An objectant shall serve a copy of the objections filed upon counsel for the accountant, or, if the accountant has no counsel of record, with the accountant, without delay.

#### **Rule 6.11.1. Confirmation of Accounts.**

a. If no objections are filed by the date of confirmation nisi, determined as provided in Rule 6.4.1., the Court may enter confirmation nisi of each timely filed account, as of the date of confirmation nisi, without audit or hearing.

b. If no objections are filed by the date of confirmation absolute, determined as provided in Rule 6.4.1., the Court may enter confirmation absolute of each timely filed account, as of the date of confirmation absolute, without audit or hearing.

c. The Clerk shall notify the Court of any objections filed. When objections are filed, the Court may refer the objections to an auditor without special motion, or grant such other relief as the Court deems proper.

d. Nothing contained in these Rules shall limit the Court's right to examine accounts filed, to reject accounts, or to order audit or hearing for any account, in the exercise of the Court's discretion.

#### **Rule 6.11.2. Confirmation of Title to Real Property.**

a. Whenever an accountant proposes to distribute real property in kind, the accountant shall describe the real property on the accounts's Statement of Proposed Distribution with sufficient particularity to permit the property to be identified. Such description shall specify the municipality in which the property is situate, and may include the full legal description employed in the last deed of record, or a summary of that description, or a reference to the property's Indiana County Uniform Parcel Identifier Number, or a recital of the last deed of record, or a combination of the above.

b. Confirmation absolute of an account shall act as a confirmation of any proposed distribution of real property in kind set forth in that account's Statement of Proposed Distribution. The Clerk, at the request of any party, may certify such distribution of real property in a writing to be recorded in the Office of the Recorder of Deeds of Indiana County. Such certificate of distribution may include a more complete description of the real property than that set out in the Statement of Proposed Distribution.

### **RULE 8**

#### **AUDITORS AND MASTERS**

##### **Rule 8.0.1. Appointment.**

The Court, on its own motion or on the motion or petition of any accountant or interested party, may appoint an auditor or a master. The Order appointing such auditor or master shall specify what issues the auditor or master is to resolve. Before undertaking his or

her duties, the auditor or master shall take an oath before the Clerk to faithfully perform such duties.

##### **Rule 8.1.1. Notice of Hearing.**

a. The auditor shall schedule a hearing, and shall give written notice of that hearing, as specified below, to all parties in interest.

b. The notice shall include the following:

1. The caption and number of the case;
2. The name of the auditor or master;
3. The name of any accountant or other fiduciary;
4. The place, date and time of the hearing;
5. A general statement of the matters to be determined by the auditor or master; and
6. The signature, and the printed name, address and telephone number of the auditor or master.

c. The written notice shall be provided to all parties in interest or to their counsel of record not less than twenty (20) days before the hearing by first class mail, postage pre-paid. If the master or auditor so elects, such notice may also be given by registered or certified mail, return receipt requested, postage pre-paid. If notice to a party in interest cannot be given by mail, notice to such party shall be given by advertisement one time in the *Indiana County Law Journal* and one time in a newspaper of general circulation within Indiana County, both such advertisements to appear not less than twenty (20) days before the hearing.

##### **Rule 8.1.2. Conduct of Hearings.**

a. All hearings before an auditor or master shall be conducted in accordance with the Pennsylvania Rules of Evidence.

b. The auditor or master may continue or adjourn hearings from time to time for just cause or upon the agreement of all parties present, but such adjournments shall be to a date certain. No additional notice of the continuance or adjournment of a hearing need be given to any party not represented at the hearing.

c. Auditors and masters shall have the authority to issue subpoenas, including subpoenas *duces tecum*, and to administer oaths to witnesses.

d. With leave of court upon motion of the auditor or master, the auditor or master may retain experts to aid in the performance of his or her duties. All parties in interest who do not join in the motion shall receive notice of the filing of the motion.

e. An official court reporter shall take all the testimony and shall prepare a transcript of the same.

##### **Rule 8.3.1. Form of Auditor's Report.**

In addition to the matters required by Pennsylvania Orphans' Court Rule 8.3, an auditor's report:

- a. shall state the manner of service of the hearing;
- b. shall include a Statement of Proposed Distribution;
- c. shall state the auditor's proposed fees and expenses and shall propose an allocation of those fees upon the parties; and
- d. shall have attached a proposed decree which confirms the report and states in detail the proposed distribution and allocation of fees and costs.



**Rule 8.4.1. Form of Master's Report.**

In addition to the matters required by Pennsylvania Orphans' Court Rule 8.4, a master's report:

- a. shall state the manner of service of the hearing;
- b. shall state the auditor's proposed fees and expenses and shall propose an allocation of those fees upon the parties; and
- c. shall have attached a proposed decree with confirms the report and states in detail the proposed distribution and allocation of fees and costs.

**Rule 8.5.1. Transcript of Testimony.**

The report of an auditor or master shall be accompanied by a transcript of testimony and by all documents and other material evidence admitted as part of the record.

**Rule 8.6.1. Notice of Filing Report.**

a. The auditor or master shall timely file the report with the Clerk, and shall simultaneously give written notice of that filing by first class mail, postage prepaid, to all parties who appeared at the hearing, and to all parties who received notice of the hearing, except those who received notice by publication.

b. A copy of the report, but not of the testimony, documents or other material evidence, shall accompany that notice.

c. The auditor or master will file a proof of service of that notice with the Court, which shall specify the names and addresses of all parties to whom notice was given, and which shall include a copy of the notice given.

d. The notice shall state the date of filing of the report, and shall state that exceptions must be filed within twenty (20) days following the date of filing, or the report may be confirmed in the case of an auditor or its recommendations adopted in the case of a master.

**Rule 8.7.1. Confirmation of Report.**

a. Unless exceptions to an auditor's report are timely filed, the Court shall confirm the report. The Clerk shall transmit the report to the Court so that it may be confirmed.

b. Unless exceptions to a master's report are timely filed, the Court shall adopt its recommendations. The Clerk shall transmit the report to the Court so that it may be confirmed.

**RULE 10****REGISTER OF WILLS****Rule 10.1.1. Advertisement of Grant of Letters.**

Whenever the Register of Wills grants letters for a decedent's estate, the Register shall cause the grant of such letters to be advertised in the *Indiana Law Journal* in the manner required by PEF Code § 3162, and shall collect the cost of such advertisement as part of the fees to be paid upon filing the petition for such letters.

**Rule 10.2.1. Appeals from Register of Wills.**

When an appeal is taken from a judicial act of the Register, or from a proceeding before the Register, the records of the matter shall be certified to the Court in accordance with PEF Code § 907 (relating to certification of records to the Court). The appeal shall be in the form of a petition to the Court and shall set forth:

- a. the nature of the proceedings before the Register;
- b. the basis of the appeal, including the facts or circumstances upon which it is based;
- c. the names and the addresses of all parties in interest, including those who have not been parties of record; and
- d. a request that a Citation be issued directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed.

**Rule 10.2.2. Citation.**

Upon allowance of the petition, a citation shall be issued by the Court, to which an answer must be filed by a return date set forth in the citation, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside. The Court may then schedule the matter for hearing. The citation and a copy of the petition shall be served by the party taking the appeal in the manner provided by the PEF Code § 765.

**Rule 10.2.3. Disposition-No Answer.**

If no answer is filed, upon proof of service of the citation and petition, the Court may grant the relief requested.

**RULE 12****SPECIAL PETITIONS****Rule 12.1.1. Family Exemption. Additional Contents of Petition.**

In addition to the matters required by Pennsylvania Orphans' Court Rule 12.1, a petition for the family exemption shall also set forth:

- a. the name, residence, and date of death of the decedent;
- b. the petitioner's name, address, and relationship to the decedent, and whether the petitioner was a member of the same household as the decedent on the date of decedent's death;
- c. if petitioner be the surviving spouse, the date and place of the marriage, and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;
- d. whether the decedent died testate or intestate;
- e. whether, when and to whom letters were granted, and what letters were granted;
- f. the names, relationship to the decedent, and addresses of those interested in the estate; and
- g. the location and value of the property claimed.

**Rule 12.3.1. Elective Share. Extension of Time-Contents of Petition.**

A petition for extension of time in which the surviving spouse may file an election to take against the will shall be filed with the Clerk within the time limits provided by § 2210(b) of the PEF Code, and shall set forth the facts relied upon to justify the extension sought.

**Rule 12.5.1. Appearance in Court-Minor Over Fourteen.**

If a petition is filed seeking the appointment of a guardian for a minor who is fourteen years or more years of age, the minor shall appear at the presentation of the

petition and consent to the appointment of the guardian in open Court, unless, for cause shown, the Court shall excuse such appearance.

**Rule 12.5.2. Small Estates of Minors.**

a. A petition for the award of an estate of a minor without the appointment of a guardian or the entry of security shall contain the following:

1. a statement that the net value of the entire real and personal estate of the minor does not exceed the statutory limitations; and

2. the name of a bank or insured savings and loan association with at least one office in Indiana County as the suggested depository.

b. In the absence of satisfactory reasons for doing otherwise, the Court shall direct that any cash be deposited in an interest bearing account in such a depository in the name of the minor or the name of a natural guardian of the minor. In all cases, the account shall be expressly restricted by means of a notation on the records of the depository that no withdrawals may be made from the account until the minor attains the age of majority, except as authorized by a prior order of the Court. Further, written acknowledgment by the depository of the marking of the account to indicate the restriction shall be filed promptly as part of the record.

c. Any authorization by the Court given to a parent or other person or institution maintaining the minor to execute a receipt, deed, mortgage or other instrument affecting real or personal property of the minor within the statutory limit shall be conditioned on the deposit of the proceeds therefrom in an account restricted as in (b) above.

**Rule 12.5.3. Allowances from Minor's Estate.**

A petition for an allowance from a minor's estate shall set forth:

a. the manner of the guardian's appointment and qualification and the dates thereof;

b. the age and residence of the minor, whether his or her parents are living, the name of each person with whom he or she resides, and the name and age of such minor's spouse and children, if any;

c. the value of the minor's estate, real and personal, and his or her annual income;

d. the circumstances of the minor; whether employed or attending school; whether a parent or other person charged with the duty of supporting the minor is living; the financial condition and income of such parent or other person and why such person is not discharging his or her duty of support; and whether there is other adequate provision for the support and education of the minor, and the minor's spouse and children, if any;

e. the date and amount of each previous allowance by the Court; and

f. the financial requirements of the minor and his or her family, in detail, and the circumstance making the allowance necessary.

**Rule 12.6.1. Appointment of Trustee. Exhibit Attached to Petition.**

A copy of the instrument creating the trust shall be attached as an exhibit to the petition.

**Rule 13.3.1. Report By Fiduciary.**

a. If a report is submitted pursuant to Pennsylvania Orphans' Court Rule 13.3, that report may be submitted

by petition at any time during the administration of the estate, trust or fund in question, or may be included as part of an account submitted for adjudication. All such reports shall be verified by the fiduciary or counsel.

b. Unknown Distributee. If it appears that the identity or whereabouts of a distributee is unknown or that there are no known heirs of a decedent, the written report shall set forth:

1. the nature of the investigation made to locate the distributee or the heirs of the decedent in complete detail; and

2. in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain.

c. Non-resident Distributee. If the fiduciary requests the Court to withhold distribution to a non-resident distributee, the written report shall set forth:

1. the relationship of the distributee to the decedent and any available information concerning the distributee's present whereabouts;

2. in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain; and

3. the reasons for the request that distribution be withheld and the suggested manner of withholding.

**Rule 14.1.1. Service of Notice of Filing of Petition and Hearing. Proof of Service.**

a. Notice of the petition for appointment of guardian and hearing shall be served by the petitioner upon those persons entitled thereto under PEF Code § 5511(a). Service may be made in person, or by first class mail, postage pre-paid, or by such other form of service as the Court may approve by special order. A copy of the petition shall accompany the notice. Service of the notice shall be given at least ten (10) days in advance of the hearing. The notice shall describe the relief sought in the petition, shall specify the date, time and place of hearing, and shall inform each party to be notified of that party's right to attend and to testify at such hearing.

b. Proof of service of the notice shall be presented to the Court at or before the time of hearing, and shall include a copy of the notice provided.

**Rule 14.1.2. Expert Testimony.**

The testimony of a physician or other expert witness may be given telephonically or by other means which will permit the witness to be heard in the courtroom, and which will permit examination and cross examination of the witness, unless the Court shall order otherwise for cause shown.

**Rule 14.1.3. Emergency Guardian.**

a. A separate petition for appointment of an emergency guardian shall be filed.

b. After a petition for the appointment of an emergency guardian has been filed, the matter shall proceed on citation and hearing. The provisions of § 5511 of the PEF Code, including those relating to counsel, shall be applicable, except when the Court has found that such provisions are not feasible under the circumstances. If a petitioner believes that one or more provisions of § 5511 of the PEF Code are not feasible under the circumstances, the petitioner shall state the factual basis for such belief in the petition, and the Court, in its discretion, may dispense with compliance in the order awarding the citation. If not all required provisions have been complied

with by the time of the hearing upon the petition, the Court, in its discretion at the hearing, may further dispense with compliance, if compliance is shown to have been unfeasible.

c. The citation issued in connection with a petition for appointment of emergency guardian shall be the citation prescribed by Pennsylvania Orphans' Court Rule 14.5.

**Rule 14.1.4. Notice of Non-representation.**

Counsel for the petitioner shall provide written notice to the Court, not later than seven (7) days prior to the hearing, if counsel has not been retained by or for the alleged incapacitated person. Such notice shall include detailed information about the physical, mental and financial condition of the alleged incapacitated person.

**Rule 14.1.5. Order of Appointment Final.**

An order appointing a guardian for an incapacitated person shall be a final order and not a decree nisi.

**Rule 14.1.6. Annual Guardianship Reports.**

a. The annual reports required by PEF Code § 5521[c] shall be in such form as prescribed by the Pennsylvania Orphans' Court Rules: Form G-02—Annual report of the Guardian of the Estate; Form G-03—Annual Report of the Guardian of the Person.

b. The guardian, as an alternative, may utilize the form prescribed by the Department of Veterans Affairs—Federal Fiduciary's Account, VA Form 21-4706(b), or any amendments or replacements thereof.

c. The Clerk shall provide written notice of the need to file an annual report to each serving guardian appointed on and after the effective date of these rules, and to such guardian's counsel of record, if any. Such notice shall be given by first class mail, postage prepaid, to the last known addresses of such guardian and counsel not less than one month prior to each anniversary of such guardian's appointment. The Clerk shall inform the Court of any such guardians who do not timely file the required annual reports.

**RULE 15**

**ADOPTIONS**

**Rule 15.1.1. Proposed Orders.**

Proposed orders will be attached to all petitions filed seeking termination or parental rights or adoption.

**Rule 15.1.2. Separate Petitions.**

Whenever petitions for the adoption of siblings are to be filed, a separate petition shall be filed for each sibling, although hearings on such petitions may be consolidated by the Court, on its own motion or on motion of any party in interest.

**Rule 15.1.3. Orders Final.**

Any order terminating parental rights, and any decree of adoption, shall be a final order and not a decree nisi.

**Rule 15.1.4. Information about Legal Counsel.**

The Office of the Court Administrator of Indiana County shall be designated as the source of information about legal counsel required by 23 Pa.C.S. § 2513(b).

**FORM 1**

**ORPHANS' COURT DIVISION**  
**Court of Common Pleas of Indiana County,**  
**Pennsylvania**  
**No. 32-XX-XXXX**

---

The First and Final Account of  
(Name of Accountant), (Title of Accountant) of  
(Name of Decedent), Deceased,  
Late of (Name of Municipality), Indiana County,  
Pennsylvania  
Attorneys for the Estate—(Name of Attorney(s))

---

TO: All persons claiming an interest in the said Estate:

You are hereby notified in accordance with the provisions of Section 3503 of the Pennsylvania Probate, Estates and Fiduciaries Code and of Rule 6.3 of the Pennsylvania Orphans' Court Rules, that the First and Final Account of (Name of Accountant), (Title of Accountant) of the Estate of (Name of Decedent), deceased, has been or will be filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania on or before (filing date). If no written objections are filed to that account on or before on (date of confirmation nisi), the account will be confirmed nisi, without audit or hearing, on that date. If no exceptions are filed to the confirmation nisi on or before (date of confirmation absolute), the Account will be confirmed absolutely on that date.

Any person who objects to the transactions shown on the Account must file written objections with the Clerk of Orphans' Court of Indiana County, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701, on any date on or before the date on which the Account will be confirmed absolutely. If no such objections are filed, the Court will confirm the Account absolutely, and decree that distribution is to be made in accordance with the Account's Statement of Proposed Distribution.

A copy of (Account/Statement of Proposed Distribution) is enclosed.

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(Attorney's Name), Esquire  
Counsel for (Title of Accountant)

**FORM 2**

**ORPHANS' COURT DIVISION**  
**Court of Common Pleas of Indiana County,**  
**Pennsylvania**  
**No. 32-XX-XXXX**

---

The First and Final Account of  
(Name of Accountant), (Title of Accountant) of  
(Name of Decedent), Deceased,  
Late of (Name of Municipality), Indiana County,  
Pennsylvania  
Attorneys for the Estate—(Name of Attorney(s))

---

TO: All persons claiming an interest in the said Estate:

You are hereby notified in accordance with the provisions of Section 3503 of the Pennsylvania Probate, Estates and Fiduciaries Code and of Rule 6.3 of the Pennsylvania Orphans' Court Rules, that the First and Final Account of (Name of Accountant), (Title of Accountant),

tant) of the Estate of (Name of Decedent), deceased, has been or will be filed in the Office of the Clerk of the Orphan' Court Division of the Court of Common Pleas of Indiana County, Pennsylvania on or before (filing date). If no written objections are filed to that account on or before on (date of confirmation nisi), the account will be confirmed nisi, without audit or hearing, on that date. If no exceptions are filed to the confirmation nisi on or before (date of confirmation absolute), the Account will be confirmed absolutely on that date.

Any person who objects to the transactions shown on the Account must file written objections with the Clerk of Orphans' Court of Indiana County, Indiana County Courthouse, 825 Philadelphia Street, Indiana, PA 15701, on any date on or before the date on which the Account will be confirmed absolutely. If no such objections are filed, the Court will confirm the Account absolutely.

The (Title of Accountant) has requested that the Court appoint an auditor to determine to whom and in what shares the assets of the estate are to be distributed. Therefore, the Account does not include a Statement of Proposed Distribution. A copy of the Account is enclosed.

\_\_\_\_\_  
(Attorney's Name), Esquire  
Counsel for (Title of Accountant)

[Pa.B. Doc. No. 11-1986. Filed for public inspection November 18, 2011, 9:00 a.m.]

## MONROE COUNTY

### Adoption of Local Custody Rules §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22 and Local Divorce Rules §§ 1920.12, 1920.43, 1920.51, 1920.54, 1920.55-2

#### Order

*And Now*, this 1st day of November, 2011, this Court having issued an Order on October 12, 2011 adopting new Monroe County Local Rules of Custody and Divorce in conformity with the adoption of Act 2010-112, effective January 22, 2011, amending Title 23 (Domestic Relations) of the *Pennsylvania Consolidated Statute*, and the Court becoming aware that the Monroe County Local Rules of Custody and Divorce adopted by this Court pursuant to the October 12, 2011 Order include language of "visitation" no longer contained in Act 112, our Order of October 12, 2011 is hereby *Vacated*.

It is *Ordered* that the Monroe County Rules of Civil Procedure in Custody and Divorce adopted June 27, 2001 and effective September 1, 2001, and any subsequent amendments thereafter, are hereby rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Rules of Civil Procedure §§ 1915.1, 1915.3, 1915.3-1, 1915.3-2, 1915.4-1, 1915.5, 1915.8, 1915.10, 1915.12, 1915.17, 1915.22, 1920.12, 1920.43, 1920.51, 1920.54, and 1920.55-2 are hereby adopted as indicated as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;

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

3. File one (1) certified copy of the within Order and new local rules with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;

4. Forward one (1) copy to the *Monroe County Legal Reporter* for publication.

5. Arrange to have the local rule changes published on the Monroe County Bar Association web site at [www.monroebar.org](http://www.monroebar.org).

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

*By the Court*

RONALD E. VICAN,  
*President Judge*

#### Actions in Custody

##### 1915.1. Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

"Program" shall be the Monroe County Co-Parent Education Program.

"Provider" shall be the provider of the Monroe County Co-Parent Education Program.

##### 1915.3. Commencement of Action. Complaint. Order. Fees.

1. All complaints for custody, partial custody, or modification of custody, and contempt of custody order and all motions for conciliation conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

2. Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history affidavit in the forms set forth at Local Rule 1915.22(1), (2) and (5) below.

3. Subsequent motions for conciliation conference shall be accompanied by a blank scheduling order and blank criminal or abuse history affidavit.

4. Upon the filing of any complaint, petition or motion relating to child custody or partial custody, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

##### 1915.3-1. Criminal or Abuse History.

1. *Criminal or Abuse History Affidavit*. Any party filing a complaint or petition for modification shall, at the time of filing the complaint or petition, file a notarized affidavit concerning any criminal and/or abusive history of the filing party and anyone living in that party's household. The affidavit shall be substantially in the form set forth in Local Rule 1915.22(5) below. All other parties to the

action shall not be required to file a responsive pleading to the complaint or petition, but must file with the Court an affidavit regarding any criminal or abuse history on their behalf and anyone living in their household on or before the initial in-person contact with the Court (including, but not limited to, a conciliation conference or mediation) or no later than 30 days after service of the complaint or petition, whichever first occurs.

2. *Initial Evaluation.* At the initial in-person contact with the Court, the judge, custody conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S.A. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the Court may order further evaluation or counseling by a mental health professional if the Court determines it is necessary.

3. *Affidavit.* The affidavit regarding criminal or abuse history shall be substantially in the form set forth in Local Rule 1915.22(5).

#### **1915.3-2. Co-Parent Education Program.**

1. All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

2. In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

3. The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

4. Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

#### **1915.4-1. Conciliation Conference.**

1. All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

3. Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. § 1940.1 *et seq.*

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. § 1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

6. No exceptions may be taken from the recommendation of the conciliator.

#### **1915.5. Motions and Petitions.**

1. Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

#### **1915.8. Disclosure of Expert Evaluations.**

A party to a custody or partial custody action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. § 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

#### **1915.10. Evidentiary Hearing.**

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated notarized criminal or abuse history affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Local Rule 1915.3-1. The completed parenting plan and criminal or abuse history affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

**1915.12. Civil Contempt for Disobedience of a Custody Order.**

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Local Rule 1915.3(a) and may be scheduled for a conference before the conciliator. If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

**Rule 1915.17. Relocation. Notice and Counter-Affidavit.**

1. The procedure in any relocation case shall be expedited. There shall be no requirement for pre-judicial processes including, but not limited to, parenting education, conciliation or mediation prior to an expedited hearing before a judge.

2. Any person seeking to relocate a minor child shall first obtain:

a) the written consent of any other person who has custodial rights to the child, or

b) an order of court approving the relocation.

3. If there is no existing custody order or case number, the party seeking to relocate must file a custody complaint and be assigned a case number prior to serving a notice of relocation.

4. If there is an existing custody order, the party seeking to relocate need not file a modification petition. The party seeking to relocate must provide every other person who has custodial rights to the child with the notice of proposed relocation and a counter-affidavit by which a person may agree or object to the relocation. The notice and counter-affidavit shall comply with 23 Pa.C.S.A. § 5337(c)(3) and (d)(1), respectively. In addition, the notice and counter-affidavit shall contain the case caption and number. The notice and counter-affidavit shall be sent by certified mail, return receipt requested, no later than the sixtieth day before the date of the proposed relocation or other time frame set forth in 23 Pa.C.S.A. § 5337(c)(2).

5. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 *et seq.*, has not received notice of objection to the move, and seeks confirmation of relocation, the relocating parent shall file:

a) a petition to confirm relocation that includes the requirements set forth in 23 Pa.C.S.A. § 5337(e) when there is an existing custody case;

b) A copy of the notice served on the non-relocating party and proof of service; and

c) A proposed order.

6. When the relocating parent seeks an order of court, has served a notice of intent to relocate as required by 23 Pa.C.S.A. § 5337 *et seq.*, and has received notice of objection to the move, the relocating parent shall file:

a) a copy of the notice served on the non-relocating party;

b) a request for a hearing.

7. If the non-relocating party seeks an order of court preventing relocation, the non-relocating party shall file:

a) a counter-affidavit as set forth in 23 Pa.C.S.A. § 5337(d)(1), and

b) a request for a hearing.

**1915.22. Forms.**

1. The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

2. The co-parent order, information and registration forms shall be in the forms attached hereto.

3. The order for prehearing conference and final hearing shall be in the form attached hereto.

4. The parenting plan to be submitted to the Court shall be in the form attached hereto.

5. The criminal or abuse history affidavit to be filed with the Court shall be in the form attached hereto.

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

\_\_\_\_\_, : NO. \_\_\_\_ CV 20\_\_\_\_  
Plaintiff : NO. \_\_\_\_ DR 20\_\_\_\_  
 :  
vs. :  
 :  
 : IN CUSTODY  
 :  
\_\_\_\_\_, :  
Defendant :

**ORDER**

You, \_\_\_\_\_, have been sued in court to obtain/modify custody or partial custody of the minor child(ren), \_\_\_\_\_, born \_\_\_\_\_, now age\_\_\_\_; \_\_\_\_\_, born \_\_\_\_\_, now age\_\_\_\_; \_\_\_\_\_, born \_\_\_\_\_, now age\_\_\_\_; \_\_\_\_\_, born \_\_\_\_\_, now age\_\_\_\_.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before \_\_\_\_\_, Esquire, Custody Conciliator, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 in the Conciliation Room, Second Floor, Monroe County Courthouse at \_\_\_\_ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference: \_\_\_\_\_

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1, and Pa. Monroe Co. R.C.P. Rule 1915.22(5) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the notarized affidavit concerning any criminal and/or abusive history, an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: \_\_\_\_\_ J.

cc: \_\_\_\_\_, Esquire, Custody Conciliator

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_, : NO. \_\_\_\_ CV 20\_\_
Plaintiff : NO. \_\_\_\_ DR 20\_\_
:
vs. :
: IN CUSTODY
:
\_\_\_\_\_, :
Defendant :

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days of the date that you receive this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
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BY THE COURT:

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

cc:

2012 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

I. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

III. Video segments and Discussion: Explaining divorce, warning parents, new relationships, etc.

IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM—2012 Registration Form

READ ALL INFORMATION

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or

840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file: \_\_\_\_\_

Your name: \_\_\_\_\_

Guest (name and relationship to child): \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Pick a Saturday morning OR a Tuesday evening:

SATURDAYS 9:00 a.m.— 1:00 p.m. TUESDAYS 5:30 p.m.— 9:30 p.m.

- January 7, 2012, February 4, March 3, April 14, May 5, June 2, July 7, August 4, September 8, October 13, November 17, December 1, January 10, 2012, February 7, March 6, April 10, May 8, June 5, July 10, August 7, September 11, October 16, November 13, December 4

Videotape or DVD: \$75 fee (includes S&H and \$25 deposit. Deposit is refunded when tape is returned per instructions.)

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant NO. CV 20 NO. DR 20 IN CUSTODY

ORDER

AND NOW, this \_\_\_ day of \_\_\_, 20\_\_\_, upon consideration of the attached motion for hearing, a full evidentiary hearing is scheduled for the \_\_\_ day of \_\_\_, 20\_\_\_, at \_\_\_ o'clock a.m./p.m., in Courtroom No. \_\_\_ of the Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a pre-hearing conference is scheduled for the \_\_\_ day of \_\_\_, 20\_\_\_, at \_\_\_ o'clock a.m./p.m., in the Chambers of the Honorable \_\_\_, Monroe County Courthouse, Stroudsburg, Pennsylvania. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

On or before \_\_\_, counsel for each party shall provide to the Court and to opposing counsel a written pre-hearing memorandum which shall include the following:

- 1. Name of client, name and telephone number of attorney. 2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.



3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.

4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the pre-hearing memorandum.

5. The estimated length of hearing time necessary for counsel to present evidence.

6. A proposed order providing the terms you seek.

7. A proposed order providing the terms you seek if the opposing party prevails.

8. The parties shall complete a parenting plan, in accordance with 23 Pa.C.S.A § 5331 and Pa. Monroe Co. R.C.P. Rule 1915.22(4), and an updated notarized affidavit concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329, Pa. Monroe Co. R.C.P. Rule 1915.3-1 and Pa. Monroe Co. R.C.P. Rule 1915.22(5). The completed parenting plan and notarized affidavit shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

BY THE COURT:

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

cc:

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff vs. Defendant NO. CV 20 NO. DR 20 IN CUSTODY

PARENTING PLAN

This parenting plan involves the following child/children:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

If you have children not addressed by this parenting plan, name here:

Table with 3 columns: Child's Name, Age, Where does this child live? (Rows 1-4)

Legal Custody (who makes decisions about certain things):

Circle one

Table with 2 columns: Issue (Diet, Religion, Medical Care) and Resolution (Both parties decide together / Plaintiff / Defendant)

Circle one

Table with 2 columns: Issue (Mental Health Care, Discipline, Choice of School, Choice of Study, School Activities, Sports Activities, Additional items) and Resolution (Both parties decide together / Plaintiff / Defendant)

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

\_\_\_\_\_

Physical Custody (where the child/children live(s)):

The child's/children's residence is with \_\_\_\_\_.

Describe which days and which times of the day the child/children will be with each person:

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: \_\_\_\_\_

When: \_\_\_\_\_

Pick-Up:

Where: \_\_\_\_\_

When: \_\_\_\_\_

If one of you doesn't show up, how long will the other wait? \_\_\_\_\_

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs? \_\_\_\_\_

\_\_\_\_\_

HOLIDAYS

Where will the child/children stay?

Table with 4 columns: HOLIDAY, YEAR A, YEAR B, EVERY YEAR (Rows: Martin Luther King Day, President's Day)

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Summer Vacation Plans:	_____	_____	_____

Special Activities or School Activities:

Will both of you attend?

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask \_\_\_ in person \_\_\_ by letter/mail \_\_\_ by phone

No later than \_\_\_ 12 hours \_\_\_ 24 hours \_\_\_ 1 week \_\_\_ 1 month

The parent being asked for a change will reply \_\_\_ in person \_\_\_ by letter/mail \_\_\_ by phone

No later than \_\_\_ 12 hours \_\_\_ 24 hours \_\_\_ 1 week \_\_\_ 1 month

May parents contact one another? \_\_\_\_\_

When the child/children is/are with one of you, how may they contact the other parent?

When and how may \_\_\_\_\_ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on):

_____	_____
Date	Signature of Mother
_____	_____
Date	Signature of Father
_____	_____
Date	Signature of Witness

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

_____,	:	NO. ____ CV 20__
Plaintiff	:	NO. ____ DR 20__
	:	
vs.	:	
	:	
	:	IN CUSTODY
	:	
_____,	:	
Defendant	:	

AFFIDAVIT

I, \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities that:

1. I and/or another adult living in my household have or have not been convicted, pled guilty or no contest to the following crimes in Pennsylvania or any other jurisdiction, as follows:

THE COURTS

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	Contempt for violation of a Protection from Abuse order or agreement;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Driving under the Influence of alcohol or a controlled substance or drugs;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Possession, sale, delivery, manufacturing or offering for sale any controlled substance or other drug or device;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Criminal homicide; Murder;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Aggravated Assault;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Terroristic threats;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Stalking;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Kidnapping;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Unlawful restraint;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	False imprisonment;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Luring a child into a motor vehicle or structure;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual abuse of children, sexual exploitation of children, sexual intercourse with an animal or incest;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Sex offender non-compliance with registration requirements, statute, court order, probation or parole, or other requirements under 18 Pa.C.S.A. § 3130 and 42 Pa.C.S.A. § 9795.2;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Arson and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Concealing death of a child;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Endangering the welfare of children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Trading, bartering, buying, selling or dealing in infant children;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Prostitution and related offenses;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Obscene and other sexual materials and performances;	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Corruption of minors or unlawful contact with a minor;	<input type="checkbox"/>	<input type="checkbox"/>	_____

2. I and/or another adult living in my household have present and/or past history of violent or abusive conduct including the following:

NO	YES		Me	Adult in my Household	Date
<input type="checkbox"/>	<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please list any evaluation, counseling or other treatment received following conviction: \_\_\_\_\_

If any conviction above applies to a household member, not a party, state that person's relationship to the child:

3. I acknowledge and understand that I must file an updated notarized affidavit concerning any criminal and/or abusive history if I and/or another adult living in my household is convicted or pleads guilty or no contest to any of the offenses listed in paragraphs 1 or 2 above after the date of this notarized statement.

\_\_\_\_\_  
Signature

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONROE

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public, the undersigned officer, personally appeared \_\_\_\_\_, known to me or satisfactorily proven to be the person presenting this affidavit, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Actions in Divorce**

**1920.12. Filing and Service of Complaint. Costs.**

1. With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

**1920.43. Motions and Petitions.**

1. Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).

2. Petitions practice shall be in accordance with Local Rule 206.1(a).

3. All divorce motions or petitions including a praecipe for a master's hearing shall be filed with the Prothonotary.

**1920.51. Proceedings Before the Master.**

1. Monroe County shall follow the master's hearing procedure set out at Pa.R.C.P. § 1920.55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P. §§ 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a praecipe in the form set out in these Rules, requesting the appointment of a divorce master.

3. The Court Administrator shall assign the master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of the parties. In the event additional hearings are necessary, the master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the master shall issue a notice scheduling a pretrial conference and setting a deadline for the filing and service of pretrial statements in accordance with Pa.R.C.P. § 1920.33(b). Counsel of

record shall attend the pretrial conference; parties shall not attend but shall be available to consult with their counsel by telephone. The notice of the time and date of the pretrial conference and the deadline for the filing of pretrial statements shall be served by the master upon counsel of record, any unrepresented parties, and the Court. In the event that counsel for either party fails to attend the pretrial conference, or fails to file a pretrial statement, the master may recommend that the Court impose sanctions.

5. If a pretrial conference or any portion of a hearing day is held, the master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The master shall be compensated for any additional full or partial days of hearings.

6. The praecipe for master's hearing shall be in the form set out as follows:

**Form—Praecipe for Master's Hearing in Divorce**

**COURT OF COMMON PLEAS OF MONROE  
COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

\_\_\_\_\_  
vs. \_\_\_\_\_ : NO. \_\_\_\_ CIVIL 20\_\_  
: NO. \_\_\_\_ DR 20\_\_  
:  
:  
:  
:  
\_\_\_\_\_

**PRAECIPE FOR MASTER'S HEARING IN DIVORCE  
TO THE PROTHONOTARY OF SAID COURT:**

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- ( ) The case is now at issue.
- ( ) Estimated time required for Hearing is \_\_\_\_ day(s).
- ( ) Approximate value of marital assets is \$\_\_\_\_\_.

This case to be tried by and notices sent to:

_____ Attorney(s) for Plaintiff(s)	_____ Attorney(s) for Defendant(s)
_____ Address	_____ Address
_____ Telephone Number	_____ Telephone Number
_____ Attorney I.D. Number	_____ Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid; and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

\_\_\_\_\_  
Dated \_\_\_\_\_, Esquire  
Attorney for \_\_\_\_\_

**1920.54. Settlement Before Scheduled Hearing.**

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the

record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

#### 1920.55-2. Master's Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

[Pa.B. Doc. No. 11-1987. Filed for public inspection November 18, 2011, 9:00 a.m.]

## MONROE COUNTY

### Amendment of Monroe Co. R.C.P. 205.2(a)—Filing, Form, and Removal of Documents

#### Order

And Now, this 27th day of October, 2011, Monroe County Rule of Civil Procedure 205.2(a) is amended as indicated in the following and shall become effective following publication in the U.J.S. Web Portal.

In conformity with Pa.R.C.P. 239.8, the Court Administrator shall submit a copy of the amended rule to the Supreme Court Civil Procedural Rules Committee for promulgation and subsequent submission to the Administrative Office of Pa. Courts for publication on the Pa. Judiciary Web Application Portal. Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

In addition to the previous submission, the Court Administrator shall forward certified copies as follows: one copy to the Administrative Office of Pa. Courts; two copies and computer diskette to the Legislative Reference

Bureau for publication in the *Pennsylvania Bulletin*; and one copy to the *Monroe County Legal Reporter* for publication.

By the Court

RONALD E. VICAN,  
*President Judge*

#### Local Rule 205.2(a). Filing, Form and Removal of Documents.

Cite Rule As: MonroeCo.R.C.P. 205.2(a)

##### (1) *Filing of Documents:*

(i) All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident, or mistake shall be conclusive evidence of such date and time of filing.

(ii) A proposed order shall accompany all motions or other requests for relief.

(iii) No original documents shall be faxed to the prothonotary's office without prior leave of court.

##### (2) *Form:*

(i) No pleading, papers, affidavits, or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(ii) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding, and the name of the paper.

(iii) In medical malpractice actions, the designation "Medical Malpractice" shall appear beneath the case number. (This is suggested language and designation).

(iv) All papers filed shall be endorsed with the name, address, telephone number, and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(v) A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

(a) Social Security numbers—only last four digits of that number shall be used;

(b) Dates of Birth—only the year shall be used;

(c) Financial Account numbers—only the last four digits shall be used;

(d) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and corresponding complete personal data identifiers;

(e) Responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

(vi) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(vii) All papers and other documents shall be securely affixed at the top.

(3) *Removing Records and Documents:*

(i) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(ii) In cases pending in the Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

(iii) The delivery provisions of this rule do not apply to Judges, Judges' staff, Court Administrator and members of the Court Administrator's staff.

[Pa.B. Doc. No. 11-1988. Filed for public inspection November 18, 2011, 9:00 a.m.]

**SCHUYLKILL COUNTY**

**Administrative Order 2011.3; Residential Mortgage Foreclosure Diversion Program; No. AD-128-2011**

**Administrative Order**

*And Now*, this 4th day of November, 2011, at 8:30 a.m., *It Is Hereby Ordered*, that Schuylkill County Residential Mortgage Foreclosure Diversion Program is adopted and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to:

- 1) File seven (7) certified copies of the Administrative Order with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
  - a) two (2) certified copies of the Administrative Order;
  - b) a copy of the Administrative Order on a computer diskette.
- 3) Send one (1) certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the *Schuylkill Legal Record* for Publication.
- 5) Keep continuously available for public inspection and copying in the Office of the Prothonotary.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

Administrative Order : No. AD-128-2011  
2011.3 :  
Residential Mortgage Foreclosure :  
Diversion Program :

**Order of Court**

*And Now*, this 4th day of November, 2011 at 8:30, a.m., the Schuylkill County Court of Common Pleas hereby establishes the Residential Mortgage Foreclosure Diversion Program as follows:

I. All complaints for mortgage foreclosure of residential owner-occupied properties shall be accompanied by a Certification Cover Sheet certifying the real estate location, the occupancy status, and the contact information for plaintiff's representative and/or counsel for plaintiff. The Certification Cover Sheet shall be filed with the complaint and the complaint shall not be accepted by the Prothonotary's Office without the Certification Cover Sheet. (Attachment A—Certification Cover Sheet).

II. Upon the filing of a complaint in a residential mortgage foreclosure action, the Prothonotary shall provide a copy of the Mortgage Foreclosure Diversion Program "Urgent Notice" to the plaintiff or counsel for plaintiff. (Attachment B—"Urgent Notice"). The plaintiff shall serve a copy of the "Urgent Notice" along with the complaint on the defendant[s] in accordance with the Pennsylvania Rules of Civil Procedure.

III. Plaintiff shall file a Certificate of Service stating that the complaint, Certification Cover Sheet and "Urgent Notice" were served upon the defendant[s].

IV. Service of the complaint, Certification Cover Sheet, and "Urgent Notice" upon the defendant[s] shall result in an automatic stay of any further proceedings, such as the filing of an answer or the filing for a default judgment, for ninety (90) days from the date of service.

V. Within seven (7) days following service of the complaint and "Urgent Notice," the defendant[s] shall contact Schuylkill Community Action to schedule an appointment for an intake meeting with the Housing Counselor. The intake meeting shall occur within fourteen (14) days of the initial contact. The defendant[s] shall bring to the meeting and provide to the Housing Counselor all requested financial and employment information to enable the Housing Counselor to draft a written Mortgage Modification Plan.

At the completion of the intake meeting, the Housing Counselor shall provide the defendant[s] a Certification of Participation and assist the defendant[s] in serving the Certification on the plaintiff. If the plaintiff does not receive a Certification of Participation within thirty (30) days following service of the complaint and "Urgent Notice," the plaintiff may petition the Court, after notice to the defendant[s], to lift the stay.

Within thirty (30) days of the intake meeting, the Housing Counselor shall submit to the plaintiff or the plaintiff's representative a Mortgage Modification Plan or a statement that the Housing Counselor was unable to develop a plan. If no plan is submitted, the plaintiff may immediately petition the Court, after notice to the defendant[s], to lift the stay. If a plan is submitted, the Housing Counselor shall attempt to negotiate a resolution of the default with the plaintiff's representative. If the plaintiff's representative fails to participate in negotiations with the Housing Counselor, the Housing Counselor may assist the defendant[s] in petitioning the Court, after notice to the plaintiff, to extend the stay until negotiations occur.

If an agreement is reached through negotiations, the plaintiff's representative shall prepare any documents necessary to implement the agreement and withdraw the complaint. If no agreement is reached through negotiations, the Housing Counselor shall complete the Request for a Court Supervised Conciliation Conference (Attach-

ment D) and forward it to the Court Administrator. The defendant[s] shall indicate on the Request if the assistance of a Schuylkill County pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference is being requested.

The primary role of the pro bono Attorney will be to facilitate the negotiations at the Conciliation Conference between the Housing Counselor, the defendant[s], and plaintiff's representative. The pro bono Attorney shall not be required to file an entry of appearance and the Conciliation Conference is the only proceeding that he/she is required to attend. Once a pro bono Attorney has agreed to participate and assist the defendant[s] at the Conciliation Conference, the Mortgage Modification Plan will be immediately provided to that Attorney.

VI. At the conclusion of the Conciliation Conference, the Court may order that the stay be lifted, that the stay be continued for a reasonable time to allow for further voluntary negotiations and/or the preparation and execution of documents to implement any agreement or any other action the Court deems appropriate.

WILLIAM E. BALDWIN
President Judge

Attachment A

IN THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff ) No.
v. )
Defendant )

MORTGAGE FORECLOSURE DIVERSION PROGRAM CERTIFICATION COVER SHEET

Pursuant to the Administrative Order dated \_\_\_\_\_, 2011, issued by the Honorable William E. Baldwin, P.J., I hereby certify that the premises at issue in this action is located at:

\_\_\_\_\_, PA \_\_\_\_\_

I certify that the premises is:

- an owner occupied residential premises exposed to judicial sale to enforce a residential mortgage;
not a residential premises within the meaning of the aforementioned order;
not owner occupied as of this date;
is not exposed to judicial sale to enforce a residential mortgage;
vacant.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_
Signature of Plaintiff's Counsel or Plaintiff's Representative

Address

Phone Number

Attachment B

URGENT NOTICE

SCHUYLKILL COUNTY COURT OF COMMON PLEAS RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

You have been served with a mortgage foreclosure complaint that could cause you to lose your home. If you own and live in the residential property which is the subject of this foreclosure action, you may participate in negotiation proceedings in an effort to resolve this matter with your lender. The matter has been stayed for 90 days in order to allow you time to work with your lender.

If you do not have an attorney, you must take the following steps to keep the stay in effect and be eligible to request a court-supervised conciliation conference. First, within seven (7) days of your receipt of this "Urgent Notice," you must contact a Housing Counselor, at Schuylkill Community Action, and schedule an appointment.

SCHUYLKILL COMMUNITY ACTION
225 NORTH CENTRE STREET, POTTSVILLE, PA 17901.
570-622-1995.

Second, once you have contacted the Housing Counselor, you must be prepared to meet and provide all requested financial and employment information within fourteen (14) days of your telephone contact. This information is necessary so that the Housing Counselor can prepare a modification plan and negotiate with your lender on your behalf. If necessary, the Housing Counselor will help you prepare a Request for a Court Supervised Conciliation Conference. If you do so, and a conciliation conference is scheduled, you will have an opportunity to meet with your lender in a further attempt to work out reasonable arrangements. You may also request the services of a pro bono Attorney. If you fail to take any of the required steps, the stay will be lifted and the mortgage foreclosure action will proceed.

IF YOU WISH TO SAVE YOUR HOME, YOU MUST ACT QUICKLY AND TAKE THE APPROPRIATE STEPS REQUIRED BY THIS NOTICE.

Attachment C

IN THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff ) No.
v. )
Defendant )

MORTGAGE FORECLOSURE DIVERSION PROGRAM CERTIFICATION OF PARTICIPATION

This certification must be filed in the Prothonotary's Office and a copy must be sent to Plaintiff within thirty (30) days of service of the Complaint and "Urgent Notice."

I, \_\_\_\_\_, represent that I am the owner of the property listed below, my primary residence, and which is the subject of a mortgage foreclosure action. I certify that, as required by the Schuylkill County Residential Mortgage Foreclosure Diversion Program, I have met with the Housing Counselor identified below and provided all necessary financial and employment information. I also understand that within thirty (30) days of the intake meeting, the Housing Counselor will forward a Mortgage Modification Plan on my behalf to the Plaintiff for consideration or a statement that the Housing Counselor was unable to develop a plan.

Premises Address: \_\_\_\_\_, PA \_\_\_\_\_

Housing Counselor's Name: \_\_\_\_\_

Date of Intake Meeting: \_\_\_\_\_

VERIFICATION

I verify that the statements made herein are true and correct. I understand that false statements are made subject to penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ Signature of Defendant

Attachment D

IN THE COURT OF COMMON PLEAS OF SCHUYLKUILL COUNTY, PENNSYLVANIA CIVIL DIVISION

Plaintiff ) No.
)
v. )
)
)
)
Defendant )

REQUEST FOR COURT SUPERVISED CONCILIATION CONFERENCE

As the Defendant in this matter, I am requesting that a Court Supervised Conciliation Conference be scheduled.

I am OR am not requesting the assistance of a pro bono Attorney to serve as a neutral facilitator at the Conciliation Conference.

Defendant's Signature

Housing Counselor's Signature

Lois A. Wallauer Court Administrator Schuylkill County Court of Common Pleas 401 N. Second Street Pottsville, PA 17901

[Pa.B. Doc. No. 11-1989. Filed for public inspection November 18, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

[ Correction ]

Notice of Administrative Suspension

An error occurred in the document which appeared at 41 Pa.B. 5957 (November 5, 2011). The citation to Rule 111(b) Pa.R.C.L.E. was incorrect. The correct citation is to Pennsylvania Rules of Disciplinary Enforcement 219. The correct version of the document is as follows:

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 20, 2011, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 20, 2011.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

- Abreu, Aismara Janet New York, NY
Acchione, Thomas John Phoenix, MD
Acosta, Rafael Damian Newark, DE
Agee, William Paul Newark, NJ
Aham-Neze, L. Obioma Houston, TX
Alencewicz, Robert G. Florham Park, NJ
Arnett, Jeffrey Lovett Morgantown, WV
Bah, Mohamed Sadu Washington, DC
Baldus, Bradford A. Kingshill, Virgin Islands
Bamford, Sean Patrick Laytonsville, MD
Bart, Andrew Ian Brooklyn Heights, NY
Beauvais, Danielle Hillsboro, OR
Bennett, Eva Raczkowski Douglas, AK
Berman, Eric M. Babylon, NY
Bileci, Michael Lawrence Woodbury, NJ
Bilka, Nicholas Joseph Washington, DC
Blasko, John Patrick France
Blythe, Kenneth Alan Greensboro, NC
Boler, Megan Denise Charlotte, NC
Boyer, John Scott Moorestown, NJ
Brady, George Moore, III Washington, DC
Brown, Michael T. Capitol Heights, MD
Bucknor, Kevin Bruce Houston, TX
Burg, Ivy Barton Columbia, MD
Butler, Cynthia L. Washington, DC
Butler, David Earl Vestal, NY
Cahill, Susan Lynne Rozet, WY
Carson-Smith, Winifred Y. Washington, DC
Cavanaugh, Theresa Z. Washington, DC
Chuey-Cosca, Mary Kay Cincinnati, OH
Conwell, John Fredrick Riva, MD
Cord, John J., Jr. Glen Burnie, MD
Crabtree, Scott Christopher Saugus, MA
DeGrouchy, William John Stone Harbor, NJ



DePamphilis, Dominic Roman Egg Harbor Township, NJ	Kates, Richard Andrew Metuchen, NJ	Polin, Richard L. Salisbury, MD	Seem, Steven Joseph Arlington, VA
DeSimone, Mark Anthony Boca Raton, FL	Kelin, Richard Scott West Orange, NJ	Powell, Wayne Mullica Hill, NJ	Seiple, Terry Guthrie, Jr. Boulder, CO
Dewland, Mark C. Cherry Hill, NJ	Kloecker, Michelle M. Bloomsbury, NJ	Price, Peter Eyre, Jr. Peoria, IL	Smolin, Michele Ann Cleveland, OH
Dickens, Lynette C. Suwanee, GA	Krysiak, Susan E. North Cape May, NJ	Rachuba, Rosina Anna Bridgeton, NJ	Suter, Dana Christine East Brunswick, NJ
Dodig, Lorrie Matty Cinnaminson, NJ	La Polt, Monica Indianapolis, IN	Rainone, Michael C. Binghamton, NY	Tenny, Nathan Andrew APO, AA
DuBois, Austin Fitzgerald Haddonfield, NJ	Lubin, David S. Beachwood, NJ	Rednor, Howard S. Trenton, NJ	Thelen, Christine Elizabeth Central Point, OR
Ellen, Benita Webster Palmyra, VA	Magargee, W. Scott, IV Charlottesville, VA	Reeves, Elizabeth Anne Solomons, MD	Thomas, Windell Wilfred Hyattsville, MD
Evans, Leslie S. Brooklyn, NY	Maher, Steven J. Naples, FL	Riblett, Gail F. Wilmington, DE	Thornton, Tamika Nicole Trenton, NJ
Franks, Kimberly Scott Springfield, VA	McCartan, Kathleen Patricia Austin, TX	Richards, Travis J. Mount Holly, NJ	Tomei, Kimberly Ann Manalapan, NJ
Gambone, Angela Collingswood, NJ	McGinnis, Mary L. North Cape May, NJ	Roberts, Kelly Anne Wilmington, DE	Tong, Kin-Wah Eatontown, NJ
Georgino, Damian C. Rancho Santa Fe, CA	McGinty, David Brandon Opelika, AL	Roberts, Paul Andrew Reston, VA	Tumpson, Barry P. Simpsonville, SC
Green, Rebecca B. Washington, DC	Merritt, John Milton Oklahoma City, OK	Rodriguez, Ruben A. Woodbury, NJ	Tyminski, Patricia Daffodil Los Angeles, CA
Harmon, Joshua Lee Las Vegas, NV	Millar, Fredrick Lloyd Sacramento, CA	Rosenello, Regina North Wildwood, NJ	Vazquez, Joe Alexis New York, NY
Heimbuch, William J. Hackensack, NJ	Mitchell, Charles L. New York, NY	Sanders, Robert Alexander Bowie, MD	Waddington, Michael S. Evans, GA
Henderson, Carolyn V. Rockville, MD	Moghaddam, Ali Michael, II Los Angeles, CA	Scolaro, Richard S. Jamesville, NY	Williams, Kevin Theodore Detroit, MI
Henley, Angela Cecile McLean, VA	Mollenthiel, Ashley Theresa Collingswood, NJ	Scott, Andrea K. Los Angeles, CA	Williams, Shermela Jarnez Atlanta, GA
Henry, Scott Randall Cape Coral, FL	Moore, Marc Alan, Sr. East Liverpool, OH		York, Carol M. Wilmington, DE
Herdelin, Thomas McGlade Haddonfield, NJ	Mundie, Steven Andrew New York, NY		SUZANNE E. PRICE, <i>Attorney Registrar</i> <i>The Disciplinary Board of the</i> <i>Supreme Court of Pennsylvania</i>
Heston, Michael E. Mount Laurel, NJ	Nelson, Keith Barclay Washington, DC		
Hickman, Keith O'Neal Sierra Vista, AZ	Niksa Thomas St. Albans, VT		
High, Elizabeth Carleton Atlanta, GA	Novin, Allison Courtney Voorhees, NJ		
Hoehing, Kimberly A. Wenonah, NJ	O'Connell, Jennifer Lynn Estero, FL		
Holloway, Charlisa M. Middletown, DE	Ogden, Judith Stilz Morrow, GA		
Holmes, Joshua David Pennsville, NJ	Parsard, Keston Orane Brooklyn, NY		
Hughes, Tara Jones Milton, GA	Pauley, Troy A. Kansas City, MO		
Hull, John Daniel, IV San Diego, CA	Peluso, Matthew Angelo Lambertville, NJ		
Jackson, Ronald Douglas Portland, OR	Pike, Kenneth Ronald Medford, NJ		
Jensen, James Clark Morristown, NJ	Pina, Stephen A., II Deptford, NJ		
Johnson, Jared Russell Las Vegas, NV	Plunk, Jay E., Jr. Hainesport, NJ		

[Pa.B. Doc. No. 11-1873. Filed for public inspection November 4, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### STATE EMPLOYEES' RETIREMENT BOARD

[ 4 PA. CODE CH. 247 ]

#### Corrective Amendment to 4 Pa. Code § 247.7

The State Employees' Retirement Board has discovered a discrepancy between the agency text of 4 Pa. Code § 247.7 (relating to death benefits), as deposited with the Legislative Reference Bureau and published at 38 Pa.B. 4396 (August 9, 2008), and the official text published at 40 Pa.B. 973, 974 (February 20, 2010) and as currently appearing in the *Pennsylvania Code*. A reference to subparagraph (v) was inadvertently omitted from subsection (a)(2).

Therefore, under 45 Pa.C.S. § 901: The State Employees' Retirement Board has deposited with the Legislative Reference Bureau a corrective amendment to 4 Pa. Code § 247.7. The corrective amendment to 4 Pa. Code § 247.7 is effective as of February 20, 2010, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 4 Pa. Code § 247.7 appears in Annex A.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART X. STATE EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 247. BENEFITS

#### § 247.7. Death benefits.

(a) *Manner of payments.* In the event the member does not designate a beneficiary before death or the designation is not valid for any reason or no validly designated beneficiary survives the member by 30 days under 71 Pa.C.S. § 5709(c) (relating to the payment of benefits) to receive any of the death benefits provided in the code, the benefits shall be payable to the estate of the member.

(1) If the estate of the member is entitled to receive the member's death benefits but does not file a claim for the benefits within 60 days of the date the System mails notice of the benefits to the estate of the member, the entire amount of the death benefit shall be payable in the following sequential priority:

- (i) To the appointed executor or administrator of the deceased member.
- (ii) To the surviving spouse of the member.
- (iii) To any child of the member.
- (iv) To the father or mother of the member.
- (v) To any sister or brother of the member.

(2) Payments made under paragraph (1)(iii), (iv) or (v) shall be made to only one person and not divided among members of the classes identified in those subparagraphs. Upon payment of a death benefit pursuant to this section, the System shall be discharged from any further liability for the payment of the death benefits to any other person. Any person to whom payment is made under this paragraph shall be answerable therefore to anyone prejudiced by the payment.

(b) *Single life annuity.* If a single life annuitant dies before receiving in monthly annuity payments the total

amount of accumulated deductions, the balance of the total accumulated deductions shall be paid to the designated beneficiary without regard to the actual proportion the State share represents to the total monthly annuity payments actually received before death.

[Pa.B. Doc. No. 11-1990. Filed for public inspection November 18, 2011, 9:00 a.m.]

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 3 ]

#### Brewery Pub Location

The Liquor Control Board (Board), under the authority of sections 207(i) and 446 of the Liquor Code (47 P. S. §§ 2-207(i) and 4-446), amends Chapter 3 (relating to license applications).

#### Summary

This final-omitted rulemaking recognizes the growth and evolution of "craft" brewing of beer in this Commonwealth. As a result of this growth, certain breweries have reached the point where demand for their beer at their brewery pubs has outstripped their capacity to produce beer at the adjacent brewery. While the logical solution would be for the brewery to open another brewery to address the demand for beer at the brewery pub, the Board's regulations preclude the sale of beer produced at the second brewery by the original brewery pub because the second brewery would not be deemed adjacent to the original brewery pub. This final-omitted rulemaking resolves this issue.

#### Affected Parties

The final-omitted rulemaking will affect licensed breweries. There are 90 active licensed breweries in this Commonwealth. Of these licensed breweries, 21 also have brewery pubs with active licenses. The potentially affected parties have been given notice of this final-omitted rulemaking either by e-mail or postal mail.

#### Paperwork Requirements

This final-omitted rulemaking is not expected to affect legal, accounting or consulting procedures and should not require additional reporting, recordkeeping or other paperwork.

#### Fiscal Impact

This final-omitted rulemaking is not expected to have fiscal impact on the regulated community or State and local governments. Sales revenues for licensed breweries may be increased as a result of this final-omitted rulemaking.

#### Effective Date

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

#### Contact Person

Further information is available by contacting James F. Maher, Assistant Counsel or Christopher L. Herrington,

Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 7, 2011, the Board 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 Liquor Control 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 19, 2011, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2011, and approved the final-omitted rulemaking.

#### *Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 3, are amended by amending § 3.92 to read as set forth in Annex A.

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

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

PATRICK J. STAPLETON, III,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 6057 (November 5, 2011).)*

**Fiscal Note:** 54-66. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 40. LIQUOR**

#### **PART I. LIQUOR CONTROL BOARD**

#### **CHAPTER 3. LICENSE APPLICATIONS**

#### **Subchapter J. MALT OR BREWED BEVERAGE MANUFACTURERS**

#### **§ 3.92. Brewery pubs.**

(a) The Board will be authorized to issue a brewery pub license to the holder of a brewery license. A brewery pub license may only be issued in those municipalities in which the Board may issue or transfer a malt and brewed beverage retail dispenser license.

(b) The holder of a brewery pub license shall have all the rights and be subject to the same conditions and qualifications as those imposed on holders of a malt and brewed beverage retail dispenser license except as set forth in this section.

(c) The brewery pub license will be issued to premises immediately adjacent to but separate and distinct from the brewery premises.

(d) Sales of alcoholic beverages at the brewery pub premises shall be limited to sales of malt or brewed beverages produced at and owned by the brewery adja-

cent to it or a brewery which is under common control with the brewery pub. A brewery pub licensee may sell, for on-premises consumption, wine manufactured by the holder of a Pennsylvania limited winery license.

(e) A brewery pub license may not be issued to a brewery that has already acquired a restaurant, hotel or malt and brewed beverage retail dispenser license. If a brewery, which has a brewery pub license, applies for and acquires a restaurant, hotel or malt and brewed beverage retail dispenser license, the brewery pub license will be cancelled upon approval of the restaurant, hotel or malt and brewed beverage retail dispenser license.

(f) Any citations which may be issued under section 471 of the Liquor Code (47 P. S. § 4-471) for activity relating to the brewery pub will be issued against the brewery license.

[Pa.B. Doc. No. 11-1991. Filed for public inspection November 18, 2011, 9:00 a.m.]

### **LIQUOR CONTROL BOARD**

#### **[ 40 PA. CODE CH. 5 ]**

#### **Limited Winery Reporting**

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (code) (47 P. S. § 2-207(i)), amends Chapter 5 (relating to duties and rights of licensees).

#### *Summary*

This final-omitted rulemaking simplifies the production reporting procedure for licensed limited wineries. Section 102 of the code (47 P. S. § 1-102) defines a "limited winery" as a winery which has an annual production of less than 200,000 gallons. Under the current regulations, which were last amended in 1984, monthly reports shall be submitted. This final-omitted rulemaking will convert the reporting system to an annual basis and coordinate production reporting with the license renewal and validation cycles. Further, amending § 5.103 (relating to limited wineries) to expand the manner by which reports are submitted to the Board will allow limited wineries to electronically submit their reports with their renewal and validation applications rather than transmit paper reports to the Board. The information in these reports also is used by the Department of Agriculture.

#### *Affected Parties*

The final-omitted rulemaking will affect licensed limited wineries. There are 176 active limited wineries licensed by the Board. The potentially affected parties have been or will be given notice of this final-omitted rulemaking either by e-mail or postal mail.

#### *Paperwork Requirements*

The Board anticipates that this final-omitted rulemaking will reduce the amount of paperwork and, therefore, reduce the administrative costs of the regulated community.

#### *Fiscal Impact*

This final-omitted rulemaking is not expected to have adverse fiscal impact on the regulated community or State and local governments. Administrative costs of the limited wineries may be reduced by converting to an annual reporting cycle.

*Effective Date*

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

*Contact Person*

Further information is available by contacting James F. Maher, Assistant Counsel or Christopher Herrington, Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 7, 2011, the Board 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 Liquor Control 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 19, 2011, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2011, and approved the final-omitted rulemaking.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by amending § 5.103 to read as set forth in Annex A.

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

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

PATRICK J. STAPLETON, III,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 6057 (November 5, 2011).)*

**Fiscal Note:** 54-68. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 40. LIQUOR**

**PART I. LIQUOR CONTROL BOARD**

**CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

**Subchapter H. RECORDS AND REPORTS—BREWERIES, BONDED WAREHOUSES, LIMITED WINERIES AND LICENSED DISTILLERIES OF HISTORICAL SIGNIFICANCE**

**§ 5.103. Limited wineries.**

(a) *Records.* A holder of a Limited Winery License obtained under § 3.62 (relating to creation) shall maintain and keep on the licensed premises daily permanent records which shall conform to the requirements of section 512 of the Liquor Code (47 P. S. § 5-512). The records shall include complete details concerning the source of fruits used in the production of wines. Electronic

media recordkeeping, maintained and based upon generally accepted accounting principles, shall be permitted in lieu of hard copy records. The recordkeeping system utilized by the licensee shall have the capability to provide for the reconciling of required data. Entries shall be verifiable by supporting original documents. The records shall include complete details concerning the source of fruits used in the production of wines.

(b) *Sales invoice.* In addition to the records prescribed in subsection (a), except as otherwise provided in this part, a sales invoice shall be prepared at the licensed premises for each sale. The sales invoice shall be prepared in accordance with the following:

(1) The sales invoice shall be imprinted or affixed with the name and address of the limited winery.

(2) The sales invoice shall show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the wine and the net cost to the customer. The name and address of private individuals is not required on sales invoices covering quantities of 16 liters or less; in lieu of preparing sales invoices for the sales, the transactions may be entered individually on a counter sheet maintained in columnar form showing the information required on sales invoices, other than name and address of the purchaser. The counter sheet shall be totaled daily and the totals entered into the sales register noted in section 512 of the Liquor Code (47 P. S. § 5-512).

(3) The sales invoice shall show the Commonwealth sales tax, where applicable, as a separate entry.

(4) The sales invoice may include other items permitted for sale by limited wineries if the sale of wines is listed separately from other permitted items sold by the licensee.

(5) An invoice shall be prepared for any amount of wine shipped to customers via Transporter-for-Hire, Class C carriers. The invoice shall be prepared only for persons 21 years of age or older, and limited winery licensees shall request the signature of a recipient, 21 years of age or older, from the transporter making the deliveries and a return acknowledgement of delivery to the recipient. Copies of acknowledgments of delivery shall be maintained on the licensed premises for 2 years.

(6) When a sale requires the preparation of an invoice, one copy shall be given to the recipient of the merchandise and a copy retained on the licensed premises for 2 years.

(c) *Reports.* A licensed limited winery shall file reports in the manner set forth by the Board covering operations of their licensed business during the preceding calendar year. The reports shall be signed and sworn to by the licensee or his authorized agent and shall be filed with the Board at the time of the renewal or validation of the license. A copy of each report shall be retained on the licensed premises for at least 2 years from the date of filing. Failure to file the reports will preclude the Board from renewing or validating the license in question. These reports are in addition to information or reports the licensed limited winery may be required to provide to the Department of Agriculture under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) and regulations promulgated thereunder, including 7 Pa. Code § 104.75 (relating to accounting and payment).

[Pa.B. Doc. No. 11-1992. Filed for public inspection November 18, 2011, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## DEPARTMENT OF REVENUE

[ 61 PA. CODE CH. 91 ]

### Realty Transfer Tax Amendments

The Department of Revenue (Department), under the authority in section 1107-C of the Tax Reform Code of 1971 (TRC) (72 P. S. § 8107-C), proposes to amend Chapter 91 (relating to realty transfer tax) to read as set forth in Annex A.

#### Purpose of Proposed Rulemaking

The proposed amendments to Chapter 91 improve the clarity and effectiveness of the Department's regulations as well as make the regulations consistent with Department policy.

#### Explanation of Regulatory Requirements

Three generic changes are proposed throughout the proposed rulemaking: (1) "realty" has been replaced with "real estate" to mirror language in Article XI-C of the TRC (72 P. S. §§ 8101-C—8114-C); (2) "excluded" has been changed to "exempt" in certain situations to apply the correct legal terminology; and (3) references to § 91.193 (relating to exemptions and exclusions) have been updated to reflect major proposed amendments to this section.

Proposed amendments to § 91.101 (relating to definitions) include the following new definitions for terms used in the regulations: "business trust," "common level ratio factor" with an example, "joint trust," "real party in interest," "straw party" and "turnkey project." The definition of "document" has been revised and subparagraphs (i)—(iv) are moved to § 91.193(b). The definition of "ordinary trust" has been enhanced. In addition, the following definitions are proposed to be deleted from § 91.131 (relating to definitions) to consolidate the definitions in § 91.101: "bona fide sales transaction," "computed value" and "grantor's affiliate." The definition of "computed value" has been amended to include real estate with a preferential assessed value under the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P. S. §§ 5490.1—5490.13).

Sections 91.132—91.137 are proposed to be rescinded. The majority of the text in these sections has been consolidated under proposed § 91.138 (relating to valuation) as follows:

<i>Current section</i>	<i>Proposed § 91.138</i>
§ 91.132. Bona fide sale transactions	Paragraph (1)—Bona fide sales Examples 1 and 2 are enhanced
§ 91.133. Leases	Paragraph (2)(viii)—Computed value Paragraph (5)(iv)—Special rules related to allocation of value
§ 91.134. Family farm realty and real estate company realty	Paragraph (2)(xiii)—Computed value
§ 91.135. Judicial sales and other transactions	Paragraph (2)(i)—(vii) and (xii)—Computed value

<i>Current section</i>	<i>Proposed § 91.138</i>
§ 91.136. Appraisal	Paragraph (3)(ii)(A)—Other valuation methods when there is not a bona fide sale or computed value
§ 91.137. Construction contracts	Paragraph (4)—Construction contracts and other executory agreements Paragraph (5)—Special rules related to allocation of value

Proposed amendments to § 91.151(3) (relating to correctional deed) correct the term "grantee" to "grantor."

Proposed amendments to § 91.152(a) (relating to confirmatory deed) delete language and explain the matter in more detail as new language proposed in subsection (b). The current language in subsection (b) is renumbered as subsection (c).

Proposed § 91.153(e) (relating to agent and straw party transactions), regarding agent or straw party conditions, expands on this subject matter that has generated questions from taxpayers.

Proposed amendments to § 91.156(c)(2) (relating to trusts) make the language consistent with subsection (e)(1). Subsection (h), regarding joint trusts, is proposed to be added.

Proposed amendments to § 91.157 (relating to joint estates) add language in subsection (a), including three examples to expand on this subject matter. Current subsection (a) is renumbered as subsection (b) and enhanced with three new paragraphs and four new examples. The existing language in subsection (b) is renumbered as subsection (c).

Proposed amendments to § 91.160 (relating to exchange of interest in real estate) delete the cross-reference to § 91.135 (relating to judicial sales and other transactions). In its place, language is proposed regarding computed value.

Proposed amendments to § 91.162 (relating to turnkey projects) improve this section to eliminate taxpayer confusion on this matter. The existing text is proposed to be deleted and replaced with subsections (a)—(c).

Proposed amendments to § 91.170 (relating to rule in *Baehr Bros. v. Commonwealth*, 487 Pa. 233, 409 A.2d 326 (1979)) add clarifying language to Example 1. New language is proposed in subsection (c) regarding statement of value. The existing language in subsection (c) is renumbered as subsection (d).

Language in proposed § 91.172 (relating to leasehold and possessory interests) is relocated from § 91.193.

Subchapter I (relating to excluded parties and transaction) is proposed to be renamed as "exemptions and exclusions."

Section 91.191 (relating to general applicability of tax) is proposed to be rescinded. The language is redundant as it already appears in § 91.111(b) (relating to imposition of tax on documents).

Major revisions are proposed to § 91.193. Language is being moved and proposed in § 91.193 as follows:

<i>Current § 91.193 location</i>	<i>Proposed location in § 91.193 unless noted otherwise</i>
Subsection (a)	Subsection (a)(20)
Subsection (b)	Subsection (a)
Subsection (b)(1)(i)—(v)	Subsection (a)(1)(i)—(v)
Subsection (b)(2)(i)—(iii)	Subsection (a)(2)(i)—(iii) (citation in subsection (a)(2)(i) updated)
Subsection (b)(3)	Subsection (a)(3)
Subsection (b)(4)	Subsection (a)(4)
Subsection (b)(5)	Subsection (a)(5)
Subsection (b)(6)(i)(A)—(F), (ii) and (iii)	Subsection (a)(6)(i)(A)—(F), (ii) and (iii) (enhanced with additional language and three new examples)
Subsection (b)(7)	Subsection (a)(7)
Subsection (b)(8)	Subsection (a)(8)
Subsection (b)(9)	Subsection (a)(9)
Subsection (b)(10)	Subsection (a)(10)
Subsection (b)(11)	Subsection (a)(11)
Subsection (b)(12)(i)—(iii)(A) and (B)	Subsection (a)(12)(i)—(iii)(A) and (B)
Subsection (b)(13)	Subsection (a)(13)
Subsection (b)(14)	Subsection (a)(14)
Subsection (b)(15)	Subsection (a)(15)
Subsection (b)(16)	Subsection (a)(16)
Subsection (b)(17)	Subsection (a)(17)
Subsection (b)(18)	Subsection (a)(18)
Subsection (b)(19)	Subsection (a)(19) (language added for clarity)
Subsection (b)(20) language deleted as already in § 91.202(c)	Subsection (a)(20) contains language from former subsection (a)
Subsection (b)(21)	Subsection (a)(21)
Subsection (b)(22)	§ 91.172(b). Leasehold and possessory interests
Subsection (b)(23)	Subsection (b)(3)
Subsection (b)(24)	Subsection (b)(6)
Subsection (b)(24)(i)—(iv)	§ 91.172
Subsection (b)(25)	Subsection (b)(7)
Subsection (b)(26)	§ 91.172(b)(2)
Subsection (b)(27)	§ 91.172(b)(3)
Subsection (b)(28)	Subsection (b)(5)
Subsection (b)(29) and (iii) under definition of “document”	Subsection (b)(4)
Subsection (b)(30) deleted	Superseded by § 91.170
Subsection (b)(31)	Subsection (a)(22)
Subsection (b)(32)	Subsection (a)(23)
Subsection (b)(33)	Subsection (a)(24)
Subsection (b)(34)	Subsection (a)(25)

<i>Current § 91.193 location</i>	<i>Proposed location in § 91.193 unless noted otherwise</i>
Subsection (b)	Proposed language added in subsection (b) Paragraphs (1) and (2) moved from definition of “document” Paragraph (3) moved from subsection (b)(23) Paragraph (4) moved from definition of “document” and subsection (b)(29) Paragraph (5) moved from definition of “document” and subsection (b)(28) Paragraph (6) moved from subsection (b)(24) Paragraph (7) moved from subsection (b)(25)
Subsection (c)	First sentence deleted (appears in subsection (a)) and second sentence amended for clarity

Proposed amendments to § 91.212 (relating to acquired family farm corporation) add clarifying language to be consistent with § 91.211 (relating to family farm corporation).

Proposed amendments to § 91.233 (relating to transfers by grantor of rented real estate) reflect the Department’s policy on this subject matter. New language has been proposed in this section as well as in the corresponding example.

*Affected Parties*

An entity transferring an interest in real property could be affected by this proposed rulemaking.

*Fiscal Impact*

The Department has determined that the proposed rulemaking will have minimal fiscal impact on the Commonwealth.

*Paperwork*

The proposed rulemaking will not require additional paperwork for the public or the Commonwealth.

*Effectiveness / Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final-form publication. A sunset date has not been assigned.

*Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061 within 30 days after the date of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 4, 2011, 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 Finance and the Senate Committee on Finance. 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.

DANIEL MEUSER,  
Secretary

**Fiscal Note:** 15-453. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART I. DEPARTMENT OF REVENUE**

**Subpart B. GENERAL FUND REVENUES**

**ARTICLE IV. COUNTY COLLECTIONS**

**CHAPTER 91. REALTY TRANSFER TAX**

**Subchapter E. GENERAL**

**§ 91.101. Definitions.**

The following words and terms, when used in this chapter, have the following meanings:

\* \* \* \* \*

**Bona fide sales transaction**—A transfer between a buyer, willing but not obligated to buy, and a seller, willing but not obligated to sell, each acting with adverse economic interests at arms-length in his own self-interest and with knowledge of the value of the real estate transferred.

**Business trust**—A trust organized under Pennsylvania law, including a trust under 15 Pa.C.S. §§ 9501—9507 (relating to business trusts), or the law of a state or foreign jurisdiction that expressly or impliedly has any of the following features:

- (i) An objective to carry on business.
- (ii) An objective to divide or distribute gains or earnings and profits to a trust beneficiary.
- (iii) Treatment of a beneficiary's interest in the trust as personal property.
- (iv) Treatment of a beneficiary as an associate or owner of the trust.
- (v) The free transferability of a beneficiary's interest in the trust.
- (vi) Centralized management of the trust and its assets by the trustee or the beneficiaries.
- (vii) A continuity of life.

\* \* \* \* \*

**Common level ratio factor**—The reciprocal of the State Tax Equalization Board's common level ratio for each county converted into a multiplier and rounded to the nearest hundredth.

**Example.** If the State Tax Equalization Board's common level ratio for a county is 7:20 or 35%, the Department converts that percentage into its reciprocal of 2.86, which is the common level ratio factor. The factor is calculated as follows: 100% divided by 35% (1.00/.35) = 2.86 (rounded to the nearest hundredth).

**Computed value**—The amount determined by multiplying the assessed value of the real estate for local real estate tax purposes by the common level ratio factor of the taxing district. For real estate with a preferential assessed value under the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (72 P.S. §§ 5490.1—5490.13), the assessed value of the real estate for local tax purposes will be the preferential assessed value if the following apply:

- (i) The application for the real estate's preferential assessed value is approved before the execution of the document conveying or evidencing the conveyance of the real estate.
- (ii) The conveyance of the parcel of real estate will not cause the termination of the preferential assessed value of the real estate conveyed without regard to whether roll-back taxes are assessed.

\* \* \* \* \*

**Document**—A deed, quitclaim deed, ground rent, lease, occupancy agreement, contract or other writing [evidencing an interest in realty other than:] that conveys transfers, devises, vests, confirms or evidences the transfer of title to real estate.

- [ (i) A will.
- (ii) A conventional mortgage or assignment, extension, release or satisfaction thereof.
- (iii) A contract for a deed or agreement of sale for the sale of realty whereby the legal title does not pass to the grantee until the total consideration specified in the contract or agreement has been paid, and the consideration is payable over a period of time not exceeding 30 years.
- (iv) An instrument which solely grants, vests or confirms a public utility easement. ]

\* \* \* \* \*

**Family farm [ realty ] real estate.** One of the following:

- (i) [ Realty ] Real estate devoted to the business of agriculture which was transferred without tax to a family farm corporation by document accepted after July 1, 1986, or recorded after July 31, 1986, by a member of the same family which directly owns at least 75% of each class of the stock of that family farm corporation.
- (ii) [ Realty ] Real estate which was transferred to a family farm corporation without tax after February 15, 1986, under a document accepted prior to July 2, 1986, and recorded prior to August 1, 1986, by a sole proprietor family member.

**Financing transaction**—An arrangement in which the following apply:

- (i) [ Realty ] Real estate is transferred by the debtor solely for the purpose of serving as security for the payment of a debt.

\* \* \* \* \*

**Grantor's affiliate**—One of the following:

(i) An organization, trade or business, whether or not incorporated, which is owned or controlled directly or indirectly by the grantor or by the same interests which own or control directly or indirectly the grantor.

(ii) A person who stands in one of the following relationships with the grantor with respect to the transaction between the grantor and grantee:

- (A) Principal.
- (B) Agent.
- (C) Partner.
- (D) Joint venturer.

**Joint trust**—A trust with more than one settlor.

\* \* \* \* \*

**Ordinary trust**—

(i) A private trust [ which takes effect during the lifetime of the settlor of the trust and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving trust assets, under the ordinary rules applied in the orphan's court division of the court of common pleas or in other chancery or probate courts, until distribution to the beneficiaries of the trust. ] that meets the following requirements:

- (A) The trust is subject to the jurisdiction and ordinary rules applied in the orphan's court division of the court of common pleas or in other chancery or probate courts.
- (B) The trust takes effect during the lifetime of the settlor of the trust.
- (C) The trustee of the trust takes title to the trust property primarily for the purpose of protecting, managing or conserving trust assets until distribution to the beneficiaries of the trust.

(ii) The term does not include:

(A) [ Business trusts organized under Pennsylvania law or the law of any state or foreign jurisdiction, or any form of trust that has either of the following features: ] A business trust.

[ (I) The treatment of beneficiaries as associates.

(II) Beneficial interests in the trust estate or profits that are evidenced by transferable shares, similar to corporate shares, or are otherwise treated as personal property. ]

(B) [ Minors' estates ] A minor's estate.

(C) [ Incompetents' estates ] An incompetent's estate.

\* \* \* \* \*

- (F) A trust for creditors.
- (G) An escrow relationship.
- (H) A temporary trust to hold disputed property.
- (I) A principal and agent relationship.
- (J) A relationship between a straw party and real party in interest.
- (K) A trust primarily for the benefit of business employees, their families or appointees, under a

stock bonus, pension, disability or death benefit, profit-sharing or other employee benefit plan.

- (L) A trust for bondholders.
- (M) A mortgagee in possession relationship.
- (N) Similar trusts or fiduciary relationships.

**Real party in interest**—The actual owner of real estate for whom a straw party holds nominal title and to whom flows all the benefits, burdens and incidents of ownership of the real estate.

\* \* \* \* \*

**Straw party**—A person who holds only nominal title to real estate for the benefit of the real party in interest.

\* \* \* \* \*

**Turnkey project**—A contractual arrangement whereby an owner of real estate agrees to transfer title to real estate under a defeasible deed to a developer or contractor in exchange for the developer or contractor's agreement to make improvements to the real estate.

**Subchapter F. IMPOSITION OF TAX**

**§ 91.111. Imposition of tax on documents.**

(a) Except as provided in Subchapter I (relating to [ excluded parties and transactions ] exemptions and exclusions), the person who delivers a document for acceptance or recording or on whose behalf a document is delivered for acceptance or recording and the person who accepts or presents for recording the document or on whose behalf the document is accepted or presented for recording are subject to pay a State tax at the rate of 1% of the value of the [ realty ] real estate conveyed, transferred, demised or released by the grantor under the document.

\* \* \* \* \*

**§ 91.112. Statement of value.**

(a) *General.* Except as provided in this section, a statement of value in duplicate shall be completed and filed with a document presented for recording or for the affixation of tax stamps. The statement of value shall specify the true, full and complete value of the [ realty ] real estate transferred, demised or released—whether or not an exclusion from tax is claimed—and the reason why the instrument is not subject to tax under this chapter. The statement of value shall be executed by a responsible person connected with the transaction.

(b) *Value specified in document.* A statement of value is not required to be completed and filed if the parties to a recorded document claim no exclusion from tax and specify in the document the true, full and complete value of the [ realty ] real estate.

\* \* \* \* \*

**§ 91.113. Imposition of tax on declarations of acquisition.**

(a) A real estate company is subject to pay a State tax at the rate of 1% of the value of the [ realty ] real estate held by the real estate company when it becomes an acquired company under § 91.202 (relating to acquired real estate company). The tax shall be paid within 30 days after the real estate company becomes acquired.

\* \* \* \* \*



## Subchapter G. VALUATION

(Editor's Note: The definitions in § 91.131 have been moved to § 91.101. The majority of the text in §§ 91.132—91.137 has been consolidated under proposed § 91.138.)

§ 91.131. [ Definitions ] (Reserved).

[ The following words and terms, when used in this subchapter, have the following meanings:

**Bona fide sales transaction**—A transfer between a buyer, willing but not obligated to buy, and a seller, willing but not obligated to sell, each acting with adverse economic interests at arms-length in his own self-interest and with knowledge of the value of the realty transferred.

**Computed value**—The amount determined by multiplying the assessed value of the realty for local real estate tax purposes by the common level ratio factor of the taxing district.

**Grantor's affiliate**—One of the following:

(i) An organization, trade or business, whether or not incorporated, which is owned or controlled directly or indirectly by the grantor or by the same interests which own or control directly or indirectly the grantor.

(ii) A person who stands in one of the following relationships with the grantor with respect to the transaction between the grantor and grantee:

(A) Principal.

(B) Agent.

(C) Partner.

(D) Joint adventurer. ]

§ 91.132. [ Bona fide sale transactions ] (Reserved).

[ (a) In a bona fide sale of real estate, the value of the real estate is the total agreed consideration for the sale which is paid or to be paid.

(b) The value includes liens existing before the transfer and not removed thereby—whether or not the underlying indebtedness is assumed—or a commensurate part of the liens, if they also encumber other real estate.

**Example 1** (existing mortgage lien):

S conveyed a parcel to P in a bona fide sale. The agreed cash consideration was \$20,000. P also agreed to assume S's mortgage on the parcel which had a remaining balance due of \$10,000. The value of the realty conveyed to P is \$20,000 plus \$10,000 or a total of \$30,000, because the existing mortgage lien was not removed by the transfer.

**Example 2** (a lien encumbers both the transferred realty and other realty):

S owns two lots, both of which are encumbered by a single \$10,000 lien. The assessed value of the lots are \$4,000 and \$6,000. S sells the lot assessed at \$4,000 to B for \$20,000 in a bona fide sale. If the lien is removed by the sale, the total consideration for the sale is \$20,000. If the lien is not removed by the sale the total consideration is \$24,000 which is computed as follows:

$$\begin{array}{r} \$20,000 \text{ (actual consideration)} + [ \$10,000 \text{ (amount of lien)} \\ \times \frac{\$4,000 \text{ (assessed value of lot sold to B)}}{\$4,000 + \$6,000 \text{ (assessed value of two lots} \\ \text{encumbered by lien)} ] \end{array}$$

(c) The value for which a seller will be liable for the payment of tax does not include the value of consideration paid by a buyer's assignee, or a subsequent assignee thereof, for the right to have the seller convey the real estate to the assignee or subsequent assignee unless the seller or the seller's affiliate is a party to the assignment and receives part or all of the consideration paid for the assignment. If the seller or the seller's affiliate is a party to the assignment and receives part or all of the consideration paid for the assignment, the value shall include the value of the consideration that the seller and its affiliate receives. For purposes of this section, the term "seller's affiliate" has the same meaning as the term grantor's affiliate in § 91.131 (relating to definitions).

**Example 1.** X enters into an agreement of sale with Y for the conveyance of real estate for \$100,000. Y subsequently assigns the sales agreement to Z for \$1 million. X executes a deed for the conveyance of the real estate to Z and receives \$100,000. Y receives \$1 million from Z for the assignment. The taxable value of the deed from X to Z for which X is liable is \$100,000.

**Example 2.** X enters into an agreement of sale with Y for the conveyance of real estate for \$100,000, plus 20% of the value of any consideration that Y receives for an assignment of the agreement of sale. Y subsequently assigns the sales agreement to Z for \$1 million. X executes a deed for the conveyance of the real estate to Z and receives \$100,000, plus 20% of the assignment price of \$1 million (\$200,000). The taxable value of the deed from X to Z for which X is liable is \$300,000.

**Example 3.** X enters into an agreement of sale with Y, X's wholly-owned entity, for the conveyance of real estate for \$100,000. Y subsequently assigns the sales agreement to Z for \$500,000. X executes a deed for the conveyance of the real estate to Z. X receives \$100,000 from Y and Y receives \$500,000 from Z for the conveyance. The taxable value of the deed from X to Z for which X is liable is \$600,000. ]

§ 91.133. [ Leases ] (Reserved).

[ The value of leased realty is its computed value. If the leased premises constitute only a part of the assessed realty, the value of the leased premises is determined by multiplying the computed value of the assessed realty for local tax purposes by a fraction, the numerator being the fair rental value of the leased premises and the denominator being the fair rental value of the assessed realty. ]

§ 91.134. [ Family farm realty and real estate company realty ] (Reserved).

[ The value of family farm realty and real estate company realty is its computed value. ]

§ 91.135. [ Judicial sales and other transactions ] (Reserved).

[ The value of real estate is its computed value where the real estate is transferred through any of the following:

(1) By execution upon a judgment or upon foreclosure of a mortgage or under a judicial sale or tax sale or a transfer to a transferee or assignee of a bid or other rights of a purchaser under a judicial or tax sale.

(2) In exchange for stock in a corporation, an interest in a partnership, limited partnership or association, or property—other than cash or credit—in a bona fide sale or otherwise.

(3) By gift or otherwise without consideration or for a nominal consideration.

(4) Under a transaction other than a bona fide sale. ]

§ 91.136. [ Appraisal ] (Reserved).

[ The value of real estate shall be determined by appraisal only when one of the following occurs:

(1) The real estate was transferred in lieu of foreclosure.

(2) The real estate is not the subject of a bona fide sale, cannot be valued under § 91.133 (relating to leases) and is not separately assessed for local real estate tax purposes. ]

§ 91.137. [ Construction contracts ] (Reserved).

[ The value of realty also includes the value of contracted-for improvements to the realty, such as a building to be made as a permanent addition if under the construction agreement the grantor or grantor's affiliate is contractually obligated to the grantee to make the contracted-for improvements to the realty granted upon payment of the agreed consideration or a contractor is contractually obligated to the grantor and to the grantor's successors in interest to make contracted-for improvements to the realty granted upon payment of the agreed consideration and the contractual obligation is effective with the transfer or was effective prior to the transfer and not removed thereby.

*Example 1:*

O'Brien Land Company sells a lot to B for \$10,000. Prior to the transfer of the lot, B enters into a contract with O'Brien Construction Company for the construction of a home on the lot for the contract price of \$50,000. O'Brien Construction Company and O'Brien Land Company are subsidiaries of O'Brien Development Company. Tax is based on \$60,000.

*Example 2:*

After entering into an agreement with Acme Construction Company to have a home constructed on his lot for the contract price of \$50,000, D sells the lot and assigns his interest in the construction contract to B for \$25,000. The balance due on the construction contract is \$35,000. As \$15,000—\$50,000 less \$35,000—of the sales price is attributable to the contracted-for improvements, tax is based on \$10,000 for the lot and \$50,000 for contracted-for improvements for a total of \$60,000.

*Example 3:*

D, a developer who routinely sells options to purchase unimproved lots in his development to Acme Construction Company, agrees to sell one of the option lots to B for \$10,000. Acme Construction

Company requires B to enter into a construction agreement with it to build a home for \$50,000 as consideration for the release of its option to purchase the lot. Tax is based on \$60,000.

*Example 4:*

D, a developer, having agreed with Acme Construction Company that Acme Construction Company will be the exclusive builder for D's development, requires as a condition of sale that all buyers use Acme Construction Company as their builder. B buys a lot from D for \$10,000 and enters into a contract with Acme Construction Company for the construction of a home for the contract price of \$50,000. The tax is based on \$60,000.

*Example 5:*

D agrees to sell a lot to B for \$10,000. Prior to the transfer of the lot, B enters into a contract with Acme Construction Company for the construction of a home on the lot. There is no relationship between D and Acme Construction Company. Tax is based on the \$10,000 consideration for the lot. ]

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

**§ 91.138. Valuation.**

The value of real estate is its actual monetary worth. The burden is on the taxpayer to produce evidence of the actual monetary worth of the real estate. Actual monetary worth shall be determined as follows:

(1) *Bona fide sales.* In a bona fide sale of real estate for actual monetary worth, the exclusive value of the real estate is the total negotiated consideration for the sale which is paid or to be paid.

(i) The value includes the amount of any liens encumbering the real estate existing before the transfer and not removed thereby—whether or not the underlying indebtedness is assumed. If a lien encumbers a parcel of real estate or more than one parcel of real estate and if only a portion of the real estate or less than all of the parcels are transferred, then only a commensurate amount of the lien attributable to the transferred portion or parcels is included in the value. The commensurate amount of the lien shall be determined based upon the fair market values or the computed values of real estate that is transferred and of the real estate that is not transferred. If the fair market value is used rather than computed value, the taxpayer has the burden of proving the value based upon valuation methods standard in the real estate industry. See paragraph (3), regarding other valuation methods.

*Example 1 (existing mortgage lien):*

S conveyed a parcel to P in a bona fide sale. The agreed cash consideration was \$20,000. P also agreed to assume S's mortgage on the parcel which had an outstanding balance due of \$10,000. The value subject to tax is \$30,000, which is the sum of the \$20,000 cash consideration and the \$10,000 mortgage balance.

*Example 2 (a lien encumbers both the transferred real estate and other real estate):*

S owns two lots, Blackacre and Whiteacre, both of which are encumbered by a single \$10,000 lien. The computed value of Blackacre is \$24,000 and the computed value of Whiteacre is \$12,000. S sells Blackacre to B for \$20,000 in a bona fide sale. The value subject to tax is the \$20,000 purchase price plus a commensurate part of

the \$10,000 lien. Because the computed value of Blackacre is 2/3 of the sum of Blackacre and Whiteacre's computed values (\$24,000 + \$12,000 = \$36,000), the commensurate part of the lien that is included in the taxable value is 2/3 of the \$10,000 lien, or \$6,667. The value subject to tax for the conveyance of Blackacre is therefore \$26,667.

(ii) The value for which a seller shall be liable for the payment of tax does not include the value of consideration paid by a buyer's assignee, or a subsequent assignee thereof, for the right to have the seller convey the real estate to the assignee or subsequent assignee.

*Example 1.* X enters into an agreement of sale with Y for the conveyance of real estate for \$100,000. Y subsequently assigns the sales agreement to Z. Z agrees to pay Y \$900,000 for the assignment. Because of the assignment, Z assumes Y's obligation to pay the \$100,000 sale price to X for the conveyance of the real estate. Therefore, the total amount that Z must pay as a result of the assignment is \$1 million. After the assignment, X executes a deed for the conveyance of the real estate to Z. Z pays X the \$100,000 sale price and pays Y \$900,000 for the assignment. The taxable value of the deed from X to Z for which X is liable is the original sale price of \$100,000. See also § 91.170(b), Example 1 (relating to rule in *Baehr Bros. v. Commonwealth*, 487 Pa. 233, 409 A.2d 326 (1979)).

*Example 2.* X enters into an agreement of sale with Y for the conveyance of real estate for \$100,000, plus 20% of the value of any consideration that Y receives for an assignment of the agreement of sale. Y subsequently assigns the sales agreement to Z for \$1 million. X executes a deed for the conveyance of the real estate to Z and receives \$100,000, plus 20% of the assignment price of \$1 million (\$200,000). The taxable value of the deed from X to Z for which X is liable is \$300,000.

(2) *Computed value.* The exclusive value of the real estate is its computed value in the following situations:

- (i) Gifts.
- (ii) An execution upon a judgment.
- (iii) Foreclosure of a mortgage.
- (iv) Judicial sale.
- (v) Tax sale.
- (vi) A transfer of real estate under a foreclosure sale, judicial sale or tax sale to a transferee or assignee of a bid or other right of a purchaser under the foreclosure sale, judicial sale or tax sale.
- (vii) Transactions without consideration or for consideration less than the fair market value of the real estate.
- (viii) A taxable lease.
- (ix) An occupancy agreement.
- (x) A leasehold or possessory interest.
- (xi) The exchange of real or personal property, in whole or in part, for real estate. For purposes of this subparagraph, personal property includes:

- (A) An interest in an association or corporation.
- (B) Services.

(C) Noncash consideration other than the assumption of indebtedness evidenced by a lien encumbering the real estate at the time of the transfer and not removed by the transfer.

- (xii) The real estate of an acquired real estate company.

(xiii) The real estate of a family farm corporation or family farm partnership.

(3) *Other valuation methods when there is not a bona fide sale or computed value.*

(i) Alternate methods of valuation standard in the real estate industry may be used as evidence of the actual monetary worth of the real estate when the actual monetary worth of real estate cannot be determined by bona fide sale or computed value under paragraph (1) or (2).

(ii) Alternate valuation methods include:

(A) An independent appraisal prepared by a licensed real estate appraiser.

(B) A comparative market analysis prepared by a real estate broker/agent that provides a realistic estimate of the value of the real estate based on an analysis of sales of other real estate with similar characteristics.

(C) A bona fide sale that occurred within 2 years or less as long as there have not been changes to the real estate that have affected the value of the real estate.

(4) *Construction contracts and other executory agreements.* The value of real estate also includes the value of contracted-for improvements to the real estate, such as a building to be made as a permanent addition if under the construction agreement the grantor or grantor's affiliate is contractually obligated to the grantee to make the contracted-for improvements to the real estate granted upon payment of the agreed consideration or a contractor is contractually obligated to the grantor and to the grantor's successors in interest to make contracted-for improvements to the real estate granted upon payment of the agreed consideration and the contractual obligation is effective with the transfer or was effective prior to the transfer and not removed thereby.

*Example 1.* O'Brien Land Company sells a lot to B for \$10,000. Prior to the transfer of the lot, B enters into a contract with O'Brien Construction Company for the construction of a home on the lot for the contract price of \$50,000. O'Brien Construction Company and O'Brien Land Company are subsidiaries of O'Brien Development Company. Tax is based on \$60,000.

*Example 2.* After entering into an agreement with Acme Construction Company to have a home constructed on his lot for the contract price of \$50,000, D sells the lot and assigns his interest in the construction contract to B for \$25,000. The balance due on the construction contract is \$35,000. As \$15,000—\$50,000 less \$35,000—of the sales price is attributable to the contracted-for improvements, tax is based on \$10,000 for the lot and \$50,000 for contracted-for improvements for a total of \$60,000.

*Example 3.* D, a developer who routinely sells options to purchase unimproved lots in his development to Acme Construction Company, agrees to sell one of the option lots to B for \$10,000. Acme Construction Company requires B to enter into a construction agreement with it to build a home for \$50,000 as consideration for the release of its option to purchase the lot. Tax is based on \$60,000.

*Example 4.* D, a developer, having agreed with Acme Construction Company that Acme Construction Company will be the exclusive builder for D's development, requires as a condition of sale that all buyers use Acme Construction Company as their builder. B buys a lot from D for \$10,000 and enters into a contract with Acme Construction Company for the construction of a home for the contract price of \$50,000. The tax is based on \$60,000.

Example 5. D agrees to sell a lot to B for \$10,000. Prior to the transfer of the lot, B enters into a contract with Acme Construction Company for the construction of a home on the lot. There is no relationship between D and Acme Construction Company. Tax is based on the \$10,000 consideration for the lot.

(5) Special rules related to allocation of value.

(i) Allocation required. When there is a conveyance of both real estate and personal property or the conveyance of multiple parcels of real estate, whether the real estate is located in one or multiple taxing jurisdictions, with a single purchase price or value, the parties to the sale are required to allocate the sale price or value between the real estate and personal property or the multiple parcels of real estate. The allocation shall be reasonable and the amount allocated to the real estate must reflect the actual monetary worth of the real estate. If the transferor offers a discount or reduced sale price, the discount or reduction must be reasonably allocated.

Example 1. X enters into an agreement to sell its business assets to Y. X agrees to sell the assets for a total purchase price of \$8 million. X and Y are required to allocate the \$8 million purchase price between the real estate and personal property under the sale agreement. If the fair market value of the business real estate is \$5 million and the business personal property is \$3 million, a reasonable allocation would be \$5 million for the real estate and \$3 million for the personal property.

Example 2. Same facts as in Example 1, except that X agrees to sell all of the assets to Y for \$5 million, a \$3 million discount. The \$3 million discount must be reasonably allocated between the real estate and personal property. A reasonable allocation in this case would be a proportional allocation of the discount. The fair market value of the real estate is 5/8 of the total fair market value of X's assets. The fair market value of the personal property is 3/8 of the total fair market value of X's assets. Consequently, 5/8 of the \$5 million sale price (or \$3,125,000) is attributable to the real estate and 3/8 of the \$5 million sale price (or \$1,875,000) is attributable to the personal property.

(ii) Allocation factors. The Department will consider the following factors in determining whether an allocation is reasonable:

- (A) The computed value of the real estate.
- (B) The fair market value of the real estate and personal property.
- (C) Whether the parties to the sale have agreed to and both use the same allocation.
- (D) Whether the parties to the sale consistently use the allocation for other purposes, including tax and accounting purposes.

(iii) Subdivisions and partitions and partial conveyances. When only a portion of a parcel of real estate is conveyed, because of partition or otherwise, the taxable value of the portion must be its actual monetary worth using the valuation methods in this section.

(A) If the portion is sold as part of a bona fide sale, the taxable value is the sale price.

(B) If computed value is used, the computed value of the transferred portion of real estate must be the commensurate portion of the computed value of the entire parcel. The commensurate portion shall be determined based on the fair market values or computed values of the transferred portion of real estate and the portion that is

not transferred. If the fair market value is used rather than computed value, the taxpayer has the burden of proving the value based upon valuation methods standard in the real estate industry. See paragraph (3).

(iv) Leases. The value of the leased real estate is determined by multiplying the computed value of the entire parcel of real estate by a fraction, the numerator being the fair rental value of the leased premises and the denominator being the fair rental value of the entire parcel of real estate.

Subchapter H. SPECIAL SITUATIONS

§ 91.151. Correctional deed.

A deed made without consideration for the sole purpose of correcting an error in the description of the parties or of the premises conveyed is not taxable. This [ exclusion ] exemption only applies if:

\* \* \* \* \*

(3) The parties have not treated the property interest described in the original deed as the property of the [ grantee ] grantor from the time of the original transaction.

§ 91.152. Confirmatory deed.

(a) A deed made without consideration for the sole purpose of confirming title to real estate under a prior recorded document[ , including a deed that only asserts a transfer of title to real estate by operation of law as a result of an existing survivorship interest, ] is not taxable. This subsection only applies if the following apply:

\* \* \* \* \*

(b) A deed made without consideration for the sole purpose of confirming a transfer of title to real estate by operation of law as a result of an existing survivorship interest is not taxable.

(c) A deed made without consideration for the sole purpose of confirming an entity's existing real estate ownership following a conversion of the entity is not taxable. This subsection only applies if all of the following occur:

\* \* \* \* \*

(5) Title to real estate would not revert or be in any way impaired by reason of the conversion.

\* \* \* \* \*

Example 4. X, Y and Z are equal co-partners in XYZ general partnership. XYZ general partnership owns Pennsylvania real estate. X, Y and Z desire to change the form of the general partnership to a limited liability company (LLC). X, Y and Z set up an LLC to take the place of the general partnership. X, Y and Z are equal members in the LLC. To effectuate the conversion, X, Y and Z transfer their partnership interests to the LLC. As a result, the LLC becomes the sole partner of the partnership. By law, the partnership must dissolve. As part of the dissolution, the partnership conveys all its assets, including real estate, and assigns its liabilities to the LLC, the sole partner. Because of the dissolution, the general partnership ceases to exist and the LLC survives with the same owners, assets and liabilities as the general partnership. Because of the dissolution, there has been a break in the continuity of the general partnership. Consequently, the exclusion under this subsection does not apply. Further, the document that conveyed the real estate from the

general partnership to the LLC effectuated a direct transfer of real estate from the general partnership to the LLC while they both existed. Because the transfer was from an entity, XYZ general partnership, to its sole member, the LLC, the document is subject to tax under § 91.154(a) (relating to documents involving corporations, partnerships, limited partnerships and other associations), and the [ exclusion under § 91.193(13) (relating to excluded transactions) does not exclude ] exemption under § 91.193(a)(13) (relating to exemptions and exclusions) does not exempt the document from tax because the LLC has not owned its interest in the general partnership for more than 2 years.

§ 91.153. [ Principal and agent ] Agent and straw party transactions.

(a) *Transfers from agent or straw party.*

(1) The transfer of [ realty ] real estate without consideration from an agent to the agent's principal or from a straw party to the real party in interest is not subject to tax, if the agent or straw party acquired the transferred [ realty ] real estate for the exclusive benefit of the principal or real party in interest.

(2) The transfer from an agent or straw party to a third person of [ realty ] real estate acquired by the agent or straw party for the exclusive benefit of the [ agent's ] principal or real party in interest is subject to tax to the same extent the transfer would be taxed if made directly by the [ agent's ] principal or real party in interest.

(b) *Transfers to agent or straw party.*

(1) A transfer of real estate without consideration to an agent or straw party from the [ agent's ] principal [ of realty in which ] or real party in interest when the principal or real party in interest retains the beneficial interest in the real estate is not subject to tax.

(2) A transfer to an agent or straw party from a third person of [ realty ] real estate acquired by the agent or straw party for the exclusive benefit of the [ agent's ] principal or real party in interest is subject to tax to the same extent that the transfer would be taxed if made directly to the [ agent's ] principal or real party in interest.

(c) *Presumption.* If the document by which title to real estate is acquired by a grantee fails to set forth that the [ realty ] real estate was acquired by the grantee as an agent or straw party from or for the benefit of [ the agent's ] a principal or real party in interest, there is a rebuttable presumption that the [ realty ] real estate is that of the grantee in the grantee's individual capacity [ if an exemption from taxation under this section is claimed ] for purposes of the tax exemption provided under § 91.193(a)(11) (relating to exemptions and exclusions).

(d) *Like-kind exchanges.* For purposes of this section and [ § 91.193(b)(11) (relating to excluded transactions) ] § 91.193(a)(11), an agent or straw party does not include:

\* \* \* \* \*

(e) *Agent or straw party conditions.* For purpose of the exemption provided under this section and § 91.193(a)(11), an agent or straw party relationship does not exist if one of the following conditions exists:

(1) The purported agent or straw party can use or uses the real estate as collateral for financing in the agent or straw party's individual capacity.

(2) The purported agent or straw party can encumber or convey the real estate without the consent of the principal or real party in interest or to the detriment of the rights of the principal or real party in interest.

(3) The purported agent or straw party has other benefits, burdens and incidents of ownership consistent with an equitable and beneficial owner of the real estate.

(4) The purported principal or real party in interest is not liable for the acts of the purported agent or straw party or for the debts, damages and other obligations associated with the purported agent or straw party's owners and use of the real estate. This condition is only applicable to liabilities the purported agent or straw party incurs as a result of actual or implied authority under the scope of the agency or straw party arrangement. The fact that the purported principal or real party in interest has contractually agreed to indemnify the purported agent or straw party or that the purported agent or straw party has subrogation rights for the liabilities against the purported principal or real party in interest outside of the agent or straw party arrangement does not circumvent this condition.

§ 91.154. Documents involving corporations, partnerships, limited partnerships and other associations.

(a) Entities are separate from their stockholders, shareholders, partners and members. Transfers of title to real estate between entities and their stockholders, shareholders, partners and members, including transfers between a subsidiary and a parent corporation and transfers in consideration of the issuance or cancellation of stock, are fully taxable, unless otherwise [ excluded ] exempt.

\* \* \* \* \*

§ 91.156. Trusts.

(a) *Transfers to ordinary trusts.* A transfer of real estate for no or nominal consideration to an ordinary trust is fully taxable unless the transfer of the same real estate would be wholly [ excluded ] exempt if the transfer was made directly from the grantor to all of the possible beneficiaries who have a remainder interest or who are otherwise entitled to receive the real estate or the proceeds from the sale of the real estate as a beneficiary under the terms of the trust, whether or not the beneficiaries are contingent or specifically named.

\* \* \* \* \*

(c) *Transfers to living trusts.*

(1) A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust is [ excluded ] exempt from tax.

(2) A transfer [ for no or nominal actual consideration ] to a trustee of a living trust from a grantor other than the settlor [ is fully taxable unless the transfer

of the real estate would be wholly excluded ] is treated as if the transfer was made directly from the grantor to the settlor.

\* \* \* \* \*

(e) *Inter vivos transfers from living trusts.*

\* \* \* \* \*

(2) A transfer from the trustee of a living trust to its settlor is [ excluded ] exempt from tax, irrespective of who conveyed the real estate to the trustee. However, if the grantor who conveyed the real estate to the trustee is the settlor's family member as defined in [ § 91.193(b)(6) (relating to excluded transactions) ] § 91.193(a)(6) (relating to exemptions and exclusions), then [ the provisions of § 91.193(b)(6)(ii) apply ] § 91.193(a)(6) (ii) applies to a subsequent transfer.

\* \* \* \* \*

(h) *Joint trusts.* A joint trust may qualify as a living or ordinary trust for purposes of this section. For purposes of determining the applicability of this section, a joint trust will be viewed as a distinct trust of each settlor. Each distinct trust must meet the criteria of a living or ordinary trust and the elements necessary to establish a tax exemption.

§ 91.157. [ Cotenants ] Joint estates.

(a) [ If cotenants partition realty, whether by agreement or judicial action, so that the property is divided into two or more distinct portions, the value of each resulting portion is not taxable to the extent of the grantee's prior interest. ] Whenever there is a joint estate in real estate, whether the joint estate is a tenancy in common, joint tenancy or tenancy by the entireties, each joint tenant shall be deemed to own a fractional interest in the real estate for purposes of determining the realty transfer tax liability associated with the conveyance of an interest in the real estate to or from the joint tenant. Each joint tenant's fractional interest shall be deemed to be equal unless the document of conveyance that created the joint estate indicates otherwise.

*Example 1.* A document conveying title to real estate to X and Y, as tenants in common, joint tenants or tenants by the entireties is deemed to convey a 50% interest in the real estate to X and a 50% interest to Y. Likewise, a document conveying title to real estate from X and Y, as tenants in common, joint tenants or tenants by the entireties is deemed to convey a 50% interest in the real estate from X and a 50% interest from Y.

*Example 2.* X, Y and Z hold a joint estate in real estate either as tenants in common or joint tenants. Therefore, each are deemed to own a 1/3 fractional interest in the real estate. If X conveys his joint interest in the real estate, tax is calculated on the sale price paid for X's 1/3 interest or, in the event the conveyance is for no or nominal consideration, 1/3 of the computed value of the real estate.

*Example 3.* Spouses own real estate by the entireties. Despite the fact that the entireties estate creates a single interest in the entire estate as between the spouses, each spouse is deemed to own a fractional 50% interest in the real estate. A con-

veyance of the real estate will be deemed to be a transfer of a 50% interest from each spouse.

(b) Except as provided in §§ 91.159(b) and 91.193(a)(5) (relating to transfers by will or intestate law; and exemptions and exclusions), if a jointly-owned parcel of real estate is divided, whether by agreement or judicial action, into two or more distinct parcels, the value of a resulting parcel is not taxable if the cotenants remain owners of each parcel and their fractional ownership interests remain unchanged. If the single parcel of real estate is partitioned and one or more distinct parcels are transferred to a cotenant, then the transfer of each partitioned parcel is not taxable to the extent of the transferee cotenant's prior fractional interest in the jointly held real estate, but is taxable to the extent that the transferee cotenant receives an interest in the partitioned parcel that exceeds the prior fractional interest. The taxable value of each partitioned parcel is calculated as follows:

(1) Determine the value of the partitioned parcel. The value of a partitioned parcel shall be the actual monetary worth of the partitioned parcel determined under § 91.138 (relating to valuation).

(2) Multiply the value of the partitioned parcel by the owner's prior fractional interest in the whole parcel of real estate. If there is more than one owner of the resulting parcel, repeat step 2 for each owner and add the results for each owner together. This is the nontaxable portion of the partitioned parcel of real estate.

(3) Subtract the nontaxable portion from the value of the partitioned parcel. This is the taxable value of the resulting parcel.

*Example 1.* X, Y and Z are equal, tenant in common owners of a parcel of real estate. X, Y and Z decide to partition the real estate into two parcels. After the partition X, Y and Z are equal, tenant in common owners of each parcel. X, Y and Z execute a deed for each parcel. In this case, neither deed is subject to tax.

*Example 2.* X and Y are joint owners of a parcel of real estate with a computed value of \$150,000. X and Y each have a 1/2 ownership interest in the real estate. X and Y decide to partition the real estate into two parcels of equal size and value. X will own one parcel and Y will own the other. After partitioning the real estate, the real estate does not appreciate in value and each partitioned parcel has an actual monetary worth of \$75,000 (1/2 the computed value). X and Y execute a deed conveying one parcel to X and the other to Y. The deed conveying the parcel to X is taxable on \$37,500 (calculated as \$75,000 minus \$37,500 (\$75,000 × 1/2)). The deed conveying the parcel to Y is also taxable on \$37,500 (calculated as \$75,000 minus \$37,500 (\$75,000 × 1/2)).

*Example 3.* In year one, X and Y are joint owners of a parcel of real estate with a computed value of \$150,000. X has a 3/4 ownership interest and Y has a 1/4 ownership interest. In year two, X and Y decide to partition the real estate into two parcels of equal size. Because of the partition, the actual monetary worth of each parcel increases to \$100,000. Both parcels are subsequently assessed and have a computed value of \$100,000 each. In year three, after partitioning, X and Y execute a deed conveying one

parcel to X and the other to Y. The deed conveying the parcel to X is taxable on \$25,000 (calculated as \$100,000 minus \$75,000 ( $\$100,000 \times 3/4$ )). The deed conveying the parcel to Y is taxable on \$75,000 (calculated as \$100,000 minus \$25,000 ( $\$100,000 \times 1/4$ )).

*Example 4.* X, Y and Z are joint owners of a parcel of real estate with a computed value of \$200,000. X has a 3/4 ownership interest and Y and Z each have a 1/8 ownership interest. The parties decide to partition the real estate into two parcels. X will own one parcel and Y and Z will own the other. The actual monetary worth of each parcel after partition remains unchanged and is \$100,000 each. After partitioning, the parties execute a deed conveying one parcel to X and the other to Y and Z. The deed conveying the parcel to X is taxable on \$25,000 (calculated as \$100,000 minus \$75,000 ( $\$100,000 \times 3/4$ )). The deed conveying the parcel to Y and Z is taxable on \$75,000 (calculated as \$100,000 minus \$25,000 [ $(\$100,000 \times 1/8) + (\$100,000 \times 1/8)$ ]).

(c) If the transfer merely changes the undivided proportionate interest of the cotenants, the value of the property is taxable to the extent of the proportionate change in ownership interest.

\* \* \* \* \*

#### § 91.158. Industrial development authorities and agencies.

A transfer to an industrial development authority or a nonprofit industrial development agency is not taxable. A transfer from an industrial development authority or nonprofit industrial development agency is taxable unless one of the following applies:

\* \* \* \* \*

(2) The [ **realty** ] **real estate** conveyed to the grantee was transferred of record to the authority or agency by the grantee as security for the debt of the grantee under a financing transaction.

(3) The transaction meets the following requirements:

(i) The authority or agency held record legal title to the [ **realty** ] **real estate** granted.

(ii) At the time the authority or agency and grantee entered into the contract for a deed, sales agreement or lease and option agreement, no person other than the authority or agency had an equity interest in or option to purchase the [ **realty** ] **real estate** granted to the grantee.

(iii) The grantee shall directly use the [ **realty** ] **real estate** for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture.

#### § 91.159. Transfers by will or intestate law.

(a) A document which evidences a specific or residuary devise of real estate by will or under intestate law and a document under an orphan's court adjudication allocating [ **realty** ] **real estate** to a surviving spouse as part of his exemption or allowance is not taxable under [ § 91.193(b)(7) (relating to excluded transactions) ] § 91.193(a)(7) (relating to exemptions and exclusions) if the document is without consideration or for nominal actual consideration. A transfer made under the exercise of an option to purchase [ **realty** ] **real estate**

under a will is for consideration and is taxable, whether the transfer is a bona fide sale or not.

(b) If a joint interest in [ **realty** ] **real estate** passes to two or more heirs or devisees by will or under intestate law, a subsequent transfer of division in kind between the heirs or devisees is not taxable under [ § 91.193(b)(5) ] § 91.193(a)(5) unless the transfer is for consideration or an heir or devisee takes a share greater in value than his undivided interest. If the transfer is for consideration or an heir or devisee takes a share greater than his undivided interest, the property received by an heir or devisee is taxable to the extent of the value of the grantor's interest under the will or under intestate law.

*Example 1:*

By will, A, B and C inherited three lots of equal value as tenants in common. A, B and C convey one lot to A, one lot to B and one to C. The deeds are for nominal actual consideration. The three conveyances are not taxable under [ § 91.193(b)(5) ] § 91.193(a)(5), because the value of each party's share is equal to his undivided interest, the property divided passed by will, and the division was accomplished without additional consideration.

*Example 2:*

Assume the same facts as in Example 1, except that B and C convey their interests in two lots to A for \$10,000 and A conveys his one-third interest in the remaining lot to B and C. These conveyances are not [ **wholly excludable** under § 91.193(b)(5) or (7) ] **exempt** under § 91.193(a)(5) or (7). Unless otherwise [ **excludable—familial** ] **exempt—familial** relationship, and the like—the lots conveyed to A are [ **excludable** ] **exempt** only to the extent of A's one-third interest under the will. The interest conveyed by A is fully taxable.

(c) If an interest in [ **realty** ] **real estate** would have passed to an heir or devisee by will or under intestate law but for that heir's or devisee's disclaimer of the interest or family agreement, the value of the interest disclaimed is not [ **wholly excludable** ] **exempt** from tax under [ § 91.193(b)(5) or (7) ] § 91.193(a)(5) or (7) unless there is no or nominal consideration passing from the grantee to the heir or devisee for the disclaimer or the conveyance is [ **otherwise excludable** ] **exempt** from tax.

*Example:*

Assume the same facts as in Example 1 of subsection (b), except that B and C disclaim their interest in the two lots in exchange for A's renunciation of all of his interest in the remaining lot and \$10,000. In this situation [ § 91.193(b)(5) and (7) ] § 91.193(a)(5) and (7) are inapplicable. The conveyances would be taxed the same as in Example 2 of subsection (b).

#### § 91.160. Exchange of interest in real estate.

If parties exchange [ **realty** ] **real estate** between themselves, the [ **deeds** ] **deed** transferring title to each [ **are** ] **party** is subject to tax. The [ **tax shall be computed on the basis of the value of the interest in each realty conveyed under § 91.135 (relating to judicial sales and other transactions)** ] **taxable value of each parcel of real estate conveyed is its computed value.**

**§ 91.161. Charitable, religious and educational organizations.**

A transfer of [ realty ] real estate to or from charitable, religious, educational or other nonprofit organizations is taxable on the same basis as other deeds. See [ § 91.193(b)(17)(relating to excluded transactions) ] § 91.193(a)(17) (relating to exemptions and exclusions).

**§ 91.162. Turnkey projects.**

[ A transfer of real estate to a developer or contractor who is required by contract to reconvey the real estate to the grantor after making contracted-for improvements to the real estate is not taxable if no beneficial interest in the real estate is transferred to the developer or contractor. The reconveyance to the grantor is also not taxable. ]

(a) *Turnkey conditions.* A turnkey project only exists when the following conditions apply:

(1) Title to real estate is conveyed to a developer or contractor solely for the purpose of providing the developer or contractor a security interest in the real estate to secure payment for improvements to the real estate.

(2) The developer or contractor's interest in the real estate is limited to that of a secured creditor. A developer or contractor may not be recognized as a secured creditor but rather as having a direct ownership in the real estate if one of the following conditions exist:

(i) The developer or contractor obtains financing for the improvements and uses the real estate as collateral for the financing.

(ii) The developer or contractor has the right to encumber or convey the real estate.

(iii) The developer or contractor has other incidents of ownership consistent with an equitable and beneficial owner of the real estate.

(3) The developer or contractor is required by contract to reconvey the real estate to the grantor after the improvements have been completed and the developer or contractor has received full payment for the improvements.

(b) *Exemption.* A document that transfers title to real estate from the owner of real estate to a developer or contractor as part of a turnkey project is not taxable. A document that reconveys title to the real estate to the grantor of the real estate for purposes of extinguishing the security interest after the improvements and full payment have been made is also not taxable.

(c) *Default.* A document that is executed to make the developer or contractor's interest in the real estate absolute in the event of the owner's default under the contract is exempt as a confirmatory deed under § 91.152 (relating to confirmatory deed). A subsequent conveyance of title to the real estate to the grantor is subject to tax.

**§ 91.167. Deed of easement.**

Except as provided in [ § 91.193(b)(27) (relating to excluded transactions) ] § 91.172(b)(3) (relating to leasehold and possessory interests), easements represent a taxable interest in real estate. The tax base in these instances is the actual consideration or the actual monetary worth thereof.

**§ 91.168. Sale and leaseback transactions.**

If title to real estate is conveyed on the condition that the real estate be leased back to the grantor the document of conveyance is taxable and the lease is taxable if it is for a term of 30 years or more, unless the conveyance and lease are executed together as part of an excluded financing transaction under [ § 91.193(b)(23) (relating to excluded transactions) ] § 91.193(b)(3) (relating to exemptions and exclusions).

**§ 91.170. Rule in *Baehr Bros. v. Commonwealth*, 487 Pa. 233, 409 A.2d 326 (1979).**

\* \* \* \* \*

(b) *Combining transactions.* When a single document represents, in substance, two or more transfers of title to real estate, the document will be viewed as a series of separate transfers and documents.

\* \* \* \* \*

(2) If each separate transfer in the series is [ excluded ] exempt from tax, the single document is [ excluded ] exempt from tax. This rule only applies if the following apply:

\* \* \* \* \*

(v) The application of [ § 91.193(b)(6)(ii) (relating to excluded transactions) ] § 91.193(a)(6)(ii) (relating to exemptions and exclusions) will not be avoided by the application of this rule.

*Example 1.* X enters into an agreement of sale with Y for the conveyance of real estate for \$100,000. Y subsequently assigns the sales agreement to Z [ for \$1 million ]. Z agrees to pay Y \$900,000 for the assignment. Because of the assignment, Z assumes Y's obligation to pay the \$100,000 sale price to X for the conveyance of the real estate. Therefore, the total amount that Z must pay as a result of the assignment is \$1 million. After the assignment, X executes a deed for the conveyance of the real estate to Z [ and receives \$100,000. Y receives \$1 million from Z for the assignment ]. Z pays X the \$100,000 sale price and pays Y \$900,000 for the assignment. The deed is deemed to be two taxable transactions—a transfer of real estate from X to Y and a subsequent transfer from Y to Z. The taxable value of the deed from X to Z is \$1,100,000 based upon the original sale price of \$100,000 and the total amount of \$1 million that Z had to pay as a result of the assignment. X and Y are jointly and severally liable for the tax on the original sale price of \$100,000 [ (See § 91.132(c)) ]. See § 91.138(1)(ii) (relating to valuation). Y and Z are liable for the remaining tax on \$1 million.



*Example 2.* D dies leaving a will that devises real estate to D's two sons, X and Y. D is also survived by another son, Z. Z wants the real estate. X and Y do not want the real estate. X and Y agree to sell the real estate to Z. D's estate could execute a deed for the real estate to X and Y as tenants in common without the imposition of tax. See [ § 91.193(b)(7) ] § 91.193(a)(7). X and Y could then sell and transfer their interests in the real estate to Z without the imposition of tax. See [ § 91.193(b)(6)(i)(C) ] § 91.193(a)(6)(i)(C). Therefore, assuming the criteria in subsection (b)(2)(i)—(iv) are met, D's estate could sell and transfer the real estate to Z without the imposition of tax on the deed of transfer even though the deed from D's estate to Z would otherwise be taxable.

*Example 3.* X and Y are siblings. X has a child, Z (Y's niece/nephew). Y conveys title to real estate to Z by a document. Documents that convey title to real estate from a person's sibling to the person's child are subject to tax. Therefore, the document from Y to Z is taxable. This rule does not prohibit the imposition of tax. Although Y could have transferred the real estate to X by a document without the imposition of tax, see [ § 91.193(b)(6)(i)(C) ] § 91.193(a)(6)(i)(C), and X could then, by a separate document, have transferred the same real estate to Z without tax, see [ § 91.193(b)(6)(i)(B) ] § 91.193(a)(6)(i)(B). The document from Y to Z is still subject to tax because the two-step transaction would violate the rule under [ § 91.193(b)(6)(ii) ] § 91.193(a)(6)(ii), regarding family transfers made within 1 year.

*Example 4.* X conveys title to real estate to an industrial development authority (IDA) as security for a loan of \$1 million in a financing transaction in which the IDA is the lender. In turn, the IDA enters into an installment land contract with X for the real estate. The total installment payments serve as the debt service on the loan. During the term of the installment land contract, X enters into an agreement of sale with Y for the real estate. The purchase price for the real estate is \$5 million. At the end of the installment sales contract, X directs the IDA to convey the real estate directly to Y. In this case, the deed from the IDA to Y will be viewed as two transfers and documents: a transfer from the IDA to X in satisfaction for the repayment of the \$1 million loan and a subsequent deed for the sale of the real estate from X to Y for \$5 million. The taxable value of the deed from the IDA to Y is \$5 million. The taxable value is calculated by adding the taxable value of the transfer from the IDA to X and the transfer from X to Y as if each transfer had been effectuated by a document. The transfer from the IDA to X is excluded as the second leg in a financing transaction. See [ § 91.193(b)(23) ] § 91.193(b)(3). Neither the IDA or X are liable for tax on this transaction. The transfer from X to Y is taxable on the sale value of \$5 million. X and Y are jointly and severally liable for the tax on the \$5 million sale value.

\* \* \* \* \*

(c) **Statement of value.** When subsection (b) applies to a document, a statement of value as provided in § 91.112 (relating to statement of value) shall be filed for each transfer of title to real estate represented by the document.

(d) **Splitting transactions.** If a series of two or more transactions and associated writings, one or more of which would not be subject to tax if considered separately, are completed instead of a single transaction and taxable

document, the series of transactions and writings will be considered as if completed by the single transaction and document. Therefore, each individual writing in the series of transactions and writings will be subject to tax upon a portion of the value of the title to real estate conveyed in respect of the transactions and writings. If it is not possible to determine how to apportion all or part of the taxable value between two or more of the writings, the value for which apportionment cannot be determined shall be divided equally among all writings that do not have an apportioned value. This rule only applies if:

\* \* \* \* \*

#### § 91.171. Transfers by operation of law.

Except as provided in §§ 91.152(a) and [ 91.193(b)(1)(i), (7), (12) and (13) ] 91.193(a)(1)(i), (7), (12) and (13) (relating to confirmatory deed; and [ **excluded transactions** ] **exemptions and exclusions**), any writing that satisfies the requirements of the Statute of Frauds and confirms or evidences a transfer of title to real estate that is accomplished by operation of law is taxable on the same basis as a document that effectuates a conveyance or transfer or vests title to real estate.

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

#### § 91.172. Leasehold and possessory interests.

(a) **Taxable interests.** A leasehold or possessory interest under a real estate lease or occupancy agreement is taxable under the following circumstances:

(1) **Perpetual interest.** The term of the interest is or approximates a perpetual interest.

(2) **Thirty-year term.** The term of the interest is for 30 years or more. In determining the term of a lease under this paragraph, the following shall apply:

(i) **General rule.** The term shall be the period during which the tenant is entitled to possession of the real estate. The term shall be calculated under the following rules:

(A) The term begins when the tenant has the right to the possession of the real estate under the lease agreement regardless of when the tenant takes possession of the real estate.

(B) If the period of possession is contingent instead of fixed, the term of possession shall be the maximum possible period of possession provided for under the agreement. The period of possession is fixed if the terms of the lease provide for one set, definitive and ascertainable time period of possession that is not subject to change. The period of possession is contingent if the terms of the lease provide for two or more possible periods of possession depending on facts, conditions or circumstances.

(C) The term includes:

(I) The initial term.

(II) A renewal or extension of the initial term, whether under an option or right to renew or extend, if the renewal or extension is negotiated with and made part of or incorporated by reference into the lease or occupancy

agreement. A renewal or extension is negotiated with the lease or occupancy agreement if all of the duties and obligations of the lessor and lessee under the renewal or extension are established under the grant of the renewal or extension and all that remains to bind the lessor and lessee to those duties and obligations is for the lessee to exercise the renewal or extension.

(D) The date that the lease is executed and the date that rental payments begin are not determinative of the period of possession, although these facts are subject to the Department's review and consideration when determining the term of a lease.

(E) A license granted to the tenant to enter and inspect the real estate during due diligence or similar periods is not considered a possessory right for purposes of this subparagraph.

(ii) *Splitting agreements.* Section 91.170(d) (relating to rule in *Baehr Bros. v. Commonwealth*, 487 Pa. 233, 409 A.2d 326 (1979)) applies to a lease or occupancy agreement, renewal or extension that is executed separately from another lease or occupancy agreement, renewal or extension for purposes of circumventing this rule.

(iii) *Subsequent renewals or extensions.* A renewal or extension negotiated after, separately from and not in contemplation of the original lease or occupancy agreement, and renewals or extensions thereto, may not be added to the full term under the original lease agreement or renewals or extensions thereto. However, an amendment to a lease or occupancy agreement that provides for a renewal or extension of the original lease or occupancy agreement or renewals or extensions thereto shall be deemed to be an execution of a new lease or occupancy agreement, the term of which shall be the remaining term under the original lease or occupancy agreement and any existing renewals or extension thereto and the additional term provided for under the amendment. The document that provides for the amendment is the taxable document to the extent it creates a term of 30 years or more.

(iv) *Presumption.* It shall be presumed that a right or option to renew or extend a lease or occupancy agreement shall be exercised if the lessor and lessee cannot renegotiate the rental charge for the renewal or extension period unconditionally.

(A) A lessor and lessee cannot renegotiate a rental charge unconditionally if it is fixed at a set amount for the period or a method for calculating the rental charges is established.

(B) Renewals or extensions at the option of the lessee using any method other than an arms-length negotiation between the lessor and the lessee to establish the rental charge at the time of the renewal or extension are included in determining the term of a lease.

(C) A method for calculating the rental charge is established if the manner or procedure for calculating the rental charge is in the lease or occupancy agreement. A method for calculating the rental charge includes a provision whereby the lessor and the lessee agree to utilize a rental charge determined by an independent appraiser or appraisers selected by either or both the lessor and the lessee, or an average of rental charges.

*Example 1.* Lessor and lessee enter into a lease of real estate with a fixed initial term of 25 years. Under the terms of the lease, lessee has the option to renew the lease for an additional term of 6 years at a rent for the renewal term to be set at fair rental value at the time of the renewal, as negotiated by the parties at the time of

the renewal. The renewal term is not included in determining lease term because the lease does not establish a set rental charge for the renewal term or establish a method of determining the rental charge for the renewal term.

*Example 2.* Lessor and lessee enter into a lease of real estate with a fixed initial term of 25 years. Under the terms of the lease, lessee has the option to renew the lease for an additional term of 6 years, with the rent for the renewal term to be determined by appraisers designated by each party, which appraisers will determine fair rental value and then the rent for the 6-year renewal term will be the average of the fair rental values determined by the designated appraisers. The optional renewal term is included in determining the term of the lease because the lease establishes a method of determining the rental charge for the renewal term.

(3) *Equity lease.* Except in the case of a contract for a deed or its equivalent, a leasehold or possessory interest under which the lessor recognizes gain or loss upon the lease transaction for Federal income tax purposes and the rentals and other payments required to be made as a condition to continued use or possession are not deductible by the lessee as ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business under section 162(a) of the Internal Revenue Code (26 U.S.C.A. § 162(a)) and are recoverable by the lessee through allowances for depreciation or amortization for Federal income tax purposes.

(b) *Nontaxable interests.* The following leasehold or possessory interests under a real estate lease or occupancy agreement are not taxable:

(1) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof. See § 91.169 (relating to conveyances of coal, oil natural gas or minerals).

(2) The rescission, cancellation or abandonment of an existing lease or contract for a deed if the rescission, cancellation or abandonment is for no or nominal consideration or the remaining term of the lease or contract is less than 30 years. The remaining term of the lease or contract shall be determined under subsection (a)(2).

(3) A sublease or the assignment of a lessee's rights under an existing lease, unless the lessee is released from performance under the lease by the lessor.

*Example 1.* B, the lessee under a lease with A, subleased the leased premises to C. B remained liable to A for full performance under the lease. The sublease is not taxable because B has not been released from performance under the lease by A.

*Example 2.* E, the lessee under a 99-year lease with D, assigned the leased premises to F. D released E from future performance under the lease. If the unexpired term of the lease is 30 years or more or the assignee obtains an equity interest in the premises under the assignment, the assigned lease is subject to tax.

(4) A leasehold or possessory interest under a real estate lease or occupancy agreement that is not taxable under subsection (a) is exempt from tax.

Subchapter I. [ **EXCLUDED PARTIES AND TRANSACTIONS** ] **EXEMPTIONS AND EXCLUSIONS**

§ 91.191. [ **General applicability of tax** ] (Reserved).

[ **Each party to a document is jointly and severally liable for the tax imposed by this chapter,**

unless the party is an excluded party or the document evidences an excludable transaction. ]

§ 91.192. [ Excluded ] Exempt parties.

(a) The Commonwealth and its governmental subdivisions, instrumentalities, agencies and other subordinate governmental bodies and the United States and its instrumentalities, agencies and other subordinate bodies are [ excluded ] exempt from payment of the tax imposed by this chapter.

(b) The [ excluded ] exempt status of a party does not relieve the other parties to a transaction from the entire tax due. The tax liability of a nonexempt party to a transaction may be discharged by the other parties as they agree but without prejudice to the rights of the Commonwealth against [ nonexcluded ] exempt parties to the transaction.

§ 91.193. [ Excluded transactions ] Exemptions and exclusions.

(a) [ Excluded parties. A transaction in which all parties are excluded parties under § 91.192(a) (relating to excluded parties) is excluded from tax.

(b) Additional exclusions. Other transactions which are excluded from tax include: ] Exemptions. The following are exempt from tax:

\* \* \* \* \*

(2) A document which the Commonwealth is prohibited from taxing under the Constitution or statutes of the United States, including:

(i) A transfer under a bankruptcy plan confirmed under section 1129 of the act of November 6, 1978 (Pub. L. No. 95-598) (92 Stat. 2549), known as the Federal Bankruptcy Act (Bankruptcy Act) (11 U.S.C. § 1129) and exempt under section [ 1146(c) ] 1146(a) of the Bankruptcy Act [ (11 U.S.C. § 1146(c)) ] (11 U.S.C. § 1146(a)). To claim this [ exclusion ] exemption, a copy of the order and confirmed plan highlighting the specific provision in the plan authorizing the transaction and proof that the deed to be recorded was executed by the parties to the transaction subsequent to the plan confirmation shall accompany the statement of value. Transfers made prior to plan confirmation do not qualify for tax exemption. A transfer is made under a plan confirmed under section 1129 only when the transfer is authorized by the specific terms of a previously confirmed Chapter 11 plan.

\* \* \* \* \*

(6) Transfers between certain family members:

(i) A transfer between any of the following:

\* \* \* \* \*

(F) Persons who were previously married but who have since been divorced, if the transferred [ realty ] real estate was acquired by both spouses or by either spouse before or during their marriage. This exemption only applies if the transfer is under the final divorce decree or a court ordered division or distribution of the real estate incident to the divorce.

Example 1. During the marriage, husband and wife purchased a parcel of real estate and took title as tenants by the entireties. Five years later, the spouses file for divorce. The spouses receive a divorce decree, but the spouses do not request a division of their marital assets as part of the

divorce. Upon the divorce becoming final, the spouses are no longer married; by law, they become equal tenants in common in the real estate. Two years later, ex-husband agrees to convey his tenant in common interest in the real estate to ex-wife. The conveyance of ex-husband's interest is subject to tax because the ex-spouses are no longer married and the conveyance was made after and not in connection with the divorce.

Example 2. Same facts as Example 1, except that as part of the divorce decree the Orphans' Court accepts a property settlement agreement executed by the spouses. The agreement provides that husband will convey his interest in the real estate to wife within 3 years of the divorce decree. In this case, ex-husband's conveyance of the real estate to ex-wife two years after the divorce is not subject to tax because it was executed as part of the property settlement that was approved as part of the divorce decree.

Example 3. Same facts as Examples 1 and 2, except that the property settlement is bifurcated from the divorce proceeding, and the property settlement agreement is approved by order of the court after the divorce decree is entered. Further, the agreement provides that ex-husband will convey his interest in the real estate to ex-wife who is to use the real estate as a primary residence for herself and the ex-spouses' children. The property settlement agreement also provides that ex-wife will convey the entire interest in the real estate to ex-husband at the earlier of their living children reaching 25 years of age or wife and children ceasing to use the real estate as their primary residence. When ex-husband conveys his interest in the real estate to ex-wife, the conveyance is exempt from tax. Also, when ex-wife conveys the real estate to ex-husband after all the children reach 25 years of age or ex-wife and the children no longer use the real estate as their personal residence, the deed of conveyance will also be exempt from tax. Both conveyances are deeds executed as the final severance of the marital unit pursuant to the divorce as approved by the Court.

\* \* \* \* \*

(11) A transfer for no or nominal actual consideration between principal and agent or straw party and a transfer between an agent or straw party and third party, where the transfer of the same [ realty ] real estate would be [ excluded ] exempt if the transfer were made directly between the principal of the agent or straw party and the third party. See § 91.153 (relating to principal and agent).

\* \* \* \* \*

(13) Certain transfers to shareholders.

(i) A transfer from a corporation or association to its shareholder or member if:

(A) The transferred [ realty ] real estate is held of record in the name of the corporation or association or is held of record in the name of an agent of the corporation or association who acquired the [ realty ] real estate as agent for the corporation or association.

\* \* \* \* \*

(14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority. See § 91.158 (relating to industrial development authorities and agencies).

*Example.* In an industrial development agency transaction, C enters into a contract for the improvement of a manufacturing plant. C transfers the plant [ **realty** ] **real estate** to the IDA, which borrows money to finance the improvements. The IDA leases back the [ **realty** ] **real estate** to C, or sells the [ **realty** ] **real estate** back to C under an installment-sale contract. C's payments to the IDA under the lease or installment-sale contract are sufficient to enable the IDA to recover its financing costs. Title to the improved [ **realty** ] **real estate** is transferred back to C at the end of the lease term or installment-sales agreement payment term.

\* \* \* \* \*

(19) A transfer of real estate devoted to the business of agriculture to a family farm corporation or family farm partnership by a member of the same family which directly owns at least 75% of each class of the stock thereof or the interest in the partnership.

*(Editor's Note:* Paragraph (20) is proposed to be deleted because the rule is in § 91.202(c). The text in paragraph (22) is proposed to be added in proposed § 91.172. Paragraphs (23)—(25), (28) and (29) are proposed to be added in proposed § 91.193(b). Paragraph (24)(i)—(iv) is proposed to be added to § 91.172. Paragraph (26) is proposed to be added in § 91.172(b)(2). Paragraph (27) is proposed to be added in § 91.172(b)(3). Paragraph (31) is renumbered as subsection (a)(22). The remaining paragraphs have been renumbered under subsection (a).)

(20) [ **Transfers of interest in a real estate company between members of the same family. See § 91.202(c) (relating to acquired real estate company).** ] A transaction in which all parties are exempt parties under § 91.192(a) (relating to exempt parties).

\* \* \* \* \*

(22) [ **Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof. See § 91.169 (relating to conveyances of coal, oil, natural gas or minerals.)**

(23) A financing transaction evidenced by a deed of trust, defeasible deed or other instrument of like character given as a security for a debt, a lease to the debtor or a deed of release.

*Example.* A transfers title to real estate to B in exchange for a cash payment. As part of the same transaction, B immediately leases back the real estate to A for 30 or more years. A's rental payments under the lease are sufficient to allow B to recoup his entire cash payment to A plus interest on the cash payment. A has the right to repurchase the real estate from B for a nominal amount at the end of the lease term. Neither the sale nor the lease is subject to tax.

(24) A real estate lease or occupancy agreement, unless one of the following applies:

(i) The lease or occupancy agreement is for a term of 30 years or more.

(ii) Gain or loss is realized on the lease transaction by the lessor for Federal income tax purposes and the rentals and other payments required to be made as a condition to continued use or possession are not deductible by the lessee as ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business under section 162(a) of the Internal Revenue Code (26 U.S.C.A. § 162(a)) and are recoverable by the lessee through allowances for depreciation or amortization for Federal income tax purposes.

(iii) The lease or occupancy agreement is perpetual or otherwise approximates a perpetual lease.

(iv) The lease does not constitute an excludable lease under § 91.168 (relating to sale and leaseback transactions).

(v) In determining the term of a lease under this paragraph, it shall be presumed that a right or option to renew or extend a lease will be exercised if the lessor and lessee cannot renegotiate the rental charges for the renewal or extension period unconditionally. A lessor and lessee cannot renegotiate a rental charge unconditionally if it is fixed at a set amount for the period or a method for establishing the rental charges is established. Renewals or extensions at the option of the lessee at fair rental value at the time of the renewal or extension are not included in determining the term of a lease.

(25) A transfer of a deed to a burial site which does not convey title to land but only a right to sepulchre and to erect monuments.

(26) The rescission, cancellation or abandonment of an existing lease or contract for a deed if the rescission, cancellation or abandonment is for no or nominal consideration or the remaining term of the lease or contract is less than 30 years. The remaining term of the lease or contract shall be determined under paragraph (24)(v).

(27) A sublease or the assignment of a lessee's rights under an existing lease, unless the lessee is released from performance under the lease by the lessor.

*Example 1:* B, the lessee under a lease with A, subleased the leased premises to C. B remained liable to A for full performance under the lease. The sublease is not taxable because B has not been released from performance under the lease by A.

*Example 2:* E, the lessee under a 99-year lease with D, assigned the leased premises to F. D released E from future performance under the lease. If the unexpired term of the lease is 30 years or more or the assignee obtains an equity interest in the premises under the assignment, the assigned lease is subject to tax.

(28) Transfer of an easement to a person furnishing public utility service, if the easement is used in, or useful for, furnishing public utility services.

(29) A contract for a deed in which the legal title does not pass to the purchaser until the total consideration specified in the contract has been paid, unless the following apply under the contract:

(i) The purchaser obtains or retains possession of the real estate.

(ii) The consideration is payable over a period of time exceeding 30 years.

(30) The assignment of a buyer's rights, under a contract for a deed, unless the buyer is released from performance under the agreement by the seller.

(31) A transaction evidenced by a document made, acknowledged and accepted prior to February 15, 1951.

[ (32) ] (23) Transfers to the trustee of a living trust as provided in § 91.156(c).

[ (33) ] (24) Transfers from the trustee of a living trust as provided in § 91.156(e).

[ (34) ] (25) Transfers from the trustee of a testamentary trust or living trust after the death of the settlor as provided in § 91.156(f).

(b) Exclusions. The following are excluded from tax:

(1) A will.

(2) A conventional mortgage or assignment, extension, release or satisfaction thereof.

(3) A financing transaction evidenced by a deed of trust, defeasible deed or other instrument of like character given as a security for a debt, a lease to the debtor or a deed of release.

(4) A land contract or contract for a deed in which the legal title does not pass to the purchaser until the total consideration specified in the contract has been paid, unless the consideration is payable over a period of time exceeding 30 years.

(5) An instrument that solely grants, vests or confirms a public utility easement. This exclusion is only applicable if the easement is granted to a person furnishing public utility service and if the easement is used in, or useful for, furnishing public utility services.

(6) A real estate lease or occupancy agreement under § 91.172(b) (relating to leasehold and possessory interests).

(7) A transfer of a deed to a burial site which does not convey title to real estate but only a right to sepulcher and to erect monuments.

(c) [ Documents that convey or evidence the transfer of real estate between the parties involved in the transactions enumerated in subsection (b) are excluded from tax. Subsection (b) has no ] Subsections (a) and (b) do not have application to acquisitions of real estate companies as provided in § 91.202 (relating to acquired real estate company).

§ 91.194. Statement of value.

Except for the exclusion for public utility easements in [ § 91.193(b)(28) (relating to excluded transactions) and the exclusion ] § 91.193(b)(5) (relating to exemptions and exclusions) and the exemption for familial transactions in [ § 91.193(b)(6) ] § 91.193(a)(6), in order to exercise an [ exclusion ] exemption provided in this subchapter, the true, full and complete value of the transferred [ realty ] real estate shall be shown on the statement of value. For leases of coal, oil, natural gas or minerals and familial transactions, the statement of value may be limited to an explanation of the reason the document is not subject to tax.

§ 91.195. State-related universities and public charities.

(a) For purposes of §§ 91.192 and [ 91.193(a) ] 91.193(a)(20) (relating to [ excluded ] exempt parties; and [ excluded transactions ] exemptions and exclusions), institutions that are part of the State System of Higher Education and the following State-related universities constitute [ excluded ] exempt parties:

\* \* \* \* \*

(b) Transfers to the institutions enumerated in subsection (a) by gift or dedication are [ excluded ] exempt transactions.

(c) Transfers of real estate to an institution enumerated in subsection (a) other than by gift or dedication and all transfers by those institutions are taxable upon the same basis as other transfers to or from [ excluded ] exempt parties.

\* \* \* \* \*

Subchapter J. REAL ESTATE COMPANY

§ 91.201. Real estate company.

(a) A corporation or association is a real estate company when it is primarily engaged in the business of holding, selling or leasing [ realty ] real estate 90% or more of the ownership interest in which is held by 35 or fewer persons and which does one of the following:

(1) Derives 60% or more of its annual gross receipts from the ownership or disposition of [ realty ] real estate.

(2) Holds [ realty ] real estate, the value which comprises 90% or more of its entire tangible asset holdings, exclusive of tangible assets which are freely transferable and actively traded on an established market.

\* \* \* \* \*

Subchapter K. FAMILY FARM CORPORATION AND FAMILY FARM PARTNERSHIP

§ 91.212. Acquired family farm corporation.

A family farm corporation holding family farm [ realty ] real estate becomes an acquired family farm corporation when:

(1) Because of the acquisition or transfer of a corporate asset, less than 75% of the book value of its total assets are devoted to the business of agriculture.

\* \* \* \* \*

§ 91.213. Declaration of acquisition.

A declaration of acquisition shall be filed in accordance with § 91.203 (relating to declaration of acquisition) with respect to family farm [ realty ] real estate held on the date the family farm corporation became acquired.

\* \* \* \* \*

**Subchapter L. CREDITS AGAINST TAX**

**§ 91.233. Transfers by grantor of rented real estate.**

[ If there is a transfer of real estate which has been rented by the grantor to another ] When a lessor transfers title to real estate that is subject to a lease upon which realty transfer tax was paid and the transfer occurs during the term of the lease, a credit for the amount of tax paid at the time of the [ rental shall be given to the grantor toward the tax ] lease, if any, shall be given against the subsequent tax liability due upon the document of transfer. This credit is not applicable if the transfer occurs after the termination of the lease upon which tax was paid. To claim the credit a statement of value shall accompany the document.

*Example:*

A leases real estate to X for a 50-year term. The computed value of the real estate is \$800,000, and tax is paid on the lease in the amount of \$8,000. [ A

sells the real estate subject to X's lease to P for \$1 million. ] Subsequently, and during the term of the lease, A enters into an agreement whereby A agrees to sell X the real estate subject to lease (the buyer could be X or another party) for \$1 million. The deed conveying the real estate from A to the buyer is subject to tax in the amount of \$10,000 based upon the sale value of \$1 million. However, a credit for the amount of tax paid on the lease can be applied against the tax liability for the deed. The computation of the tax is as follows:

Tax [ on transfer to P ] liability for the deed	\$10,000
Tax paid on the lease [ to X ]	- 8,000
	<hr/>
Tax to be paid [ to recorder on transfer to P ] on the deed	\$ 2,000

[Pa.B. Doc. No. 11-1993. Filed for public inspection November 18, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 1, 2011.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-14-2011	Warren H. Weiner WFP2, LP.	Effective
	Application for approval to collectively acquire up to 24.7% of the outstanding shares of Hyperion Bank, Philadelphia, Philadelphia County	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-24-2011	Northwest Savings Bank Warren Warren County	1127 Zion Road Bellefonte Centre County	Opened
10-26-2011	ESB Bank Ellwood City Lawrence County	Rochester Road and Graham Park Drive Cranberry Township Butler County	Opened

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-28-2011	White Rose Credit Union York York County	Filed
	Application for approval to merge Central York Federal Credit Union, York, with and into White Rose Credit Union, York.	

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1994. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 8, 2011.

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

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-4-2011	Susquehanna Bancshares, Inc. Lititz Lancaster County Application for approval to acquire 100% of Tower Bancorp, Inc., Harrisburg.	Filed
11-4-2011	S&T Bancorp, Inc. Indiana Indiana County Application for approval to acquire 100% of Mainline Bancorp, Inc. Ebensburg, and thereby indirectly acquire 100% of Mainline National Bank, Portage.	Filed

##### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-4-2011	Susquehanna Bank Lititz Lancaster County Application for approval to merge Graystone Tower Bank, Harrisburg, with and into Susquehanna Bank, Lititz. The transaction will include some branch closures as well as consolidations.	Filed

##### Branch Applications

###### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-3-2011	1st Summit Bank Johnstown Cambria County	332 Unity Plaza Latrobe Westmoreland County	Filed

###### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-8-2011	Union Bank and Trust Company Pottsville Schuylkill County	<i>To:</i> 115 South Centre Street Pottsville Schuylkill County  <i>From:</i> 121 North Progress Avenue Pottsville Schuylkill County	Filed

#### SAVINGS INSTITUTIONS

No activity.



**CREDIT UNIONS**  
**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-8-2011	Crayola LLC Employees Credit Union Easton Northampton County	Filed
	Amendment to Article 8 of the institution's Articles of Incorporation in its entirety.	

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1995. Filed for public inspection November 18, 2011, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2011**

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

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

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.51 to which was added 2.50 percentage points for a total of 5.01 that by law is rounded off to the nearest quarter at 5%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1996. Filed for public inspection November 18, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, actions and special notices

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#### APPLICATIONS

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### 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>
PA0063975 (Sewage)	Thompson Borough Water Street, P. O. Box 89 Thompson, PA 18465	Susquehanna County Thompson Borough	Starrucca Creek (4-E)	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

*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>
PA0009253 (IW)	BAE Systems Land & Armaments 1100 Bairs Road York, PA 17405	York County / West Manchester Township	UNT Codorus Creek / 7-H	Y
PA0038288 (Individual Stormwater)	RecOil, Inc. 280 East Street York, PA 17403	York County / York City	UNT Mill Creek / 7-H	Y
PA0085413 (Sew)	Lower Marsh Creek Presbyterian Church 1865 Knoxlyn Road Gettysburg, PA 17325	Adams County / Highland Township	Marsh Creek / 13-C	Y
PA0043486 (IW)	Lancaster County Solid Waste Management Authority— Creswell Landfill 1299 Harrisburg Pike Lancaster, PA 17604	Lancaster County / Manor Township	Manns Run / 7-J	Y
PA0084018 (Sew)	Fishing Creek Estates Homeowner's Association Custer Group Companies 2805 Old Post Road, Suite 200 Harrisburg, PA 17110	Dauphin County / Middle Paxton Township	Fishing Creek / 7-C	Y
PAS603505 (Individual Stormwater)	J & K Salvage, Inc. 1099 Kings Mill Road York, PA 17403	York County / Spring Garden Township	Codorus Creek / 7-H	Y
PA0084816 (IW)	Sunoco Pipeline, LP (Montello PS) 525 Fritztown Road Sinking Spring, PA 19608	Berks County / Sinking Spring Township	Cacoosing Creek / 3-C	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>
PAS238302 (Storm Water)	Air Liquide Industries, U.S. St. Marys 203 West Creek Road Saint Marys, PA 15857	Elk County City of Saint Marys	Unnamed Tributary to West Creek 8-A	Y
Pa0032026 (Sewage)	Family Affair Campground 9640 Findley Lake Road North East, PA 16428	Erie County North East Township	Unnamed tributary to Sixteenmile Creek 15-A	Y
PA0091316 (Sewage)	ButtercupWoodlands Campground 854 Evans City Road Renfrew, PA 16053	Butler County Connoquenessing Township	Unnamed tributary to Little Connoquenessing Creek 20-C	Y
PA0027227 (Sewage)	Camp Allegheny 140 Jenkins Circle Ellwood City, PA 16117	Lawrence County Wayne Township	Slippery Rock Creek 20-C	Y

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

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

**PA0061841**, Industrial Waste, SIC Code 4941, **Pennsylvania American Water**, 100 N. Pennsylvania Avenue, Wilkes-Barre, PA 18701. Facility Name: Pennsylvania American Water—Brownell Water Treatment Plant. This existing facility is located in Carbondale Township, **Lackawanna 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), Racket Brook, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a discharge flow of 0.138 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Total Aluminum	XXX	XXX	XXX	1.1	2.2	XXX
Total Iron	XXX	XXX	XXX	2.0	4.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX

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

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

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

- 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 in effect.

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

**PA0020591**, Sewage, SIC Code 4952, **Mount Gretna Authority**, 101 Chautauqua Drive, Mount Gretna, PA 17064. Facility Name: Mt Gretna STP. This existing facility is located in South Londonderry Township, **Lebanon 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), Conewago Creek, is located in State Water Plan watershed 7-G and is classified for Trout Stocking, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.20 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	42	67	XXX	25	40	50
		Wkly Avg				
Total Suspended Solids	50	75	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	6.7	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	20	XXX	XXX	12	XXX	24
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	1,217	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	0.050	XXX	XXX	0.030	XXX	0.075

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

- Conduct a Toxic Reduction Evaluation

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

The EPA Waiver is in effect.

**PA0014621**, Industrial Waste, SIC Code 4941, **United Water PA Inc.**, 4211 E Park Circle, Harrisburg, PA 17111-2806. Facility Name: Sixth Street Water Plant. This existing facility is located in Susquehanna Township, **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 001 are based on a design flow of 0.544 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
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

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

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

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.

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

The EPA Waiver is in effect.

**PA0035157**, Industrial Waste, SIC Code 2015, **Farmers Pride**, PO Box 39, Fredericksburg, PA 17026-0039. Facility Name: Farmers Pride Poultry. This existing facility is located in Bethel Township, **Lebanon County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.02	XXX	0.06
CBOD <sub>5</sub>	75	150	XXX	10	20	25
Total Suspended Solids	75	150	XXX	10	20	25
Oil and Grease	Report	Report	XXX	8.0	14	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	400	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 400	400	XXX
Geo Mean				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	7.5	15	XXX	1.0	2.0	2.5
Nov 1 - Apr 30	22.5	45	XXX	3.0	6.0	7.5
Total Phosphorus (Permit Effective date - 9/30/15)	15	30	XXX	2.0	4.0	5.0
Total Phosphorus (10/01/15 - Permit Expiration)	3.8	7.5	XXX	0.50	1.0	1.25
Total Nitrogen	Report	Report	XXX	103	147	257

The proposed effluent limits for Outfall 003 are based on a design flow of 0.00 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>
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	16438	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	1370	XXX	XXX	XXX

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

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

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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.

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

**PA0010031 A-2**, Industrial Waste, SIC Code 4911, **GenOn REMA, LLC**, 121 Champion Way, Canonsburg, PA 15317. Facility Name: GenOn REMA, LLC—Shawville Station. This existing facility is located in Bradford Township, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed amendments are as follows:

1. Minimum pH reporting has been added to Outfall 002, 003 and 012. Daily Maximum pH reporting has been added to Outfall 009.
2. Existing thermal limitations at Outfall 008 have been replaced with more restrictive thermal limitations as follows:

<i>Monitoring Period</i>	<i>Heat Rejection Rate (MBTUs/day)</i>	<i>Daily Maximum</i>
Jan 1-31		3439
Feb 1-29		4141
Mar 1-31		2256
Apr 1-30		3753
May 1-31		2856
Jun 1-15		3541
Jun 16-30		5851
Jul 1-31		3481
Aug 1-15		2443
Aug 16-31		4944
Sep 1-15		4902
Sep 16-30		4857
Sep 16-30		5348
Oct 1-15		4504

	<i>Heat Rejection Rate (MBTUs/day)</i>
<i>Monitoring Period</i>	<i>Daily Maximum</i>
Nov 1-15	4513
Nov 16-30	1155
Dec 1-31	1918

3. The authorization to discharge end date in Part A I.D. has been modified from "Permit Effective Date Plus Three Years" to July 31, 2015. The authorization to discharge begin date in Part A I.E. has been modified from September 1, 2013 to August 1, 2015.

4. The compliance schedule in Part C I.B. has been modified as shown below:

*Compliance Schedule.* The permittee shall be in compliance with effluent limitations for heat contained in Part A I.E, or terminate this discharge, in accordance with the following schedule:

<i>Activity</i>	<i>Due Date</i>
1. The heated discharge may not exceed 110°F (43.3°C) at any point accessible to the general public.	June 1, 2011
2. Submit Selected Alternative For Compliance With Heat Limits	June 1, 2012
3. Submit Any Necessary Applications for Selected Alternative to Department of Environmental Protection and Susquehanna River Basin Commission	December 31, 2012
4. Award any necessary contracts for construction to meet heat limits	December 31, 2013
5. Submit Quarterly Progress Reports For Implementation Of Selected Alternative To: PADEP Water Management Program ATTN: Compliance Specialist 208 West Third Street, Suite 101 Williamsport, PA 17701-6448	Quarterly
6. Substantial completion of construction project to meet heat limits if applicable	July 1, 2015
7. Install flow meter to measure the discharge through outfall 008 if applicable	July 31, 2015
8. The heated discharge may not change the temperature of the receiving stream by more than 2°F in any one-hour period	July 31, 2015
9. Compliance with thermal effluent limitations	July 31, 2015

In any event, the permittee may comply with all of its obligations under this Paragraph, including compliance with the final thermal limitations, by terminating and/or curtailing operations at the facility.

5. Part C I.C. has been added to the permit as follows:

No later than 14 calendar days following the date identified in the above schedule of compliance, the permittee shall submit to the Department a written notice of compliance or non-compliance with the specific schedule requirement(s) to:

PADEP Water Management Program  
ATTN: Compliance Specialist  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

6. Part C I.I.C. has been modified as shown below:

Should a closed-cycle re-circulating cooling system not be installed at Shawville Generating Station, but water will be withdrawn for cooling purposes, the following information shall be submitted with the subsequent permit application:

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

The EPA Waiver is not in effect.

**PA0209317**, SIC Code 4952, **Oakridge Personal Care Home**, 34 Oak Ridge Lane, Mill Hall, PA 17751-8552. Facility Name: Oakridge Personal Care Home. This existing facility is located in Colebrook Township, **Clinton 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), Tangascootack Creek, is located in State Water Plan watershed—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 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly Report	XXX	Minimum XXX	Average Monthly XXX	XXX	Instant. Maximum XXX
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	1.0	XXX	2.3
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	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		

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

The EPA Waiver is in effect.

**PA0234052**, CAFO 0213, 0212, 0272, **James W. Showers**, 767 Gray Hill Road, New Columbia, PA 17856-9407. This proposed facility is located in White Deer Township, **Union County**.

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

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

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

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

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

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

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

10. Freeboard—(Correction) The permittee shall maintain a minimum of 6 inches of freeboard at the liquid manure storage structures at all times. This minimum of 6 inches of freeboard is corrected from the 2 feet of freeboard previously stated in the *Pennsylvania Bulletin* application notice published on 10/22/2011.

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

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



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

**PA0253146**, Sewage, **Windber Country Club**, 1392 Forest Hills Drive, Salix, PA 15952. Facility Name: Windber Country Club STP. This existing facility is located in Adams Township, **Cambria County**.

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

The receiving stream(s), Little Paint Creek, is located in State Water Plan Watershed 18-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 0.003 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	0.003	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
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
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	18.0	XXX	36.0

The EPA Waiver is in effect.

**PA0096890**, Sewage, **G & G Mobile Home Sales**, 23 Oakridge Heights Drive, Oakdale, PA 15071-3914. Facility Name: Oakridge Heights MHP STP No. 2. This existing facility is located in North Fayette Township, **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 of Robinson 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 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	0.02	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	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

The EPA Waiver is in effect.

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

**PA0027227**, Sewage, SIC Code 4952, **Farrell City WWTP**, 500 Roemer Boulevard, Farrell, PA 16121-1901. Facility Name: Farrell City WWTP. This existing facility is located in City of Farrell, **Mercer County**.

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

The receiving stream, the Shenango River, is located in State Water Plan watershed 20-A and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.57 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	744	1191	XXX	25	40	50
Total Suspended Solids	893	1340	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	417	XXX	XXX	14	XXX	28
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX

Combined Sewer Overflow discharge points

Outfall 002 (Broadway Pump Station)

Outfall 006 (CSO Related Bypass)

Outfall 007 (Spearman Avenue)

Outfall 008 (Beachwood Avenue)

The proposed effluent limits for Outfall 009 are based on a design flow of N/A MGD.

The discharge(s) shall consist of uncontaminated stormwater runoff from the treatment plant site.

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

- Superceded previous permits
- Effluent Chlorine Minimization
- Combined Sewer Overflows
- CSO Related Bypass
- Whole Effluent Toxicity testing for the NPDES renewal permit
- Stormwater Best Management Practices
- Electronic Discharge Monitoring Reporting Requirement

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

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

**WQM Permit No. 2811404**, Sewerage, **Alvin Fisher**, 6756 McClays Mill Road, Newburg, PA 17240.

This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment plant to serve their single family house.

**WQM Permit No. 2111403**, Sewerage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025.

This proposed facility is located in East Pennsboro Township and Wormleysburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of approx. 3,350' of new foremain and approx. 3,800' of replacement of existing interceptor; existing 12-15" clay pipe will be replaced with 15-21" HDPE pipe. Upgrades to the Southwest Pumping Station and Foremain and Replacement of the Southeast Trunk.

**WQM Permit No. 2111404**, Sewerage, **Camp Hill Borough**, 2145 Walnut Street, Camp Hill, PA 17011.

This proposed facility is located in Camp Hill Borough and Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of conveyance system to Hampden Township Sewer System.

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

**WQM Permit No. 3210201-A1**, Industrial Waste, **GenOn NE Mgmt. Co.**, 121 Champion Way, Suite 200, Canonsburg, PA 15317

This existing facility is located in W. Wheatfield Township, **Indiana Co.**

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

**WQM Permit No. 5688201-T1A1**, Industrial Waste, **Shade Landfill, Inc.**, 1176 No. 1 Rd., Cairnbrook, PA 15924-9726

This existing facility is located in Shade Township, **Somerset Co.**

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091105	Rohm and Haas Chemicals, LLC 3100 State Road Croydon, PA 19021	Bucks	Bristol Township	Delaware River (WWF)
PAI01 1505050-R	SBCM, Inc. PO Box 3085 West Chester, PA 19381	Chester	West Chester Borough	Unnamed Tributary Blackhorse Run (TSF-MF)
PAI01 511103	Toll PA IX, LP 250 Gibraltar Road, 2E Horsham, PA 19044	Philadelphia	City of Philadelphia	Schuylkill River (WWF)

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

*Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025211003	PennDOT, District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Delaware & Lehman Twps.	Hornbecks Creek, HQ-CWF, MF; UNT Hornbecks Creek, HQ-CWF, MF; UNT to Delaware River (Spackmans Creek), HQ-CWF, MF UNT to Delaware River (Briscoe or Alicias Creek), HQ-CWF, MF; Toms Creek, EV, MF; UNT to Toms Creek, EV, MF; UNT to Toms Creek (Bear Road Run), EV, MF

*Lehigh County Conservation District: Lehigh Ag. Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911014	Nick Grisafi Alforno Properties, LLC 1860 Catasauqua Road Allentown, PA 18109	Lehigh	Hanover Township	Monocacy Creek, HQ-CWF, MF

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701  
Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041711004	PA Dept of Conservation & Natural Resources Moshannon State Forest 3372 State Park Road Penfield PA 15849	Clearfield	Girard Township Goshen Township	Deer Creek CWF Trout Run, Dixon Run, Stump Lick Run & Little Trout Run HQ-CWFs
	EOG Resources Inc 191 Beaver Drive DuBois PA 15801			

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044111004	Herman E. Logue 2801 Confields Lane Montoursville PA 17754	Lycoming	Loyalsock Township	Loyalsock Creek Existing Use & EV

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

*Washington County Conservation District, 100 West Beau Street, Suite 105, Washington, PA 15301, (724.228.6774)*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056311006	Golden Triangle Construction Co., Inc. 8555 Old Stubenville Road Imperial, PA 15126	Washington	South Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724.378.1701)*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050411004	PA Dept. of Environmental Protection Southwest Regional Office (SWRO) 400 Waterfront Drive Pittsburgh, PA 15222	Beaver	Rochester Borough	Ohio River (WWF) N

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

*Crawford County Conservation District, Woodcock Nature Center, 21742 German Road, Meadville PA 16335*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062008001(1)	Vantage Real Estate Investment Co LLC 1305 South Main Street Meadville PA 16335	Crawford	City of Meadville	French Creek WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

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

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication

of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Stephen L. Hershey 500 Florin Avenue Mt. Joy, PA 17552	Lancaster	23.6	1802.64	Layers	NA	Renewal
Robert L. Brubaker Jr. 2871 North Colebrook Road Manheim, PA 17545	Lancaster	38.5	386.41	Swine / Pullet	NA	Renewal
Rohrer Farms LLC 750 Doe Run Road Lititz, PA 17543	Lancaster	365.4	1841.54	Swine / Pullets	NA	Renewal
Tom Zartman 820 Hilltop Road Ephrata, PA 17522	Lancaster	700	625.95	Swine / Steer	NA	Renewal

#### PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

#### SAFE DRINKING WATER

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

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

##### Application No. 5211507, Public Water Supply.

Applicant	<b>Waterflow Pike, Inc.</b>
[Township or Borough]	Palmyra Township <b>Pike County</b>
Responsible Official	Barry J. Newcomer, President Waterflow Pike, Inc. 618 Route 507 Paupack, PA 18451
Type of Facility	Community Water System
Consulting Engineer	Michael W. Weeks, PE McGoey, Hauser & Edsall Consulting Engineers, PC 111 Wheatfield Drive, Suite 1 Milford, PA 18337 570-296-2765
Application Received Date	October 26, 2011
Description of Action	Application for construction of an above grade well station.

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

##### Permit No. 5011505, Public Water Supply.

Applicant	<b>Newport Borough Water Authority</b>
Municipality	Newport Borough
County	<b>Perry</b>

Responsible Official Barbara Hart, Chairman  
231 Market Street  
Newport, PA 17074

Type of Facility Public Water Supply

Consulting Engineer Harry E Bingaman, P.E.  
Glace Assoc., Inc.  
3705 Trindle Rd.  
Camp Hill, PA 17011

Application Received: 7/29/2011

Description of Action Replacement of the sodium hypochlorite design with chlorine gas at the new filter plant.

**Permit No. 3611543, Public Water Supply.**

Applicant **East Cocalico Township Authority**

Municipality East Cocalico Township

County **Lancaster**

Responsible Official Terry W. Reber,  
Authority Administrator  
102 Hill Road  
Denver, PA 17517

Type of Facility Public Water Supply

Consulting Engineer George H Wagner JR, P.E.  
Camp Dresser & McKee Inc  
205 Granite Run Drive  
Lancaster, PA 17601

Application Received: 10/3/2011

Description of Action Construction of Wells F and M, a water treatment plant and a booster pump station.

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

**Application No. 0811501—Construction Public Water Supply.**

Applicant **Echo Beach Mobile Home Park**

[Township or Borough] Asylum Township

County **Bradford**

Responsible Official Scott R. Middendorf, President  
Echo Beach Rentals, Inc.  
21186 Route 187  
Towanda, PA 18848

Type of Facility Public Water Supply

Consulting Engineer Joshua K. Gross, P.E.  
Ebert Engineering, Inc.  
P. O. Box 540  
4092 Skippack Pike, Suite 200  
Skippack, PA 19474

Application Received November 8, 2011

Description of Action The system will supply water to 21 existing residential mobile home units and up to 72 proposed new mobile home units and 18 camper lots, for a total of 111 units.

**MINOR AMENDMENT**

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

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

**Application No. 4811503MA**

Applicant **Hellertown Borough Authority**

[Township or Borough] Hellertown Borough  
**Northampton County**

Responsible Official Glenn G. Higbie, Administrator  
P. O. Box 81  
Hellertown, PA 18055

Type of Facility Community Water System

Consulting Engineer Dennis Tracey, PE  
Buchart Horn, Inc.  
2 Eves Drive  
Marlton, NJ 08053  
856-797-4339

Application Received Date October 27, 2011

Description of Action Application for replacement of a segment of existing main with 42-in. diameter conveyance line to provide additional contact time following chlorination.

**Application No. 4811502MA, Minor Amendment.**

Applicant **Lehigh Township Municipal Authority**

1069 Municipal Authority  
Walnutport, Pa

[Township or Borough] Lehigh Twp,  
**Northampton County**

Responsible Official David Getz

Type of Facility Public Water System

Consulting Engineer SSM Group Inc.  
2205 City Line Rd  
Suite 300  
Bethlehem, Pa

Application Received Date 10/24/11

Description of Action The elimination of Well 1 as a source of supply.

**Application No. 6611503MA, Minor Amendment.**

Applicant **UMH Properties, Inc**

Oakwood Lake MHP  
1275 Forman Drive  
Morgantown, WV. 26508

[Township or Borough] Tunkhannock Township  
**Wyoming County**

Responsible Official Mr. Jeffrey V. Yorick, PE.  
Vice President of Engineering

Type of Facility Public Water Supply

Consulting Engineer Thomas G. Pullar, PE.  
Senior Project Engineer  
EarthRes Group  
PO Box 468  
Pipersville, PA. 18947

Application Received 11/1/2011  
Date

Description of Action This project provides for the construction of an additional chlorine contact chamber consisting of 50 LF of 12-inch PVC pipe to provide adequate chlorine contact time in order to comply with the Ground Water Rule

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

**Application No. 6179501-T1-MA1, Minor Amendment.**

Applicant **UPMC Senior Communities Sugar Creek Station**

Township or Borough Sugar Creek Borough

Responsible Official Deborah S. Brodine

Type of Facility Public Water Supply

Consulting Engineer Raymond H. Antonelli, Sr., P.E.  
NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Application Received October 31, 2011  
Date

Description of Action Repair leak at rise/bowl connection of elevated steel water storage tank.

**Application No. 2007506-MA1, Minor Amendment.**

Applicant **Country Acres Mobile Home Park**

Township or Borough East Mead Township

Responsible Official Robert L. and Wanda S. Braymer

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.  
Deiss & Halmi Engineering  
105 Meadville Street  
Edinboro, PA 16412

Application Received November 2, 2011  
Date

Description of Action Modification of public water supply treatment for iron, manganese, and arsenic.

**WATER ALLOCATIONS**

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA 42-150B, Water Allocations. Bradford City Water Authority**, 128 Kennedy Street, Bradford, PA 16701, Bradford, **McKean County**. The applicant has requested to increase the quantity of allocation from its Heffner and Marilla Reservoirs. The total allocation requested from all three of the existing reservoirs is equal to the total safe yield of the three reservoirs.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

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

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

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

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

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

**Karl Striner Arts Trail**, along the Bushkill Creek, between 13th Street and Bushkill Drive, Easton City, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a Notice of Intent to Remediate (on behalf of her client, the City of Easton, 1 South Third Street, Easton, PA 18042), concerning the remediation of soil found to have been impacted by heavy metals and semi-VOCs as a result of historical rail line operations at the site. The applicant proposes to remediate the site to meet both the Residential Statewide Health Standard for soil and the Site-Specific Standard for soil. The proposed future use of the site is a public trail. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

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**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.**

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

**Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067. This minor permit modification application seeks approval to make permanent a temporary leachate forcemain currently being used to connect the leachate forcemain at GROWS North Landfill to GROWS Landfill's Leachate Treatment Plant. The GROWS North Landfill is a municipal waste landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on October 25, 2011.

**Permit Application No. 101494. Waste Management of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067. Application for Major Permit Modification submitted for the Valley Fill Expansion of the Tullytown Resource Recovery Facility Landfill located in Borough of Tullytown and Falls Township, **Bucks County**. An LMIP meeting was held on September 29, 2011, and an alternate project timeline of 250 days for the review of the Phase I and II components of the expansion application was negotiated. The application was considered received by the Southeast Regional Office on October 21, 2011.

**Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067. This Minor Permit Modification application seeks approval to modify several design features related to constructability and standard practices associated with Sedimentation Basin No. 2 at GROWS North Landfill, a municipal waste landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on October 25, 2011.

## AIR QUALITY

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

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

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

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

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

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

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

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

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

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

**09-0007F: Waste Management Disposal Services of Pennsylvania, Inc.—WMDSPI** (1000 New Ford Mill Road, Morrisville, PA 19067) for installation of two (2)



propane fired crystallizers of 3 MMBtu/hr and 5 MMBtu/hr rated capacity at the Geological Reclamation Operations and Waste Systems (GROWS) in Falls Township, **Bucks County**. The crystallizers will be used within a new and upgraded leachate treatment system at the facility. The GROWS landfill is a Title V facility. The crystallizer installation is subject to the emissions offset requirements of 25 Pa. Code Chapter 127, Subchapter E (relating to nonattainment new source review). Emissions that are required to be offset are: 34.0 tons of NO<sub>x</sub> and 25.9 tons of VOC. WMDSPI will use VOC ERCs to offset net increases of NO<sub>x</sub> and VOC, at the offset ratio of 1:1.3, in accordance with 25 Pa. Code § 127.210. An additional ratio of 1:1.3, as approved by the Environmental Protection Agency (EPA), is applied for substitution of NO<sub>x</sub> ERCs by VOC ERCs. A total of 91.2 tons of VOC ERCs are authorized for use for this project. The owner shall meet the use and transfer requirements of 25 Pa. Code § 127.208 for the VOC ERCs.

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

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

**22-05041B: The Hershey Co.** (1033 Old West Chocolate Avenue, Hershey, PA 17033) to construct a syrup manufacturing process at the West Plant in Derry Township, **Dauphin County**.

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

Plan Approval No. 22-05041B authorizes the construction of the abovementioned process. The potential-to-emit (pte) particulate matter (PM) is estimated to be about 0.38 tpy with actual emissions around 0.31 tpy. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, 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. Tom Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC** (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) to construct an Energy & 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 01-05037B is for the construction and temporary operation of an Energy & Nutrient Recovery Facility that will utilize a baghouse for particulate matter control. The construction of the facility is intended to reduce the land application of ELM, to obtain nutrient recovery credits and to generate electric power.

The company shall be subject to and comply with 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The plan approval will contain restrictions that are designed to control emissions consistent with best available technology pursuant to 25 Pa Code § 127.1 as well as additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Annual emissions from the proposed project are estimated to be approximately 69.1 tons of Carbon Monoxide (CO), 25.9 tons of Nitrogen Oxides (NO<sub>x</sub>), 3.4 tons of Particulate Matter (PM), 21.1 tons of Sulfur Dioxide (SO<sub>2</sub>) and 6.4 tons of Volatile Organic Compounds (VOCs). Along with the proposed project, the plan approval will contain operating limits of less than 25 tons per year for combined 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.

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

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

**24-083T: Mersen USA—St Marys** (215 Stackpole Street, Saint Marys, PA 15857-1401) for installation of a batch graphitizing furnace at 1032 Trout Run Road, in the City of Saint Marys, **Elk County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-083T to Mersen USA St Marys for the installation of a batch graphitizing furnace, for the facility located in the City of Saint Marys, Elk County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-083T is for the installation of a batch graphitizing furnace. Based on the information provided by the applicant and DEP's own analysis, the subject source will have the potential to emit approximately 61.1 tons per year of carbon monoxide (CO), 10.4 tons per year of sulfur oxides (SOx), 6.8 tons per year of particulate matter and 0.8 tons per year of volatile organic compounds (VOC).

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

**62-032H: Ellwood National Forge—Irvine** (1 Front Street, Irvine, PA 16329) for modification of a natural gas and fuel oil combustion rates for existing furnaces in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This modification of the natural gas and fuel oil combustion rates will result in an increase in permit limits of 0.27 tpy for PM, 1.46 tpy for SOx, 2.97 tpy for CO, 4.84 tpy for NOx, and 0.184 tpy for VOC. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Source 032:
  - The NOx emissions from Union Boiler shall not exceed 100 lb/MMCF and 4.00 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 1.6 tpy]
  - The CO emissions from the Union Boiler shall not exceed 84 lb/MMCF and 3.36 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 1.34 tpy]
  - The SOx emissions from the Union Boiler shall not exceed 0.6 lb/MMCF and 0.02 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.01 tpy]
  - The VOC emissions from the Union Boiler shall not exceed 5.5 lb/MMCF and 0.22 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.09 tpy]
  - The PM-10 emissions from the Union Boiler shall not exceed 7.6 lb/MMCF and 0.30 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.12 tpy]

- The total natural gas consumption for this source shall not exceed 80,000 MCF of natural gas per year (based on a 12-month rolling total). [This condition replaces the previous limit of 32,000 mcf/yr]

- Source 033:

- o The NOx emissions from the space heaters shall not exceed 94 lb/MMCF and 0.94 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 1.41 tpy]

- o The CO emissions from the space heaters shall not exceed 40 lb/MMCF and 0.40 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.60 tpy]

- o The SOx emissions from the space heaters shall not exceed 0.6 lb/MMCF and 0.01 TPY (based on a 12-month rolling total).

- o The VOC emissions from the space heaters shall not exceed 5.5 lb/MMCF and 0.06 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.08 tpy]

- o The PM-10 emissions from the space heaters shall not exceed 7.6 lb/MMCF and 0.08 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.11 tpy]

- o The total natural gas consumption from the space heaters shall not exceed 20,000 MCF of natural gas per year (based on a 12-month rolling total). [This condition replaces the previous limit of 30,000 mcf/yr]

- Source 034:

- o The NOx emissions from the package heating Boilers shall not exceed 50 lb/MMCF and 1.63 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 2.00 tpy]

- o The CO emissions from the package heating Boilers shall not exceed 84 lb/MMCF and 2.73 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 3.36 tpy]

- o The SOx emissions from the package heating Boilers shall not exceed 0.6 lb/MMCF and 0.02 TPY (based on a 12-month rolling total).

- o The VOC emissions from the package heating Boilers shall not exceed 5.5 lb/MMCF and 0.18 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.22 tpy]

- o The PM-10 emissions from the package heating Boilers shall not exceed 7.6 lb/MMCF and 0.25 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.30 tpy]

- o The total natural gas consumption from the package heating Boilers shall not exceed 65,000 MCF of natural gas per year (based on a 12-month rolling total). [This condition replaces the previous limit of 80,000 mcf/yr]

- Source 111:

- o The NOx emissions from the ENF heat treat furnaces shall not exceed 140 lb/MMCF and 10.85 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 8.05 tpy]

- o The CO emissions from the ENF heat treat furnaces shall not exceed 84 lb/MMCF and 6.51 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 4.83 tpy]

o The SO<sub>x</sub> emissions from the ENF heat treat furnaces shall not exceed 0.6 lb/MMCF and 0.05 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.03 tpy]

o The VOC emissions from the ENF heat treat furnaces shall not exceed 5.5 lb/MMCF and 0.43 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.32 tpy]

o The PM-10 emissions from the ENF heat treat furnaces shall not exceed 7.6 lb/MMCF and 0.59 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.44 tpy]

o When firing #2 oil:

o The NO<sub>x</sub> emissions from the ENF heat treat furnaces shall not exceed 24 lb/1000 gal and 0.60 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.12 tpy]

o The CO emissions from the ENF heat treat furnaces shall not exceed 5 lb/1000 gal and 0.13 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.03 tpy]

o The SO<sub>x</sub> emissions from the ENF heat treat furnaces shall not exceed 71 lb/1000 gal and 1.78 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.355 tpy]

o The VOC emissions from the ENF heat treat furnaces shall not exceed 0.2 lb/1000 gal and 0.005 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.001 tpy]

o The PM-10 emissions from the ENF heat treat furnaces shall not exceed 1 lb/1000 gal and 0.025 TPY (based on a 12-month rolling total). [This condition replaces the previous limit of 0.005 tpy]

o The natural gas consumption from the ENF heat treat furnaces shall not exceed 155,000 MCF of natural gas per year (based on a 12 month rolling total). [This condition replaces the previous limit of 115,000 mcf/yr]

o The No. 2 oil consumption from the ENF heat treat furnaces shall not exceed 50,000 gallons per year (based on a 12 month rolling total). [This condition replaces the previous limit of 10,000 gal/yr]

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [62-032H]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

### PLAN APPROVAL

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#### PUBLIC MEETING AND PUBLIC HEARING

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

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

#### **41-00078C: Chief Gathering LLC Barto Compressor Station, Penn Township, Lycoming County.**

The Department of Environmental Protection will conduct a public meeting at 6:30 p.m. on Thursday, Dec. 15, 2011 at the Picture Rocks Volunteer Fire Company, 180 North Main St., to discuss an Air Quality Plan Approval application submitted by Chief Gathering LLC for expansion of Chief's Barto Compressor Station in Penn Township.

Staff from DEP's Air Quality Program will explain the application review process and applicable regulations, and Chief officials will review the project. These presentations will be followed by a question and answer session with citizens.

Chief Gathering, LLC submitted the Air Quality Plan Approval application 41-00078C to the Department. The plan approval would include four natural gas fired reciprocating internal combustion engines to provide power to natural gas compressors that would increase the pressure on the incoming gas to the facility and discharge the gas at a higher pressure for transport to a network of pipelines. The plan approval also would include controls for the new engines and establish more stringent emission limits for the existing engines. The Department published a notice of intent to issue the plan approval in the *Pennsylvania Bulletin* on September 17, 2011, for comments regarding the proposed plan approval 41-00078C.

The public meeting will be followed by a DEP public hearing beginning at 8:00 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed Air Quality Plan Approval application. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of five minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a

written document. DEP will respond in writing to all relevant testimony provided during the public hearing.

Persons unable to attend the public hearing can submit three copies of a written statement to the department by the close of business on Tuesday, Dec. 27, 2011. The statement should be sent to: DEP Air Quality Program Manager, 208 West Third St., Suite 101, Williamsport, Pa. 17701

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Daniel Spadoni at 570-327-3659 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

### OPERATING PERMITS

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

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

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

**46-00027: Johnson & Johnson Pharmaceutical Research and Development, LLC—Johnson and Johnson** (Welsh and McKean Roads, P. O. Box 776, Springhouse, PA 19477) for renewal of the facility's Title V Operating Permit originally issued on December 20, 2006 at Welsh and McKean Roads, Springhouse, PA 19477, Lower Gwynedd Township, **Montgomery County**. There have been several amendments of this TVOP since its original issuance. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The operation is subjected to federal NSPS regulations. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant 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: 717-949-705-4863*

**06-05078: FR&S, Inc.—dba Pioneer Crossing Landfill** (4251 SW High Meadows Ave, Palm City, FL 34990) for their landfill at 727 Red Lane Road in Exeter Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew the Title V Air Quality Operating Permit for the abovementioned facility.

In 2010 the subject facility had actual emissions of 15 tpy of CO, 7 tpy of NO<sub>x</sub>, 6 tpy of PM<sub>10</sub>, 9 tpy of SO<sub>x</sub> and 3 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills), 40 CFR 61 Subpart M (National Emission Standard for Asbestos) and 40 CFR 63 Subpart AAAA (National Emission Standard for Hazardous Air Pollutants: Municipal Solid Waste Landfills).

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

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

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

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

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

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

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

**63-00110: World Kitchen LLC** (100 8th Street, Charleroi, PA 15022-1619) for manufacturing pressed and blown glass at the Charleroi Plant in Charleroi Borough, **Washington County**. This is a Title V Operating Permit renewal submittal.

**65-00454: Sunoco Partners M&T** (5733 Butler Street, Pittsburgh, PA 15201-2199) for operation of petroleum bulk station and terminal at Delmont Terminal in Salem Township, **Westmoreland County**. This is a Title V Operating Permit renewal submittal.

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

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

**V07-005: Aker Philadelphia Shipyard, Inc.—Philadelphia Naval Business Center** (2100 Kitty Hawk Avenue, Philadelphia PA 19112) for operation of a ship building facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include: two (2) 12.6 MMBTU/hr natural-gas fired boilers controlled by low NO<sub>x</sub> burners, five (5) natural-gas fired heaters each rated at less than 2.0 MMBTU/hr, one (1) 4 MMBTU/hr natural-gas fired pre-heater, one (1) 4 MMBTU/hr natural-gas fired Cure Oven, 23 welding and milling operations controlled by 22 baghouses, painting, shot blasting, and abrasive blasting operations controlled by eleven (11) dust collectors, paint stop filters, and a catalytic oxidizer.

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

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

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

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

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

**23-00066: Pyropure, Inc.—t.a. Pyromet** (5 Commerce Drive, Aston, PA 19014), for a State Only, Natural Minor Operating Permit in Chester Township, **Delaware County**. This is a smelting operation recovering silver from medical x-ray, and scraps from silver-plating industry. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**46-00154: Eye Designs, LLC** (220 West 5th Street, Collegeville, PA 19426) for renewal of a State Only Operating Permit to operate three spray booths at a wood office furniture manufacturing facility in Trappe Borough, **Montgomery County**. The facility has taken restriction to remain a synthetic minor for VOC emissions. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**15-00108: Refractory Minerals Co, Inc.** (150 S Jennersville Rd, West Grove, PA 19390) for an alumina processing facility in Penn Township, **Chester County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are the process and two particulate matter controls (a settling chamber and a dust collector). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**54-00031: Schuylkill Health System** (700 East Norwegian Street, Pottsville, PA 17901) for the Schuylkill Medical Center facility in the Pottsville City, **Schuylkill County**. This is a renewal of the State-Only Natural Minor operating permit. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

**40-00094: Weir Hazelton, Inc.** (225 North Cedar Street, Hazelton, PA 18201) for operation of Pumps and Pumps Equipment Manufacturing facility in the City of Hazelton, **Luzerne County**. This is a renewal of the

State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**40-00066: Hazelton Casting Co.** (P. O. Box 21, Weatherly, PA 18255) for operation of a small foundry operation in the City of Hazelton, **Luzerne County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**07-05034: PA Department of the Military—Holidaysburg Veterans Home** (P. O. Box 319, Holidaysburg PA 16648) for three (3) boilers and five (5) emergency generators at their Holidaysburg Veterans Home located in Allegheny Township, **Blair County**.

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

The subject facility has actual emissions of 4.42 tons per year of nitrogen oxides, 3.2 tons per year of carbon monoxide, 0.27 tons per year of volatile organic compounds, and 0.9 tons per year of sulfur oxides. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc, New Source Performance Standards (NSPS) for Small Industrial, Commercial, and Institutional Steam Generating Units.

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

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

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

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

Daniel C. Husted, PE, 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.

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

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

**04-00675: Aliquippa Terminals Inc.** (100 Woodlawn Road, Aliquippa, PA 15001-5404) for operation of marine cargo handling at Aliquippa River Terminals in Aliquippa, **Beaver County**. This is a State Only Operating Permit Renewal submittal.

**26-00594: Calfrac Well Services Ltd.** (13401—97 Street Grande Prairie, Alberta, Canada T8X 1S8) for operation of a distribution center for materials used in gas well fracing process at Calfrac Site in Georges Township, **Fayette County**. This is a State Only Operating Permit application submittal.

**11-00497: Gautier Steel Ltd.** (80 Clinton Street, Johnstown, PA 15901) for manufacturing blast furnaces and steel mills at Johnstown Plant in Johnstown, **Cambria County**. This is a State Only Operating Permit renewal submittal.

**32-00349: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) for operation of coal mining services, rail and truck activities with storage at I 22 Tipple in Burrell Township, **Indiana County**. This is a State Only Operating Permit renewal submittal.

**11-00423: Johnstown Wire Technologies, Inc.** (124 Laurel Avenue, Johnstown, PA 15906-2246) at Johnstown Plant in Johnstown, **Cambria County**. This is a State Only Operating Permit renewal submittal.

**56-00156: Windber Medical Center** (600 Somerset Ave, Windber, PA 15963) Operating Permit renewal for the Windber Medical Center in Windber Borough, **Somerset County**. Equipment at this facility includes one 10.5 mmbtu/hr tri-fuel boiler and one 7.72 natural gas-fired boiler with No. 2 fuel oil as back-up. There are also four (4) No. 2 fuel oil or propane-fired small emergency generators located at one of the existing buildings on campus and a 3M Ethylene Oxide Sterilizer. Potential emissions from the emission sources at this facility are based on a limit of burning 2,000 tons of coal per consecutive 12 month period in the tri-fuel boiler and No. 2 fuel oil in the main boiler and are estimated to be 14.4 tons NO<sub>x</sub>, 1.4 tons VOCs, 1.2 tons CO, 5.0 tons particulate matter and 94.7 tons SO<sub>x</sub>. Actual emissions from the facility are much lower considering the tri-fuel boiler normally burns No. 2 fuel oil and the main boiler burns natural gas. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**56-00157: Windber Area School District Jr/Sr High School** (2301 Graham Ave., Windber, PA 15963) Operating Permit renewal for the Windber Area Jr/Sr High School in Windber Borough, **Somerset County**. Equipment at this facility includes two 7.741 mmbtu/hr tri-fuel boilers burning coal with No. 2 fuel oil as back-up. There is also a small 50 kW natural gas-fired emergency generator, a Bryant hot water heater, and an Alpine Kiln rated at 425,000 btu/hr. Potential emissions from the sources at this facility are based on a limit of burning 1,700 tons of coal per consecutive 12 month period and/or No. 2 fuel oil in the tri-fuel boilers and are estimated to

be 13.4 tons NO<sub>x</sub>, 1.3 tons VOCs, 11.0 tons CO, 15.0 tons particulate matter and 92.5 tons SO<sub>x</sub>. Actual emissions from the facility are much lower considering the tri-fuel boilers only run during the heating season and use much less fuel than what is allowed. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**42-00133: Collins Pine Co.—Kane Hardwood Division** (95 Hardwood Drive, PO Box 807, Kane, PA 16735) to issue a renewal of the State Only Operating Permit for their sawmill in Wetmore Borough, **McKean County**. The sources at the facility include a wood fired boiler controlled by a cyclone, sawmill, dimension mill, kilns and a degreaser. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**42-00195: Ram Forest Products—Shinglehouse** (HCR No. 1, Box 15A, Shinglehouse, PA 16748) to issue a renewal of the State Only Operating Permit for their hardwood manufacturing facility in Ceres Township, **McKean County**. The sources at the facility include a wood fired boiler controlled by multiclone collectors, sawmill, and kilns. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401

water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

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

**56111601 and NPDES No. PA 0236098, LCT Energy, LP**, (941 Pine Grove Lane, Suite B, Johnstown, PA 15905), to operate the Laurel Plant in Shade Township, **Somerset County** to operate a new coal preparation plant and related NPDES permit, Surface Acres Proposed 138.8. Receiving Stream: Unnamed Tributary to Little Dark Shade Creek, classified for the following use: CWF. The application was considered administratively complete on November 2, 2011. Application received: April 18, 2011.

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

**56900109 and NPDES No. PA0598887. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to add approximately six (6) acres of additional open pit mining area and thirty-three (33) acres of highwall miner acreage. The revision also includes additional mining area within 100 feet of Township Route T-646. This request includes a variance approval from the township in Quemahoning and Somerset Townships, **Somerset County**, affecting 48.2 acres. Receiving stream(s): Wells Creek classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: October 4, 2011.

**32070103 and NPDES No. N/A. RES Coal LLC**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 201.4 acres. Receiving stream(s): Little Mahoning Creek classified for the following use(s): high quality—cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2011.

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

**03080105 and NPDES Permit No. PA0251534. Britt Energies, Inc.** (P. O. Box 515). Name change application for commencement, operation and reclamation of a pending bituminous surface mine originally submitted by Thomas J. Smith, Inc., located in Plumcreek Township, **Armstrong County**, affecting 63.9 acres. Receiving streams: Cherry Run and unnamed tributaries to Cherry Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 28, 2011.

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

**37060104. Cemex Construction Materials Atlantic, LLC** (920 Memorial City Way, Suite 100, Houston, TX 77024) Transfer of an existing bituminous surface mine from Cemex, Inc. in Shenango Township, **Lawrence County** affecting 48.7 acres. Receiving streams: Unnamed tributary to McKee Run, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 31, 2011.

**33850118 and NPDES Permit No. PA0106682. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Transfer of an existing bituminous surface mine from Alvin Gearhart in Winslow Township, **Jefferson County** affecting 173.3 acres. Receiving streams: Three unnamed tributaries to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 3, 2011.

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

**17060110 and NPDES No. PA0256421. Bell Resources, Inc.** (1340 Hoyt Ave, Curwensville, PA 16833). Renewal of an existing bituminous surface mine located in Bloom and Penn Townships, **Clearfield County** affecting 361.9 acres. Receiving streams: unnamed tributaries to Bell Run and Bell Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 2, 2011.

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

**54970101C4. Premium Fine Coal, Inc.**, (P. O. Box 268, Tamaqua, PA 18252), correction to an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation to add a coal preparation plant, in Schuylkill Township, **Schuylkill County** affecting 727.0 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: November 1, 2011.

**54-305-021GP12. Premium Fine Coal, Inc.**, (P. O. Box 268, Tamaqua, PA 18252), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54970101 in Schuylkill Township, **Schuylkill County**. Application received: November 1, 2011.

#### *Noncoal Applications Received*

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

**26050401 and NPDES Permit No. PA0250643. Laurel Aggregates, Inc.** (300 Dents Run Road, Morgantown, WV 26501). Revision application for 29.76 additional acres to an existing large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 151.20 acres. Receiving stream: Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 3, 2011.

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

**37990302 and NPDES Permit No. PA0241547. Cemex Construction Materials Atlantic, LLC** (920 Memorial City Way, Suite 100, Houston, TX 77024) Transfer of an existing large industrial minerals mine from Cemex, Inc. in Shenango & Wayne Townships, **Lawrence County** affecting 801.0 acres. Receiving streams: Unnamed tributaries to Snake Run and Snake Run, unnamed tributaries to the Beaver River, all classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 31, 2011.

**3779103 and NPDES Permit No. PA0109258. Cemex Construction Materials Atlantic, LLC** (920 Memorial City Way, Suite 100, Houston, TX 77024) Transfer of an existing large industrial minerals mine from Cemex, Inc. in Shenango & Taylor Townships, **Lawrence County** affecting 456.5 acres. Receiving streams: Unnamed tributary to McKee Run and unnamed

tributary to Beaver River, all classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 31, 2011.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.



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

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

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

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

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

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

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

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#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0249033 (Mining permit no. 32010110), Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, renewal of an NPDES permit for reclamation only on a surface coal mine operation in Pine Township, **Indiana County**, affecting 78.1 acres. Receiving stream(s): UNTS to/and Little Yellow Creek and UNTS to/and Leonard Run, classified for the following use(s): high quality—cold water fishery; cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: September 8, 2011.

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

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

*Outfall Nos.*

*New Outfall (Y/N)*

No point source discharge of treated wastewater or stormwater exists on the permit because of the non-discharge alternative.

**NPDES No. PA0249939 (Mining permit no. 32060102), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for reclamation only on a surface coal mine operation in South Mahoning Township, **Indiana County**, affecting 50.3 acres. Receiving stream(s): UNTS to Little Mahoning Creek, classified for the following use(s): high quality—cold water fishery. Application received: October 5, 2011.

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

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

*Outfall Nos.*

*New Outfall (Y/N)*

001—Sediment Pond #001  
002—Sediment Pond #002  
003—Treatment Pond #003  
004—Treatment Pond #004

No  
No  
No  
No

**NPDES No. PA0263117 (Mining permit no. 56100104), Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, new NPDES permit for bituminous surface and auger mine in Southampton and Fairhope Townships, Somerset County, affecting 82.0 acres. Receiving stream(s): UNTS to Wills Creek, classified for the following use(s): high quality—cold water fishery. Application received: July 20, 2010.

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

There will be no point source discharge from the permit as the operator has chosen to utilize a non-discharge alternative.

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

**NPDES No. PA0251968 (Mining permit no. 63100102), Arthur J. Boyle.,** P. O. Box 400, Laughlintown, PA 15655, new NPDES permit for a coal surface mine in Centerville Borough, **Washington County**, affecting 20.3 acres. Receiving stream(s): unnamed tributaries to the Monongahela River, classified for the following use(s): warm water fishery. Application received: March 30, 2011.

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

The outfall(s) listed below discharge to unnamed tributaries to Monongahela River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
Treatment Pond A	Yes

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

<i>Outfalls: 001 (TP-A)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3	6	7
Manganese (mg/l)	2	4	5
Aluminum (mg/l)	2	4	5
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

There is no sedimentation ponds proposed for this site. Alternate erosion and sedimentation controls are proposed.

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

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	N/A
Total Settleable Solids Manganese (mg/l)	N/A	N/A	N/A

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

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

**NPDES No. PA0225134 on Surface Mining Permit No. 40663030. Pagnotti Enterprises, Inc.,** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701) new NPDES Permit for an anthracite surface mine and coal refuse disposal operation in Foster Township, **Luzerne County**, affecting 225.0 acres, (Mining Area 210.0 acres). Receiving stream(s): Black Creek, classified for the following use, cold water fishes and Sandy Run Creek, classified for the following use: HQ-cold water fishes. Application received: October 12, 2011.

This permit is issued as a “Non-Discharge” permit with applicable BMP’s.

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

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA026322 (Mining permit no. 11110301), Military Resource Enhancement Specialists, Inc.,** 3179 Lincoln Highway, Stoystown, PA 15563 new NPDES permit for surface mining of slag material in Conemaugh Township, **Cambria County**, affecting 41.3 acres. Receiving stream(s): Little Conemaugh River, classified for the following use(s): warm water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: March 7, 2011.

The outfall(s) are not applicable. The applicant is proposing to use nondischarge alternatives to handle site stormwater.

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

**NPDES No. PA0227200 (Permit No. 10960302). Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Marion Township, **Butler County**, affecting 1151.0 acres. Receiving streams: Unnamed tributaries to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek, unnamed tributary to Blacks Creek, all classified for the following uses: CWF. TMDL: Blacks Creek. Application received: May 10, 2011.

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

The outfall(s) listed below discharge to unnamed tributaries to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
EB	N
FB	N
HB	N
IB	N
JB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

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

The outfall(s) listed below discharge to unnamed tributaries to Blacks Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
CB	N
DB	N
C	N
N	N
O	N
BL	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.5
Manganese (mg/l)		1.0	2.0	2.3
Aluminum (mg/l)		0.75	1.5	1.8
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

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

The outfall(s) listed below discharge to unnamed tributaries to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
E	N
F	N
G	N
H	N
I	N
J	N
K	H
M	H

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5
Osmotic Pressure (milliosmoles/kg)				50

The outfall(s) listed below discharge to unnamed tributaries to Blacks Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
D	N
P	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				3.5
Alkalinity greater than acidity <sup>1</sup>				0.5
Total Settleable Solids (ml/l)				50
Osmotic Pressure (milliosmoles/kg)				50

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E54-347. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street,**

Allentown, PA 18103-1013, in Deer Lake Borough and West Brunswick Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with roadway improvements along SR 0061:

1. To remove the existing structure and to construct and maintain a road crossing across Pine Creek (CWF) consisting of a bulb tee beam reinforced concrete bridge with a 101-foot long span and a 6.5 foot under-clearance.
2. To remove the existing structure and to construct and maintain a road crossing across Pine Creek (CWF) consisting of a bulb tee beam reinforced concrete bridge with a 71-foot long span and an 8.0 foot under-clearance.
3. To construct and maintain a road crossing across Pine Creek (CWF) consisting of a steel girder bridge with a concrete deck that is 136-foot long span and a 7.0 foot under-clearance.
4. To place fill in 179 feet of a tributary to Pine Creek (CWF).
5. To remove the existing structure and to construct and maintain a road crossing across a tributary to Pine Creek (CWF) consisting of a 42-inch reinforced concrete pipe with a R-7 outlet apron.
6. To construct and maintain a road crossing across a tributary to Pine Creek (CWF) consisting of a 24-inch reinforced concrete pipe with a R-6 outlet apron.
7. To remove the existing structures and to construct and maintain a road crossing across a tributary to Pine Creek (CWF) consisting of a 68-inch by 43-inch reinforced concrete elliptical pipe with a R-5 outlet apron. The road crossing also consists of relocating 136 lineal feet of tributary to Pine Creek (CWF)
8. To remove the existing structures and to construct and maintain a stream enclose of a tributary to Pine Creek (CWF) consisting of 48-inch reinforced elliptical concrete pipe with a R-7 outlet apron.
9. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF) consisting of a 91-inch x 58-inch reinforced concrete elliptical pipe.
10. To construct and maintain an extension of an existing 254 lineal feet stream enclosure of a tributary to Pine Creek (CWF). The extension will be 63-feet of 42-inch reinforced concrete pipe with a R-7 outlet basin.
11. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Pine

Creek (CWF) consisting of a 42-inch reinforced concrete pipe with a R-5 outlet apron.

The overall improvements will impact 13 PEM wetlands (0.16 acres), 2 PSS wetlands (0.02 acres), 2 PFO wetlands (0.10 acres) and 1 POW wetlands (0.01 acres), and require 11 stream crossings, totaling 1,337 linear feet of permanent impacts and 610 linear feet of temporary impacts. The permittee is required to provide 0.39 acres of replacement wetlands. The proposed project is located along a 3.5 miles section of SR 61 starting at the intersection of SR 2014 and ends 16,000 north of the intersection of SR 895 East. (Orwigsburg, PA Quadrangle, Latitude: 40°37'39"; Longitude: -76°3'31").

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

**E07-443: Pa. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, in Allegheny Township, **Blair County**, ACOE Baltimore District

To 1) remove the existing structure, 2) construct and maintain a single span steel plate girder bridge skewed 80° having a normal clear opening of 55.08 feet, a width of 43.38 feet, and an minimum underclearance of 6.44 feet across Burgoon Run (TSF, MF), and 3) construct a temporary road crossing immediately downstream of the structure consisting of five CMP pipes having lengths of 76.00 feet and diameters of 4.00 feet in Burgoon Run (TSF, MF), all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0764 (Hollidaysburg, PA Quadrangle, N: 16.9 inches, W: 7.1 inches; Latitude: 40°28'06", Longitude: -78°25'34") in Allegheny Township, Blair County.

**E38-174: Texas Eastern Transmission, LP, Spectra Energy**, Line 12 Pipeline, 890 Winter Street, Waltham, MA 02451, in East Hanover Township, **Lebanon County**, ACOE Baltimore District

To repair and maintain a 152.0-foot long section of 24.0-inch DI gas line, temporarily impacting 0.84 acre of PEM wetland within the existing Texas Eastern pipeline right-of-way (ROW) for the purpose of reducing the risk of a pipeline failure. The project is located adjacent to the west bank of Swatara Creek (WWF), approximately 2,150.0 feet east of Ono Road and 1,200.0 feet south of Heilmendale Road (Indiantown Gap, PA Quadrangle; Latitude 40°22'40.48"N, Longitude: -76°31'10.07"W) in East Hanover Township, Lebanon County.

**E67-894: Codorus Creek Watershed Association, Wagman Farm**, 720 Arbor Drive, Dallastown, PA 17313, in York Township, **York County**, ACOE Baltimore District

To: 1) remove an existing structure, 2) construct and maintain three 15.0-foot x 50.0-foot cattle crossings, 3) regrade 601.0 linear feet of streambank with rock toe protection, 4) regrade 1,470.0 linear feet of streambank with log toe protection, 5) install and maintain 19 log vanes and 4 cross rock vanes, 6) relocate approximately 710.0 linear feet of stream, and 7) install and maintain 6,000.0 feet of streambank fencing, all for the purpose of restoring and stabilizing 2,100.0 feet of Barshinger Creek (CWF, MF). The project is located on a reach of stream located at 720 Arbor Drive, Dallastown, Pennsylvania (York, PA Quadrangle, N: 1.0 inch, W: 1.5 inches, Latitude: 39°52'41.08", Longitude: -76°37'59.91") in York Township, York County.

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

**E65-943. City of Jeannette Municipal Authority**, P. O. Box 294, Penn, PA 15675, City of Jeannette, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to place and maintain fill in the floodway of Brush Creek, (TSF) to place and maintain fill in 0.01 acres of wetland in the Brush Creek watershed, and to construct and maintain an access road, a U.V. disinfection chamber, two (2) SBR tanks, a blower building, a headworks building and a meter vault; and to modify an existing outfall structure, all in the floodway of Brush Creek, all for the purpose of increasing the capacity of an existing sewage treatment plant, and to place and maintain fill in the floodway of Brush Creek to facilitate the construction of a wet well at an existing sewage pumping station. The project is located at the southwest corner of Penn Borough, Westmoreland County. (Pittsburgh ACOE District, Irwin, PA Quadrangle N: 14.3"; W: 3.25"; Latitude: 40° 19' 38"; Longitude: 79° 38' 48").

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

**E25-602, Millcreek Township**, 3608 West 26th Street, Erie, PA 16506. Heidler Road Drainage Improvement Project, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).

On October 28, 2011, the Department of Environmental Protection received a request for a three year extension of the time limit on the previously referenced permit which authorized Millcreek Township to conduct activities associated with the Heidler Road Drainage Improvement Project in a tributary to Walnut Creek downstream of Heidler Road northwest of Sterrettania Road (SR 832) in Millcreek Township, Erie County. The permitted project includes:

1. Realign approximately 800 feet of stream channel beginning at Heidler Road and extending downstream (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).
2. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 850 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.1 inches; W: 6.85 inches).
3. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 1,700 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.5 inches; W: 6.45 inches).
4. Install and maintain concrete block stream bank walls along both banks for a distance of approximately 100 feet extending upstream from a private driveway approximately 2,600 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.9 inches; W: 6.1 inches).

The Department will take comment on the request for 30 days from the date of this publication.

**E42-352, Snyder Brothers Incorporated**, 1 Glade Park Drive, Kittanning, PA 16201. North Chappel Fork Stream and Wetland Crossing, in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Westline, PA Quadrangle N: 41°, 49', 58"; W: 78°, 50', 51").

To operate and maintain a 7' wide steel and timber bridge having a structure length of 50' and providing an underclearance of 4' across North Fork Chapel Fork and

to maintain 250 ft<sup>2</sup> of fill within an EV wetland for the existing ATV road used to access oil wells west of SR 321 approximately 2.5 miles south of SR 59.

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

**E0829-026: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Asylum Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch natural gas line and a 12 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 672 square feet; (Ulster, PA Quadrangle, Latitude: 41°48'21", Longitude: -76°31'46").

2. a 16 inch natural gas line and a 12 foot wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 245 square feet; (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'37").

3. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 55 linear feet of an unnamed tributary to Sugar Creek (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 5,097 square feet (Ulster, PA, Latitude: 41°48'07", Longitude: -76°31'15");

4. a 16 inch natural gas line and a 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area: 4,472 square feet; (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'12").

5. a 16 inch natural gas line and a 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area: 1,251 square feet; (Ulster, PA Quadrangle, Latitude: 41°48'17", Longitude: -76°31'11").

6. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 97 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Forested Wetland (PFO) impacting 9,602 square feet (Ulster, PA, Latitude: 41°48'27", Longitude: -76°31'08");

7. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 150 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Scrub-Shrub (PSS) impacting 1,020 square feet (Ulster, PA, Latitude: 41°48'28", Longitude: -76°30'51");

The project will result in 302 linear feet and 3,305 square feet of temporary stream impacts, 12,757 square feet (.29 acres) of PEM/PSS temporary wetland impacts and 9,602 square feet (0.22 acres) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

**E0829-025: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, Bradford County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water lines impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'50"N 76°14'45"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 37 linear feet of an

unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'49"N 76°14'46"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'40"N 76°14'37"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 24 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'34"N 76°14'32"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 25 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°33'15"N 76°14'33"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 6 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°33'14"N 76°14'32"W);

7) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'51"N 76°14'23"W);

8) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'42"N 76°14'31"W);

9) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'25"N 76°13'27"W);

10) two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'28"N 76°13'16"W);

11) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 24 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 243 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

12) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 231 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'32"N 76°14'19"W);

13) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 564 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

14) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 264 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'33"N 76°14'14"W);

15) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 30 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 1,144 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'49"N 76°14'46"W);

16) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 487 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'44"N 76°14'46"W);

17) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 21 linear feet of an unnamed tributary to Sciota Brook (CWF) and 4,223 square feet of a palustrine forested (PFO) wetland (Jenningsville, PA Quadrangle 41°32'47"N 76°14'24"W);

18) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 25 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 307 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'44"N 76°14'18"W);

19) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 20 linear feet of an unnamed tributary to Sugar Run Creek (CWF) and 4,060 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'43"N 76°14'27"W);

20) two 16 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'34"N 76°14'10"W);

21) two 16 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'34"N 76°14'11"W);

22) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 807 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'32"N 76°14'16"W);

23) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 177 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'24"N 76°14'25"W);

24) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 664 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'22"N 76°14'24"W);

25) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 254 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'17"N 76°14'24"W);

26) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 307 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'10"N 76°14'27"W);

27) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 271 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'08"N 76°14'27"W);

28) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 514 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'08"N 76°14'26"W);

29) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 362 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'06"N 76°14'26"W);

30) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1,166 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°34'04"N 76°14'31"W);

31) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 329 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'41"N 76°14'42"W);

32) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 843 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'09"N 76°14'26"W);

33) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 288 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'40"N 76°19'16"W);

34) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1,483 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'40"N 76°14'34"W);

35) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 220 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'39"N 76°14'35"W).

The project will result in 413 linear feet of temporary stream impacts, a total of 19,374 square feet (0.44 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development.

**E5729-017: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 6 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'25"N 76°14'02"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 42 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'27"N 76°13'48"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 35 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'10"N 76°13'37"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 7 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'06"N 76°13'53"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 23 linear feet of an unnamed tributary to Sciota Brook (CWF) and 1,458 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°32'25"N 76°13'44"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 5,354 square feet of a palustrine emergent/palustrine forested (PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°32'18"N 76°13'32"W).

The project will result in 113 linear feet of temporary stream impacts, a total of 6,812 square feet (0.16 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development.

**E5929-007: Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825, Richmond Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a wood mat bridge and a 12 inch diameter fresh waterline impacting 850 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Mansfield, PA Quadrangle 41°45'11"N 77°7'29"W);

2) a temporary road crossing using a wood mat bridge and a 12 inch diameter fresh waterline impacting 34 square feet of an Unnamed Tributary to Elk Run (CWF) (Crooked Creek, PA Quadrangle 41° 45' 11"N 77° 7' 32"W);

3) a 12 inch diameter fresh waterline impacting 3 linear feet of an Unnamed Tributary to Elk Run (CWF) (Crooked Creek, PA Quadrangle 41° 45' 35"N 77° 7' 48"W).

The project will result in 40 linear feet of temporary stream impacts and 850 square feet (0.02 acre) of temporary wetland impacts all for the purpose of installing a fresh waterline to transport water which will be used for hydraulic fracturing.

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS212214 (Stormwater)	Gustin Stone Supply, Inc. 2390 Creamton Drive Lakewood, PA 18439	Wayne County Preston Township	Unnamed Tributary of Crooked Creek (01A)	Y



<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>
PA0064351 (Industrial Waste)	Keystone Potato Products LLC PO Box 27 Hegins, PA 17938-0027	Schuylkill County Frailey Township	Unnamed tributary to Middle Creek Cold Water Fishes (7-D)	N
PA0063347	Romanishan Metal Fabrication 195 E Morristown Road Wind Gap, PA 18091-9725	Northampton County Bushkill Township	Unnamed tributary to Bushkill Creek High Quality Cold water Fishes 1F	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>
PA0086673 (Sewage)	Marklesburg Borough Authority PO Box 24 James Creek, PA 16657	Huntingdon County Marklesburg Borough	UNT to James Creek / 11-D	Y
PA0028142 (Sewage)	PA Department of Military and Veterans Affairs Building # 0-11 Fort Indiantown Gap Annville, PA 17003	Lebanon County East Hanover Township	Swatara Creek / 7-D	Y
PA0080926 (Sewage)	Robert L. Schroeder 205 Sleepy Hollow Road Lititz, PA 17543-9615	Lancaster County Elizabeth Township	UNT to Middle Creek / 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0229130	R&R Properties SFTF 849 Hunter Run Road Howard, PA 16841	Centre County Liberty Township	Hunters Run (9-C)	Y
PA0113051 (Industrial Waste)	Water Treatment Plant— City of DuBois Home Camp Road Dubois, PA 15801	Clearfield County Sandy Township	Laborde Branch (17-C)	Y

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

<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>
PA0217140 Sew	Shelocta STP 179 Sew Plt Rd Indiana, PA 15701	Indiana Co Armstrong Twp	Crooked Crk	Y
PA0047228 Sew	Pennsbury Village STP STP Rd PGH, PA 15205	Allegheny Co Pennsbury Village Boro	UNT of Campbells Run	N
PA0098914 Sew	Unionville Works STP Glen Eden Rd Rochester, PA 15074	Beaver Co Sewickley Twp	Brush Crk	Y
PA0032263 Sew	Yellow Crk St Prk 170 Rte 259 Hwy Penn Run, PA 15765	Indiana Co Cherryhill Twp	Yellow Crk	Y
PA0217131 Sew	Indiana Co Muni Svcs Auth 602 Kolter Dr Indiana, PA 15701	Indiana Co Canoe Twp	UNT of Canoe Crk	Y

\*\*\*\*Renewal individuals

*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>
PA0039233 Sewage	Rhodes Country Court PO Box 397 Reno, PA 16343	Venango County Cranberry Township	Unnamed tributary to Sage Run 16-E	Y

<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>
PA0092185 Sewage	Peter Rabbit Campground 153 Lilac Drive Slippery Rock, PA 16057	Butler County Brady Township	Big Run 20-C	Y

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

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

**NPDES Permit No. PA0012238, IW, ABB, Inc,** 125 East County Line Road, Warminster, PA 18974-4995.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.108 MGD of treated groundwater from a facility known as ABB GWCU Remediation Facility to Unnamed Tributary to Pennypack Creek in Watershed 3-J.

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

**NPDES Permit No. PA0062464,** Sewage, SIC Code 4941, **Pennsylvania American Water Company,** 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701.

This existing facility is located in Stroud Township, **Monroe County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

**NPDES Permit No. PA0065315,** SIC Code 4952, **Roger and Denise Radcliff,** 4279 Chestnut Drive, Walnutport, PA 18088.

This proposed facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage from a Single Family Residence peat bio-filter sewage treatment system.

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

**NPDES Permit No. PA0247618,** Sewage, **East Salem Sewer Authority,** 177 Sun Valley Drive, Mifflintown, PA 17059.

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

Description of Proposed Action/Activity: Authorization to discharge to the Delaware Creek in Watershed 12-B.

**NPDES Permit No. PA0261599,** Sewage, **Kurt V. and Delores A. Herzberg,** 25 Grandview Drive, Duncannon, PA 17020.

This proposed facility is located in Tell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Trough Spring Branch in Watershed 12-B.

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

**NPDES Permit No. PA0234061,** SIC Code 4952, **David Thierwechter,** 813 Round Top Road, Wellsboro, PA 16901.

This proposed facility is located in Charleston Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

**NPDES Permit No. PA0234044,** SIC Code 4952, **Nathan Singer,** 2210 Balsam Road, Wellsboro, PA 16901.

This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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

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

**WQM Permit No. 4811402,** SIC Code 4952, **Roger and Denise Radcliff,** 4279 Chestnut Drive, Walnutport, PA 18088.

This proposed facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a WQM Part II permit for the construction and operation of a Single Family Residence peat bio-filter sewage treatment system.

**WQM Permit No. 5811403,** Sewerage, **Liberty Mobile Home Park,** 1675 Kelly Road, Friendsville, PA 18818.

This proposed facility is located in Liberty Township, **Susquehanna County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for modifications to an existing Sewage Treatment Plant to include disinfection, aeration and change the disposal from malfunctioning onlot to stream discharge to an unnamed tributary to Snake Creek.

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

**WQM Permit No. WQG01281103**, Sewerage, **Tonia C. Metcalf**, 11489 Fort Loudon Road, Mercersburg, PA 17235.

This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow treatment system to serve their single family residence.

**WQM Permit No. 3111401**, Sewerage, **Kurt V. and Delores A. Herzberg**, 25 Grandview Drive, Duncannon, PA 17020.

This proposed facility is located in Tell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/Operation of small flow treatment facility to serve their existing single family residence.

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

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

Description of Proposed Action/Activity: Construction/Operation of new comminutor and associated piping for the Headworks Upgrade.

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

**WQM Permit No. 6311402**, Sewerage, **Peters Twp Sani Auth**, 111 Bell Dr, McMurray, PA 15317-3415

This proposed facility is located in Peters Twp., **Washington Co.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers, individual grinder pumps and low pressure force main.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 1111402**, Sewerage, **Johnstown Redevel Auth**, 401 Washington St, 4th Fl, Public Safety Bldg, Johnstown, PA 15901-2874

This proposed facility is located in City of Johnstown, **Cambria Co.**

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10-G464-R2-A1	Trammell Crow Dev, Inc. 300 Conshohocken State Rd, Suite 250 Conshohocken, PA 19428	Chester	East Whiteland and Tredyffrin Townships	Cedar Hollow Run-Valley Creek-Lower Schuylkill River (EV-MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024511005	Route 209 Bypass Associates, LLC 355 Madison Avenue Morristown, NJ 07960	Monroe	Middle Smithfield Twp.	Pond Creek, HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032811003	Chadwick Estates Robert Eberly 85 Homestead Drive Greencastle, PA 17225	Franklin	Greencastle Borough	Muddy Run/HQ-CWF
PAI030610013	Thomas Richey Cedar-Kutztown, LLC Maxatawny Market Place 44 South Bayles Avenue Port Washington, NY 11050-3785	Berks	Maxatawny Township	UNT to the Moselem Creek/ HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033409002	Mr. Stephen Peters BPJB Properties, LLC Burns Farm PO Box 65 Newport, PA 17074	Juniata	Delaware Township	Delaware Creek/ TSF (Trout Natural Reproduction Stream) EV Wetland and Juniata River/WWF
PAI033611004	Daniel H. Siegrist Custom Home Group, Inc./ Misty River, LLC 1302 Lancaster Pike Quarryville, PA 17566	Lancaster	Fulton Township	Tributary to Conowingo Creek/ HQ-CWF
PAI033609005	Pravin M. Patel Red Carpet Inn 2845 Lebanon Road Manheim, PA 17545	Lancaster	Rapho Township	Shearers Creek/ HQ-CWF

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

*Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 10 004	F and H Development LLC 4359 Gibsonia Drive Gibsonia PA 15044	Butler	Buffalo Township	Sarver Run HQ-WWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG0200 0911038	Joseph DiEgidio 301 State Road Croydon, PA 19021	Unnamed Tributary Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Clan Township Chester County	PAG0200 1511018	Hionis Properties, Inc. 780 Baltimore Pike Concordville, PA 19331	Burroughs Brook (CWF); Craigs Mill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2311020	Archbishop Carroll High School 211 Matsenford Road Wayne, PA 19087	Gulph and Ithan Creeks (WWF-MF-CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAG0200 2311007	DR Horton, Inc.—New Jersey 700 East Gate Drive, Suite 110 Mount Laurel, NJ 08054	Hunter Run (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2311022	Radnor Properties-200 RC, LP 555 East Lancaster Avenue Radnor, PA 19087	Darby Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4609024	Limerick Township 646 West Ridge Road Limerick, PA 19468	Schuylkill River-Mingo Creek-Landis Creek (WWF-TSF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4609024	Daniel Kerr 646 West Ridge Pike Royersford, PA 19468	Schuylkill River-Mingo Creek-Landis Creek (WWF-MF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5107047	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107-2994	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511120	TKMG Associates, LP 120-124 Lancaster Avenue Ardmore, PA 19003	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wayne Twp., Schuylkill County	PAG02005411014	Green Hill Land Development & Building, LLC Attn: Kurt Greenawalt 13 Greenawalt Lane Schuylkill Haven, PA 17972	Long Run, CWF, MF Tributary to Schuylkill River, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Smithfield Twp., Monroe County	PAG02004505006R(1)	Charles W. Kirkwood Mosier Development, LLC 1 River Road Shawnee-on-Delaware, PA 18356	Unnamed Tributary to Brodhead Creek CWF, MF	Monroe Co. Cons. Dist. 570-629-3060
Newton Twp., Lackawanna County	PAG02003511024	Joseph Kelly 400 E. Market St. Scranton, PA 18509	UNT to Gardner Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495

## NOTICES

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<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>
Exeter Borough, Luzerne County	PAG02004010022	Wal-Mart Real Estate Business Trust, A Delaware Statutory Trust, Mark Goldsmith 2001 SE 10th St. Mail Stop 5570 Bentonville, AR 72716	Susquehanna River, WWF, MF; Hicks Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Straban Township Adams County	PAG02000111012	Richard Leatham S&A Homes, Inc. 2121 Old Gatesburg Road, Suite 200 State College, PA 16803	UNT to Rock Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717-334-0636
Hopewell Twp. Bedford County	PAG02000511009	Michael A. Cottle 13136 Lincoln Highway Everett, PA 15537	Raystown Branch of Juniata River/WWF	Bedford Co. Conservation District 702 W Pitt St. Bedford, PA 15522 814.623.7900
Napier Township Bedford County	PAG0200511010	Burgmeiers Hauling, Inc. RD 1, Box 938 Altoona, PA 16603	UNT Raystown Branch of Juniata River/ WWF	Bedford Co. Conservation District 702 W Pitt St. Bedford, PA 15522 814.623.7900
Centre Township Berks County	PAG02000611043	David Phillips Irish Creek Excavation 2069 Tower Road Mohrsville, PA 19541	Irish Creek/WWF	Berks Co. Conservation District 1238 Cty Welfare Rd, Suite 200 Leesport, PA 19533 610.372.4657
Hamburg Borough Berks County	PAG02000611025	Jeffrey Bayuk Blue Ridge Development P. O. Box 228 Bath, PA 18014	Kaercher Creek/ WWF	Berks Co. Conservation District 1238 Cty Welfare Rd, Suite 200 Leesport, PA 19533 610.372.4657
Lower Swatara Township Dauphin County	PAG02002206066R	Douglas Ferguson Phoenix Contact Inc. 586 Fulling Mill Road Middletown, PA 17057	Swatara Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
East Hanover Township Lebanon County	PAG02003811014	Joseph Silbaugh Conrads Olde Mill LP PO Box 20202 York, PA 17402	Indiantown Run/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 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>
Marysville Boro. Perry County	PAG02035011007	Marysville Borough 200 Overcrest Road Marysville, PA 17053	Susquehanna River/ WWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988
Greenwood Twp. Perry County	PAG02035011009	PPL Electric Utilities Two North Ninth Street Allentown, PA 18101	Wildcat Run/ CWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988
Penn Township York County	PAG2006711025	James Butt Snyder's-Lance Inc 1250 York Street Hanover, PA 17331	Codorus Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township Centre County	PAG02001411011	Ram Centre Inc PV Area School Dist 4528 Penns Valley Rd Spring Mills PA 16875	UNT to Penns Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
City of Williamsport Lycoming County	PAG02004111017	Jeffery Richards Williamsport Area School District 2780 W 4th St Williamsport PA 17701	West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Ralpho Township Northumberland County	PAG02004908007R	Danson Subdivision 574 Bear Gap Rd Elysburg PA 17824	UNT to Shamokin Creek CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Greene County Perry Township	PAG02003011006	Joe Pyle 199 Gas Company Road Mt. Morris, PA 15349	Dunkard Creek-(WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 724.852.5278

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Greene County Perry Township	PAG02003011007	Southwestern PA Water Authority PO Box 187 1442 Jefferson Rd Jefferson, PA 15344	Boyd Run, Ruff Creek, Tenmile (TSF) (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 724.852.5278
Indiana County Marion Center Borough	PAG2003209013	Pynos Construction Company 300 Stone Pine Drive Blairsville, PA 15717	UNT Pine Run-(CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 724.471.4751
Indiana County White Township	PAG02003211008	Citizens Ambulance Service, Inc. 805 Hospital Road Indiana, PA 15701	McCarthy Run- (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 724.471.4751
Washington County Cecil Township	PAG2006311024	Cecil Township 3599 Millers Run Road Cecil, PA 15321	McPherson Creek/Chartiers Creek-(WWF)	Washington County CD 100 West Beau Street Suite 105 Washington, PA 15301 724.228.6774
Adams Township Butler County	PAG02 0010 11 017	Thomas Lower Adams Land Company 41 Water Station Road Evans City PA 16033	UNT Breakneck Creek WWF	Butler Conservation District 724-284-5270
West Mead Township Crawford County	PAG02 0020 11 003	Meadville Rehab and Nursing Center 14714 Park Avenue Ext. Meadville PA 16335	Bennyhoof Run CWF; MF	Crawford Conservation District 814-763-5269
Fairview and McKean Township Erie County	PAG02 0025 11 011	BT Erie Casino LLC 116 Union Avenue Altoona PA 16602	Elk Creek / UNT Elk Creek WWF; MF	Erie Conservation District 814-825-6403
Summit Township Erie County	PAG02 0025 11 014	BT Erie Casino LLC 116 Union Avenue Altoona PA 16602	Walnut Creek CMF; MF	Erie Conservation District 814-825-6403
City of Erie & Millcreek Township Erie County	PAG02 0025 11 0026	PADOT District 01 255 Elm Street, PO Box 398 Oil City PA 16301	UNT W. Br. Cascade Creek WW; MF UNT Walnut Creek CWF; MF	Erie Conservation District 814-825-6403
City of Bradford McKean County	PAG02 0042 11 005	Habiterra 1279 North Main Street Jamestown NY 14701	Tunungwant Creek CWF	McKean Conservation District 814-887-4001
Pine Township Mercer County	PAG02 0043 11 009	Grove City YMCA 543 East Main Street Ext Grove City PA 16127	UNT Swamp Run CWF	Mercer Conservation District 724-662-2242

*General Permit Type—PAG-03*

<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>
Upper Merion Township Montgomery County	PAR20032	Lane Enterprises Inc. 3905 Hartzdale Drive Suite 514 Camp Hill, PA 17011	UNT to Schuylkill River WWF—3-F	Southeast Region Water Management 484.250.5970



<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>
Haverford Township Delaware County	PAR800097	United States Postal Service 1675 Camp Hill Bypass Camp Hill, PA 17011	Cobbs Creek—3-G	Southeast Region Water Management 484.250.5970
Federal Express Corporation PNEA 741 5th Avenue King of Prussia, PA 19406 Upper Merion Township Montgomery County	PAR800073	Federal Express Corporation 3620 Hacks Cross Road Building B, 2nd Floor Memphis, TN 38125	Unnamed Tributary to Trout Creek	Southeast Region Water Management 484.250.5970
City of Chester Delaware County	PAR230097	Majestic Products, LLC 622 Mary Street, 3rd Floor Warminster, PA 18974	Delaware River 3-G	Southeast Region Water Management 484.250.5970
Berks County Cumru Township	PAR603502	Allegheny Towing & Salvage Company PO Box 203 Birdsboro, PA 19508-0203	Schuylkill River / WWF	Southcentral Region Office DEP 909 Elmerton Avenue Harrisburg, PA 17110 717.705-4707
Montoursville Borough Lycoming County	PAR804885	Petroleum Products Inc. 500 River East Drive Belle, WV 25015	Bennetts Run— 10-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Leroy Township Bradford County	PAR804884	Petroleum Products Inc. 500 River East Drive Belle, WV 25015	Towanda Creek— 4-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
City of Williamsport Lycoming County	PAR604841	Penn Recycling, Inc. 2525 Trenton Avenue Williamsport, PA 17701	Unnamed Tributary to West Branch Susquehanna River—10-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Verona Borough Allegheny County	PAR236120	Consolidated Container Company, LP 601 Seldon Avenue Verona, PA 15147	Plum Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<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>
Lancaster Township Butler County	PAR608331	John Wagner & Sons Foreign Auto Parts 735 Perry Highway Harmony, PA 16037	Unnamed tributary to Scholars Run 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Paint Township Clarion County	PAR228317	Clarion Boards Inc. 143 Fiberboard Road Shippenville, PA 16254	Unnamed tributaries to Clarion River 17-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Paint Township Butler County	PAR708312	IA Construction Corp. 158 Lindsay Road Zelienople, PA 16063	Unnamed tributary to Allegheny River 17-B	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>
Franklin County / Lurgan Township	PAG043919	Tonia C. Metcalf 11489 Fort Loudon Road Mercersburg, PA 17235	Unt Licking Creek / 13-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Robeson Township	PAG053603	Turkey Hill, LP 257 Centerville Road Lancaster, PA 17603-4059	Allegheny Creek / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Carroll Township Washington County	PAG056248	Coen Oil Company PO Box 34 1045 West Chestnut Street Washington, PA 15301	Pigeon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-6**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>
North Braddock Borough Allegheny County	PAG066114	North Braddock Borough 600 Anderson Street North Braddock, PA 15104	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**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>
Adams County Tyrone Township	PAG123713	Malcolm R. Rudolph Granite Ridge Farms 200 Ginzel Road New Oxford, PA 17350	UNT Conewago Creek / WWF	Southcentral Region Office DEP 909 Elmerton Avenue Harrisburg, PA 17110 717.705.4707
Kelly Township, Union County	PAG124805	David N. Groff David Groff Farm 262 Pawling Road Lewisburg, PA 17837-7311	UNT of Susquehanna River, Buffalo Creek Watershed 10C,WWF	PADEP-North Central Regional Office Watershed Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448 570-327-0529

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

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
David W. Sweigart 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster	615	981	Dairy / Swine	NA	Approved
Elvin Hurst 61 Clay Road Lititz, PA 17543	Lancaster	33	351.37	Broilers	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0911542** Public Water Supply  
 Applicant **George E. Michael & Company, Inc.**  
 P. O. Box 59  
 New Hope, PA 18938  
 Borough New Hope  
 County **Bucks**  
 Type of Facility PWS

Consulting Engineer Ebert Engineering, Inc.  
 4092 Skippack Pike  
 P. O. Box 540  
 Skippack, PA 19474  
 Permit to Construct Issued September 26, 2011

**Permit No. 2311503** Public Water Supply  
 Applicant **Aqua Pennsylvania, Inc.**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Newtown  
 County **Delaware**  
 Type of Facility PWS  
 Consulting Engineer Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct Issued September 9, 2011

**Operations Permit No. 1511524** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID#1460073), Honey Brook Township, **Chester County** on September 13, 2011 for the operation of a Grandstaff Tank 180,000 gallons approved under construction permit #.1510521.

**Permit No. 1510525** Public Water Supply  
 Applicant **Aqua Pennsylvania, Inc.**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township East Marlborough  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112

Permit to Construct Issued December 7, 2010

**Permit No. 2310516** Public Water Supply  
 Applicant **Chester Water Authority**  
 415 Welsh Street  
 P. O. Box 467  
 Chester, PA 19016-0467  
 Township Little Britain  
 County **Lancaster**  
 Type of Facility PWS

Consulting Engineer CET Engineering  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct November 9, 2010  
Issued

**Permit No. 2310517** Public Water Supply  
Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Tinicum

County **Delaware**

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Permit to Construct December 28, 2010  
Issued

**Permit No. 2311503** Public Water Supply  
Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Newtown

County **Delaware**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct September 9, 2011  
Issued

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

**Permit No. 3611538 MA, Minor Amendment, Public Water Supply.**

Applicant **Ridgewood Manor MHP, Inc.**

Municipality Rapho Township

County **Lancaster**

Responsible Official Richard E Haldeman,  
Owner President  
101 Ridgewood Manor Inc  
Manheim, PA 17545

Type of Facility Installation of 100 feet of 18-inch  
chlorine contact piping and  
demonstration of 4-log treatment  
of viruses.

Consulting Engineer David J Gettle  
Kohl Bros., Inc.  
PO Box 350  
Myerstown, PA 17067

Permit to Construct 10/27/2011  
Issued:

**Permit No. 6711513 MA, Minor Amendment, Public Water Supply.**

Applicant **The York Water Company**

Municipality Spring Garden Township

County **York**

Responsible Official Mark S Snyder,  
Engineering Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility Flocculator replacement.

Consulting Engineer Mark S Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct 10/27/2011  
Issued:

**Permit No. 3611534 MA, Minor Amendment, Public Water Supply.**

Applicant **F & P Enterprises**

Municipality Brecknock Township

County **Lancaster**

Responsible Official David C. Fulton, Manager  
100 Birchview Drive  
Coatesville, PA 19320

Type of Facility Installation of 200 feet of 10-inch  
chlorine contact piping and  
demonstration of 4-log treatment  
of viruses for EP 100.

Consulting Engineer Charles A Kehew II, P.E.  
James R. Holley & Assoc., Inc.  
18 South George St.  
York, PA 17401

Permit to Construct 10/27/2011  
Issued:

**Permit No. 3611537 MA, Minor Amendment, Public Water Supply.**

Applicant **Model Enterprises, Inc.**

Municipality Rapho Township

County **Lancaster**

Responsible Official Stuart H. Loss, President  
630 Delp Road  
Lancaster, PA 17601

Type of Facility Installation of twenty 120-gallon  
chlorine contact tanks 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 10/27/2011  
Issued:

**Operations Permit** issued to: **Meadow View Ventures, LLC**, 7500040, Centre Township, **Perry County** on 10/7/2011 for the operation of facilities submitted under Application No. 7500040.

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

**Permit No. Minor Amendment—Construction Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 [Township or Borough] Milton Borough  
 County **Northumberland**  
 Responsible Official Mr. David R. Kaufman  
 Vice President-Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply  
 Consulting Engineer Scott Michael Thomas, P.E.  
 Pennsylvania American Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055  
 Permit Issued November 8, 2011  
 Description of Action Blasting and repainting/rehabilitating interior and exterior of Milton Sludge Tanks 1 & 2.

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

**Operations Permit** issued to: **UMH Properties, Inc.**, 1275 Forman Drive, Morgantown, WV 26508, (PWSID #4560003) Somerset Township, **Somerset County** on October 27, 2011 for the operation of facilities approved under Construction Permit #5605501.

**Operations Permit** issued to: **Municipal Authority of the Borough of Midland**, 946 Railroad Avenue, Midland, PA, 15059, (PWSID #5040038) Midland Borough, **Beaver County** on October 27, 2011 for the operation of facilities approved under Construction Permit #0410517.

**Permit No. 5610519GWR, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the Borough of Berlin**,  
 700 North Street,  
 Berlin, PA 15530  
 [Borough or Township] Brothersvalley Township and Berlin Borough  
 County **Somerset**  
 Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Permit to Operate Issued November 8, 2011

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

**Permit No., 363W3-T1-MA5** Public Water Supply  
 Applicant **Erie City Water Authority d/b/a Erie Water Works**  
 Township or Borough City of Erie and Harborcreek Township  
 County **Erie**

Type of Facility Public Water Supply  
 Consulting Engineer Craig J. Bauer, P.E.  
 KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Permit to Construct Issued November 1, 2011

**Transfer of Operations Permit** issued to **Sykesville Borough**, PWSID #6330013, Sykesville Borough, **Jefferson County** on August 23, 2011. Action is for change in ownership; the potable water supplier will do business as Sykesville Borough. The new permit number is 5014-T2.

**Operations Permit** issued to **ACRI Commercial Realty Inc. d/b/a Abbey Woods Development**, PWSID # 5100144, Jackson Township, **Butler County**. Permit Number 1000503-T1-MA1, issued November 4, 2011 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Transfer of Operations Permit** issued to **Andrew Narlee d/b/a Country Estates Mobile Home Park**, PWSID #6610038, Clinton Township, **Venango County** on November 8, 2011. Action is for change in ownership; the potable water supplier will do business as Country Estates Mobile Home Park. The new permit number is 6196501-T1.

**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:* Final Report Official Sewage Facilities Plan (Act 537)

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Chapman Borough	1400 Main St., Borough Hall Bath, PA 18014	Northampton

*Plan Description:* The approved plan provides for Official Sewage Facilities Plan (Act 537) for Chapman Borough, Northampton County, PA. The proposal covers the entire borough and consists of a sewage disposal needs evaluation which considered structural alternatives such as community collection/conveyance/treatment options for both stream and land disposal, as well as community and individual on-lot disposal options. A non-structural alternative to implement a Sewage Management Program was also evaluated. The submission is consistent with the planning requirements given in Chapter 71 of the Rules and Regulations of the Department.

The plan provides for the continued use of on-lot sewage disposal systems in the Borough and the implementation of a Sewage Management Program for the regular inspection, operation, and maintenance of on-lot disposal systems. The Borough's Sewage Management Program will include the following:

Adoption of a Sewage Management Ordinance which will regulate the maintenance, inspection and repair of existing and future on-lot sewage disposal systems. Property owners will be required to perform septic tank inspections and pumpout as needed every three years and to submit copies of inspection reports to the Borough.

Furthermore, this Ordinance will provide for enforcement and penalties for violations of the Ordinance.

Adoption of a Holding Tank Ordinance which will regulate the use of holding tanks and provide for inspections of holding tanks and penalties for violations of the Ordinance.

Adoption of a Small Flow Wastewater Disposal System Ordinance which will regulate the installation operation, maintenance and inspection of a small flow treatment and disposal facility where the use of an individual subsurface sewage disposal system may present potential health risks and provide for penalties for violation of the Ordinance.

Distribution of public information materials in the annual Chapman Borough newsletter such as a description of a properly functioning on-lot sewage disposal system, information on water conserving devices to reduce hydraulic loading of a sewage system, and the inspection/pumping form.

Monitoring and review of new construction system installations or repairs/replacements of existing systems.

The recommended plan implementation schedule designates the year 2012 as the first year of implementation for the three-year cycle of the Sewage Management Program.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Rd, Carlisle PA 17013	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The plan revision provides for the use of a small flow treatment facility to treat up to 500 gpd on an existing 2.56 acre lot to replace a malfunctioning on lot sewage disposal system for a single family dwelling. The proposed development is located at 110 Union Hall Road in North Middleton Township. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-21920-228-3S and the APS Id is 761572. Any required WQM Permits must be obtained in the name of the property owner.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Maxatawny Township	127 Quarry Rd., Kutztown PA 19530	Berks County

*Plan Description:* The approved plan provides for a 2 lot commercial development to generate a total of 1150 gallons of sewage per day. Lot 1 is to be served by a DEP permitted on-lot system. Lot 2 is to be served by an Orenco Advantex on-lot system. The proposed development is located on Grim Rd., Maxatawny Township, Berks County. The plan revision DEP number is A3-06944-170-3S. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main St., Birdsboro, PA 19508	Berks County

*Plan Description:* The approved plan provides for a 198 lot residential subdivision to generate a total of 54,648 gallons of sewage per day to be served by a proposed pump station that is tributary to the Robeson Township Municipal Authority sewage treatment plant. The proposed development is located on Cedar Hill Rd., Robeson Township, Berks County. The plan revision DEP number is A3-06954-236-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hellam Township	44 Walnut Springs Road, York, PA 17406	York County

*Plan Description:* Westbury Hunt Subdivision, DEP Code No. A3-67929-223-2: The approved plan provides for a 28 lot single-family residential subdivision on 199.46 acres with total estimated sewage flows of 11,200 gpd to be treated by individual on-lot disposal systems. Approval is granted subject to the provisions contained in the stipulation for settlement recognized by the Environmental Hearing Board Order issued July 27, 2011 in the case EHB Docket No. 2011-022-L. The subdivision is located on the northwestern corner of Ducktown Road and Picking Road in Hellam Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific

standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Erie County Convention Center Authority Bayfront Site** (Frm. GAF Materials Corp.), City of Erie, **Erie County**. AMEC E&I, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Erie County Convention Center Authority, 809 French Street, Erie, PA 16501 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, carbazole, chrysene, 4-methylphenol[p-cresol], naphthalene, 1,3,5-trimethylbenzene, benzene and site groundwater contaminated with benzo[a]anthracene, benzo[a]pyrene, benzo[g,h,i]perylene, 2,4-dichlorophenol, hexachlorobenzene, 4-methyl-phenol[p-cresol], naphthalene, and benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Norwin Towne Center**, North Huntingdon, **Westmoreland County**. Bruce Shaw, American Geosciences, Inc. 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of The Soffer Organization, 424 South 27th Street, Pittsburgh, PA 15203 has submitted a Cleanup Plan concerning the remediation of site soils and groundwater contaminated with chlorinated compounds (PCE, TCE, Vinyl Chloride). The Cleanup Plan was noticed in The Tribune Review on October 6, 2011.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**McAtee Residence**, East Norriton Township **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Susan McAtee, 3012 Stony Creek Road, Norristown, PA 19401 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the State-wide Health Standard and was approved by the Department on October 12, 2011.

**Mark II Associates Inc.**, Property, Folcroft Borough **Delaware County**. Ed Eichen, The OAK Group, Inc., 200 Federal Street, Suite 300, Camden, NJ 08103 on behalf of Cynthia Ray, Mark II Associates, Inc., 266 South 23rd Street, Philadelphia, PA 19103 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report was approved by the Department on October 5, 2011

**Esperanza Health Center**, City of Philadelphia, **Philadelphia County**. John Luxford, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia,



PA 19406, Meredith Langille, Malcolm Pirnie Suite 310, King of Prussia, PA 19406 on behalf of Susan Post, Esperanza Health Center, 3156 Kensington Avenue, Philadelphia, PA 19134 has submitted a Final Report concerning the remediation of site groundwater contaminated with inorganics. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on October 6, 2011.

**Stove Works Facility**, Hatboro Borough **Montgomery County**. James F. Mullan, P.E., Hocage Consultant Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of David Kilcoyne, Plumridge Property, LLC, 237 Jacksonville Road, Hatboro, PA 19040 has submitted a Cleanup Plan/Final Report concerning the remediation of site groundwater contaminated with inorganic. The Cleanup Plan/Final Report was disapproved by the Department on October 3, 2011.

**Eaton Residence**, Pennsbury Township **Chester County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jim MacMahon, Allstate Insurance Company, 1200 Artwater Drive, Suite 110, Malvern, PA 19355 on behalf of Danielle Eaton, 30 Stirling Way, Chadds Ford Township, PA 19317 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 1, 2011.

**120 Leon Avenue Property**, Norwood Borough **Delaware County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Richard S. Werner, P.G., Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074, Kimberly Hurtado, 120 Leon Avenue, Norwood, PA 19074 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 3, 2011.

**114 Leon Avenue Site**, Norwood Borough **Delaware County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Richard S. Werner, P.G., Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074, David Roger, 114 Leon Avenue, Norwood, PA 19074 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 6, 2011.

**Conrail Morrisville Yard**, Falls Township **Bucks County**. Jeffery Seier, ARCADIS US, 17-17 Route 208 North 2nd Floor, Fairlawn, NJ 07410 on behalf of Neil P. Ferrone, Consolidated Rail Corporation, 1000 Howard Blvd. Mount Laurel, NJ 08054 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with diesel fuel. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 27, 2011.

**US Steel Fairless Works/ABC 7.5 Acre KIPC**, Falls Township **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, Inc. 2700 Kelly Road, Suite 200 Warrington, PA 18976, Juddson W. Herr, Langan Engineering and Environmental Services, Inc.

2700 Kelly Road, Suite 200 Warrington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 1, 2011.

**Transmontaigne Site**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Markets Street, Philadelphia, PA 19104, William Schmidt, P.E., Pennoni Associates, Inc., 3001 Markets Street, Philadelphia, PA 19104, Jon Edelstein, Philadelphia Department of Commerce, 1515 Arch Street, 12th Floor Philadelphia, PA 19102, on behalf of Elizabeth Gabor, Philadelphia Industrial Development Corporation, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site groundwater and soil contaminated with unleaded gasoline and inorganics. The Remedial Investigation/Cleanup Plan was approved by the Department on September 12, 2011.

**Bristol Dry Cleaners**, Bristol Borough **Bucks County**. Steve F. Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of Roman Iwaskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Remedial Investigation Report/Cleanup Plan and Risk Assessment Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report/Cleanup Plan and Risk Assessment Report were approved by the Department on October 18, 2011.

**David Property**, City of Philadelphia, **Philadelphia County**. Jeffery K. Walsh, P.G., Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bryan Cullen, Westrum Park Place, L.P., 370 Commerce Drive, Suite 100, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum compounds, metals, polynuclear aromatic hydrocarbons and other organic compounds. The Final report did not demonstrate attainment of the Site Specific Standard and Statewide health Standard was disapproved by the Department on October 21, 2011

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

**Ateeco, Inc. (Former Mrs. T's Pierogies)**, 600 East Center Street, Shenandoah Borough, **Schuylkill County**. Iain G. Barton, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 submitted a Final Report (on behalf of his client, Ateeco, Inc., P. O. Box 606, Shenandoah, PA 17976), concerning the remediation of soil found to have been impacted by mineral oil as a result of a release from an electrical transformer which was caused by a suspected act of vandalism. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on November 7, 2011.

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

**Former York International Corporation**, Grantley Plant, 631 South Richland Avenue, York, PA, 17403, Spring Garden Township, **York County**. GZA GeoEnvironmental, Inc., 20900 Swenson Drive, Suite 150, Waukesha,

WI 53186, on behalf of Johnson Controls, Inc., c/o Gonzalez Saggio & Harlan LLP, 225 East Michigan Street, 4th Floor, Milwaukee, WI 53202, and Patriot Richland Associates, LP, 1200 Liberty Ridge Drive, Suite 115, Wayne, PA 19087, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs and PAHs from past industrial activities. The Final Report demonstrated attainment of a combination of Non-Residential Statewide Health and Site-Specific Standards, and was approved by the Department on November 1, 2011.

**Campus Oral Surgery**, 1000 Rohrerstown Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. Reliance Environmental, Inc. 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Campus Oral Surgery, 2100 Harrisburg Pike, Suite 22, Lancaster, PA 17604, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 2, 2011.

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

**Northumberland National Bank**, Middleburg Branch, Franklin Township, **Snyder County**. Black Rock Environmental, LLC., PO Box 288, Nazareth, PA 18064 on behalf of Mike Flook, 245 Front Street, Northumberland, Pa 17857 has submitted a Final Report concerning the remediation of site soil contaminated with #2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 4, 2011.

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

**Kovalchick Salvage Yard—Wayne Avenue Properties**, White Township, **Indiana County**. L. Robert Kimball & Associates Inc., 615 Highland Avenue, Ebensburg, PA 15931 on behalf of Gary Taylor, commonwealth of Pennsylvania, Department of General Services, Bureau of Engineering and Architecture, Room 201, 18th and Herr Streets, Harrisburg, PA 17120 and Victor Piro, Commonwealth of Pennsylvania, Department of General Services, Bureau of Real Estate, Room 500, North Office Building, Harrisburg, PA 17125 has submitted a Final Report for TCE in Groundwater at the Kovalchick Salvage Yard—Wayne Avenue Properties. The Final Report for TCE in Groundwater was approved on November 2, 2011.

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

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

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 301353. Advanced Waste Services of PA, LLC**, 1001 Sampson Street, New Castle, PA 16101, New Castle, **Lawrence County**. A major permit modification received July 20, 2011 to allow for the acceptance of certain types of municipal waste. The permit was approved by the Northwest Regional Office on November 1, 2011.

## AIR QUALITY

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

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

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

**48-310-063GP3: Brandenburg Industrial Service Co.** (2217 Spillman Drive, Bethlehem, PA 18015) on November 1, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Bethlehem, **Northampton County**.

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

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

**GP1-01-05033A: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17375-0001) on November 1, 2011, for a new 31.3 MMBtu/hr natural, gas-fired boiler under GP1, at their apple processing facility in Tyrone Township, **Adams County**.

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

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

**GP1-41-00015: Pennsylvania Department of Corrections** (6454 Route 405 Highway, Muncy, PA 17756) on October 21, 2011, to construct and operate a 27.22 million Btu per hour, Hurst model 650 X1D natural gas -fired boiler pursuant to General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1, Small Gas and #2 Oil Fired Combustion Units for their Muncy Correctional Institution in Clinton Township, **Lycoming County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP3-63-00963: Boord, Benchek and Assoc., Inc.** (345 Southpointe Boulevard, Canonsburg, PA 15317) on October 28, 2011, to install and operate a Metso Lokotrack LT 106 portable nonmetallic mineral processing plant, rated at 400 tons per hour, at their Ostop—Schneider Borrow Site in Smith Township, **Washington County**.

**GP9-63-00963: Boord, Benchek and Assoc., Inc.** (345 Southpointe Boulevard, Canonsburg, PA 15317) on October 28, 2011, to install and operate a Caterpillar C9 diesel-fired engine, rated at 300 bhp, controlled by a CleanAIR Systems Assure DOC oxidation catalyst at their Ostop—Schneider Borrow Site in Smith Township, **Washington County**.

**GP5-65-01016: Laurel Mountain Midstream, LLC** (1550 Coraopolis Height Road, 2nd Floor, Moon Township, PA 15108) on November 3, 2011, to install and operate seven (7) Caterpillar model G3516B lean-burn natural gas-fired compressor engines, each rated at 1,380 brake horsepower and controlled by oxidation catalysts, and one (1) 75 MMscfd dehydration unit with reboiler rated at 1.5

MMBtu/hr, controlled by a flare, at their Donegal Compressor Station in Donegal Township, **Westmoreland County**.

**GP5-26-00592: Burnett Oil Company, Inc.** (Point Plaza Suite 120, 601 Technology Drive, Canonsburg, PA 15317) on October 27, 2011, to construct and operate sources and controls associated with a natural gas production facility at their Shoaf Compressor Station located in German Township, **Fayette County**.

**GP5-63-00946C: Chevron Appalachia, LLC** (1550 Coraopolis Heights Road, PO Box 611, Moon Township, PA 15108) on November 3, 2011, to construct and operate sources and controls associated with a natural gas production facility at their Deemston Compressor Station (formerly owned and operated by Atlas America, LLC) in Deemston Boro, **Washington County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**15-0090D: NE Opc, Inc.—dba National Envelope** (303 Eagleview Boulevard Exton, PA 19341) on November 2, 2011, for installation and addition of three (3) Winkle and Dunnebler WD627 flexographic printing presses at their existing facility in Uwchlan Township, **Chester County**. To make floor space for these three presses, three (3) WD527s will be removed. Actual emissions of VOCs and HAPs are expected to increase by 1.8 and 0.4 tons per year respectively. The facility will continue to comply with its current synthetic minor emission limits of 24.66 tons of VOCs, 12.62 tons of total HAPS, and 9.9 tons of any individual HAP, each on a 12 consecutive month basis. The facility is not subject to the Greenhouse Gas regulations. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

**23-0001AC: Sunoco, Inc.—R & M—Marcus Hook Refinery.** (100 Green Street, Marcus Hook, PA 19061) on October 28, 2011, in Marcus Hook Borough, **Delaware County** to construct and install a Selective Non-Catalytic Reduction (SNCR) control device at an existing Fluid Catalytic Cracking Unit (FCCU) for the control and reduction of NO<sub>x</sub> emissions. Additional changes include annual aggregate mass emission limits of SO<sub>2</sub> (2200 tons) and NO<sub>x</sub> (1080 tons). NO<sub>x</sub> emissions are expected to be reduced by a minimum of 85 tons through the installation of this SNCR. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

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

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

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

**46-0094A: Highway Material** (1750 Walton Road, Bluebell, PA 19422) on October 31, 2011, to operate a bag-house in Whitmarsh Township, **Montgomery County**.

**09-0021C: MRI Flexible Packaging Co.** (122 Penns Trail, Newtown, PA 18940) on October 28, 2011, to operate a regenerative thermal oxidizer in Newtown Township, **Bucks County**.

**15-0009C: AGC Chemicals America, Inc.** (255 South Bailey Road, Downingtown, PA 19355) on October 21, 2011, to operate a fluidized bed dryer in Caln Township, **Chester County**.

**23-0111A: Centocor Research and Development, Inc.** (145 King of Prussia, Radnor PA 19087) on October 28, 2011, to operate a generator in Radnor Township, **Delaware County**.

**15-0060D: Southeastern Chester County Refuse Authority** (P. O. Box 221, Kennett Square, PA 19348) on October 28, 2011, to operate an enclosed flare in London Grove Township, **Chester County**.

**23-0114: Henry H. Ottens Manufacturing Co., Inc.** (600A Kaiser Drive, Folcroft, PA 19032) on October 28, 2011, to operate a rotoclone in Folcroft Borough, **Delaware County**.

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

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

**24-161B: Greentree Landfill Gas Co., LLC** (Tower Road, Brockway, PA 15824) on October 31, 2011, to construct two natural gas compressor engines to replace the existing two compressor engines for boosting natural gas production into the custody transfer point in Horton Township, **Elk County**. This is a State Only facility.

**62-017P: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on October 31, 2011, to modify Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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

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

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

**44-05001: Standard Steel LLC** (500 North Walnut Street, Burnham, PA 17009-1644) on October 28, 2011, for the steel railroad wheel and axle forging/manufacturing facility in Burnham Borough, **Mifflin County**. The Title V Permit was renewed and issued.

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) on November 1, 2011, for their ceiling tile manufacturing facility in East Donegal Township, **Lancaster County**. The Title V permit was renewed.

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

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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: 717-705-4863

**21-05055: The Frog, Switch & Manufacturing Co.** (600 East High Street, Carlisle, PA 17013) on October 26, 2011, for the steel foundry in Carlisle Borough, **Cumberland County**.

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

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

**37-00011: Dairy Farmers of America, Inc.** (925 State Route 18, New Wilmington, PA 16142-5023) on November 1, 2011, renewed the State Only Operating Permit for the facility in Wilmington Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include boilers, a dryer, 2 waste water treatment reactors, emergency generators, and a parts washer. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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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

**46-00172: Gemalto, Inc.** (101 Park Drive, Montgomeryville, PA 18936) on November 2, 2011, to amend the operating permit to incorporate requirements of Plan Approval 46-0172C for a Sakurai Screen Press, into the facility's State Only Operating Permit, 46-00172 in Montgomery Township, **Montgomery County**. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

**10-00298: ESM Group, Inc.** (955 Saxonburg Boulevard, Saxonburg, PA 16056-2317) on November 1, 2011, for an administrative amendment of the facility's Natural Minor Operating Permit because the facility divided into two different companies ESM Group Inc. and ESM Special Metals and Technology (SMT) Inc. with split up sources. The sources stay with this facility, 1) Lime handling and storage tank, 2) Mixing (In blend bldg.), 3) Fab Bldg. paint booth, 4) End product truck loading and, 5) Vessel cleaning (Bldg.) The facility produces Manganese blended powders (magnesium powders mixed with lime) located in Saxonburg Borough and **Butler County**. These revisions qualify as an administrative amendment as described in 25 Pa. Code § 127.450.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**14-00034: Jostens, Inc.** (401 North Science Park Road, State College, PA 16803) a Natural Minor Operating Permit 14-00034 was terminated on November 2, 2011, for their State College Plant in Ferguson Township, **Centre County**. All of the air-contaminant sources have ceased operation and are being removed from this facility.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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### Coal Permits Actions

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

**30841316, Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Aleppo Township, **Greene County** to amend 1173.70 subsidence control plan area acres from development mining to longwall mining. No additional discharges. The application was considered administratively complete on September 8, 2009. Application received: July 6, 2009. Permit issued: October 28, 2011.

**63723707 and NPDES No. PA 0215520, Maple Creek Mining, Inc.**, (683 State Route 7 North, Burlile Building, P. O. Box 278, Gallipolis, OH 45631), to renew the permit and related NPDES permit and revise the permit for the Ginger Hill Refuse Area II in Nottingham and Carroll Township, **Washington County** to add a coal preparation plant at the refuse site. No additional discharges. The application was considered administratively complete on May 27, 2009. Application received: March 10, 2009. Permit issued: October 31, 2011.

**63723707 and GP12-63723707-R15, Maple Creek Mining, Inc.**, (683 State Route 7 North, Burlile Building, P. O. Box 278, Gallipolis, OH 45631), to revise the permit for the Ginger Hill Refuse Area II in Nottingham and Carroll Township, **Washington County** to establish an emission inventory for a modular coal preparation plant with conveyors, raw coal screening, crushing, and storage, a processed coal storage pile, front end loader for pile manipulation and truck loading, and gravel haulroad based on 650,000 tons of raw coal per year and 2000 operating hours. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of GP12-

63723707. No additional discharges. The application was considered administratively complete on November 26, 2008. Application received: November 26, 2008. Permit issued: October 31, 2011.

**30031301 and NPDES No. PA 0235610, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to renew the permit for the 4-West Mine in Dunkard Township, **Greene County**. No additional discharges. The application was considered administratively complete on November 30, 2009. Application received: October 23, 2009. Permit issued: November 2, 2011.

**30031301 and NPDES No. PA 0235610, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4-West Mine in Perry Township, **Greene County** for installation of two boreholes and pipeline for the Calvin Run Site, Surface Acres Proposed 11.9, no additional discharges. The application was considered administratively complete on February 23, 2011. Application received: January 24, 2011. Permit issued: November 2, 2011.

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

**32090201 and NPDES No. PA0262854, Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous coal refuse reprocessing surface mine in Conemaugh Township, **Indiana County**, affecting 11.9 acres. Receiving stream(s): unnamed tributaries to/and Sulfur Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The permit includes a Chapter 105 authorization to construct and use an access road and crossing and to remove abandoned coal refuse along Sulfur Run. Application received: August 26, 2009. Permit issued: October 24, 2011.

**05753004 and NPDES No. PA0124869, Heritage Coal & Natural Resources, LLC**, 208 West Mud Pike Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, located in Broadtop and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving streams: UTS to/and Coal Bank Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2011. Permit issued: October 31, 2011.

**05070101 and NPDES No. PA0262544, Heritage Coal & Natural Resources, LLC**, 208 West Mud Pike Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661, located in Broadtop Township, **Bedford County**, affecting 110.0 acres. Receiving stream(s): East Fork Brewster Hollow Run and Brewster Hollow Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2011. Permit issued: October 31, 2011.

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

**02090102 and NPDES Permit No. PA0251780, Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Findlay Township, **Allegheny County**, affect-

ing 112.0 acres. Receiving streams: unnamed tributaries to Potato Garden Run. Application received: October 29, 2009. Permit issued: November 1, 2011.

**65910103 and NPDES Permit No. PA0592447, Coal Loaders, Inc.** (210 E. Main Street, Ligonier, PA 15658). Renewal permit issued 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. Renewal application received: March 18, 2011. Renewal permit issued: November 3, 2011.

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

**33930102 and NPDES Permit No. PA0211508, Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: Two unnamed tributaries to Little Sandy Creek. Application received: May 2, 2011. Permit Issued: November 2, 2011.

**33910106, Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous surface and auger mine in Perry Township, **Jefferson County** affecting 195.0 acres. Receiving streams: Foundry Run and two unnamed tributaries to Foundry Run. This renewal is issued for reclamation only. Application received: April 7, 2011. Permit Issued: November 4, 2011.

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

**45A76SM16 and NPDES No. PA0256455, Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine for reclamation activities only and its associated NPDES permit located in Brady Township, **Clearfield County** affecting 23.0 acres. Receiving stream: unnamed tributary to East Branch of Mahoning Creek classified as high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2011. Permit issued: October 25, 2011.

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

**54950201R3 and 54950201GP104, Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 15.0 acres, receiving stream: tributary to Mahanoy Creek. Application received: January 3, 2011. Renewal issued: November 4, 2011.

#### *Noncoal Permits Actions*

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

**56090301 and NPDES No. PA0262846, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, commencement, operation and restoration of a noncoal (Loyalhanna Formation) surface and deep mine in Jefferson Township, **Somerset County**, affecting 289 acres. Receiving stream(s): an unnamed tributary to Kooser Run and unnamed tributaries to Shafer Run (tributaries to Laurel Hill Creek) classified for the following antidegradation use(s): high quality, cold water fishery. The first downstream potable water supply is the Somerset Borough Municipal intake on Laurel Hill

Creek downstream of the confluence with Shafer Run. The permit was issued with a requirement that wastewater and stormwater be handled with nondischarge alternatives and without point source discharges. The permit includes an approval for two Chapter 105 stream encroachments to conduct mine support activities within 100 feet of an unnamed tributary to Kooser Run including constructing a haulroad crossing, a conveyor crossing, erosion and sedimentation controls, and an aerial pipe line crossing. Application received: July 31, 2009. Permit issued: October 24, 2011.

**Permit No. 7574SM2 and NPDES Permit No. PA0614343. Hempt Brothers, Inc.**, 205 Creek Road, Camp Hill, PA 17011, renewal of NPDES permit, Lower Allen Township, **Cumberland County**. Receiving stream(s): Yellow Breeches Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is PA American Water Company West Shore RWTP YB Yellow Breeches1 Yellow Breeches 2. Application received: June 30, 2011. Permit issued: November 1, 2011.

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

**26102801. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). Permit issued for commencement, operation and reclamation of a small noncoal surface mine, located in Luzerne Township, **Fayette County**, affecting 3.9 acres. Receiving stream: Monongahela River. Application received: January 25, 2010. Permit issued: November 2, 2011.

**26102801-GP104. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). General NPDES Permit for stormwater discharges associated with mining activities on surface mine permit no. 26102801, located in Luzerne Township, **Fayette County**. Application received: September 23, 2011. Permit issued: November 2, 2011.

**03110801. McVile Mining Company** (301 Market Street, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a small noncoal surface mine, located in Bethel Township, **Armstrong County**, affecting 4.9 acres. Receiving stream: Unnamed tributary to Allegheny River. Application received: May 10, 2011. Permit issued: November 3, 2011.

**03110801-GP104. McVile Mining Company** (301 Market Street, Kittanning, PA 16201). General NPDES Permit for stormwater discharges associated with mining activities on surface mine permit no. 03110801, located in Bethel Township, **Armstrong County**, affecting 4.9 acres. Application received: May 10, 2011. Permit issued: November 3, 2011.

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

**08990301 and NPDES No. PA0242721. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Renewal of the NPDES permit on an existing large industrial mineral mine located in Athens Township, **Bradford County** affecting 21.0 acres. Receiving stream: Susquehanna River classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 19, 2011. Permit issued: November 2, 2011.

**18071001. Maxwell Trucking & Excavating, Inc.** (689 E. College Ave., Pleasant Gap, PA 16823). Final bond release for a small industrial minerals surface mine

located in Bald Eagle Township, **Clinton County**. Restoration of 5.0 acres completed. Receiving stream: Bald Eagle Creek, tributary to West Branch Susquehanna River. Application received: September 27, 2011. Final bond released: October 31, 2011.

**57000301 and NPDES No. PA0242811. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474). Renewal of the NPDES permit on an existing large industrial mineral mine located in Cherry Township, **Sullivan County** affecting 156.2 acres. Receiving stream: unnamed tributary to Birch Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 16, 2011. Permit issued: November 1, 2011.

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

**58112502. F.S. Lopke Contracting, Inc.**, (3430 State Route 434, Apalachin, NY 13732), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Unnamed tributary to Butler Creek. Application received: January 13, 2011. Permit issued: November 1, 2011.

**58112502GP104. F.S. Lopke Contracting, Inc.**, (3430 State Route 434, Apalachin, NY 13732), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112502 in Jackson Township, **Susquehanna County**, receiving stream: Unnamed tributary to Butler Creek. Application received: January 13, 2011. Permit issued: November 1, 2011.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**63114008. Allegheny Excavating** (2591 Wexford Bayne Road, #100, Sewickley, PA 15143). Blasting activity permit for the construction of the Brownsville WalMart, located in West Brownsville Borough, **Washington County**. The duration of blasting is expected to last six months. Blasting permit issued: October 31, 2011.

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

**08114137. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for a pipeline located in Terry Township, **Bradford County**. Permit issued: November 1, 2011. Permit expires: October 29, 2012.

**59114006. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Blasting for Frontier GP103—Talisman Projects located in Sullivan Township, **Tioga County**. Permit issued: November 1, 2011. Permit expires: November 1, 2016.

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

**40114003. Precision Explosives, Inc.**, (2192 Seamans Neck Road, Seaford, NY 11783), demolition of 200 foot high steel smoke stack at IDC Corp. Complex in Jenkins Township, **Luzerne County** with an expiration date of October 29, 2011. Permit issued: October 28, 2011.

**38114121. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Fort Indiantown Gap National Cemetery in East Hanover Township, **Lebanon County** with an expiration date of October 31, 2012. Permit issued: November 1, 2011.

**46114110. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Shaw residence in New Hanover Township, **Montgomery County** with an expiration date of December 31, 2011. Permit issued: November 7, 2011.

**40114004. Demtech**, (65 North Bald Mtn. Road, Dubois, WY 82513), demolition of the 8th Street Bridge in Plains Township, **Luzerne County** with an expiration date of December 31, 2011. Permit issued: November 7, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**EA09-301. PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, Bensalem, Bristol and Middletown Townships, **Bucks County**, ACOE Philadelphia District.

Approval of an Environmental Assessment (EA) to construct and maintain the proposed interchange between the Pennsylvania Turnpike (I-276) and Interstate 95 (I-95). In sum, this project includes relocation of the Pennsylvania Turnpike toll plaza barrier (Interchange 359), widening of I-276 from four to six lanes between Interchange 351 and the Delaware River, and construction of an additional parallel bridge across the Delaware River. In addition, I-95 would be widened to accommodate ramps and merge lanes resulting from the construction of the interchange.

The roadway construction and widening extends approximately 9.2 miles along I-276 from just west of Interchange 351, Bensalem Township, Bucks County (Langhorne, PA, USGS Quadrangle N: 1.6 inches; W: 14.8 inches), across the Delaware River Turnpike Bridge. The project limit along I-95 extend 3.2 miles from just south of Trenton Road in Middletown Township, Bucks County (Langhorne, PA, USGS Quadrangle N: 3.4 inches; W: 2.9 inches), to the east bank of the Neshaminy Creek in Bristol Township, Bucks County (Beverly, PA, USGS Quadrangle N: 18.8 inches; W: 3.8 inches).

The overall project proposes to permanently impact a total of 2.27 acres of wetlands (PEM/PSS/PFO) and 2,097 linear feet of perennial stream. Compensatory wetland mitigation for the entire project will occur on land owned by the Pennsylvania Turnpike Commission (PTC) located at the corner of Zimmerman Lane and Newportville Road in Middletown Township, Bucks County, and the stream mitigation will occur along Mill Creek in the Plumbridge Community in Bristol Township, Bucks County.

This project is divided into three construction phases. Phase 1 includes the completion of the I-95 connection and toll system conversion. Phase 2 includes completion of the remaining interchange movements and associated highway widening. Phase 3 includes the construction of the new Delaware River Bridge and rehabilitation of the existing bridge.

This approval constitutes a Water Quality Certification for the entire project under Section 401 of the Federal Water Pollution Control Act, 33 U.S.C.A. 1341.

**E09-952. PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106, Bensalem, Bristol, and Middletown Townships, **Bucks County**, ACAOE Philadelphia District.

To construct the proposed I-276/I-95 interchange between the Pennsylvania Turnpike (I-276) and Interstate 95 (I-95). The project also includes relocation of the Pennsylvania Turnpike barrier toll plaza (Interchange

359), widening of I-276 from four to six lanes between Interchange 351 and the Delaware River, and construction of an additional parallel bridge across the Delaware River. In addition, I-95 would be widened to accommodate ramps and merge lanes resulting from the construction of the interchange.

The roadway construction and widening along I-276 extend approximately 9.2 miles along I-276 from just west of Interchange 351, Bensalem Township, Bucks County (Langhorne, PA, USGS Quadrangle N: 1.6 inches; W: 14.8 inches) across the Delaware River Turnpike Bridge. The study limits along I-95 extend 3.2 miles from just south of Trenton Road in Middletown Township, Bucks County (Langhorne, PA, USGS Quadrangle N: 3.4 inches; W: 2.9 inches) to the east bank of the Neshaminy Creek in Bristol Township, Bucks County (Beverly, PA, USGS Quadrangle N: 18.8 inches; W: 3.8 inches).

The overall project proposes to permanently impact a total of 2.27 acres of wetlands (PEM/PSS/PFO) and 2,097 linear feet of perennial stream. Compensatory wetland mitigation for the entire project will occur on land owned by the Pennsylvania Turnpike Commission (PTC) located at the corner of Zimmerman Lane and Newportville Road in Middletown Township, Bucks County; stream mitigation will occur at both the compensatory wetland mitigation site in Middletown Township and along Mill Creek in the Plumbridge Community in Bristol Township, Bucks County.

The project is divided into three stages of construction. Stage 1 of the project includes the completion of the Interstate 95 connections and toll system conversion. Stage 2 of the project includes completion of the remaining interchange movements and associated highway widening, while Stage 3 would include the construction of the new Delaware River Bridge and rehabilitation of the existing bridge.

The construction work for Stage 1 (Richlieu Road Bridge and Northwest Quadrant Mitigation Site) includes the following water obstruction and encroachment activities:

1. To excavate for the removal of a gravel road sub-base at the proposed mitigation site and then regrade and restore the forested wetland that drains to an unnamed tributary to the Neshaminy Creek at station 25+89 (Langhorne, PA, Quadrangle N: 1.4 inches, W: 3.1 inches). Temporary impact of 0.105 acre of forested wetland (W3A).

2. To excavate for the removal of a culvert conveying an unnamed tributary to the Neshaminy Creek and then regrade and restore the forested wetland that drains to an unnamed tributary to the Neshaminy Creek at station 25+89 (Langhorne, PA, Quadrangle N: 1.4 inches, W: 3.1 inches). Temporary impact of 0.006 acre of forested wetland (W3).

3. To excavate for the removal of a culvert conveying an unnamed tributary to the Neshaminy Creek and then regrade and restore the forested wetland that drains to an unnamed tributary to the Neshaminy Creek at station 23+05 (Langhorne, PA, Quadrangle N: 1.6 inches, W: 3.1 inches). Temporary impact of 0.012 acre of forested wetland (W6).

4. To excavate for the removal of a culvert conveying an unnamed tributary to the Neshaminy Creek and stream bank regrading, and then regrade and restore the forested wetland that drains to an unnamed tributary to the Neshaminy Creek at station 21+42 (Langhorne, PA,

Quadrangle N: 3.1 inches, W: 1.6 inches). Temporary impact of 0.038 acre of forested wetland (W4).

5. To excavate for the removal of a culvert and reconstruction of the open channel conveying an unnamed tributary to the Neshaminy Creek at station 1+00 (Langhorne, PA, Quadrangle N: 1.5 inches, W: 3.1 inches). Temporary impact of 128 linear feet of intermittent channel (S2).

6. To excavate for the removal of a culvert and reconstruction of the open channel conveying an unnamed tributary to the Neshaminy Creek at station 10+28 (Langhorne, PA, Quadrangle N: 1.5 inches, W: 3.1 inches). Temporary impact of 239 linear feet of perennial channel (S3).

7. To remove trash and debris from the open channel conveying an unnamed tributary to the Neshaminy Creek at station 12+73 (Langhorne, PA, Quadrangle N: 1.6 inches, W: 3.2 inches). Temporary impact of 164 linear feet of perennial channel (S3).

8. To excavate for the removal of a culvert and reconstruction of the open channel conveying an unnamed tributary to the Neshaminy Creek at station 5+00 (Langhorne, PA, Quadrangle N: 1.5 inches, W: 3.1 inches). Temporary impact of 178 linear feet of perennial channel (S1).

9. To excavate for the removal of a culvert and reconstruction of the open channel conveying an unnamed tributary to the Neshaminy Creek at station 6+57 (Langhorne, PA, Quadrangle N: 1.5 inches, W: 3.1 inches). Temporary impact of 17 linear feet of perennial channel (S1A).

10. To place fill for the construction of the roadway approaches for the Richlieu Road Bridge in the forested wetland that drains to an unnamed tributary to the Neshaminy Creek at station 20+33 (Langhorne, PA, Quadrangle N: 0.5 inch, W: 11.0 inches). Permanent impact of 0.058 acres and temporary impact of 0.012 acre of forested wetland (W6).

11. To place fill for the construction of the roadway approaches for the Richlieu Road Bridge and relocate the intermittent stream (W6A) that drains to an unnamed tributary to the Neshaminy Creek at station 20+00 (Langhorne, PA, Quadrangle N: 0.4 inch, W: 11.1 inches). Temporary impact of 167 linear feet of intermittent stream (W6A).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E09-954. Pennsylvania Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19106, Borough of Chalfont, **Bucks County**, ACOE Philadelphia District.

To remove the existing bridge, and to construct and maintain, in its place, an approximately 134.5-foot long single span bridge, with 55.5-foot span, and 10.11-foot underclearance, across the West Branch of the Neshaminy Creek (WWF-MF) associated with S.R. 0202, Section BBR bridge replacement project. This work includes the associated rip-rap at the abutments. The project temporarily impacts 0.14 acre, and permanently impacts 0.0013 acre of wetlands (PEM).

The project site is located approximately 364 feet north of the intersection of Butler Pike (S.R. 0202) and



Limekiln Pike (S.R. 0152) in Chalfont Borough, Bucks County (Doylestown, PA, USGS Quadrangle N: 6.32 inches; W: 11.67 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

**E32-496. Pennsylvania Department of Transportation, District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701, West Wheatfield Township, **Indiana County**. The applicant proposes to (1) remove the existing SR 259 two lane, 19.5-foot wide, single span bridge having a total length of 67 feet, and having an underclearance of 5.5 feet; construct and maintain a two lane 15-foot wide by 6-foot high opening 82.5-foot long box culvert, depressed an additional 1 foot into the streambed; construct and maintain a concrete encasement of a waterline immediately downstream of the culvert; construct and remove a temporary crossing and stream diversion; and construct and maintain associated streambank stabilization and stormwater outfalls over and in West Branch Richards Run (CWF) with a drainage area of 2.1 square miles. Construct and remove a temporary crossing in Richards Run (CWF) with a drainage area of 6.1 square miles just downstream of the confluence of the east and west branches of Richards Run. (2) remove and replace in kind the existing SR 2011 two lane, 20-foot wide, single span bridge superstructure having a total length of 43 feet, and having an underclearance of 5.9 feet and construct and maintain associated stream bank stabilization over and in East Branch of Richards Run (CWF) with a drainage area of 4 square miles. This bridge is located approximately 100 feet east of the above SR 259 crossing and approximately 2.25 miles northeast of the confluence with the Conemaugh River in West Wheatfield Township, Indiana County (New Florence, PA Quadrangle, N: 7.5 inches; W: 16 inches; Latitude: 40° 24' 58"; Longitude -79° 6' 54").

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D15-093EA. Mr. Willard Sunstein**, 860 Cupola Road, Honey Brook, PA 19344, Honey Brook Township, **Chester County**, ACOE Philadelphia District.

Project Proposes to breach and remove Cupola Mill Dam across East Branch Brandywine Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2800 feet of stream channel. The dam is located approximately 350 feet south of the intersection of Creek Road (SR 4031) and Chestnut Tree Road (SR 4025) (Wagontown, PA Quadrangle; Latitude: 40° 05' 54", Longitude: -75° 50' 44").

**D15-092EA. Mr. Jason Rutledge**, 3162 Creek Road, Honey Brook, PA 19344, West Brandywine Township **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Lewis Mill Dam across East Branch Brandywine Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 700 feet

southwest of the intersection of Creek Road (SR 4029) and Lewis Mill Road (SR 4031) (Wagontown, PA Quadrangle; Latitude: 40° 05' 59", Longitude: -75° 15' 19").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.*

**D02-136. Ross Township**, 1000 Ross Municipal Drive, Pittsburgh, PA 15237. To construct Cemetery Lane Storm Water Management Dam across an unnamed tributary to Girdys Run (WWF) for the purpose of creating a storm water management facility. The dam will be constructed of roller compacted concrete. The proposed dam will impact 185 lineal feet of stream. (Emsworth, PA Quadrangle N: 2.65 inches, W: 1.85 inches; Latitude: 40°30'52", Longitude: -80°0'40") Ross Township, **Allegheny County**.

**D10-125. Lakeland Country Estates Homeowner's Association**, 116 Lakeland Drive, Mars, PA 16046. To operate and maintain Green Lake Dam in the watershed of Wolfe Run (WWF), impacting 0 acres of wetlands and 0 feet of stream. This structure requires a Dam Permit to continue to operate and maintain the facility as a recreational lake. Modifications may be necessary as a result of the application review. (Mars, PA Quadrangle N: 17.20 inches; W: 9.31 inches) Adams Township, **Butler County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

3/7/2011

ESCGP-1 No: ESX10-125-0084 Major Revision  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person Carla Suszkowski  
Address: 380 South Pointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317

County: Washington Township: Chartiers  
Receiving Stream(s) And Classifications: Chartiers Run,  
Other

10/05/2011

ESCGP-1 No.: ESX11-007-0016  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Eric Haskins  
Address: 101 North Main Street  
City: Athens State: PA Zip Code: 18810  
County: Chippewa Township(s): Beaver  
Receiving Stream(s) and Classifications: UNT to South  
Branch Brady Run TSF, Other

10/04/2011

ESCGP-1 No.: ESX11-129-0034  
Applicant Name: XTO Energy Inc  
Contact Person: Melissa Breitenbach  
Address: 502 Keystone Drive  
City: Warrendale State: PA Zip Code: 15086  
County: Westmoreland Township(s): Loyalhanna  
Receiving Stream(s) and Classifications: UNT to  
Loyalhanna Creek WWF, UNT to Conemaugh River  
WWF, Other

10/14/2011

ESCGP-1 No.: ESX09-051-0013 Major Revision  
Applicant Name: Triana Energy LLC  
Contact Person: Walter Showen  
Address: 900 Virginia Street East  
City: Charleston State: PA Zip Code: 25301  
County: Fayette Township(s): Springfield  
Receiving Stream(s) and Classifications: Indian Creek  
CWF, Other

08/08/11

ESCGP-1 No.: ESX11-125-0070  
Applicant Name: CNX Gas Company LLC  
Contact Person: Daniel Bitz  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
COUNTY Washington Township(s): South Franklin  
Receiving Stream(s) and Classifications: UNT to Tenmile  
Creek/Tenmile Creek TSF

09/23/2011

ESCGP-1 No.: ESX11-125-0085  
Applicant Name: CNX Gas Company LLC  
Contact Person: Daniel Bitz  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
County: Washington Township(s): Morris, South Franklin  
Receiving Stream(s) and Classifications: UNT to Tenmile  
Creek TSF, Other

8/12/2011

ESCGP-1 No.: ESX11-005-0016  
Applicant Name: EQT Gathering LLC  
Contact Person: Brian Clauto  
Address: 455 Racetrack Road  
City: Washington State: PA Zip Code 15301  
County: Armstrong Township(s): Plumcreek and Kittan-  
ning  
Receiving Stream(s) and Classifications: Cherry Run  
CWF, Other

9/13/2011

ESCGP-1 No.: ESX11-007-0011  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person: Joseph Frantz  
Address: 380 Southpointe Boulevard Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Beaver Township(s): Hanover  
Receiving Stream(s) and Classifications: UNT 33777 to  
Wingfield Run/Raccoon Creek Watershed, Other

09/26/2011

ESCGP-1 No.: Esx11-125-0088  
Applicant Name: Rice Drilling B LLC  
Contact Person: Toby Rice  
Address: 171 Hillpointe Drive Suite 301  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): North Bethlehem  
Receiving Stream(s) and Classifications: UNT to Little  
Daniels Run, Other

10/14/2011

ESCGP-1 NO.: ESX11-125-0095  
Applicant Name: Range Resources—Appalachia LLC  
CONTACT PERSON: Glen Truzzi  
ADDRESS: 380 Southpointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Smith  
Receiving Stream(s) and Classifications: UNT to Little  
Raccoon Run and Raccoon Creek/Raccoon Creek Water-  
shed, Other

10/03/2011

ESCGP-1 NO.: ESX10-059-0053 Minor Revision  
Applicant Name: Alpha Shale Resources LP  
CONTACT: Toby Rice  
ADDRESS: 171 Hillpointe Drive  
City: Canonsburg State: PA Zip Code: 15317  
County: Township(s):  
Receiving Stream(s) and Classifications: Grinnage Run/  
Monongahela River, HQ

08/05/2011

ESCGP-1 NO.: ESX11-059-0049  
Applicant Name: Laurel Mountain Midstream, LLC  
CONTACT: Clayton Roesler  
ADDRESS: 1605 Coraopolis Heights Road  
City: Moon Township State: PA Zip Code: 15108  
County: Greene Township(s): Greene & Monongahela  
Receiving Stream(s) and Classifications: UNTs' to Little  
Whiteley Creek WWF, UNT's to Whiteley Creek/  
Tenmile Creek Watershed

09/23/2011

ESCGP-1 NO.: ESX10-129-0032 Major Revision  
Applicant Name: Williams Production Appalachia LLC  
CONTACT: David Freudenrich  
ADDRESS: 1000 Town Center Suite 130  
City: Canonsburg State: PA Zip Code: 15317  
County: Westmoreland & Fayette Township(s): Donegal  
and Saltlick and Springfield  
Receiving Stream(s) and Classifications: Youghiogheny  
River, HQ, Other

10/17/2011

ESCGP-1 NO.: ESX11-111-0007  
Applicant Name: Caimen Penn Midstream LLC  
CONTACT: Stephen Skellie  
ADDRESS: 5944 Sherry Lane Suite 1300  
City: Dallas State: TX Zip Code: 75225  
County: Somerset Township(s): Addison  
Receiving Stream(s) and Classifications: UNTs to Brad-  
docks Run, UNTs to Youghiogheny River, Other

10/11/2011

ESCGP-1 NO.: ESX11-125-0093  
Applicant Name: MarkWest Liberty Midstream &  
Resources LLC  
CONTACT: Robert McHale  
ADDRESS: 601 Technology Drive Suite 130  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Smith  
Receiving Stream(s) and Classifications: UNT to Burgetts  
Fork WWF/Raccoon Creek Watershed, Other

10/14/2011

ESCGP-1 NO.: ESX11-051-0018 Major Revision  
 Applicant Name: Chevron—Appalachia LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: Redstone  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT to Rowes  
 Run/Redstone Creek, Other

9/13/2011

ESCGP-1 NO.: ESX11-125-0079  
 Applicant Name: CNX Gas Company LLC  
 CONTACT: Daniel Bitz  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): South Franklin  
 Receiving Stream(s) and Classifications: UNT to Tenmile  
 Creek/Tenmile Creek, Other

8/4/2011

ESCGP-1 NO.: ESX11-059-0048  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to Little  
 Whiteley Creek/Upper Monongahela, Other

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

ESCP # 0811801

Applicant Name Tennessee Gas Pipeline Company  
 Contact Person Howdy McCracken  
 Address 1001 Louisiana St Rm 750E  
 City, State, Zip Houston, TX 77002  
 County Bradford  
 Township(s) Armenia & Troy Townships, Bradford  
 County; Sullivan Township, Tioga County  
 Receiving Stream(s) and Classification(s) Tioga River,  
 HQ-CWF; Fellows Creek, HQ-CWF; Weibles Creek,  
 HQ-CWF; Gaffers Creek, HQ-CWF; South Branch  
 Sugar Creek, TSF

ESCGP-1 # ESX11-115-0129

Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna  
 Township(s) Forest Lake  
 Receiving Stream(s) and Classification(s) UNT to Middle  
 Branch Wyalusing Creek;  
 Secondary: Wyalusing Creek

ESCGP-1 # ESX11-081-0127

Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Cogan House  
 Receiving Stream(s) and Classification(s) UNT to Larry's  
 Creek (EV), Wendell Run (EV)

ESCGP-1 # ESX11-131-0037

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Wyoming  
 Township(s) Nicholson

Receiving Stream(s) and Classification(s) Horton Creek,  
 UNT to Monroe Creek (CWF);  
 Secondary: Tunkhannock Creek (CWF)

ESCGP-1 # ESX11-115-0125

Applicant Name Southwestern Energy Production Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) New Milford  
 Receiving Stream(s) and Classification(s) Salt Lick Creek  
 and East Lake Creek (HQ);  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-131-0034

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Wyoming  
 Township(s) Forkston  
 Receiving Stream(s) and Classification(s) Mehoopany Creek  
 (EV);  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-033-0030

Applicant Name Williams Production Appalachia, LLC  
 and RW Gathering, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317-5834  
 County Clearfield  
 Township(s) Cooper  
 Receiving Stream(s) and Classification(s) Moshannon  
 Creek, UNT to Moshannon Creek, Ames Run (HQ);  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX11-015-0241

Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext., Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Monroe and Overton  
 Receiving Stream(s) and Classification(s) UNT to Millstone  
 Creek, Millstone Creek and Schrader Creek (all HQ,  
 CWF, MF);  
 Secondary: Towanda Creek (TSF, MF)

ESCGP-1 # ESX11-015-0237

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Asylum  
 Receiving Stream(s) and Classification(s) Tributaries to  
 Susquehanna River (WWF, MF)

ESCGP-1 # ESX11-081-0138

Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming  
 Township(s) Watson  
 Receiving Stream(s) and Classification(s) Tombs Run  
 (HQ-CWF, MF);  
 Secondary: Pine Creek (HQ-MF, TSF)

ESCGP-1 # ESX11-115-0134

Applicant Name Williams Field Services Company, LLC  
 Contact Person Frank Conneto

Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108-4310  
 County Susquehanna  
 Township(s) Lenox  
 Receiving Stream(s) and Classification(s) Tower Branch,  
 Partners and Sterling Brook Creeks/Upper Susquehanna—Tunkhannock Watershed

ESCGP-1 # ESX11-115-0124  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Bridgewater  
 Receiving Stream(s) and Classification(s) South Branch of  
 Wyalusing Creek (WWF), UNT to South Branch of  
 Wyalusing Creek (WWF)

ESCGP-1 # ESX11-015-0240  
 Applicant Name Southwestern Energy Production Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Bradford  
 Township(s) Herrick  
 Receiving Stream(s) and Classification(s) Rummerfield  
 Creek (WWF);  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-115-0130  
 Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna  
 Township(s) Jessup  
 Receiving Stream(s) and Classification(s) UNT to East  
 Branch Wyalusing Creek;  
 Secondary: Wyalusing Creek

ESCGP-1 # ESX11-117-0052 (01)  
 Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Sullivan  
 Receiving Stream(s) and Classification(s) UNT to Corey  
 Creek/Susquehanna River Basin in PA-Tioga River  
 (List H);  
 Secondary: Corey Creek (CWF-MF)

ESCGP-1 # ESX11-115-0136  
 Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna  
 Township(s) Jessup  
 Receiving Stream(s) and Classification(s) East Branch  
 Wyalusing Creek, UNT to East Branch Wyalusing  
 Creek (both CWF)

ESCGP-1 # ESX11-115-0139  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Harford  
 Receiving Stream(s) and Classification(s) Butler Creek,  
 UNT to Butler Creek (both CWF)

ESCGP-1 # ESX11-015-0235  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells  
 Receiving Stream(s) and Classification(s) Tribs. To Beckwith  
 Creek & Roaring Run, CWF (Ch. 93 Desig. Use)

ESCGP-1 # ESX11-015-0234  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells  
 Receiving Stream(s) and Classification(s) Seeley Creek  
 (CWF)

ESCGP-1 # ESX11-015-0233  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Orwell  
 Receiving Stream(s) and Classification(s) UNT to Trout  
 Stream (CWF/MF), Trout Stream (CWF/MF);  
 Secondary: Wysox Creek (CWF/MF)

ESCGP-1 # ESX11-115-0138  
 Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna  
 Township(s) Jessup  
 Receiving Stream(s) and Classification(s) West Branch  
 Wyalusing Creek;  
 Secondary: Wyalusing Creek

ESCGP-1 # ESX11-115-0131  
 Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center Way, Suite 130  
 City, State, Zip Canonsburg, PA 15317-5838  
 County Susquehanna  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Trib. 31821 &  
 31846 to Snake Creek; Trib. 31969 & 31971 to  
 Susquehanna River; Trib 31975 to Dubois Creek;  
 Secondary: Water Snake Creek (CWF, MF) Dubois  
 Creek (CWF, MF), UNTs to Susquehanna River (CWF,  
 MF)

ESCGP-1 # ESX11-081-0052 (01)  
 Applicant Name Pennsylvania General Energy Company,  
 LLC  
 Contact Person Douglas E. Kuntz, President & CEO  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming  
 Township(s) Cummings  
 Receiving Stream(s) and Classification(s) 2 UNT to  
 Ramsey Run (HQ/CWF);  
 Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX11-015-0237 (01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845

County Bradford  
Township(s) Stevens  
Receiving Stream(s) and Classification(s) UNT to Cold  
Creek (WWF/MF);  
Secondary: Cold Creek (WWF/MF)

ESCGP-1 # ESX11-115-0128  
Applicant Name Southwestern Energy Production Com-  
pany  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Salt Lick Creek  
Watershed (UNT to Wellman's Creek);  
Secondary: Susquehanna River

ESCGP-1 # ESX11-081-0131  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Nathan Bennett  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cogan House  
Receiving Stream(s) and Classification(s) Larry's Creek,  
Second Fork To Larry's Creek (both EV)

ESCGP-1 # ESX11-081-0143  
Applicant Name Anadarko E&P Company, LP  
Contact Person Rane Wilson  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) McHenry  
Receiving Stream(s) and Classification(s) UNT First Big  
Fork, Second Big Fork (both HQ-CWF, MF);  
Secondary: First Big Run, Trout Run (both HQ-CWF,  
MF)

ESCGP-1 # ESX11-015-0242  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike  
Receiving Stream(s) and Classification(s) UNT to Mill  
Creek, Mill Creek (both WWF, MF)

ESCGP-1 # ESX11-117-0078 (01)  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Union  
Receiving Stream(s) and Classification(s) UNT to Sugar  
Works Run/Susquehanna R. Basin (List L), East  
Branch Sugar Works Run/Susquehanna River Basin  
(List L) (HQ-CWF);  
Secondary: UNT to Sugar Works Run/Susquehanna  
River

ESCGP-1 # ESX11-081-0069  
Applicant Name Michael Clinger  
Contact Person Seneca Resources  
Address 51 Zents Boulevard  
City, State, Zip Brookville, PA 15825  
County Lycoming  
Township(s) Lewis  
Receiving Stream(s) and Classification(s) Hagerman Run  
(HQ);  
Secondary: Lycoming Creek

ESCGP-1 # ESX11-117-0117  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) UNT to Alder  
Run/Susquehanna river Baskin in PA River (List I),  
UNT to Hammond Creek/Susquehanna River Basin in  
PA—Susquehanna River (List I);  
Secondary: Alder Run/Susquehanna River Basin in  
PA—Susquehanna River (List I), Hammond reek/  
Susquehanna River Basin in PA—Susquehanna River  
(List I)

ESCGP-1 # ESX11-117-0112  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan  
Receiving Stream(s) and Classification(s) UNT to Corey  
Creek/ Susquehanna River Basin (List L) (CWF);  
Secondary: Tioga River

ESCGP-1 # ESX10-081-0058 (01)  
Applicant Name Pennsylvania General Energy Company,  
LLC  
Contact Person Nathan Harris  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Lycoming  
Township(s) Watson  
Receiving Stream(s) and Classification(s) Pine Creek  
(TSF, MF)

ESCGP-1 # ESX11-117-0113  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Chatham & Middlebury  
Receiving Stream(s) and Classification(s) Losey Creek  
(WWF-MF) Crooked Creek (WWF-MF) Daly Hollow  
(WWF-MF) and Tributaries to Losey Creek and  
Crooked Creek (WWF-MF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
24 11 802	Dominion Transmission Inc Attn: John Love 445 West Main Street Clarksburg WV 26301	Elk	Benezette Township	Mosquito Creek / Moshannon-Mosquito Creek Watershed HQ

- ESCGP-1 # ESX11-031-0025—Kyle Minich Freshwater Impoundment B  
Applicant Northeast Natural Energy  
Contact Andrew Benchek  
Address 707 Virginia Street, Suite 1400  
City Charleston State WV Zip Code 25301  
County Clarion Township(s) Madison(s)  
Receiving Stream(s) and Classification(s) UNT (CWF)-Redbank Creek (TSF)/Redbank Creek
- ESCGP-1 #ESX11-047-0033—HM2 to HM4 Pipeline  
Applicant Hunt Marcellus Operating Company  
Contact Diane Prier  
Address 1900 N. Akard Street  
City Dallas State TX Zip Code 75201  
County Elk Township(s) Jones(s)  
Receiving Stream(s) and Classification(s) Bear Creek, HQ-CWF, Wolf Run & Little Wolf Run, HQ-CWF, Slide Run, HQ-CWF
- ESCGP-1 #ESX11-019-0099—Patton Unit No. 1H—Fresh Water Impoundment  
Applicant Melissa Breitenbach  
Contact XTO Energy, Inc  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Connoquenessing(s)  
Receiving Stream(s) and Classification(s) UNT of Semiconon Run—CWF; Semiconon Run—CWF
- ESCGP-1 #ESX11-047-0034—Seneca Resources Boone Mountain Pad B  
Applicant Seneca Resources Corp.  
Contact Mr. Mike Clinger  
Address 51 Zents Blvd.  
City Brookville State PA Zip Code 15825  
County Elk Township(s) Horton(s)  
Receiving Stream(s) and Classification(s) Whetstone Branch/Rattlesnake Creek-HQ, Little Toby Creek Rattlesnake Run
- ESCGP-1 #ESX11-121-0007—Shreffler 1H 2H 3H & 4H  
Applicant Chevron Appalachia LLC  
Contact Mr. Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15748  
County Venango Township(s) Richland(s)  
Receiving Stream(s) and Classification(s) Bear Run/CWF/ East Sandy Creek Watershed, Pine Run (CWF)
- ESCGP-1 # ESX11-019-0103  
Applicant XTO Energy Inc
- Contact Jesse Hickman  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Forward(s)  
Receiving Stream(s) and Classification(s) UNT of Breakneck Creek-WWF, Breakneck Creek-WWF
- ESCGP-1 # ESX11-123-0012—Wt. 738 Wells 1—32  
Applicant D&S Energy Corp  
Contact Matthew Neely  
Address PO Box 102  
City Tiona State PA Zip Code 16352  
County Warren Township(s) Cherry Grove(s)  
Receiving Stream(s) and Classification(s) Upper & Lower Sheriff Run
- ESCGP-1 # ESX11-031-0026—Richard Radaker & Kyle Minich Freshwater Impoundment A  
Applicant Northeast Natural Energy LLC  
Contact Brett Loflin  
Address 707 Virginia Street, Suite 1400  
City Charleston State WV Zip Code 25301  
County Clarion Township(s) Madison(s)  
Receiving Stream(s) and Classification(s) UNT to Redbank Creek—CWF, Redbank Creek—TSF
- ESCGP-1 # ESX11-053-0023 Warrant 2980 Phase 4  
Applicant Sheffield Land & Timber Company  
Contact Chris Cochran  
Address P. O. Box 547  
City Sheffield State PA Zip Code 16347  
County Forest Township(s) Howe(s)  
Receiving Stream(s) and Classification(s) West Branch Blue Jay Creek / Blue Jay Creek HQ
- ESCGP-1 # ESX11-019-0102 JRGL Well Pad  
Applicant Rex Energy Operating Corporation  
Contact Russell Macaw  
Address 476 Rolling Ridge Drive, Suite 300  
City State College State PA Zip Code 16801  
County Butler Township(s) Jackson(s)  
Receiving Stream(s) and Classification(s) Scholars Run (WWF)
- ESCGP-1 # ESX11-019-0098—Paul Smith Unit 1H  
Applicant XTO Energy  
Contact Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn Creek—CWF

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**STORAGE TANKS**


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**SITE-SPECTIFIC INSTALLATION PERMITS**


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**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-63-005	MarkWest Liberty Midstream & Resources, LLC 601 Technology Drive, Suite 130 Canonsburg, PA 15817 Attn: Robert McHale	Washington	Chartiers Township	4 ASTs storing Natural Gasoline	1,640,000 gallons total

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## SPECIAL NOTICES

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### Environmental Categorical Exceptions

*Southeast Regional Office, Water Supply Management Program, 2 E. Main St., Norristown, Pa 19401*

Location: Aqua Pa—Bristol Borough, Bucks County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Aqua Pa is upgrading existing residual solid waste facilities at its Bristol water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exception was approved by the Department on December 15, 2008

Location: Aqua Pa—Middletown Township, Bucks County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Aqua Pa is upgrading existing residual solid waste and water pretreatment facilities at its Neshaminy water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exception was approved by the Department on July 12, 2010.

Location: Pa American Water Co—City of Coatesville, Chester County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. Pa American Water Company is upgrading water treatment facilities at its Rock Run water treatment plant. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exception was approved by the Department on June 9, 2009.

Location: Philadelphia Water Department—Philadelphia County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The water department is replacing water mains in existing streets and right of ways. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exception was approved by the Department on March 6, 2009.

Location: Philadelphia Water Department—Philadelphia County. Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The water department is upgrading existing water treatment, storage and pumping facilities. The Department's review of the project has not identified any significant, adverse environmental impact resulting from this proposal. An Environmental Categorical Exception was approved by the Department on March 6, 2009.

### Public Hearing on Operating Permit

The Commonwealth of Pennsylvania, Department of Environmental Protection (DEP), will conduct a public

hearing to solicit comments on Keystone Sanitary Landfill Inc.'s application 101247-1101 to modify their current operating permit by increasing their average daily volume from 4750 tons/day to 7250 tons/day and the maximum daily volume from 5000 tons/day to 7500 tons/day. The landfill is located in Dunmore and Throop Boroughs, Lackawanna County. The Public Hearing has been scheduled for December 12, 2011 at the Scranton State Office Building, conference room B-3 from 6:00 pm to 9:00 pm to receive comments on this proposal. The state office building is located at 100 Lackawanna Avenue, Scranton, Pennsylvania, 18503.

A copy of the application may be viewed at the Pennsylvania Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. For further information, please contact Ms. Tracey McGurk at 570-826-2076. A copy of this application has been provided to Dunmore borough, Throop Borough, the Lackawanna County Commissioners and the Lackawanna County Planning Commission. The application may be available for review by contacting one of these entities.

Any person intending to participate in the hearing should submit a written Notice of Intent by December 9, 2011 to Mr. William Tomayko, Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The written notice should include the person's name, address, telephone number, and a brief statement as to the nature (oral or written) of the presentation. Persons unable to attend the hearing may submit a written statement/comments to Mr. William Tomayko on or before on or before December 31, 2011.

### Notice of Settlement of NPDES Permit Appeal under 25 Pa. Code § 92a.88

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

Re: Eastman Chemical Resins, Inc.

v.

Commonwealth of Pennsylvania,  
Department of Environmental Protection  
Docket No. 2009-155-R

The above matter involved the appeal of the Amended National Pollutant Discharge Elimination System Permit No. PA0000507 ("NPDES Permit") issued on October 29, 2009 by the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") to Eastman Chemical Resins, Inc. ("Eastman"), located in West Elizabeth, Allegheny County to discharge industrial waste to the Monongahela River.

The Department's final action to resolve this NPDES Permit appeal was a settlement as reflected by a September 13, 2011 Consent Order and Agreement entered into by the Department and Eastman. The major provision of the settlement is for Eastman to monitor and report the levels of TDS and sulfate discharged from Outfall 026 (from which there is currently no discharge) rather than applying specific effluent limitations for the two parameters during the term of its current NPDES Permit. In addition, Eastman agreed to withdraw its appeal pending before the Environmental Hearing Board at Docket No. EHB-2009-155-R.

Copies of the full agreement are in the hands of:

James A. Meade  
Assistant Counsel  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Office of Chief Counsel  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412) 442-4262

And

Stacia Christman, Esquire  
McGuire Woods LLP  
625 Liberty Ave., 23rd Floor  
Pittsburgh, PA 15222-3142  
Phone: 412-667-7938

and may be reviewed by any interested person on request during normal business hours.

Any person believing himself aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, Pennsylvania 17105-8457. Appeals must be filed within thirty (30) days of this publication.

#### **Abandoned Strip Mine Project; Reclamation of an Abandoned Strip Mine Project**

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

Under Act 181 of 1984, the Department of Environmental Protection (DEP) solicits letters of interest from the landowners and licensed mine operators for the reclamation of an abandoned strip mine project identified as Project No. PBF 33830117.3 in Pinecreek Township, Jefferson County, on the property of Janice and Guido Malacarne, Jr. The reclamation work involves operating and maintaining an acid mine drainage treatment system including contracting and paying for electric service, routine monitoring visits to ensure system is functioning, and meeting effluent standards, repair and modifications when necessary, sludge pumping, and sludge disposal. Letters of interest must be received by Joe Ferrara, Compliance Manager, DEP, P. O. Box 669, Knox, PA 16232, by December 1, 2011, to be considered. Telephone inquiries shall be directed to Mr. Ferrara at 814.797.1191.

[Pa.B. Doc. No. 11-1997. Filed for public inspection November 18, 2011, 9:00 a.m.]

## **DEPARTMENT OF GENERAL SERVICES**

### **Lease Office Space to the Commonwealth**

#### **Montgomery County**

Proposals are invited to provide the Department of General Services with 1,470 usable square feet of office space for the Department of Treasury, Southeast Regional Office, Montgomery County. Downtown locations will be considered. For more information on SFP No. 10001384, which is due on Monday, December 19, 2011, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Jennings Ward at (717) 787-0952.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 11-1998. Filed for public inspection November 18, 2011, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Aria Health Frankford Campus for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aria Health Frankford Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.3.2.1(1)(0) (relating to floor area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1999. Filed for public inspection November 18, 2011, 9:00 a.m.]

### **Application of Children's Hospital of Philadelphia for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6-2.2.2.2(1), 2.6-2.2.2.7 and 2.6-2.2.6.12(2)(a) (relating to space requirements; patient bathing facilities; and examination/treatment room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).



Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2000. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Endoscopy Center—Temple University Hospital, Northeastern Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Endoscopy Center—Temple University Hospital, Northeastern Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.9-3.2.2.5, 3.9-6.1.1.1 and 3.9-7.2.2.1 (relating to hand washing station; entrance; and corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2001. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of GWV Same Day Surgery at South Wilkes-Barre Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that GWV Same Day Surgery at South Wilkes-Barre Campus has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2002. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Heart of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heart of Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.10.2.3 (relating to windows).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2003. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Heritage Valley Beaver for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Beaver has requested an exception to the requirements of 28 Pa. Code § 137.11 (relating to facilities and equipment).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2004. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.3.2.2(3) (relating to panel boards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2005. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Jeanes Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2.7 (relating to patient bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2006. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2007. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Montgomery Hospital Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Montgomery Hospital Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.5.6.2(1) (relating to patient prep, holding and recovery area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2008. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Schuylkill Medical Center South Jackson Street for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Schuylkill Medical Center South Jackson Street has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-2009. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application of Windber Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Windber Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-6 (relating to station outlets for oxygen, vacuum (suction) and medical air systems).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-2010. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Ephrata Manor  
99 Bethany Road  
Ephrata, PA 17522  
FAC ID 053502

Friendship Village of South Hills  
1290 Boyce Road  
Pittsburgh, PA 15241

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-2011. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 7, 2011, from 9 a.m. to 12 p.m. The meeting will be held at the Department of Health, Health and Welfare Building, 8th Floor West, Conference Room 812, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Sharon H. Sowers, Acting Section Chief, Department of Health, Comprehensive Cancer Control Section Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

For persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so should contact Sharon H. Sowers 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.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-2012. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Recognized Lifeguard Certifying Authorities for 2012

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2012: The American Red Cross, Jeff Ellis and Associates, YMCA, The Boy Scouts of America, Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366 or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-2013. Filed for public inspection November 18, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of the establishment of an addi-

tional class of disproportionate share hospital (DSH) payments to certain qualifying acute care general hospitals that provide a high volume of Medical Assistance (MA) acute care and psychiatric services and incur significant uncompensated care costs. The Department intends for these payments to promote the hospitals' continued participation in the MA Program.

The Department considers a hospital eligible for this additional class of disproportionate share payments if the hospital meets all of the following criteria, based on the Fiscal Year (FY) 2002-2003 MA Cost Report, unless otherwise specified:

a) The hospital is enrolled in the MA Program as an acute care general hospital with an excluded psychiatric unit.

b) The hospital provides MA inpatient days of care in excess of the 85th percentile of MA inpatient days provided by all enrolled acute care general hospitals with an excluded psychiatric unit.

c) The hospital's number of MA admissions exceeds the 85th percentile of MA admissions of all enrolled acute care general hospitals with an excluded psychiatric unit.

d) The hospital provides inpatient psychiatric days of care to MA recipients in this Commonwealth in excess of the 90th percentile of the days provided by all enrolled acute care general hospitals with an excluded psychiatric unit.

e) The hospital's percentage of uncompensated care to net patient revenue exceeds the 90th percentile of this percentage for all enrolled acute care general hospitals with an excluded psychiatric unit according to the Pennsylvania Health Care Cost Containment Council (PHC4) Financial Analysis 2004.

f) The hospital's operating margin is less than the 15th percentile of the operating margins of all enrolled acute care general hospitals with an excluded psychiatric unit according to the PHC4 Financial Analysis 2004.

The Department proportionately divides payments between qualified hospitals based on the percentage of each qualifying hospital's MA inpatient days to total MA inpatient days of all qualifying hospitals. In making these payments, the Department ensures that no acute care general hospital receives any DSH payment that is in excess of its hospital-specific limit and the Commonwealth does not exceed its aggregate annual DSH allotment.

The Department published notice of its intent to establish this additional class of DSH payments at 41 Pa.B. 564 (January 22, 2011). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2010-2011 fiscal impact of these payments was \$2.254 million (\$1.000 million in State funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-728. (1) General Fund; (2) Implementing Year 2010-11 is \$1,000,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2009-10 Program—\$3,955,000; 2008-09 Program—\$22,580,000; 2007-08 Program—\$21,175,000; (7) Acute

Care Hospitals; (8) recommends adoption. The Acute Care Hospitals appropriation is able to absorb the increased cost.

[Pa.B. Doc. No. 11-2014. Filed for public inspection November 18, 2011, 9:00 a.m.]

### **Income and Resource Limits for a Spouse Living in the Community When the Other Spouse is Institutionalized or Receiving Home and Community Based Services**

The Department of Public Welfare increased the income and resource limits described in 55 Pa. Code §§ 178.124 (a)(3)(i) and (ii) and 181.452(d)(2)(ii) and (iv) (relating to resource eligibility for the institutionalized spouse; and posteligibility determination of income available from an MA eligible person toward the cost of care). These regulations establish the basis for determining the Community Spouse Monthly Maintenance Need Amount and the minimum and maximum Community Spouse Resource Standard for Categorically Needy Nonmoney Payment and Medically Needy Only Medical Assistance. These standards are required to be published annually in the *Pennsylvania Bulletin*, and are available to the public upon request at the local County Assistance Offices.

The following limits became effective January 1, 2011, as required by 42 U.S.C.A. § 1396r-5:

Maximum Community Spouse Resource Standard	\$109,560
Minimum Community Spouse Resource Standard	\$21,912
Maximum Monthly Maintenance Needs Allowance	\$2,739

The following limits became effective July 1, 2011, as required by 42 U.S.C.A. § 1396r-5:

Excess Monthly Shelter Standard	\$552.00
Minimum Monthly Maintenance Needs Allowance	\$1,839.00
Dependent Living with Community Spouse Allowance	\$1,839.00

#### *Fiscal Impact*

The fiscal impact of this change is estimated at \$610,848 in State funds in Fiscal Year 2011-2012 and has been included in the Medical Assistance Long-Term Care appropriation.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this information to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120.

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

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-727. (1) General Fund; (2) Implementing Year 2011-12 is \$611,000; (3) 1st Succeeding Year

2012-13 is \$611,000; 2nd Succeeding Year 2013-14 is \$611,000; 3rd Succeeding Year 2014-15 is \$611,000; 4th Succeeding Year 2015-16 is \$611,000; 5th Succeeding Year 2016-17 is \$611,000; (4) 2010-11 Program—\$728,907,000; 2009-10 Program—\$540,266,000; 2008-09 Program—\$672,597,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-2015. Filed for public inspection November 18, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Manual on Uniform Traffic Control Devices

The Department of Transportation (Department), Bureau of Maintenance and Operations, Division of Highway Safety and Traffic Operations, under 75 Pa.C.S. § 6103(c) (relating to promulgation of rules and regulations by department), gives notice of the following:

1) The Manual on Uniform Traffic Control Devices (MUTCD) 2009 Edition Final Rule was published by the Federal Highway Administration at 74 FR 66730 (December 16, 2009). The effective date of the Final Rule is January 15, 2010.

2) In accordance with 23 CFR 655.603(b)(3) (relating to standards), states or other Federal agencies that have their own MUTCDs or supplements shall revise these MUTCDs or supplements to be in substantial conformance with changes to the National MUTCD within 2 years of the effective date of the final rule for the changes. Substantial conformance of state or other Federal agency MUTCDs or supplements shall be as defined in 23 CFR 655.603(b)(1).

3) Section 212.2(b) of 67 Pa. Code (relating to adoption of Federal standards) provides that, in accordance with 75 Pa.C.S. § 6103(d), if the MUTCD is amended or modified by the Federal Highway Administration (FHWA), the amendment will take effect on the effective date specified by the FHWA unless the Department publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification will not apply.

4) The Department has concluded its comprehensive review of the MUTCD 2009 Edition.

5) The Department adopts the MUTCD 2009 Edition, as published by the FHWA.

6) The provision of the MUTCD 2009 Edition shall provide the standards applicable in this Commonwealth under 67 Pa. Code Chapter 212 (relating to official traffic control devices).

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

[Pa.B. Doc. No. 11-2016. Filed for public inspection November 18, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission's web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
16A-4616	State Board of Dentistry EFDA Program Approval	11/09/11	12/15/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-2017. Filed for public inspection November 18, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Bravo Health Pennsylvania, Inc.

Cigna Corporation has filed an application for approval to acquire control of Bravo Health Pennsylvania, Inc., a domestic health maintenance organization. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written

statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@pa.gov](mailto:rbrackbill@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2018. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application for Approval to Acquire Control of Commerce Protective Insurance Company

KnightBrook Insurance Company has filed an application to acquire control of Commerce Protective Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2019. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Application for Approval to Acquire Control of Highmark, Inc. and Its Pennsylvania Domiciled Insurance Subsidiaries

UPE has filed an application seeking approval of the acquisition of control of Highmark, Inc. and its Pennsylvania domiciled insurance company subsidiaries. The affected subsidiaries include: First Priority Life Insurance Company, Inc., Gateway Health Plan, Inc., HM Health Insurance Company, HM Casualty Insurance Company, HM Life Insurance Company, Highmark Casualty Insurance Company, Highmark Senior Resources, Inc., HMO of Northeastern Pennsylvania, Inc., Inter-County Health Plan, Inc., Inter-County Hospitalization Plan, Inc., Keystone Health Plan West, Inc., United Concordia Companies, Inc., United Concordia Dental Plans of Pennsylvania, Inc., and United Concordia Life and Health Insurance Company. The application was received on November 7, 2011, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1403). This "Form A" transactional filing is related to Highmark's proposed affiliation with the West Penn Allegheny Health System.

The filing and related materials was made available on the Insurance Department's (Department) web site [www.insurance.pa.gov](http://www.insurance.pa.gov) on November 9, 2011. After first scheduling an appointment, consumers may also view the application and supplemental documents at the Department's Harrisburg office, (717) 787-0877.

Persons wishing to comment on the filing on the grounds of public or private interest in the filing are invited to submit a written statement on the filing to the Department. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the filing to the Department. A subsequent notice will appear in the *Pennsylvania Bulletin* to announce the closing of the public comment period. Written statements must include

the name, address and telephone number of the person making the statement; identification of the application to which the statement is addressed; and a concise statement with sufficient details and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

Comments received will be part of the public record regarding the filing and will be made available on the Department's web site. Additionally, copies of the comments received will be forwarded to the applicant for appropriate response. The applicant's responses will also be made available on the Department's web site.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2020. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Penns Pantry—Mt. Hope Restaurant; Prehearing

#### Appeal of Penns Pantry—Mt. Hope Restaurant under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 1997-0079(M); Doc. No. UT11-10-017

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on January 4, 2012, at 9:30 a.m. A hearing will occur on January 18, 2012, at 9:30 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before December 20, 2011. Answers to petitions to intervene, if any, shall be filed on or before January 3, 2012.

On or before December 20, 2011, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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, contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2021. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have 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 insureds' automobile insurance policies. The hearings 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Mark R. and Dee Ann Ebersole; file no. 11-214-107860; Westfield Insurance Company; Doc. No. P11-11-006; January 11, 2012, 9:30 a.m.

Appeal of Sharon M. Funt; file no. 11-216-108177; AAA Mid-Atlantic Insurance Company; Doc. No. P11-11-005; January 5, 2012, 10 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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2022. Filed for public inspection November 18, 2011, 9:00 a.m.]

### State Farm Mutual Automobile Insurance Company; Prehearing

#### State Farm Mutual Automobile Insurance Company; Declaratory Order; George J. Zelle; Doc. No. DO11-06-010

A prehearing telephone conference initiated by this office is scheduled for December 21, 2011, at 10 a.m. A date for the hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 6, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 20, 2011.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2023. Filed for public inspection November 18, 2011, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.24—Display of Flags on Commonwealth Buildings and Grounds, Amended October 12, 2011.

Management Directive No. 215.12—Provisions Concerning The Americans With Disabilities Act, Amended October 14, 2011.

Management Directive No. 215.13—Contract Provision for Donation of Excess Prepared Food, Amended October 12, 2011.



Management Directive No. 580.25—Political Activities of Classified Service Employees, Amended October 7, 2011.

Administrative Circular No. 11-14—Holidays—2012, Dated September 29, 2011.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 11-2024. Filed for public inspection November 18, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Eligible Telecommunications Carriers; Universal Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

Global Connection of America, Inc.—Doc. No. P-2011-2245213

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2025. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Pro Forma Change in Ownership

**A-2011-2271739 and A-2011-2271778. XO Communications Services, Inc. and Nextlink Wireless, Inc.** Application of XO Communications Services, Inc. and Nextlink Wireless, Inc. for approval of a Pro Forma Change in Ownership.

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 December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* XO Communications Services, Inc. and Nextlink Wireless, Inc.

*Through and by Counsel:* Brad E. Mutschelknaus, Esquire, Joan M. Griffin, Esquire, Denise N. Smith, Esquire, Kelley Drye and Warren, LLP, 3050 K Street, NW, Suite 400, Washington, DC 20007

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2026. Filed for public inspection November 18, 2011, 9:00 a.m.]

### Transfer of Control

**A-2011-2270979; A-2011-2270980; A-2011-2270981; A-2011-2270982. Global Tel\*Link Corporation, Value-Added Communications, Inc., DSI-ITI, LLC, and Public Communications Services, Inc.** Joint application of Global Tel\*Link Corporation, Value-Added Communications, Inc., DSI-ITI, LLC, and Public Communications Services, Inc. for approval of a transfer of control to ASP GTEL Holdco, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Joint Applicants:* Global Tel\*Link Corporation, Value-Added Communications, Inc., DSI-ITI, LLC and Public Communications Services, Inc.

*Through and by Counsel:* Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, PC, 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2027. Filed for public inspection 12, 2011, 9:00 a.m.]

### Water Service

**A-2011-2272163. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Mifflin Township Water Authority situ-

ated in a portion of Mifflin Township, Columbia County; and 2) the right of Aqua Pennsylvania, Inc. to begin to supply water service to the public in a portion of Mifflin Township, Columbia 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 December 5, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* 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. 11-2028. Filed for public inspection November 18, 2011, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 11-083.1, Mustin Field Fencing and Guard House, until 2 p.m. on Thursday, December 15, 2011. The bid documents can be obtained from the PRPA web site at [www.philaport.com](http://www.philaport.com) and are available on November 22, 2011. PRPA is an Equal Opportunity Employer (EOE). Contractors must comply with all applicable EOE laws.

A mandatory prebid job site meeting will be held on December 1, 2011, at 10 a.m. at 51 Mustin Street, Kitty Hawk Runway, Philadelphia, PA. Bidders must provide to the Procurement Department, in writing (24 hours prior to the meeting), the names of individuals that will be attending. Fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-2029. Filed for public inspection November 18, 2011, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### Public Meetings for 2012

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2012, under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 27, 2012  
April 23, 2012  
June 25, 2012  
August 27, 2012  
October 29, 2012  
December 17, 2012

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 11-2030. Filed for public inspection November 18, 2011, 9:00 a.m.]

## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Justin Michael Lee, MD; Doc. No. 2048-49-09

On October 19, 2011, Justin Michael Lee, MD, license no. MD433760, of Philadelphia, Philadelphia County and Phoenix, AZ, had his Pennsylvania license indefinitely suspended until his Arizona medical license has been restored to unrestricted status, based upon disciplinary action taken against his license to practice medicine by the proper licensing authority of Arizona.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

CAROL E. ROSE, MD,  
*Chairperson*

[Pa.B. Doc. No. 11-2031. Filed for public inspection November 18, 2011, 9:00 a.m.]





