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# PENNSYLVANIA BULLETIN

Volume 42  
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## Agencies in this issue

The General Assembly  
The Courts  
Bureau of Professional and Occupational Affairs  
Department of Agriculture  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Philadelphia Regional Port Authority  
State Board of Accountancy  
State Real Estate Commission  
Treasury Department

**Detailed list of contents appears inside.**



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

**No. 457, December 2012**

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# CONTENTS

## THE GENERAL ASSEMBLY

Cost-of-living factor under the Public Official Compensation Law . . . . . 7245

## THE COURTS

### APPELLATE PROCEDURE

Proposed amendments to Pa.R.A.P. 2112 . . . . . 7246  
Proposed amendments to Pa.R.A.P. 2140 . . . . . 7247

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment . . . . . 7265  
Notice of suspension (2 documents) . . . . . 7265, 7266

### JUVENILE RULES

Proposed amendments to Rules 161, 195, 302, 407, 409, 512 and 800 and proposed Rule 614 . . . . . 7248  
Proposed amendments to Rules 1120, 1150, 1151 and 1200 and proposed Rules 1610, 1611, 1631, 1634 and 1635 . . . . . 7257

### LOCAL COURT RULES

#### Bucks County

CSX Transportation Police filing venue change; administrative order no. 65; AD 2-12 . . . . . 7264  
Venue consolidation—PA Department of Revenue Bureaus: motor and alternative fuel taxes, collection and taxpayer services; administrative order no. 64; AD 1-2012 . . . . . 7264

#### Carbon County

Amendment of orphans' court local rule O.C.R.6.11.3 settlement of small estates. contents of petition; no. 12-9359 . . . . . 7264

#### Monroe County

Administrative order establishing central booking center fee; no. 5CV2012; ADM No. 37 . . . . . 7265

### PHILADELPHIA RULES

Establishment of Readiness, Review and Resolution Program for the trials of the oldest non-fatal shooting cases, gunpoint robbery cases, and serious family violence cases; trial division—criminal; no. 03 of 2012 . . . . . 7263

### RULES OF JUDICIAL ADMINISTRATION

Amendment of Rule of Judicial Administration no. 509 governing access to financial records; no. 390 judicial administration doc. . . . . 7246

### SUPREME COURT

Thomas M. Nocella, Court of Common Pleas Judge, first judicial district, Philadelphia County; no. 391 judicial administration doc. . . . . 7266

## EXECUTIVE AGENCIES

### BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### Rules and Regulations

Schedule of civil penalties—accountants . . . . . 7275

## DEPARTMENT OF AGRICULTURE

### Notices

Notice of suspension/modification of 2% biodiesel content mandate . . . . . 7283

## DEPARTMENT OF BANKING AND SECURITIES

### Notices

Actions on applications . . . . . 7283

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Notices

Air Quality Technical Advisory Committee meeting cancellation . . . . . 7343  
Applications, actions and special notices . . . . . 7285  
Availability of technical guidance . . . . . 7343  
Bid opportunity . . . . . 7344  
Extension of NPDES general permit for discharges from petroleum product contaminated groundwater remediation systems (PAG-05) . . . . . 7344  
Nutrient Credit Trading Program; actions . . . . . 7344  
Pennsylvania Natural Gas Energy Development Program; funding opportunity available . . . . . 7346  
Public hearing opportunity for storage tank site-specific installation permit application submitted by Perdue Grain & Oilseed, LLC; public comment period extended . . . . . 7346  
Public notice of availability of final NPDES general permit for stormwater discharges associated with construction activities (PAG-02) . . . . . 7347

## DEPARTMENT OF HEALTH

### Notices

Addition of diseases to the Newborn Screening and Follow-Up Program . . . . . 7348  
Amendments to charges for medical records . . . . . 7348  
Application of Geisinger Community Medical Center for exception . . . . . 7349  
Long-term care nursing facilities; request for exception . . . . . 7349

## DEPARTMENT OF PUBLIC WELFARE

### Notices

Office of Developmental Programs priorities for provider QM Plan development . . . . . 7350  
Pharmacy prior authorization . . . . . 7350

## DEPARTMENT OF REVENUE

### Rules and Regulations

Payments by electronic funds transfer . . . . . 7279

### Notices

Pennsylvania Alpha instant lottery game . . . . . 7351  
Pennsylvania Lucky in Love instant lottery game . . . . . 7355  
Pennsylvania Millionaires Club instant lottery game . . . . . 7358  
Pennsylvania 7 instant lottery game . . . . . 7361  
Pennsylvania Spicy 9s instant lottery game . . . . . 7362

---

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## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notices

Action taken by the Commission .....	7364
Notice of comments issued .....	7366
Notice of filing of final rulemakings .....	7367
2013 public meeting schedule .....	7367

## INSURANCE DEPARTMENT

### Notices

Allianz Life Insurance Company of North America; rate increase filing for several LTC forms .....	7367
Allstate Property and Casualty Insurance Company; private passenger automobile; rate revision .....	7368
Continental Casualty Company; rate increase filing for several LTC forms .....	7368
Geisinger Health Plan; HMO conversion; rate filing .....	7368
Geisinger Health Plan; HMO individual direct pay medical; rate filing .....	7368
Geisinger Health Plan; HMO individual direct pay pharmacy; rate filing .....	7369
Geisinger Health Plan; HMO small group rate filing .....	7369
Geisinger Quality Options; PPO conversion rate filing .....	7369
Teachers Protective Mutual Life Insurance Com- pany; small group medical base rate filing .....	7369
United Teachers Associates Insurance Company; major medical rate filing .....	7370

## LEGISLATIVE REFERENCE BUREAU

### Statements of Policy

Right-to-Know Law; proposed amendments .....	7282
--	------

## MILK MARKETING BOARD

### Notices

Hearing and presubmission schedule; milk market- ing area no. 3 .....	7370
Hearing and presubmission schedule; milk market- ing area no. 6 .....	7371

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Notices

Energy Efficiency and Conservation Program; doc. no. M-2012-2289411 (2 documents) .....	7371, 7372
Service of notice of motor carrier applications .....	7372
Telecommunications (2 documents) .....	7388, 7389
Telecommunications services .....	7389
Transfer of control .....	7389
Water service .....	7389

## PHILADELPHIA PARKING AUTHORITY

### Notices

Hearing; doc. no. C-12-02-021 .....	7390
Hearing; doc. no. C-12-09-008 .....	7390
Motor carrier medallion transfer application for service in the City of Philadelphia (4 docu- ments) .....	7391
Motor carrier stock transfer application for medal- lion taxicab service in the City of Philadelphia (7 documents) .....	7392, 7393

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Notices

Request for bids (2 documents) .....	7393
--------------------------------------	------

## STATE BOARD OF ACCOUNTANCY

### Rules and Regulations

Continuing professional education .....	7267
---	------

## STATE REAL ESTATE COMMISSION

### Notices

Bureau of Professional and Occupational Affairs v. Ronald D. Hall; doc. no. 0330-56-11 .....	7393
Bureau of Professional and Occupational Affairs v. National Cemetery Marketing Associates, Inc., t/d/b/a Grave Solutions; doc. no. 1306-56-09 .....	7394
Bureau of Professional and Occupational Affairs v. K. Douglas Smith; doc. no. 1684-56-10 .....	7394

## TREASURY DEPARTMENT

### Rules and Regulations

Payments by electronic funds transfer .....	7279
---	------

# 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 Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

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

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

### ***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* is available at [www.pacode.com](http://www.pacode.com).

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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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 2012.

## 4 Pa. Code (Administration)

### Adopted Rules

1	1631, 6998
5	3559, 3561, 5146
6	1633, 3199, 3559, 3561, 3563, 5146, 7000
7	5148
7a	3566, 5148

### Statements of Policy

1	5506
9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747, 6140, 6293, 6643, 7016, 7168
58	6544
68	5242

## 7 Pa. Code (Agriculture)

### Proposed Rules

46	5218
76	5218
143	1378

## 22 Pa. Code (Education)

### Adopted Rules

4	1859
10	4574

### Proposed Rules

4	6365
73	5872

### Statements of Policy

731	5752
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

77	6536
86	7013
121	4459
126	4459
128	4462
130	4463
806	2193

### Proposed Rules

77	553
86	1228
93	4367
105	553
121	779, 3596, 4363
123	3596
129	779
130	779
139	3596, 4363

### Statements of Policy

16	4187
----	------

## 31 Pa. Code (Insurance)

### Proposed Rules

161	5629
163	5628

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

231	2273
-----	------

### Proposed Rules

65	2378
225	4468
401	1861
403	1861

## 40 Pa. Code (Liquor)

### Adopted Rules

3	388
11	4465

### Proposed Rules

5	6138
15	1504

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

7	5736
11	7267
16	2955, 5484
17	5484
18	2955
21	5486
27	5182
31	6897
33	769, 5736
35	1376
36	6541
43b	5493, 7275

### Proposed Rules

16	1122, 2469, 3597
18	2469, 3597
25	2474, 3607
27	5353
41	5355
43b	5742
47	5744
48	5744
49	5744

## 52 Pa. Code (Public Utilities)

### Adopted Rules

54	5185
57	9
59	9, 5967
62	2159
63	3728
65	9
67	9, 5969
1055	777

### Proposed Rules

54	796, 3458
59	3454, 6637
62	2034, 3458
69	3458, 3458
72	3458
1005	2746



**Statements of Policy**

69 ..... 1034, 1044

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

51 ..... 3230  
 52 ..... 2730  
 165 ..... 1992  
 168 ..... 2000  
 299 ..... 2007  
 1101 ..... 2010  
 1121 ..... 2015  
 1163 ..... 2023  
 1187 ..... 673, 3733  
 1189 ..... 3733  
 3041 ..... 2000, 2029  
 6211 ..... 3261

**Statements of Policy**

1187 ..... 3748  
 3270 ..... 675  
 3280 ..... 675  
 3290 ..... 675

**58 Pa. Code (Recreation)**

**Adopted Rules**

61 ..... 6289  
 65 ..... 3445  
 69 ..... 1502  
 71 ..... 1859  
 131 ..... 5213, 7106  
 133 ..... 7106  
 135 ..... 3581, 7107  
 139 ..... 3581  
 141 ..... 3588, 3590, 3591, 3592, 3593, 5214, 7108  
 143 ..... 5215  
 147 ..... 3594, 4305, 5216, 7109  
 401a ..... 2585, 5857  
 423a ..... 5857  
 427a ..... 5857  
 433a ..... 5857  
 435a ..... 5857  
 436a ..... 5857  
 461a ..... 2585, 4305  
 465a ..... 2585  
 467a ..... 2585  
 513a ..... 5857  
 521 ..... 2585, 2629  
 523 ..... 2649  
 524 ..... 2675, 4305  
 525 ..... 2585  
 526 ..... 2629  
 527 ..... 2629  
 528 ..... 2675, 4305  
 529 ..... 2675, 4305  
 531 ..... 2877  
 533 ..... 2877  
 535 ..... 2886  
 537 ..... 2886  
 539 ..... 2886  
 541 ..... 2906  
 543 ..... 2906  
 545 ..... 2906  
 549 ..... 2922, 4320  
 551 ..... 2686  
 553 ..... 2686  
 555 ..... 4320, 4584  
 557 ..... 4333  
 559 ..... 4333  
 561 ..... 2922, 4320  
 563 ..... 4320, 4584

565 ..... 4333  
 567 ..... 2877  
 569 ..... 4333  
 571 ..... 2686  
 573 ..... 2686  
 577 ..... 4697  
 579 ..... 5865  
 601a ..... 2629  
 603a ..... 2649  
 605a ..... 2675, 4305  
 609a ..... 2629  
 611a ..... 2629  
 613a ..... 2675, 4305  
 615a ..... 2675, 4305  
 617a ..... 2877  
 619a ..... 2877  
 621a ..... 2886  
 623a ..... 2886  
 625a ..... 2886  
 627a ..... 2906  
 629a ..... 2906  
 631a ..... 2906  
 633a ..... 2922, 4320  
 635a ..... 2686  
 637a ..... 2686  
 639a ..... 4320, 4584  
 641a ..... 4333  
 643a ..... 4333  
 645a ..... 2922, 4320  
 647a ..... 4320, 4584  
 649a ..... 4333  
 651a ..... 2877  
 653a ..... 4333  
 655a ..... 2686  
 657a ..... 2686

**Proposed Rules**

29 ..... 4720  
 61 ..... 1862  
 65 ..... 3449  
 75 ..... 3449  
 93 ..... 3446  
 99 ..... 3446  
 105 ..... 3446  
 109 ..... 3446  
 115 ..... 4472  
 131 ..... 3268, 5236  
 133 ..... 5238  
 135 ..... 1238, 5235  
 139 ..... 1238, 1864  
 141 ..... 1231, 1232, 1233, 1235, 1236, 3268, 5234  
 143 ..... 3267  
 147 ..... 1244, 3270, 5236, 6760  
 401a ..... 2962  
 435a ..... 2962  
 437a ..... 2962  
 441a ..... 2962  
 461a ..... 6761  
 463a ..... 6761  
 464a ..... 6761  
 465a ..... 6761  
 607a ..... 6761  
 627a ..... 6761  
 629a ..... 6761  
 631a ..... 6761  
 633a ..... 6761

**Statements of Policy**  
 436b ..... 5875

**61 Pa. Code (Revenue)**  
**Adopted Rules**  
 5 ..... 7279

**Proposed Rules**  
 7 ..... 1222  
 117 ..... 2381  
 119 ..... 2381  
 121 ..... 2381  
 901 ..... 1222

**67 Pa. Code (Transportation)**  
**Adopted Rules**  
 43 ..... 6290  
 231 ..... 25  
 255 ..... 6291

**Proposed Rules**  
 17 ..... 5627  
 84 ..... 3746  
 175 ..... 4704  
 441 ..... 5497  
 443 ..... 4702

**Statements of Policy**  
 190 ..... 2481

**101 Pa. Code (General Assembly)**  
**Statements of Policy**  
 31 ..... 29, 7282

**201 Pa. Code (Rules of Judicial Administration)**  
**Adopted Rules**  
 2 ..... 4907  
 5 ..... 4907, 7246

**204 Pa. Code (Judicial System General Provisions)**  
**Adopted Rules**  
 29 ..... 5854, 5855  
 81 ..... 1637, 2186, 3127, 3431  
 82 ..... 1638  
 83 ..... 1637, 1639, 2186, 3127, 3431  
 85 ..... 5156  
 87 ..... 5156, 6864  
 89 ..... 5156, 6864  
 91 ..... 5156, 6864  
 93 ..... 5156, 6864  
 303 ..... 6072

**Proposed Rules**  
 213 ..... 658  
 303 ..... 1798, 4846

**210 Pa. Code (Appellate Procedure)**  
**Adopted Rules**  
 1 ..... 2269, 7007  
 3 ..... 374, 4693  
 9 ..... 2269  
 11 ..... 2269  
 15 ..... 2269  
 37 ..... 3569  
 67 ..... 1642, 4450  
 69 ..... 4450

**Proposed Rules**  
 1 ..... 1640  
 3 ..... 1360  
 15 ..... 1360

19 ..... 1986  
 21 ..... 1640, 7246, 7247  
 37 ..... 659

**225 Pa. Code (Rules of Evidence)**  
**Adopted Rules**  
 Article VI ..... 1858

**Proposed Rules**  
 Article VIII ..... 6871

**231 Pa. Code (Rules of Civil Procedure)**  
**Adopted Rules**  
 200 ..... 377, 1363  
 1000 ..... 6872  
 1700 ..... 2954  
 1910 ..... 379, 545, 930, 7091  
 3000 ..... 4907  
 4000 ..... 3574  
 Part II ..... 4908

**Proposed Rules**  
 200 ..... 377  
 1000 ..... 6244  
 1900 ..... 3722, 6245  
 1910 ..... 1642, 3722, 3724, 3726  
 1915 ..... 1660, 6246  
 1930 ..... 6247  
 2220 ..... 6244  
 3000 ..... 6130  
 Part II ..... 5730

**234 Pa. Code (Rules of Criminal Procedure)**  
**Adopted Rules**  
 1 ..... 1364, 4140, 5333, 6622  
 2 ..... 6247  
 3 ..... 6247, 6622  
 4 ..... 6247  
 5 ..... 2465, 4140, 5333, 6247, 6622  
 6 ..... 545, 4140, 6247, 6622  
 8 ..... 6635  
 9 ..... 4140, 5347, 6247  
 10 ..... 4140, 5333

**Proposed Rules**  
 1 ..... 380, 5164  
 4 ..... 6529  
 5 ..... 1369, 4568, 5732, 6252, 6254  
 6 ..... 380, 1369, 4568, 5732  
 8 ..... 4568, 6254

**237 Pa. Code (Juvenile Rules)**  
**Adopted Rules**  
 1 ..... 547, 3203, 5734  
 2 ..... 4908, 4909, 5350  
 3 ..... 3203, 4909, 5350  
 4 ..... 664, 4909, 5350  
 5 ..... 1214, 4909  
 6 ..... 1214  
 8 ..... 4909

**Proposed Rules**  
 1 ..... 5470, 5480, 5734, 7248  
 3 ..... 7248  
 4 ..... 7248  
 5 ..... 7248  
 6 ..... 7248  
 8 ..... 7248  
 11 ..... 5470, 5480, 5734, 7257  
 12 ..... 7257  
 16 ..... 7257  
 18 ..... 5470, 5734

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

1000 ..... 4913

**Proposed Rules**

200 ..... 1116

300 .....1116, 7007

400 ..... 7007

**249 Pa. Code (Philadelphia Rules)**

Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160,  
5965, 6262, 6873, 7010, 7263

**252 Pa. Code (Allegheny County Rules)**

Unclassified . . . . 930, 2727, 3436, 3437, 3438, 3439, 3440,  
7093

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 8, 203, 550, 551,  
669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375,  
1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271,  
2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440,  
3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913,  
4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855,  
6131, 6132, 6135, 6262, 6282, 6286, 6532, 6533, 6534,  
6636, 6758, 6887, 7010, 7097, 7104, 7264, 7265

# THE GENERAL ASSEMBLY

## Cost-of-Living Factor Under the Public Official Compensation Law

Under Section 4(d) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2012 through November 30, 2013, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2011 through October 31, 2012.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

The CPI-U for the period November 1, 2011 through October 31, 2012 increased by 2.165%. Therefore, the salary for legislators for the period beginning December 1, 2012 through November 30, 2013 and will be \$83,801.88.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2012 through November 30, 2013, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2011, through October 31, 2012.

The percentage change and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>% Increase</i>	<i>New Compensation</i>
President pro tempore/Speaker	2.165%	\$47,018.21
Majority Floor Leader	2.165%	\$37,616.35
Minority Floor Leader	2.165%	\$37,616.35
Majority Whip	2.165%	\$28,547.91
Minority Whip	2.165%	\$28,547.91
Majority Caucus Chairman	2.165%	\$17,799.88
Minority Caucus Chairman	2.165%	\$17,799.88
Appropriations Chairman	2.165%	\$28,547.91
Minority Appropriations Chairman	2.165%	\$28,547.91
Majority Caucus Secretary	2.165%	\$11,755.44
Minority Caucus Secretary	2.165%	\$11,755.44
Majority Caucus Policy Chairman	2.165%	\$11,755.44
Minority Caucus Policy Chairman	2.165%	\$11,755.44
Majority Caucus Administrator	2.165%	\$11,755.44
Minority Caucus Administrator	2.165%	\$11,755.44

W. RUSSEL FABER,  
*Chief Clerk*  
*Senate of Pennsylvania*

ANTHONY FRANK BARBUSH,  
*Chief Clerk*  
*House of Representatives*

[Pa.B. Doc. No. 12-2297. Filed for public inspection November 30, 2012, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 5 ]

### Amendment of Rule of Judicial Administration No. 509 Governing Access to Financial Records; No. 390 Judicial Administration Doc.

#### Order

*Per Curiam:*

*And Now*, this 8th day of November, 2012, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution, Pennsylvania Rule of Judicial Administration No. 509 is amended to read as follows. The amendments to Pa.R.J.A. No. 509 are promulgated in order to further facilitate public access to financial records of the Unified Judicial System. Access to financial records and publication of financial record information of the Unified Judicial System shall be provided in accordance with Pa.R.J.A. No. 509.

Whereas prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. No. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective on December 17, 2012.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 5. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### Rule 509. Access to Financial Records.

\* \* \* \* \*

(e) *Publication of [ Contract ] Financial Record Information.*

(1) The Administrative Office shall make contract information available on the Unified Judicial System's [ web site ] website.

(2) For the appellate courts and Administrative Office, the Unified Judicial System's website shall also contain:

(i) appropriation names, descriptions and annual funding amounts;

(ii) expenditure data, including name and address of entity receiving payment, payment amount, applicable appropriation and fiscal year;

(iii) employee complement information, including position title and current annual salary, posted on a monthly basis; and

(iv) a listing of position titles and total annual compensation paid as of the end of the prior calendar year for each employee, posted on a yearly basis.

**Official Note:** The Pennsylvania Judiciary's long-standing practice of providing open, public access to its

records, both administrative and case-related, has been formalized in this rule and other policies adopted by the Supreme Court. The underlying premise for public access policies and practices in the Unified Judicial System is always the presumption of open records.

Initially promulgated by the Supreme Court on May 14, 2007, this rule furthers the Judiciary's commitment to establishing systematic processes for requesting and accessing state court system records. The rule took effect July 1, 2007.

The enactment of revisions to the Right-to-Know Law (Act 3 of 2008) occurred on February 14, 2008. Act 3 includes the judiciary only as it pertains to access of financial records, as defined by the Act, and regarding the Internet publication of judiciary contracts by the Commonwealth's Treasury Department. Section 304 of Act 3 of 2008 provides that a "judicial agency shall provide financial records in accordance with this act or any rule or order of court providing equal or greater access to the records." [Emphasis added.]

This rule, as amended, is promulgated pursuant to the Pennsylvania Supreme Court's constitutional authority regarding the administration of the courts under Article V, Section 10 and Section 304 of Act 3 of 2008. The expansion of the scope of this rule is in accordance with the continuing effort to promote the Unified Judicial System's policy of the public's right of access to records that deal with the use of public funds.

Pursuant to the Supreme Court's Order of June 23, 2008, access to financial records and publication of contract information of the Unified Judicial System shall be provided in accordance with this rule.

[ (2) Prior to granting a request for access in accordance with this rule, the Administrative Office may require a requester to prepay an estimate of the fees associated with the request, if the fees are expected to exceed \$100. ]

Effective on December 17, 2012, the Supreme Court directed the Administrative Office to augment the Unified Judicial System's website to include annual appropriation, expenditure, personnel complement and annual compensation information for the appellate courts and Administrative Office of Pennsylvania Courts, pursuant to its Order of November 8, 2012. The term "entity" shall not include employees of the Unified Judicial System.

[Pa.B. Doc. No. 12-2298. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 21 ]

#### Proposed Amendments to Pa.R.A.P. 2112

The Appellate Court Procedural Rules Committee proposes to amend Pa.R.A.P. 2112. The amendments are

being submitted for public comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is in bold faced type and deleted material is bracketed and in bold faced type.

All communications in reference to the proposed amendment should be sent no later than January 14, 2013 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot R. Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to  
(717) 231-9551  
or E-Mail to  
appellaterules@pacourts.us

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

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,  
*Chair*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

#### CONTENTS OF BRIEF

#### Rule 2112. Brief of the Appellee.

The brief of the appellee, except as otherwise prescribed by these rules, need contain only a summary of argument and the complete argument for appellee **and may also include counter-statements of any of the matters required in the appellant's brief as stated in Pa.R.A.P. 2111(a).** [ **However, the appellee may add a counter-statement of the questions involved and a counter-statement of the case.** ] Unless the appellee does so, or the brief of the appellee otherwise challenges the questions involved or the statement of the case as stated by appellant, it will be assumed the appellee is satisfied with them, or with such parts of them as remain unchallenged.

**Official Note:** [ Based on former Supreme Court Rule 48, former Superior Court Rule 40 and former Commonwealth Court Rule 91. See also *Cubitt v. New York Cent. R. Co.*, 278 Pa. 366, 370, 123 Atl. 308, 309 (1924). ] See Rules 2111 and 2114—2119.

#### Explanatory Comment

Chapter 21 of the Rules of Appellate Procedure establishes the content and form of briefs and reproduced records, the requirements of filing and serving these documents, and the penalties for noncompliance. Rule 2112, when read in conjunction with Rule 2111 (brief of the appellant) and Rule 2174 (tables of contents and citations) establishes the mandatory elements of an ap-

pellee's brief as including the Summary of Argument, addressed in Rule 2118, and the Argument, addressed in Rule 2119. Rule 2112 also provides that an appellee's brief may contain a counter-statement of the questions involved, addressed in Rule 2116, and a counter-statement of the case, addressed in Rule 2117.

To further aid the appellate courts in the task of appellate review, the Appellate Court Procedural Rules Committee recommends that the Supreme Court amend Rule 2112 to provide that an appellee's brief may also include counter-statements of any of the matters required in the appellant's brief as stated in Pa.R.A.P. 2111(a).

[Pa.B. Doc. No. 12-2299. Filed for public inspection November 30, 2012, 9:00 a.m.]

#### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 21 ]

#### Proposed Amendments to Pa.R.A.P. 2140

The Appellate Court Procedural Rules Committee proposes to amend Pa.R.A.P. 2140. The Committee submits the proposed amendment for public comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is in bold faced type and deleted material is bracketed and in bold faced type.

All communications in reference to the proposed amendment should be sent no later than January 14, 2013 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to  
(717) 231-9551  
or E-Mail to  
appellaterules@pacourts.us

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

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,  
*Chair*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

#### CONTENT OF BRIEFS

#### Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

(a) [ **General Rule.**—Following a remand from the Supreme Court to the Superior Court or the Com-

monwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.] Following remand or if reargument, reconsideration or rehearing is granted, the court shall establish a schedule for further proceedings. If the court does not require further briefing, it shall notify the parties. If further briefing is required, the court shall issue a briefing schedule that includes the order in which briefs shall be submitted, the type of brief to be submitted, whether a reproduced record is needed and the number of copies to be filed.

[ (b) *Cover on brief.*—The brief (whether new or refiled) shall be appropriately titled to reflect the current status of the case (e.g. brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

(c) *Order and time for filing.*—On reargument or reconsideration, the party which petitioned for reargument or reconsideration shall file its brief, including any supplemental brief, within 21 days of the order allowing reargument or reconsideration. The respondent shall file its brief within 21 days after service of the petitioner's brief. The petitioner may file a reply brief within 10 days after service of the respondent's brief.

On remand the original appellant or original petitioner shall file its brief, including any supplemental brief, within 21 days of the remand order. The original appellee or respondent shall file its brief within 21 days after service of the appellant's or petitioner's brief. The original appellant or original petitioner may file a reply brief within 10 days after service of the appellee's or respondent's brief.

(d) *Page limits.*—A substituted brief shall not exceed 70 pages when produced on a word processor/computer or typewriter. A supplemental brief shall not exceed 40 pages when produced on a word processor/computer or typewriter. A reply brief shall not exceed 25 pages when produced on a word processor/computer or typewriter. ]

**Official Note:** [ The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the Appellate Court with jurisdiction over the appeal and may be changed from time to time without notice to bar. ] The 2012 revision of this rule clarified that following remand or the grant of reconsideration or reargument, the court will order such briefing as it deems necessary.

#### Explanatory Comment

The Appellate Court Procedural Rules Committee proposes to amend Pa.R.A.P. 2140 so that when a case is remanded to an intermediate appellate court or an appellate court grants reargument or reconsideration, the court shall inform the parties of any additional briefing requirements.

Rule 2140, in its current form, provides that on remand, reconsideration or reargument, it is up to the parties whether they wish to re-file their original brief or file a supplemental brief. The Appellate Procedural Rules Committee believes that such an automatic provision, uninformed by direction from the appellate court, is inappropriate. Instead, the appellate court, which will be adjudicating the remand, reargument or reconsideration, should give the parties specific direction of what additional briefing, if any, it wishes. For example the issues on remand, reconsideration or reargument may be limited to a discrete, specific issue and the appellate court will desire briefing addressed to that issue only. There may be instances where a case is remanded to consider the impact of a recently decided case and the appellate court only needs briefing addressed to the case's impact.

Further, the current section (c) of Rule 2140 provides that the party that petitioned for reargument or reconsideration automatically files the first brief and the other party files a responsive brief. In many instances, the party that petitioned for reargument or reconsideration may not be the appellant with the burden on the underlying appeal. It is illogical that the petitioning party automatically should file the first brief on reargument or reconsideration.

The above-noted issues with respect to the current rule are resolved by the proposed amendment. The amendment provides the appellate court on remand, reconsideration or reargument first shall set a schedule for further proceedings. The appellate court then will determine what additional briefing is required and the schedule therefore. This amendment allows the appellate court to determine the briefing required based upon the specific issues before it. The parties will no longer need to guess what additional briefing the appellate court desires.

Accordingly, under the proposed amendment, the current version of Rule 2140 would be replaced by the following language:

Following remand or if reargument, reconsideration or rehearing is granted, the court shall establish a schedule for further proceedings. If the court does not require further briefing, it shall notify the parties. If further briefing is required, the court shall issue a briefing schedule that includes the order in which briefs shall be submitted, the type of brief to be submitted, whether a reproduced record is needed and the number of copies to be filed.

[Pa.B. Doc. No. 12-2300. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 1, 3—6 AND 8 ]

#### Proposed Amendments to Rules 161, 195, 302, 407, 409, 512 and 800 and Proposed Rule 614

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 161, 195, 302, 407, 409, 512, and 800 and new proposed Rule 614. These proposed modifications address the adoption of the new Pennsylvania "SORNA" and "Act 21" legislation.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this pro-

posal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

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

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

All comments shall be received no later than Friday, February 1, 2013.

By the Juvenile Court  
Procedural Rules Committee

HONORABLE TODD A. HOOVER,  
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

A. *Inspecting and copying.* Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying, unless the court has determined that the information sought is otherwise protected by law, only by:

- 1) the juvenile’s attorney;
- 2) the attorney for the Commonwealth;
- 3) the State Sexual Offenders Assessment Board;
- 4) the Juvenile Court Judges’ Commission; or
- 5) any other person, agency, or department by order of court.

\* \* \* \* \*

Comment

\* \* \* \* \*

Nothing in this rule is intended to preclude the juvenile probation office from sharing information in its file with the juvenile.

Pursuant to paragraph (A)(5), the court is to order the specific information that may be subject to inspection and/or copying and by whom the file may be viewed.

See Commonwealth v. Carter, 821 A.2d 601 (Pa. Super. Ct. 2003) for clarification of protected information.

\* \* \* \* \*

PART D(2). JUVENILE PROBATION OFFICERS

Rule 195. Powers, Duties, and Training of a Juvenile Probation Officer.

A. *Powers and Duties of a Juvenile Probation Officer.* Subject to any limitation imposed by the court, a juvenile probation officer shall:

\* \* \* \* \*

13) provide information for “juvenile offenders” and assist the chief juvenile probation officer:

a) by identifying adjudicated juveniles who are designated as “juvenile offenders”;

b) by informing these identified juveniles of the duty to register as a sexual offender;

c) by requiring the juvenile to sign a form acknowledging such duty;

d) in collecting information to forward to the Pennsylvania State Police for inclusion in the Registry;

e) by ensuring the juvenile’s information is current prior to the release of the juvenile from a placement facility;

f) in filling out a form prescribed by the Pennsylvania State Police each time a sexual offender is arrested, recommitted to a placement facility, or refuses to provide information pursuant to paragraph (A)(13)(d); and

g) by notifying the chief juvenile probation officer when a juvenile refuses to provide the information as required;

14) provide information for juveniles adjudicated delinquent for acts of sexual violence and assist the chief juvenile probation officer:

a) in notifying and aiding the State Sexual Offenders Assessment Board (SOAB), concerning any juvenile who is in a placement facility, as a result of having been adjudicated delinquent for an act(s) of sexual violence, ninety days prior to the juvenile’s twentieth birthday:

i) of the status of the juvenile;

ii) by specifying where the juvenile is presently committed; and

iii) in obtaining information required by SOAB pursuant to 42 Pa.C.S. §§ 6358(B) and 9799.24(C) & (H);

b) by informing any adjudicated juvenile who are designated as “sexually violent delinquent child” of the duty to register as a sexual offender;

c) by requiring the juvenile to sign a form acknowledging such duty;

d) in collecting information to forward to the Pennsylvania State Police for inclusion in the Registry;

e) by ensuring the juvenile’s information is current prior to the release of a “sexually violent delinquent child” from involuntary treatment facility if the juvenile is under the juvenile court’s supervision;

f) in filling out a form prescribed by the Pennsylvania State Police each time a sexual offender is arrested, recommitted to an inpatient facility, or



refuses to provide information pursuant to paragraph (A)(14)(d) if the juvenile is under the juvenile court's supervision; and

g) by notifying the chief juvenile probation officer when a juvenile refuses to provide the information as required; and

15) perform any other functions as designated by the court.

\* \* \* \* \*  
Comment  
\* \* \* \* \*

Pursuant to paragraph (A)(13), a juvenile probation officer may perform any other function designated by the court to carry out the purposes of the Juvenile Act.

Paragraphs (A)(13)(a)—(g) & (A)(14)(a)—(g) were added in 201- after the adoption of the Act of December 11, 2011 (P.L. 446, No. 111), as amended by the Act of July 5, 2012 (P.L. 880, No. 91), bringing Pennsylvania into compliance with the Federal Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248, 120 Stat. 597), particularly the Sexual Offender Registration and Notification Act. There are several requirements placed upon the chief juvenile probation officer by these statutory amendments. This rule requires juvenile probation officers to notify and assist the chief juvenile probation officer in carrying out his or her obligations.

Juvenile probation officers are to notify all juveniles who are classified as "juvenile offenders" and/or "sexually violent delinquent children", as defined by 42 Pa.C.S. §§ 6402 & 9799.12, about the duty to register and provide information as a sexual offender. "Juvenile offenders" are designated by the court pursuant to Rule 512(D)(8). The juvenile probation officer is to ensure the juvenile signs a form acknowledging this duty. See paragraphs (A)(13)(b) & (c) & (A)(14)(b) & (c).

Pursuant to 42 Pa.C.S. § 9799.16(B) & (C), the juvenile is to provide specific information to the Pennsylvania State Police to be included in the Registry. It is the duty of the chief juvenile probation officer to: 1) inform the juvenile of the juvenile's duty to register; 2) require the juvenile to read and sign a form stating that the duty to register has been explained and the juvenile understands the registration requirements; and 3) collect the information required under 42 Pa.C.S. § 9799.16(B) & (C) and forward the information to the Pennsylvania State Police for inclusion in the Registry. See 42 Pa.C.S. § 9799.20. Paragraphs (A)(13)(d) & (A)(14)(d) ensures the juvenile probation officer assists the chief juvenile probation officer in forwarding this information to the Pennsylvania State Police.

Under 42 Pa.C.S. § 9799.33(A)(2), the chief juvenile probation officer is to notify the Pennsylvania State Police each time a sexual offender is arrested or recommitted to a placement facility if the juvenile is under the court's supervision. The juvenile probation officer is to assist the chief juvenile probation officer in fulfilling this duty. See paragraphs (A)(13)(f) & (A)(14)(f).

Pursuant to paragraphs (A)(14)(e) & (f), the juvenile probation officer is to ensure the juvenile's

information is current prior to release of a "sexually violent delinquent child" from involuntary treatment facility and fill out a form prescribed by the Pennsylvania State Police each time a sexual offender is arrested, recommitted to an inpatient facility, or refuses to provide information pursuant to paragraph (A)(14)(d) if the juvenile is still under the juvenile court's supervision. In most instances, juvenile court supervision will be terminated prior to these occurrences.

Paragraphs (A)(13)(g) & (A)(14)(g) require the juvenile probation officer to notify the chief juvenile probation officer if the juvenile refuses to provide this information. Pursuant to 42 Pa.C.S. 9799.22(D), the chief juvenile probation officer is to notify the Pennsylvania State Police of such violation. The juvenile will then be charged with a violation of 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration of sexual offenders requirements).

Ninety days prior to the twentieth birthday of a juvenile who was adjudicated delinquent for an act(s) of sexual violence and who remains in a placement facility upon attaining twenty years of age, as specified in 42 Pa.C.S. § 6358(A), a probation officer is to notify SOAB about the status of the juvenile, where the juvenile is presently placed, and is to assist SOAB in obtaining access to any information, including the juvenile's official court record and juvenile probation file, required by SOAB to perform an assessment. See 42 Pa.C.S. §§ 6358(B) & 9799.24(H). The juvenile probation office is to cooperate with SOAB when an assessment is ordered. See 42 Pa.C.S. § 9799.24(C). See paragraph (A)(14)(a).

See, e.g. *Com. v. Knoble*, 42 A.3d 976 (Pa. 2012) for participation in sexual history therapeutic polygraph examination for sexual offender treatment if a condition of probation.

\* \* \* \* \*

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES  
PART A. VENUE

Rule 302. Inter-County Transfer.

\* \* \* \* \*

D. "Juvenile offenders." Upon an adjudication of delinquency, the court shall:

1) classify the out-of-county juvenile as a "juvenile offender" pursuant to Rule 409(D); and

2) order the "juvenile offender" to provide information to the chief juvenile probation officer as set forth in 42 Pa.C.S. § 9799.16(B) if:

3) the following two conditions have been met:

a) the adjudication of delinquency occurs in any county other than the juvenile's county of residence; and

b) the court intends to transfer the juvenile's case for disposition to the juvenile's county of residence under this rule and 42 Pa.C.S. § 6321(C).

Comment

\* \* \* \* \*

When the case is being transferred under paragraph (A), the transferring court should enter a finding of the amount of restitution owed and to whom it should be

paid, if ordered. A restitution order should be included in the dispositional order, if applicable, under paragraph (B).

See Rule 800 for partial suspension of 42 Pa.C.S. § 9799.23(A).

\* \* \* \* \*

CHAPTER 4. ADJUDICATORY HEARING

Rule 407. Admissions.

\* \* \* \* \*

C. Written admission colloquy. If a juvenile is making an admission, the colloquy shall be:

- 1) in writing;
2) reviewed and completed with the juvenile by an attorney;
3) submitted to and reviewed by the court; [ and ]
4) substantially in the following form:

\* \* \* \* \*

5) and; if the juvenile is admitting to a sexual offense for which the juvenile shall register as a "juvenile offender" or "sexually violent delinquent child," an addendum to the admissions form shall be in substantially the following form:

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

ADDENDUM TO ADMISSIONS FORM
SEXUAL OFFENDER REGISTRATION AND/OR ACT
21 COLLOQUY

In re : Docket # \_\_\_\_\_

(Juvenile) :
: Delinquent Act(s): \_\_\_\_\_
: \_\_\_\_\_
: \_\_\_\_\_
: \_\_\_\_\_

INTRODUCTION

This supplemental colloquy\* should be used in conjunction and submitted with the written admission colloquy form as mandated by Pa.R.J.C.P. 407.

\*It is recommended that this colloquy be placed on the record in open court.

If Part A of this colloquy is applicable, both Parts A and B must be completed.

If Part A does not apply, complete Part B only.

PART A

Sexual Offender Registration—14 yrs. or older\*

\*Age at time of commission of delinquent act

SORNA CASES

I committed at least one of the following delinquent act(s) on or after my fourteenth birthday; AND

If I am adjudicated delinquent by the court for any of these acts,

I understand that I must register as a "juvenile offender" for the rest of my life.

See 42 Pa.C.S. §§ 9799.12 and 9799.17.

Check all that apply:

Table with 4 columns: Rape, 18 Pa.C.S. § 3121; Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123; Aggravated Indecent Assault, 18 Pa.C.S. § 3125; Attempt; Solicitation; Conspiracy.

General Information:

- 1) My birthday is \_\_\_\_\_. (MM/DD/YYYY)
2) The delinquent act(s) was committed on \_\_\_\_\_. (MM/DD/YYYY).
3) I was at least fourteen (14) years old at the time of the commission of the delinquent act(s) designated as an offense of a "juvenile offender" enumerated above.
Yes No

See 42 Pa.C.S. § 9799.12 (Definition of "juvenile offender")

4) My home state is \_\_\_\_\_.

If I am not a resident of Pennsylvania, I understand the provisions of this colloquy are applicable at the time of the adjudication of delinquency and my home state may have additional requirements not presented in this colloquy. \_\_\_\_\_ initials

Understanding of Registration Requirements

5) I understand that I must give the juvenile probation office specific information and have my photograph taken before I am released from a placement facility or when I am placed on probation. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 6352(A)(2)—(3), 9799.15 (Period of registration), 9799.16 (Registry), and 9799.19 (Initial Registration).

6) I understand "registration" means that I will be required to appear at a location approved by the Pennsylvania State Police (PSP) periodically to give my name and certain information about me which can be seen by other people. \_\_\_\_\_ initials

7) I understand that I am required to appear at a PSP site to provide and verify specific information and be photographed every three months for the rest of my life unless I am a transient juvenile offender as provided in paragraph (9). \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 9799.15, 9799.16(B), and 9799.25.

8) I understand that if I change my name, telephone number, email address, move my residence, change employment or student status, have transportation changes, or any other changes in my personal status as required by 42 Pa.C.S. § 9799.15(G), I am required to appear at a PSP site within three business days of the change to provide current information. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.15(G).

9) I understand that I am a transient juvenile offender if I do not have a permanent home but live in a

temporary place in Pennsylvania and that I must appear in person every month at a PSP site to provide or verify specific information and to be photographed until I establish a residence. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 9799.15(h) (Relating to transient juvenile offenders) and 9799.16(B) (Registry information).

10) I understand that I will be included on a statewide registry of sexual offenders which means other people will be able to see certain information about me. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.16 (Registry).

11) I understand that after 25 years of compliance, I am eligible to petition the court to have my registration terminated if I have not been convicted of any new crimes. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.17 (Termination of period of registration for juvenile offenders)

12) I understand that the failure of the court to provide notice to me of all the registration requirements does not relieve me from registering. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.25(D).

#### Failure to Register is a new crime

13) I understand that I may be charged with a new offense which is a felony if I knowingly fail to:

a) register with the PSP as required (felony of the second degree); \_\_\_\_\_ initials

b) verify my address or be photographed as required (felony of the second degree); or \_\_\_\_\_ initials

c) provide accurate information when registering (felony of the first degree). \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1, 42 Pa.C.S. §§ 9799.15 (relating to period of registration), 9799.19 (relating to initial registration), or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

#### Consequences of Failure to Register

14) I understand that I may be arrested for failure to meet any of the registration requirements. \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1.

15) If prosecuted as an adult, I understand that if I am found to have failed to meet the registration requirements and convicted, the court is required to send me to jail for at least three years if I violate 18 Pa.C.S. § 4915.1(A)(1) & (2) and five years if I violate 18 Pa.C.S. § 4915.1(A)(3). \_\_\_\_\_ initials

See 42 Pa.C.S. § 9718.4.

I understand that if I am under eighteen years old, petitioned with a felony delinquent act, and prosecuted in juvenile court for failing to meet the registration requirements, I would be subject to the provisions of the Juvenile Act which could include transfer to adult court or placement in a juvenile placement facility. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 6352 and 6355.

### Part B

#### Juvenile who may be Subject to Civil Commitment for Involuntary Treatment

#### CIVIL COMMITMENT CASES

I committed at least one of the following delinquent act(s); AND

If I am adjudicated delinquent by the court; AND

If I am in a placement facility upon attaining the age of twenty,

I understand that I may be civilly committed for involuntary inpatient treatment at a facility as a "sexually violent delinquent child."

See 42 Pa.C.S. § 6401 *et seq.*

Check all that apply:

<input type="checkbox"/> Rape, 18 Pa.C.S. § 3121	<input type="checkbox"/> Sexual Assault, 18 Pa.C.S. § 3124.1
<input type="checkbox"/> Involuntary Deviate Sexual Intercourse, 18 Pa.C.S. § 3123	<input type="checkbox"/> Indecent Assault, 18 Pa.C.S. § 3126
<input type="checkbox"/> Aggravated Indecent Assault, 18 Pa.C.S. § 3125	<input type="checkbox"/> Incest, 18 Pa.C.S. § 4302

1) I understand that if I am in a placement facility upon attaining the age of twenty (20), the State Sexual Offenders Assessment Board (SOAB) will conduct an assessment to determine if I have a mental abnormality or personality disorder which results in serious difficulty controlling my sexually violent behavior that makes me likely to engage in an act of sexual violence. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6358.

2) I understand that if the SOAB concludes that I am in need of involuntary inpatient treatment, the court will conduct a dispositional review hearing. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6358.

3) I understand that if the court, at the dispositional review hearing, finds there is a *prima facie* case that I am in need of involuntary commitment pursuant to 42 Pa.C.S. § 6401 *et seq.*, the court will direct the county solicitor or a designee to file a petition to commence involuntary commitment proceedings. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6358.

4) I understand that if a petition has been filed to commence involuntary commitment proceedings, the court will conduct a hearing to determine if I have serious difficulty controlling my sexually violent behavior that makes me likely to engage in an act of sexual violence. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6403.

5) I understand that if, at a hearing pursuant to 42 Pa.C.S. § 6401 *et seq.*, the court determines that I have serious difficulty controlling my sexually violent behavior that makes me likely to engage in an act of sexual violence, I will be committed to an involuntary inpatient facility. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6403.

6) I understand that I must give the juvenile probation office specific information and have my photograph taken at the time of commitment to an involuntary inpatient center. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 9799.15 (Period of registration), 9799.16 (Registry), and 9799.19 (Initial Registration).

7) I understand that once committed to an involuntary inpatient facility, my case will be reviewed every year and I will not be released until it is determined that I no longer have serious difficulty controlling my sexually violent behavior that makes me likely to engage in an act of sexual violence. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6404.

8) I understand that if I am released from the inpatient facility, I will be transferred for involuntary outpatient treatment and subject to registration requirements listed in Part B, paragraphs (12)—(22). \_\_\_\_\_ initials

See 42 Pa.C.S. § 6404.1.

9) I understand that my involuntary outpatient treatment will be reviewed by the court each year. \_\_\_\_\_ initials

See 42 Pa.C.S. § 6404.2.

10) I understand that if I am released from outpatient treatment, I must attend at least monthly counseling sessions and follow other requirements for the rest of my life, including the registration requirements listed in Part B, paragraphs (12)—(22), as conditions of my release. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 6404.1 & 6404.2.

11) I understand that if I fail to meet any of the required conditions of my treatment plan, including registration, or the court determines I am having serious difficulty controlling sexually violent behavior, I will be sent back to an involuntary inpatient facility. \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1 & 42 Pa.C.S. § 6404.2.

12) I understand “registration” means that I will be required to appear at a location approved by the Pennsylvania State Police (PSP) periodically to give my name and certain information about me that can be seen by other people. \_\_\_\_\_ initials

13) I understand that I am required to appear at a PSP site to provide and verify specific information and be photographed every three months for the rest of my life unless I am a transient as provided in paragraph (15). \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 9799.15, 9799.16(B), and 9799.25.

14) I understand that if I change my name, telephone number, email address, move my residence, change employment or student status, have transportation changes, or any other changes in my personal status that are required by 42 Pa.C.S. § 9799.15(G), I am required to appear at a PSP site within three business days of the change to provide current information. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.15(G).

15) I understand that I am a transient if I do not have a permanent home but live in a temporary place in Pennsylvania and that I must appear in person every month at a PSP site to provide or verify specific information and to be photographed until I establish a residence. \_\_\_\_\_ initials

See 42 Pa.C.S. §§ 9799.15(H) (Relating to transient juvenile offenders) and 9799.16(B) (Registry information).

16) I understand that information about me will be included on a statewide registry of sexual offenders which means other people will be able to see certain information about me on a public internet web-site maintained by the PSP. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.16 (Registry).

17) I understand that the failure of the court to provide notice to me of all the registration requirements does not relieve me from registering. \_\_\_\_\_ initials

See 42 Pa.C.S. § 9799.25(D).

### **Failure to Register or attend outpatient counseling is a new crime**

18) I understand that I may be charged with a new offense which is a felony if I knowingly fail to:

a) register with the Pennsylvania State Police as required (felony of the second degree); \_\_\_\_\_ initials

b) verify my address or be photographed as required (felony of the second degree); or \_\_\_\_\_ initials

c) provide accurate information when registering (felony of the first degree). \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1, 42 Pa.C.S. §§ 9799.15 (relating to period of registration), 9799.19 (relating to initial registration), or 9799.25 (relating to verification by sexual offenders and Pennsylvania State Police).

19) I understand that I may be charged with a new offense which is a misdemeanor of the first degree if I fail to attend outpatient counseling. \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1.

### **Consequences of Failure to Register**

20) I understand that I may be arrested for failure to meet any of the registration or counseling requirements. \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1.

21) I understand that if I am found to have failed to meet the registration requirements and convicted, the court is required to send me to jail for at least three years if I violate 18 Pa.C.S. § 4915.1(A)(1) & (2) and five years if I violate 18 Pa.C.S. § 4915.1(A)(3). \_\_\_\_\_ initials

See 42 Pa.C.S. § 9718.4.

22) I understand that if I am found to have failed to attend counseling sessions, I may also be recommitted to an involuntary inpatient facility or prosecuted for a new offense. \_\_\_\_\_ initials

See 18 Pa.C.S. § 4915.1 & 42 Pa.C.S. § 9799.36.

### **Lawyer's Representation and Opportunity to Speak with Guardian**

23) Are you okay with what your lawyer did for you and how he or she explained everything?  Yes  No

24) Did you talk with your parent or guardian about the lifetime implications of being adjudicated for the enumerated delinquent act(s)?  Yes  No

I have read this form or someone has read this form to me.

Parts A and B have been completed.

Part B only has been completed.

I understand the form and which sections apply to me. The signature below and initials on each page of this form are mine.

\_\_\_\_\_  
JUVENILE

\_\_\_\_\_  
DATE

I, \_\_\_\_\_, lawyer for the juvenile, have reviewed this form with my client. My client has told me and I believe that he or she understands this form. I have completed the following sections with my client and explained the applicability of these sections to him or her.

- Parts A and B have been completed.
- Part B only has been completed.

\_\_\_\_\_  
LAWYER FOR JUVENILE

\_\_\_\_\_  
DATE

**Comment**

\* \* \* \* \*

The admission colloquy and the addendum for sexual offense cases can be downloaded from the Supreme Court’s webpage at <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/>. The [ admission form is ] forms are also available in Spanish.

The Pennsylvania Juvenile Collateral Consequences checklist is also available on the Supreme Court’s webpage.

\* \* \* \* \*

**Rule 409. Adjudication of Delinquency.**

\* \* \* \* \*

**D. Out-of-County “Juvenile Offenders” Classification.** The court shall classify an out-of-county juvenile as a “juvenile offender” if:

- 1) the adjudication of delinquency was a result of an offense as defined by 42 Pa.C.S. § 9799.12;
- 2) the court has adjudicated the juvenile delinquent pursuant to paragraph (A)(2)(a) and the case is being transferred pursuant to Rule 302.

**Comment**

\* \* \* \* \*

Pursuant to paragraph (A)(2)(b)(ii), a case reference number is to be included to help track this case. See Comment to Rule 170 for further description of a case reference number.

Pursuant to paragraph (D), the court is to classify the out-of-county juvenile as a “juvenile offender” if the juvenile is found delinquent for a “juvenile offender” offense as defined by 42 Pa.C.S. § 9799.12. See 42 Pa.C.S. §§ 9799.19 (H) for out-of-county classification and 9799.23 for court’s notification and classification requirements.

See Rule 302 for procedures for out-of-county juvenile offenders. An out-of-county juvenile is defined in Rule 302(D)(3)(a) & (b).

See also Rule 800 for partial suspension of 42 Pa.C.S. § 9799.23(A).

\* \* \* \* \*

**CHAPTER 5. DISPOSITIONAL HEARING**

**PART B. DISPOSITIONAL HEARING AND AIDS**

**Rule 512. Dispositional Hearing.**

\* \* \* \* \*

D. *Court’s findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

\* \* \* \* \*

6) any findings necessary to ensure the stability and appropriateness of the juvenile’s education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; [ and ]

7) any findings necessary to identify, monitor, and address the juvenile’s needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed[ . ];

**8) If juvenile is adjudicated delinquent for any of the following offenses after turning fourteen years of age, the court shall classify the juvenile as a juvenile offender:**

- a) rape, 18 Pa.C.S. § 3121;
- b) involuntary deviant sexual intercourse, 18 Pa.C.S. § 3123
- c) aggravated indecent assault, 18 Pa.C.S. § 3125; or
- d) attempt, solicitation, or conspiracy to the enumerated offenses in paragraph (8)(a)—(c).

**E. Classification of juvenile offender.** Upon classification of a juvenile as a “juvenile offender,” the court shall:

1) explain to the juvenile that the juvenile has the following duties:

- a) the duty to register pursuant to 42 Pa.C.S. § 9799.10 *et seq.*;
- b) the duty to register in accordance with 42 Pa.C.S. § 9979.15 (Relating to Period of Registration), 9799.16 (Relating to Registry), 9799.19 (Relating to Initial Registration) and 9799.25 (Relating to Verification by Sexual Offenders and Pennsylvania State Police);
- c) the duty to register with authorities in another jurisdiction within three business days pursuant to 42 Pa.C.S. 9799.23;
- d) the duty to submit to fingerprints, palm prints, DNA sample, and photograph at the time of the disposition; and

2) fulfill the following duties of the court:

- a) classify the juvenile as a “juvenile offender” if juvenile is found delinquent for an offense that is a “juvenile offender” offense as defined by 42 Pa.C.S. § 9799.12;
- b) ensure the juvenile offender has signed the form stating that the duty to register has been explained; and
- c) issue any orders to a juvenile offender requiring the juvenile to provide information to the chief juvenile probation officer as set forth in 42 Pa.C.S. § 9799.16(B).

**Comment**

\* \* \* \* \*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not avail-

able, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

If the juvenile is classified by the court as a “juvenile offender,” as defined by 42 Pa.C.S. § 9799.12, pursuant to 42 Pa.C.S. § 9799.19(H), the judge is to order the juvenile to provide information required pursuant to 42 Pa.C.S. § 9799.16(B) to the chief juvenile probation officer at the time of disposition. See 42 Pa.C.S. § 9799.19(H)(1). Pursuant to 42 Pa.C.S. § 9799.20, the court is to: 1) inform the juvenile of the juvenile’s duty to register; 2) require the juvenile to read and sign a form stating that the duty to register has been explained and the at the juvenile understands the registration requirements; and 3) collect the information required under 42 Pa.C.S. § 9799.16(B) & (C) and forward the information to the Pennsylvania State Police for inclusion in the Registry. See 42 Pa.C.S. § 9799.20.

Additionally, 42 Pa.C.S. § 9799.23(A) requires at the time of disposition, the court to: 1) specifically classify the juvenile as a “juvenile offender”; 2) ensure the sexual offender has signed the form stating that the duty to register has been explained; and 3) issue any orders to a juvenile offender requiring the juvenile to provide information to the chief juvenile probation officer as set forth in 42 Pa.C.S. § 9799.16(B).

The court, at the time of disposition, also is to inform the “juvenile offender” of the following duties: 1) the duty to register as a sexual offender pursuant to 42 Pa.C.S. § 9799.10 *et seq.*; 2) the duty of the sexual offender to register in accordance with 42 Pa.C.S. §§ 9799.15 (Relating to period of registration), 9799.16 (Relating to Registry), 9799.19 (Relating to Initial Registration) and 9799.25 (Relating to Verification by Sexual Offenders and Pennsylvania State Police); 3) the duty of the sexual offender to register with authorities in another jurisdiction within three business days of specific occurrences as described in 42 Pa.C.S. 9799.23(A)(3); and 4) the duty of the sexual offender to submit to fingerprints, palm prints, DNA Sample, and photograph at the time of the disposition in accordance with 42 Pa.C.S. § 9799.16(C). See 42 Pa.C.S. § 9799.23.

In inter-county transfer cases for “juvenile offenders,” the procedures differ. The court is to make the classification at the time of adjudication of delinquency. See Rule 302 and 800.

\* \* \* \* \*

## CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

### PART B. MODIFICATIONS AND REVIEWS

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

#### Rule 614. Sexually Violent Delinquent Children.

A. *Chief Juvenile Probation Officer’s Duties.* The Chief Juvenile Probation Officer shall:

1) notify and aid SOAB concerning any juvenile, who is in a placement facility, as a result of having been adjudicated delinquent for an act(s) of sexual violence, ninety days prior to the juvenile’s twentieth birthday:

- a) of the status of the juvenile;
- b) by specifying where the juvenile is presently committed; and

c) in obtaining information required by SOAB pursuant to 42 Pa.C.S. §§ 6358(B) and 9799.24 (C) & (H);

2) when applicable for a juvenile, who is adjudicated delinquent for an act(s) of sexual violence, explain to the juvenile that if the juvenile remains in placement upon turning twenty years of age:

a) the SOAB will perform an assessment to determine if the juvenile has a mental abnormality or personality disorder which results in serious difficulty controlling sexually violent behavior that makes the juvenile likely to engage in an act of sexual violence;

b) if the SOAB concludes that the juvenile is in need of involuntary inpatient treatment, the court will conduct a dispositional review hearing;

c) if the court, at the dispositional review hearing, finds there is a *prima facie* case that the juvenile is in need of involuntary commitment pursuant to 42 Pa.C.S. § 6401 *et seq.*, the court will direct the county solicitor or a designee to file a petition to commence involuntary commitment proceedings;

d) if a petition has been filed to commence involuntary commitment proceedings, the court will conduct a hearing to determine if the juvenile has serious difficulty controlling sexually violent behavior that makes the juvenile likely to engage in an act of sexual violence;

e) if, at a hearing pursuant to 42 Pa.C.S. § 6401 *et seq.*, the court determines that the juvenile has serious difficulty controlling sexually violent behavior that makes the juvenile likely to engage in an act of sexual violence, the juvenile will be:

- i) committed to an involuntary inpatient facility; and
- ii) classified as a “sexually violent delinquent child;”

f) if the juvenile is classified as a “sexually violent delinquent child,” the juvenile must give the juvenile probation office specific information and have his or her photograph taken at the time of commitment to an involuntary inpatient center;

g) if the juvenile is committed to an involuntary inpatient facility, the juvenile’s case will be reviewed every year and the juvenile will not be released until it is determined that the juvenile no longer has serious difficulty controlling sexually violent behavior that makes the juvenile likely to engage in an act of sexual violence;

h) if the juvenile is released from the inpatient facility, the juvenile will be transferred for involuntary outpatient treatment and subject to registration requirements, including:

i) the duty to register pursuant to 42 Pa.C.S. § 9799.10 *et seq.*;

ii) the duty to register in accordance with 42 Pa.C.S. § 9799.15 (Relating to period of registration), 9799.16 (Relating to Registry), 9799.19 (Relating to Initial Registration) and 9799.25 (Relating to Verification by Sexual Offenders and Pennsylvania State Police);

iii) the duty to register with authorities in another jurisdiction within three business days pursuant to 42 Pa.C.S. 9799.23;

iv) the duty to submit to fingerprints, palm prints, DNA sample, and photograph at the time of the disposition; and

B. *Court’s duties.* The court shall:

a) conduct a dispositional review hearing to determine if the juvenile is a “sexually violent delinquent child,” if

after an assessment, SOAB has determined the juvenile is in need of involuntary inpatient treatment;

b) order the solicitor or designee to file a petition to commence involuntary commitment proceedings if the court finds there is a *prima facie* case that the juvenile is in need of involuntary commitment pursuant to 42 Pa.C.S. § 6301 *et seq.*;

c) conduct a hearing pursuant to 42 Pa.C.S. § 6301 *et seq.* and determine whether the juvenile has serious difficulty controlling sexually violent behavior that makes the juvenile likely to engage in an act(s) of sexual violence;

d) classify the juvenile as a “sexually violent delinquent child” if the court determines the juvenile has serious difficulty controlling the juvenile’s sexually violent behavior that makes the juvenile likely to engage in an act(s) of sexual violence, as defined by 42 Pa.C.S. § 9799.12;

i) ensure the sexual offender has signed the form stating that the duty to register has been explained if the juvenile is classified as a “sexually violent delinquent child;” and

ii) issue any orders to a sexual offender requiring the juvenile to provide information to the chief juvenile probation officer as set forth in 42 Pa.C.S. § 9799.16(B) if the juvenile is classified as a “sexually violent delinquent child;” and

e) send a copy of any order to SOAB within ten days of the hearing

**Comment**

See 42 Pa.C.S. §§ 6358 and 9799.24 for assessments of delinquent children by the SOAB. See also 42 Pa.C.S. § 9799.23 for court notification.

**CHAPTER 8. SUSPENSIONS**

**Rule 800. Suspensions of Acts of Assembly.**

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

\* \* \* \* \*

**13) The Act of December 20, 2011, P. L. 446, No. 111, § 18, 42 Pa.C.S. § 9799.23(A), which provides for classification of the “juvenile offender” at the time of disposition, is suspended only insofar as the Act is inconsistent with Rules 302 and 409, which require the classification of a “juvenile offender” for out-of-county cases at the time of the adjudication of delinquency.**

**14) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6323(a)(2), which provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer, is suspended only insofar as the Act is inconsistent with Rule 312, which provides that only an *alleged* delinquent child may be referred for an informal adjustment because the filing of informal adjustment shall occur prior to the filing of a petition.**

**[ 14 ] 15) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P. L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 340 only insofar as the section may delay disclosure to a juvenile seeking discovery under Rule 340(B)(6); and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time**

frame for making a motion to suppress is concerned, as inconsistent with Rules 347 and 350.

**[ 15 ] 16) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6340(c), which provides consent decree shall remain in force for six months unless the child is discharged sooner by probation services with the approval of the court, is suspended only insofar as the Act is inconsistent with the requirement of Rule 373 that a motion for early discharge is to be made to the court.**

**[ 16 ] 17) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides for a hearing within ten days of the juvenile’s detention unless the exceptions of (a)(1) & (2) or (f) are met, is suspended only insofar as the Act is inconsistent with Rule 391, which provides for an additional ten days of detention if a notice of intent for transfer to criminal proceedings has been filed.**

**[ 17 ] 18) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6355(g), which provides the burden of establishing by a preponderance of evidence that the public interest is served by the transfer of the case to criminal court *and* that a child is not amenable to treatment, supervision, or rehabilitation as a juvenile shall rest with the Commonwealth unless the exceptions of paragraphs (g)(1) and (2) apply, is suspended only insofar as the Act is inconsistent with Rule 394, which provides *only* the burden of establishing by a preponderance of the evidence that the public interest is served by the transfer of the case to criminal court shall rest with the Commonwealth unless the exceptions of paragraph (g)(1) and (2) apply.**

**[ 18 ] 19) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months when a juvenile is removed from the home, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months.**

**Comment**

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 102.

**The partial suspension of 42 Pa.C.S. § 9799.23(A) is due to the requirement of 42 Pa.C.S. § 9799.19(H), which requires the out-of-county juvenile to register at the time of the adjudication of delinquency. For the juvenile to register, it is first required that the juvenile be classified as a juvenile offender.**

\* \* \* \* \*

**Request for Public Comment**

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to Rules 161, 195, 302, 407, 409, 512, and 800 and new proposed Rule 614.

With the adoption of Act 111 of 2011 (P. L. 446, No. 111, Cl. 18) and Act 91 of 2012 (P. L. 880, No. 91, Cl. 18), the legislature has placed several requirements upon the Chief Juvenile Probation Officer and the court to follow when a juvenile is adjudicated delinquent on an enumerated sexual offense. These proposed rule additions reflect these statutory changes.

**Rule 161**

Rule 161 has been specifically questioned because requirements in this new legislation affect the inspection

and copying of juvenile probation files by the State Sexual Offenders Assessment Board (SOAB).

When Rule 161 was adopted by the Court, it was intended to make inspection and copying of juvenile probation files more accessible to attorneys, SOAB, and JCJC. However, this rule never was intended to bypass other legal restrictions placed upon records or reports. For example, there may be confidential communications between a patient and psychiatrist that is protected by law. See *Commonwealth v. Carter*, 821 A.2d 601 (Pa. Super. Court. 2003), for clarification of protected information.

The addition of “unless the court has determined that the information sought is otherwise protected by law” was added to paragraph (A) to clarify the original intent of the rule. If the juvenile probation office fails to permit inspection and/or copying of specific information, the court must to determine whether the information sought is protected communications.

#### Rule 195

As stated *supra*, the chief juvenile probation officer must follow specific directives in carrying out the registry requirements for juveniles classified as “juvenile offenders.” In addition, if a juvenile is in a placement facility ninety days prior to turning twenty years old and is in placement on an enumerated sexual offense, which could lead to an “Act 21” placement, the chief juvenile probation officer must make a referral to the SOAB.

To assist the chief juvenile probation officer in his or her duties, Rule 195 requires assigned juvenile probation officers to assist their Chief in fulfilling the mandated duties for notification and registry of “juvenile offenders” and juveniles adjudicated delinquent for acts of sexual violence that may be designated as a “sexually violent delinquent child” in the future.

#### Rules 302, 409, and 800

Rules 302 and 409 require the court to *classify* an out-of-county juvenile as a “juvenile offender” at the time of the adjudication of delinquency. This differs from 42 Pa.C.S. § 9799.23, which requires the court to classify the “juvenile offender” at the time of disposition.

An out-of-county juvenile is required to *register* as a “juvenile offender” at the time of the adjudication of delinquency pursuant to 42 Pa.C.S. § 9799.19(H). Before a juvenile can register, the juvenile first must be classified as a “juvenile offender” by the court. Therefore, Rule 800 makes these two requirements consistent. See Rule 800 for partial suspension of 42 Pa.C.S. § 9799.23(A).

#### Rule 407

Rule 407 requires the juvenile to complete a mandatory written admission colloquy with the juvenile prior to entering the courtroom if the juvenile is admitting to the delinquent act(s). A part of this colloquy requires the attorney to review the consequences of an adjudication of delinquency with the juvenile. In addition to this explanation by the attorney, the rule also requires an independent inquiry by the court asking the juvenile if the juvenile understands the consequences that stem from admitting to the delinquent act(s).

Act 111 now requires a juvenile to register as a “juvenile offender” or “a sexually violent delinquent child” for certain sexual offenses and to follow many requirements for that registry. To explain these new requirements to the juvenile, a separate colloquy must be performed in those specific cases when the juvenile is

admitting to an enumerated sexual offense. This new “SORNA” and “Act 21” colloquy is an addendum to the admission colloquy. The court is to review both colloquies with the juvenile when making a determination that the admission is knowingly, intelligently, and voluntarily made.

Because the consequences of an adjudication of delinquency on an enumerated sexual offense include reporting requirements for the rest of the juvenile’s life and could include a mandatory jail sentence for non-compliance, the “SORNA” and “Act 21” colloquy is being mandated.

#### Rule 512

The court must classify the juvenile as a “juvenile offender” at the time of the disposition. See 42 Pa.C.S. § 9799.19(H). For out-of-county juveniles, see Rules 302 and 409.

In addition to the classification, the court must notify the juvenile of specific duties as set forth in paragraph (E)(1) and fulfill specific duties as provided in paragraph (E)(2).

#### Rule 614

This new proposed rule provides the steps that the Chief Juvenile Probation Officer must take when a juvenile has committed an enumerated sexual offense that actuates possible involuntary civil commitment if the juvenile is in placement ninety days prior to the juvenile’s twentieth birthday for that triggering offense.

Initial proceedings to “evaluate” the juvenile begin in juvenile court but once a petition has been filed by the county solicitor or a designee, civil proceedings are commenced.

The rule specifically provides that the Chief Juvenile Probation Officer has specific duties, which include explaining to juveniles what could occur if they have been adjudicated delinquent for an act of sexual violence and are in a placement facility ninety days prior to their twentieth birthdays.

[Pa.B. Doc. No. 12-2301. Filed for public inspection November 30, 2012, 9:00 a.m.]

## PART I. RULES

### [ 237 PA. CODE CHS. 11, 12 AND 16 ]

#### Proposed Amendments to Rules 1120, 1150, 1151 and 1200 and Proposed Rules 1610, 1611, 1631, 1634 and 1635

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1120, 1150, 1151, and 1200 and new proposed Rules 1610, 1611, 1631, 1634, and 1635. These proposed modifications address the recent “Resumption of Jurisdiction” legislation.

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



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

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

All comments shall be received no later than Friday, February 1, 2013.

By the Juvenile Court  
Procedural Rules Committee

HONORABLE TODD A. HOOVER,  
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

\* \* \* \* \*

CHILD is a person who:

1) is under the age of eighteen [ **who** ] and is the subject of the dependency petition[ , **or who** ]

2) was adjudicated dependent before reaching the age of eighteen years and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, but in no event shall remain in a course of instruction or treatment past the age of twenty-one years[ . ] ; or

3) has requested the court to resume jurisdiction; and

a) is under twenty-one years of age;

b) was adjudicated dependent prior to turning eighteen years of age; and

c) is, one of the following:

i) completing secondary education or an equivalent credential;

ii) enrolled in an institution which provides postsecondary or vocational education;

iii) participating in a program actively designed to promote or prevent barriers to employment;

iv) employed for at least eighty hours per month; or

v) incapable of doing any of the activities as prescribed above in (3)(c)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child.

\* \* \* \* \*

Comment

In 201-, the definition of “child” was expanded to include those children who have requested the court to resume jurisdiction after juvenile court jurisdiction had been previously terminated. This

rule change followed the changes to the definition of “child” in the Juvenile Act pursuant to Act of July 5, 2012 (P. L. 880, No. 91). See 42 Pa.C.S. § 6302.

The county agency is a party to the proceeding and should not function as the “Clerk of Courts.”

The definition of [ “clerk of courts” ] “Clerk of Courts” should not necessarily be interpreted to mean the office of clerk of courts as set forth in 42 Pa.C.S. § 102, but instead refers to that official who maintains the official court record and docket regardless of the person’s official title in each judicial district. It is to be determined locally which official is to maintain these records and the associated docket.

\* \* \* \* \*

PART B(2). COUNSEL

Rule 1150. Attorneys—Appearances and Withdrawals.

\* \* \* \* \*

Comment

\* \* \* \* \*

See also Rule 1613 for termination of court supervision.

See the Comment to Rule 1634 for assisting children in filing resumption of jurisdiction motions. It is best practice for the court to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel in the reopened case. If there extenuating circumstances preventing the attorney from representing the child, the attorney should make this known at the time of the filing of the motion for resumption of jurisdiction so the court can assign a new attorney.

\* \* \* \* \*

Rule 1151. Assignment of Guardian Ad Litem and Counsel.

\* \* \* \* \*

B. Counsel for child. The court shall appoint legal counsel for a child:

1) if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

\* \* \* \* \*

f) has filed a motion for resumption of jurisdiction pursuant to Rule 1634.

2) upon order of the court.

\* \* \* \* \*

Comment

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

The guardian *ad litem* for the child may move the court for appointment as legal counsel and assignment of a separate guardian *ad litem* when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8. Under paragraph (C), legal counsel represents the legal interests of the child and the guardian *ad litem* represents the best interests of the child.

Pursuant to paragraph (B)(1)(f), the court is to appoint legal counsel when a motion for resumption of jurisdiction has been filed. It is best practice

to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel.

\* \* \* \* \*

**CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT**

**PART A. COMMENCING PROCEEDINGS**

**Rule 1200. Commencing Proceedings.**

Dependency proceedings within a judicial district shall be commenced by:

- 1) the filing of a dependency petition;
- 2) the submission of an emergency custody application;
- 3) the taking of the child into protective custody pursuant to a court order or statutory authority;
- 4) the court accepting jurisdiction of a resident child from another state; [ or ]
- 5) the court accepting supervision of child pursuant to another state's order[ . ]; or

**6) the filing of a motion for resumption of jurisdiction pursuant to Rule 1634.**

**Comment**

\* \* \* \* \*

For proceedings that have already been commenced in another judicial district, see Rule 1302 for inter-county transfer of the case.

For resumption of jurisdiction, see Rules 1634 and 1635 & 42 Pa.C.S. §§ 6302 and 6351(J).

The clerk of courts should have form motions available for children who want to file for resumption of juvenile court jurisdiction. These forms are available at <http://www.pacourts.us/Forms/dependency.htm>.

The clerk of court is to accept all filings for resumption of juvenile court jurisdiction whether the motions meet the standard for legal filings or there are objections by other parties. This is to ensure these children have access to the court. See also Rule 1126.

\* \* \* \* \*

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART B(2). PERMANENCY HEARING**

**Rule 1608. Permanency Hearing.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

See Rule 1136 regarding *ex parte* communications.

See Rule 1610 for permanency hearing for children over the age of eighteen.

\* \* \* \* \*

**Rule 1609. Permanency Hearing Orders.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

**See Rule 1611 for permanency hearing orders for children over the age of eighteen.**

\* \* \* \* \*

(Editor's Note: Rules 1610 and 1611 are new and printed in regular type to enhance readability.)

**Rule 1610. Permanency Hearing for Children Over Eighteen.**

A. *Purpose and timing of hearing.* For every case for children over the age of eighteen, the court shall conduct a permanency hearing at least every six months for purposes of determining or reviewing:

- 1) the transition plan of the child;
- 2) the date by which the goal of permanency for the child might be achieved; and
- 3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Recording.* The permanency hearing shall be recorded.

C. *Evidence.* Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

D. *Court's findings.* At the permanency hearing, the court shall:

- 1) enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1611; and
- 2) on the record in open court, the court shall state:
  - a) the appropriateness of the placement, if applicable;
  - b) the appropriateness, feasibility, and extent of compliance with the transition plan developed for the child;
  - c) the appropriateness and feasibility of the transition goal for the child;
  - d) the likely date by which the transition goal for the child might be achieved;
  - e) whether reasonable efforts were made to finalize the transition plan in effect;
  - f) whether the county agency has made services available, and if not, why those services have not been made available;
  - g) the continued appropriateness of the transition plan and the concurrent plan, if applicable;
  - h) whether the child is safe;
  - i) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;
  - j) the services needed to assist a child to make the transition to independent living, including:

- i) the specific independent living services or instructions that are currently being provided by the county agency or private provider;
- ii) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act, 42 U.S.C. § 671 *et seq.*;
- iii) the independent living services that the child will receive prior to the next permanency review hearing;
- iv) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;
- v) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;
- vi) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;
- vii) the job readiness services that have been provided to the child and the employment/career goals that have been established;
- viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and
- ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care; and

k) any educational, health care, and disability needs of the child and the plan to ensure those needs are met.

**Comment**

See 42 Pa.C.S. §§ 6341, 6351.

To the extent practicable, the judge or master who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearings for the same child. In resumption of jurisdiction cases, to the extent practicable, the judge or master who presided over the original case should preside over the re-opened case.

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the transition plan is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely transition.

See 42 U.S.C. § 675 (5)(A)—(H) for development of a transition plan pursuant to paragraph (D)(2)(j).

See Rule 1136 regarding *ex parte* communications.

When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

**Rule 1611. Permanency Hearing Orders for Children Over Eighteen.**

A. *Court order.* After every permanency hearing for children over the age of eighteen, the court shall issue a written order, which provides whether the transition plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determination made.* The court’s order shall reflect a determination made pursuant to Rule 1610(D).

C. *Orders concerning education.* The court’s order shall address the stability and appropriateness of the child’s education, if applicable.

D. *Orders concerning health care and disability.*

1) The court’s order shall identify, monitor, and address the child’s needs concerning health care and disability; and

2) The court’s orders may authorize evaluations and treatment.

E. *Guardians.* The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

**Comment**

When issuing a permanency order, the court should issue an order that is “best suited to the safety, protection, and physical, mental, and moral welfare of the child.” 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child’s mental and moral welfare.

Pursuant to paragraph (C), the court’s order is to address the child’s educational stability, including the right to an educational decision maker. See Comment to Rule 1609(D).

Pursuant to paragraph (D), the court’s order is to address the child’s needs concerning health care and disability. See Comment to Rule 1609(E).

**PART (C). POST-DISPOSITIONAL PROCEDURES**

- 1613. [ Termination of Court Supervision ] (Renumbered).
- 1616. (Post-Dispositional Procedures; Appeals) (Reserved).

**PART (D). CESSATION AND RESUMPTION OF COURT SUPERVISION OR JURISDICTION**

- 1631. Termination of Court Supervision.
- 1634. Motion of Resumption of Jurisdiction.
- 1635. Hearing on Motion for Resumption of Jurisdiction.

Rule [ 1613 ] 1631. Termination of Court Supervision.  
 \* \* \* \* \*

**Comment**

\* \* \* \* \*

A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B). **Paragraph (B) does not apply to resumption of jurisdiction cases.**

\* \* \* \* \*

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

**If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of paragraph (E) are to be followed. In no case is a juvenile over twenty-one to remain under juvenile court supervision. See Rule 1635(E). See also Rule 1635(F) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.**

\* \* \* \* \*

(Editor's Note: Rules 1634 and 1635 are new and printed in regular type to enhance readability.)

**Rule 1634. Motion of Resumption of Jurisdiction.**

A. *Venue.* A motion to resume jurisdiction shall be filed with the court that terminated court supervision of the child pursuant to Rule 1631.

B. *Contents.* The motion for resumption of jurisdiction shall aver:

- 1) dependency jurisdiction was previously terminated:
  - a) within ninety days prior to the child's eighteenth birthday; or
  - b) on or after the child's eighteenth birthday but before the child turns twenty-one years of age; and
- 2) the child continues to meet the definition of child pursuant to 42 Pa.C.S. § 6302 because the child:
  - a) is under twenty-one years of age;
  - b) was adjudicated dependent prior to turning eighteen years of age;
  - c) has requested the court to resume jurisdiction; and
  - d) is, one of the following:
    - i) completing secondary education or an equivalent credential;
    - ii) enrolled in an institution which provides postsecondary or vocational education;
    - iii) participating in a program actively designed to promote or prevent barriers to employment;
    - iv) employed for at least eighty hours per month; or
    - v) incapable of doing any of the activities as prescribed in paragraphs (B)(2)(c)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child;
- 3) whether the child would like his or her parent, guardian, or other interested adult involved in the court proceedings; and
- 4) a verification by the child that the above requirements have been met.

C. *Service.* A copy of the motion shall be served upon:

- 1) the county agency;
- 2) the attorney for the county agency;
- 3) the child; and
- 4) the child's attorney.

**Comment**

A motion to resume jurisdiction can be filed by the child, county agency, or attorney for the child. At the request of the child, if the county agency or previous attorney is approached by the child concerning the court reopening the child's case, the county agency or attorney is to assist the child in the filing of the motion.

Pursuant to paragraph (A), the motion is to be filed in the county that terminated juvenile court jurisdiction. If the juvenile has moved to another county, the juvenile may request the court to transfer jurisdiction pursuant to Rule 1302 at any time after the filing of the motion to resume jurisdiction, including prior to the hearing on the motion. See Rules 1302 and 1635.

If the child does not have attorney at the time of the filing of the motion, the court is to assign legal counsel pursuant to Rule 1151(a) and immediately order service of the motion to resume jurisdiction on the child's attorney. It is best practice to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel. See Rule 1151.

If the child is the party filing the motion, the President Judge of each judicial district is to designate a person to serve the other parties for the child. If the county agency or attorney is filing the motion, they should serve the other parties.

See 42 Pa.C.S. §§ 6302 & 6351(J).

See also Rule 1300 for change of venue and Rule 1302 for inter-county transfer of the case.

**Rule 1635. Hearing on Motion for Resumption of Jurisdiction.**

A. *Time for hearing.* Within thirty days of receiving a motion for resumption of jurisdiction, the court shall conduct a hearing to determine whether it will resume juvenile court jurisdiction.

B. *Notice.* Notice of the date, time, place, and purpose of the hearing shall be given to:

- 1) the county agency;
- 2) the attorney for the county agency;
- 3) the child;
- 4) the child's attorney;
- 5) any other persons as directed by the court.

C. *Hearing.* At the hearing, the court shall state its findings and conclusions of law on the record in open court as to whether:

- 1) dependency jurisdiction was previously terminated:
  - a) within ninety days prior to the child's eighteenth birthday; or
  - b) on or after the child's eighteenth birthday but before the child turns twenty-one years of age; and
- 2) the child continues to meet the definition of child pursuant to 42 Pa.C.S. § 6302 because the child:
  - a) is under twenty-one years of age;
  - b) was adjudicated dependent prior to turning eighteen years of age;
  - c) has requested the court to resume jurisdiction; and
  - d) is, one of the following:
    - i) completing secondary education or an equivalent credential;
    - ii) enrolled in an institution which provides postsecondary or vocational education;
    - iii) participating in a program actively designed to promote or prevent barriers to employment;
    - iv) employed for at least eighty hours per month; or
    - v) incapable of doing any of the activities as prescribed in paragraphs (C)(2)(d)(i)—(iv) due to a medical or behav-

ioral health condition, which is supported by regularly updated information in the permanency plan for the child;

3) reasonable efforts were made by the county agency to prevent the return of the child to juvenile court jurisdiction unless due to the necessity of emergency placement, such lack of services was reasonable;

4) it will exercise jurisdiction pursuant to 42 Pa.C.S. § 6351(J) because it is best suited to the protection and physical, mental, and moral welfare of the child;

5) a parent, guardian, or other interested adult should be involved in the child's case;

6) there are any health or educational needs of the child; and

7) the county agency has developed an appropriate transition plan.

#### D. Orders.

1) After a hearing, the court shall enter an order granting or denying the motion to resume juvenile court jurisdiction.

2) If the court resumes jurisdiction, the court shall order:

a) that resumption of jurisdiction is best suited to the protection and physical, mental, and moral welfare of the child;

b) any findings as to the transition plan for the child;

c) regular scheduling of permanency hearings pursuant to Rule 1608;

d) any designations of custody and/or placement of the child; and

e) any evaluations, tests, or treatments for the health and educational needs of the child.

E. *Termination of court supervision in resumption cases.*

1) Once a child has completed the transition plan for children over the age of eighteen; or the child has refused to cooperate with the plan, a party may move for termination of court supervision pursuant to Rule 1631.

2) In no event shall a child remain on juvenile court supervision once the child has turned twenty-one years of age.

F. *Termination of court supervision when motion denied.* If the court denies the motion for resumption of jurisdiction, the court shall enter an order terminating juvenile court jurisdiction.

G. *Advanced Communication Technology.* The provisions of Rule 1129 shall apply to this proceeding.

#### Comment

The court is to decide whether a parent, guardian, or other interested adult will participate in the child's case. The court is to consider the preferences of the child when making an order for participation. See Rule 1634(B)(3) for notation of child's preference and 42 Pa.C.S. § 6310 for guardian involvement.

See 42 Pa.C.S. §§ 6302 & 6351(J).

A master may conduct these hearings. See Rule 1187.

#### Request for Public Comment

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to

Rules 1120, 1150, 1151, and 1200 and new proposed Rules 1610, 1611, 1631, 1634, and 1635.

With the adoption of Act 91 of 2012 (P. L. 880, No. 91, Cl. 18), a child may request the court to resume juvenile court jurisdiction if specific requirements are met.

#### Rule 1120

The definition of a child now includes those children who are under twenty-one years of age and were adjudicated dependent prior to turning eighteen years of age and are requesting the court to resume juvenile court jurisdiction after jurisdiction had been previously terminated. In addition, these children must be: 1) completing secondary education or an equivalent credential; 2) enrolled in an institution which provides postsecondary or vocational education; 3) participating in a program actively designed to promote or prevent barriers to employment; 4) employed for at least eighty hours per month; or 5) incapable of doing any of the activities as prescribed above due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child. See 42 Pa.C.S. § 6302.

#### Rules 1150 and 1151

Courts should easily be accessible to children requesting the court to resume jurisdiction of their cases. If the child contacts the previously assigned guardian *ad litem* or counsel, the attorney should assist the child in filing a motion for resumption of jurisdiction. If extenuating circumstances exist and the attorney cannot represent the child, the attorney should still file the motion for the child but explain the circumstances to the court and ask not to be reappointed.

The court is to appoint legal counsel for the child in the new resumption of jurisdiction case. The Comment to Rule 1151 provides that it is best practice for the court to assign the previous attorney as legal counsel for the child if they are available.

#### Rule 1200

Dependency proceedings commence when a motion for resumption of jurisdiction pursuant to Rule 1634 has been filed.

If the court grants the motion for resumption of jurisdiction, dependency proceedings would continue and regular permanency hearings would occur for children over eighteen pursuant to Rule 1611. If the court denies the motion for resumption of jurisdiction, the court is to order termination of juvenile court proceedings pursuant to Rule 1635(F).

#### Rules 1608 & 1609

References to the new rules for permanency hearings and permanency hearing orders for children over eighteen have been placed in the Comments.

#### Rule 1610

A new separate rule has been proposed for permanency hearing for children over eighteen.

Paragraph (A) provides the purpose and the timing of the hearing. The court must conduct hearings every six months. The child must appear in person at the six-month hearing. See Rules 1128 and 1129.

Paragraph (B) provides that the hearing must be recorded and paragraph (C) sets forth the evidentiary standard for the hearing.

Paragraph (D) provides the findings and conclusions of law that the court must enter into the record in open court.

*Rule 1611*

This new proposed rule governs the permanency hearing orders for children over eighteen.

*Rule 1631*

The Comment to the Rule explains that a new transition plan is to be developed for the child if the court resumes jurisdiction. Before those cases can be terminated, the requirements of paragraph (E) must be met.

All dependency cases must be terminated when the child turns twenty-one. *See* Rules 1120 and 42 Pa.C.S. § 6302 for definition of “child” and Comments to Rules 1631 and 1635.

*Rule 1634*

This new proposed rule governs venue, the contents of the motion for resumption of jurisdiction, and service of the motion.

If the child meets the definition of “child,” a motion for resumption of jurisdiction must be filed with the court that terminated court supervision. There would be no record of the case in any other court. The Comment to Rule 1634 provides that if the juvenile has moved to another county, the court may transfer the case pursuant to Rule 1302 at any time after the filing of the motion, including prior to the hearing on the motion. *See* paragraph (A).

Paragraph (B) governs the contents of the motion, including whether the child wants his or her parent, guardian, or other interested adult involved in the court proceedings. There may be instances in which the court would want to order parental involvement even when the child does not desire to have the parents present or involved in the case. *See* 42 Pa.C.S. § 6310 for parental participation.

Paragraph (C) provides for service of the motion. If the child is filing the motion, the President Judge is to designate a person to serve the other parties. *See* Comment.

The Comment to the rule provides that the child, county agency, or attorney for the child may file the motion for resumption of jurisdiction. The clerk of courts must accept all resumption motions. *See* Comment to Rule 1200. Children should have access to the court and all parties approached by the child should assist the child in the filing of the motion. Counties may have form motions available for the child to fill out at the clerk of courts’ and county agency’s offices.

*Rule 1635*

This new proposed rule provides for the hearing on the resumption of jurisdiction. Within thirty days of receiving a motion to resume juvenile court jurisdiction, the court must conduct a hearing on the motion. *See* paragraph (A).

Pursuant to paragraph (B), notice of the date, time, place, and purpose of the hearing must be given to the county agency, the attorney for the county agency, the child, the child’s attorney, and any other persons as directed by the court.

After the court has determined whether jurisdiction can be resumed and has made findings and conclusions of law on the record in open court pursuant to paragraph (C), the court must enter an order pursuant to paragraph (D).

Paragraphs (E) and (F) govern termination of court supervision in resumption cases. If the court denies the motion of resumption of jurisdiction, the court must enter an order terminating juvenile court jurisdiction. Because

a resumption of jurisdiction case is commenced upon the filing of a motion, an order terminating supervision must be entered to close the case.

Advanced communication technology may be utilized pursuant to paragraph (G); however, the court must see the child in person every six months. *See* Rules 1128 and 1129.

[Pa.B. Doc. No. 12-2302. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Establishment of Readiness, Review and Resolution Program for the Trials of the Oldest Non-Fatal Shooting Cases, Gunpoint Robbery Cases, and Serious Family Violence Cases; Trial Division—Criminal; No. 03 of 2012

##### Order

*And Now*, this 5th day of November, 2012, in order to expedite the trial of the oldest non-fatal shooting cases, gunpoint robbery cases, and serious family violence cases without disrupting the current judicial assignments and at the same time to maximize available judicial resources by deploying judges who may be awaiting case assignments within their designated Program, the following Readiness, Review and Resolution Program (RRR) is being instituted:

1) on November 16, 2012, and from time to time thereafter, the Honorable Jeffrey P. Minehart, shall status the cases meeting the criteria and shall assign them for trial at the rate of three cases per week, beginning with the week of January 7, 2013;

2) the Commonwealth and counsel for the defendant for each of the three cases assigned on a weekly basis shall be trial-ready on the assigned trial date;

3) all cases sent out as part of this Program to a judge for trial shall be marked “must be tried;”

4) any of the cases in this Program which are not tried during the assigned week will be tried on the originally scheduled trial date; and

5) this Program will end on June 28, 2013 unless extended by the Court.

This Order shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District’s website at <http://www.courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American

Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE JOHN W. HERRON,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-2303. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

**CSX Transportation Police Filing Venue Change;  
Administrative Order No. 65; AD 2-12**

#### Order

*And Now*, to wit this 14th day of November 2012, pursuant to Pa.R.Crim.P. No. 130(A)(6), and at the request of the CSX Transportation Police, effective immediately and continuing until further notice, all CSX Transportation Police filings in Bucks County may be filed, processed and heard in any of the below designated magisterial district courts:

Magisterial District Court 07-1-03 / Bristol  
Magisterial District Court 07-1-07 / Penndel  
Magisterial District Court 07-1-11/ Morrisville

This Order is to promote the efficient administration of justice in Bucks County.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 12-2304. Filed for public inspection November 30, 2012, 9:00 a.m.]

### BUCKS COUNTY

**Venue Consolidation—PA Department of Revenue Bureaus: Motor and Alternative Fuel Taxes, Collection and Taxpayer Services; Administrative Order No. 64; AD 1-2012**

#### Order

*And Now*, this 9th day of November 2012, in accordance with Pennsylvania Rules of Criminal Procedure, Rule 130(A-6), it is hereby ordered and directed that the Pennsylvania Department of Revenue Bureaus; Motor and Alternative Fuel Taxes, Collection and Taxpayer Services inclusive of Traffic, Non-Traffic and Criminal filings in Bucks County shall be filed and heard in the following designated magisterial district courts:

Cases originating in the venues of 07-1-01, 07-1-02, 07-1-03, 07-1-04, 07-1-06, 07-1-07, 07-1-08, 07-1-09, 07-1-10, 07-1-11, 07-1-12, 07-2-01, and 07-2-07 shall be filed and heard in Court 07-1-07.

Cases originating in the venues of: 07-2-05, 07-2-03, 07-3-03, 07-2-02, 07-2-08, 07-3-01 and 07-3-02 shall be filed and heard in Court 07-3-02.

This venue consolidation is hereby ordered to better serve the administration of justice in Bucks County and efficiency in the magisterial district courts of this county.

The effective date of this action shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 12-2305. Filed for public inspection November 30, 2012, 9:00 a.m.]

### CARBON COUNTY

**Amendment of Orphans' Court Local Rule O.C.R.6.11.3 Settlement of Small Estates. Contents of Petition; No. 12-9359**

#### Administrative Order 23-2012

*And Now*, this 8th day of November, 2012, it is hereby *Ordered and Decreed* that, effective December 1, 2012, the Carbon County Court of Common Pleas *Amends* Orphans Court Rule CARB.Co.O.C.R. 6.11.3 governing settlement of small estates and contents of the petition.

The Carbon County District Court Administrator is *Ordered and Directed* to

1. File one (1) certified copy of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Orphans Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the Register of Wills/Orphans Court Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

**Rule 6.11.3. Settlement of small estates. Contents Of Petition.**

(A) *Contents of Petition*. A petition for the settlement of small estates under Section 3102 of the P.E.F. Code shall set forth:

(1) the name, date of death, and residence of the decedent;

(2) the petitioner's name and address and his/her relationship to the decedent;

(3) if the petitioner is the surviving spouse, the date and place of marriage to the decedent;

(4) whether the decedent died testate or intestate;

(5) the names, relationship, and interest of all persons entitled to share in the decedent's estate under the Will, if any, and the names, relationship and interest, if any, of intestate heirs, stating who are minors, incapacitated

persons, or decedents, with the names of their fiduciaries, if any, and whether any of them received or retained any property of the decedent by payment of wages, salary or any accrued pension under Section 3101 of the P.E.F. Code or otherwise;

(6) where a claim for family exemption is included, a statement that claimant formed a part of the decedent's household at the date of death and, if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption;

(7) an itemized statement of the gross personal estate to be distributed and the fair value of each item other than cash;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names of all unpaid claimants of whom the petitioner has notice, the nature and amount of each claim, and whether such claims are admitted; and

(10) a statement that ten (10) days written notice of intention to present the petition has been given to every beneficiary, heir, or unpaid claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(B) *Exhibits.* The following exhibits shall be attached to the petition:

- (1) a copy of the decedent's Will;
- (2) the consents of unpaid beneficiaries, heirs, and claimants; and
- (3) the inheritance tax voucher, or in lieu thereof a statement from the inheritance tax department that no tax is due or an acknowledgment of the obligation to make payment and file an Inheritance Tax Report.

[Pa.B. Doc. No. 12-2306. Filed for public inspection November 30, 2012, 9:00 a.m.]

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## MONROE COUNTY

### Administrative Order Establishing Central Booking Center Fee; No. 5CV2012; ADM No. 37

#### Order

And Now, this 25th day of October, 2012, the Court hereby Adopts and Promulgates the following Administrative Order:

#### Monroe County Central Booking Center Fee Administrative Order

And Now, this 25th day of October, 2012, It is hereby Ordered and Directed that, pursuant to 42 Pa.C.S.A. § 1725.6, a booking center fee of three hundred dollars (\$300.00) shall be imposed against defendants on each criminal complaint or citation in accordance with 42 Pa.C.S.A. § 1725.5, in addition to any other fines, penalties or costs imposed by law.

In accordance with the criteria set forth in 42 Pa.C.S.A. § 1725.5, the booking center fee shall be assessed as a cost of prosecution, collected by the Clerk of Courts and allocated to a Central Booking Center Fee Account maintained by the County of Monroe. Fees deposited in this account shall be used solely for the maintenance and

operation of the Monroe County Central Booking Center. No more than five per cent (5%) of funds in the Central Booking Center Fee Account may be appropriated by the County for administrative costs related to the collection of the fee pursuant to 42 Pa.C.S.A. § 1725.6 (f).

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

By the Court

MARGHERITA PATTI WORTHINGTON,  
*President Judge*

[Pa.B. Doc. No. 12-2307. Filed for public inspection November 30, 2012, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that A. Robert W. Gloeser, a/k/a Arthur R. Gloeser, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated March 7, 2012, the Supreme Court of Pennsylvania issued an Order on November 16, 2012, suspending A. Robert W. Gloeser, a/k/a Arthur R. Gloeser from the Bar of this Commonwealth for a period of 3 years, effective December 16, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-2308. Filed for public inspection November 30, 2012, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that Hugh D. Jaeger having been indefinitely suspended from the practice of law in the State of Minnesota for a minimum of 120 days by Order of the Supreme Court of Minnesota dated August 11, 2011, the Supreme Court of Pennsylvania issued an Order dated November 9, 2012, indefinitely suspending Hugh D. Jaeger from the practice of law in this Commonwealth for a minimum of 120 days, effective December 9, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-2309. Filed for public inspection November 30, 2012, 9:00 a.m.]



### Notice of Suspension

Notice is hereby given that Kevin H. Main having been suspended from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated June 5, 2012; the Supreme Court of Pennsylvania issued an Order dated November 9, 2012, suspending Kevin H. Main from the practice of law in this Commonwealth for a period of 2 years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-2310. Filed for public inspection November 30, 2012, 9:00 a.m.]

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## SUPREME COURT

**Thomas M. Nocella, Court of Common Pleas  
 Judge, First Judicial District, Philadelphia  
 County; No. 391 Judicial Administration Doc.**

### Order

*Per Curiam*

*And Now*, this 9th day of November, 2012, this Court has received notice that the Judicial Conduct Board has

found probable cause to file formal charges against the Honorable Thomas M. Nocella, Common Pleas Court Judge for the First Judicial District, Philadelphia County, alleging that he has violated Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and Canons 2A and 7B(1)(c) of the Pennsylvania Code of Judicial Conduct. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for citizens of this Commonwealth, Judge Thomas M. Nocella is hereby relieved of any and all judicial and administrative responsibilities as a Common Pleas Court Judge and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending in the First Judicial District until further Order of this Court. The suspension shall be served with no diminution in salary or benefits.

This Order is without prejudice to the rights of Judge Thomas M. Nocella to seek such relief in this Court for the purpose of vacating or modifying this interim Order. Pa.Const. Article V, § 10(a); *In Re: Avellino*, 690 A.2d 1138 (Pa. 1997); *see In Re: McFalls*, 795 A.2d 367 (Pa. 2002); and *see In Re: Singletary*, No. 377 Judicial Administration Docket (*per curiam*) (January 5, 2012).

Madame Justice Orié Melvin did not participate in this matter.

[Pa.B. Doc. No. 12-2311. Filed for public inspection November 30, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF ACCOUNTANCY [ 49 PA. CODE CH. 11 ] Continuing Professional Education

The State Board of Accountancy (Board) amends Chapter 11 to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

Under sections 8.2(b) and 9.2(d) of the CPA Law (act) (63 P. S. §§ 9.8b(b) and 9.9b(d)), an individual applicant for initial issuance of a license, renewal of a current license or reactivation of an expired or inactive license shall have completed 80 hours of continuing professional education (CPE) as prescribed by the Board during the relevant 2-year reporting period. Section 3(a)(10) of the act (63 P. S. § 9.3(a)(10)) empowers the Board to adopt regulations implementing CPE requirements and section 8.2(d) of the act further addresses considerations for the Board in promulgating regulations with respect to CPE requirements. The Board initially adopted CPE regulations in September 1979 and amended them in February 1985, December 1994 and January 2001. The last set of amendments dealt principally with the Board's requirements for CPE program sponsors.

The Board is reorganizing and updating the CPE requirements applicable to individuals who practice as certified public accountants (CPA) or public accountants. Specifically, the final-form rulemaking: clarifies applicable CPE reporting periods, acceptable sources of CPE hours and forms of CPE documentation, and permissible grounds for CPE waiver or modification; revises CPE subject areas, including the addition of a mandatory ethics component; simplifies CPE reporting requirements; and sets forth which forms of disciplinary action apply to which types of CPE violations. The final-form rulemaking also expands the categories of preapproved CPE program sponsors and makes editorial changes to other CPE program sponsor regulations.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 41 Pa.B. 4541 (August 20, 2011) with a 30-day public comment period. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA). Other members of the public did not submit comments. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

PICPA noted that the term “accounting and auditing” in § 11.63(a)(1) (relating to CPE subject areas; relevance to professional competence) was proposed to be revised to “accounting and attest,” yet the definition of “attest activity” was not proposed to be revised to match the act.

PICPA suggested revising the definitions to match those in the act. The HPLC and IRRC also recommended revising this definition. The Board agreed and revised the definition of “attest activity” in § 11.1 (relating to definitions) to match the act.

PICPA objected to the proposed deletion of “specialized knowledge and applications” in § 11.63(a)(5) as an acceptable area for CPE. Because significant portions of the profession are engaged in business, industry or educational vocations that are not solely public accounting, PICPA believes that allowing licensees to tailor their CPE around other educational opportunities will permit greater flexibility and therefore greater compliance to the benefit of licensees maintaining competence. The HPLC agreed with this suggestion and IRRC asked the Board to explain the need to omit this area of CPE. Upon further consideration, the Board agreed that it should not omit this area of CPE and deleted the proposed language from § 11.63(a)(5). Therefore, the Board will accept CPE hours in specialized knowledge and applications after January 1, 2012.

Additionally, in discussing the previous point, the Board considered the clarity of its regulations that permit a licensee to obtain CPE in “specialized knowledge and applications” and require that CPE “must be relevant to maintaining the professional competence of a certified public accountant or public account” as further provided in § 11.63(b). Because the term is used throughout the regulations and is not otherwise defined, the Board added to § 11.1 a definition for “professional competence” as “having requisite knowledge, skills and abilities to provide quality professional service as defined by the technical and ethical standards of the profession.” This definition is from the glossary of the Statement on Standards for CPE Programs (Appendix B of the Uniform Accountancy Act) issued jointly by the American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA). The Board also revised § 11.63(b) to exclude practice building and office management from acceptable CPE subject matter, as are typical continuing education standards for other professional licensing boards within the Bureau of Professional and Occupational Affairs. Revised § 11.63(a) is consistent with general standard 04 of the Statement on Standards for CPE Programs of the AICPA and the NASBA. This standard provides “Acceptable subjects include accounting, assurance, assurance/auditing, consulting services, specialized knowledge and applications, management, taxation, and ethics. Other subjects, including personal development, may also be acceptable if they maintain and/or improve the CPA's professional competence.” By its use in the Statement on Standards for CPE Programs, “specialized knowledge and applications” is a term of art generally understood in the accounting profession. Because subsection (b) limits acceptable CPE to what is relevant to maintaining “professional competence” as that term is now defined and excludes practice building and office management, the Board determined that there is not a need to further define the term “specialized knowledge and applications” for which there is not a mandatory minimum amount of CPE required.

PICPA objected to the proposed deletion of authorship of writings as a basis for awarding CPE credits. In PICPA's view, the benefits to the accounting profession and to the public of having these types of articles and periodicals published outweighs the Board's difficulty in

verifying how much time practitioners have spent on research and writing. The HPLC agreed with PICPA. IRRC asked for further explanation justifying this change. Upon further consideration, the Board agreed that the value of maintaining this avenue of CPE outweighs the administrative challenge for this small portion of licensees who seek CPE credit for authorship. Accordingly, the Board deleted from § 11.64(4)(iii) (relating to sources of CPE hours) the limitation that CPE credit for authorship of articles, books and other publications relevant to maintaining professional competence is available only until January 1, 2012. The Board added § 11.64(4)(iv) to require a licensee seeking CPE credit for authorship to apply to the Board, provide necessary supporting documentation and submit a certification that the work is that of the licensee and that the licensee actually spent the time claimed for research and writing in support of the activity. Additionally, because approval is mandatory, the Board included a requirement that the licensee shall apply and receive approval prior to renewing the license in reliance upon CPE credit for authoring a publication. The alternative to this requirement would be to permit a licensee to wait until being audited to first show the publication and request credit. The Board rejected this alternative because this scheme would be analogous to permitting a CPE provider to wait until after the renewal period and during audit to seek approval of its courses.

Consistent with the existing regulation that permitted a maximum credit of 50% of the continuing education requirement for publications, the Board proposed, while this option remained available under § 11.64(4)(ii), to permit a licensee to obtain up to 40 CPE hours for authorship during each reporting period. Consistent with its existing regulation that permitted a maximum credit of 50% of the continuing education requirement for self-study, the Board also proposed, while this option remained available under § 11.64(2)(iv), to permit a licensee to obtain up to 40 CPE hours for self-study during each reporting period. The result is that a licensee would be able to satisfy the entire 80-hour CPE obligation by self-study and authoring publications. On further consideration, the Board concluded that the value of group-study and service as an instructor is too great to permit a licensee to wholly satisfy the CPE requirement without engaging in these activities at all. Accordingly, the Board revised § 11.64(2)(iv) and (4)(ii) to limit authorship of publications and self-study combined to a maximum 40 CPE hours in a reporting period.

As drafted, § 11.69a(b)(3) (relating to approval of CPE program sponsor) provides that an accredited college or university is deemed to be an approved CPE program sponsor and is not required to submit an application for approval. PICPA requested clarification as to whether § 11.69a(b)(3) includes CPE affiliates of the educational institution. IRRC also asked the Board to clarify the status of these CPE program sponsors. The Board did not intend to include in preapproval anything offered outside the educational institution's approved curriculum consistent with what is required for licensure under section 4.2(b)(3) of the act (63 P. S. § 9.4b(b)(3)). Accordingly, the Board revised this paragraph to limit preapproval to a college or university "accredited by a Nationally recognized accrediting agency recognized by the United States Department of Education when offered as part of its approved curriculum."

Finally, PICPA suggested revising § 11.69a(b) to exempt National and state recognized accounting organizations from the CPE approval process. The Board rejected

this suggestion. National or state accounting organizations that are members in good standing of NASBA's National Registry of CPE Program Sponsors are preapproved under paragraph (1) and those that have been approved as a CPE program sponsor by the accountancy regulatory body of another state that permits the practice of public accounting under principles of substantial equivalency are preapproved under paragraph (2). By demonstrating to a body adequate competence to provide CPE, a National or state accounting organization will become a preapproved sponsor in this Commonwealth. Otherwise, the organization will be required to apply for approval with the Board in accordance with this section.

The HPLC noted that throughout § 11.69a the Board used "individual or entity" to be a CPE program sponsor and suggested that the Board revise the definition of "CPE program sponsor" in § 11.1 to use the phrase "individual or entity" rather than "party." The Board revised the definition as suggested. The HPLC and IRRC also noted that in § 11.62(c) (relating to CPE requirement for issuance of license; waiver or extension) the Board provided that the requirement for demonstrating completion of a certain amount of CPE as a condition of reactivation of an inactive license does not apply to an applicant who is reactivating a license "that still has a current expiration date" and suggested that it would be less ambiguous to refer to reactivation of a license "within the same biennial period in which it was placed on inactive status." The Board revised this provision as suggested.

Because it could not find a provision in the text of the proposed rulemaking, the HPLC questioned the Board's statement in the proposed preamble that "Entry-level accounting courses are specifically excluded" from instructor CPE credit in § 11.64. IRRC also requested an explanation of this statement. This provision was in existing § 11.64(7)(iv) and inadvertently omitted from proposed § 11.64(3). The Board added it as § 11.64(3)(iv). The HPLC noted that the Board used "participant" throughout § 11.64 to refer to a licensee obtaining CPE but for consistency recommended replacing it with "instructor" in paragraph (3) when referring to CPE credit for service as an instructor. The HPLC and IRRC also recommended revamping § 11.64(3)(i) to provide that an instructor "will receive 3 CPE hours for each 50 minutes of instruction in a group study program which may include up to 2 hours of preparation time" rather than the proposed language which stated that an instructor "will receive 3 CPE hours, including 2 hours of preparation time, for each 50 minutes of instruction in a group study program." The Board revised § 11.64(3) as recommended. Additionally, in reviewing this language, the Board realized that it drafted proposed § 11.64(3)(ii) in a way that altered the requirements of existing § 11.64(7)(iv) other than the Board intended. Previously, an instructor would not be awarded credit for teaching unless, among other things, the instructor had not previously claimed credit for the course or could demonstrate that there was a substantial change in the subject matter; this limitation applied even in subsequent renewal cycles. As the Board did not intend to eliminate this limitation, the Board revised proposed § 11.64(3)(iii) to replace the restriction that this limitation applies only during the same renewal cycle with the description that the instructor previously claimed credit and to repeat the exception that it not apply if there has been a substantial change in the subject matter.

To be consistent with § 11.69a(b), the HPLC and IRRC recommended replacing “individual and entity” with “individual or entity” in § 11.69a(b)(1). The Board has done so.

The HPLC requested the number of licensed firms be included in the preamble. There are approximately 1,400 accountancy firms with current licenses.

If the revised CPE requirements are not effective until 2014, the HPLC suggested that the Board accept CPE completed by licensees in anticipation of the regulatory amendments becoming effective in 2012. CPE completed during the 2012-13 biennium in compliance with the new regulations will be acceptable to the Board. Because the Board proposed ending credit for certain CPE activities after January 1, 2012, and the final-form rulemaking could not be promulgated before that date, the HPLC also suggested that licensees who continued to engage in CPE activities after January 1, 2012, but prior to publication of the final-form rulemaking be given full credit. Similarly, IRRC recommended that the Board review the effective dates of the amended provisions of §§ 11.63(a)(5) and (7) and 11.64(4) in light of the actual promulgation date of the final-form rulemaking. As previously discussed, the Board determined that it should not terminate credit for CPE in specialized knowledge under § 11.63(a)(5) or credit for authorship under § 11.64(4). The Board determined that the requirement in proposed § 11.63(a)(7) to complete at least 4 CPE in ethics should begin as planned with the 2012-13 renewal cycle. As stated in the preamble of the proposed rulemaking, the Board anticipated implementing this requirement during the 2012-13 renewal cycle and previously notified each licensee to plan accordingly.

IRRC noted that proposed § 11.62(b) would require licensees to complete 80 CPE hours during each biennial renewal period and at least 20 CPE hours during each year of the 2-year period. By comparison, section 8.2(b) of the act requires licensees to complete 80 hours of continuing education during the 2-year reporting period immediately preceding renewal but does not require a minimum amount of continuing education during a specific portion of the reporting period. IRRC first questioned whether the 20 CPE hours during each year is in addition to the 80 CPE hours during the biennium. Under former § 11.62(a)(2), a minimum of 20 credit hours was taken each year of the biennial period; these hours were included in the 80-hour biennial requirement. IRRC also questioned why there is a need to complete a minimum amount of continuing education during each year of the biennium and pointed out that a licensee who completed more than 80 hours of continuing education during the first year of the biennium would have fully satisfied the statutory obligation but would not be able to qualify for renewal under the regulation without completing an additional 20 CPE during the second year of the biennium; a licensee who failed to complete at least 20 CPE during the first year of the biennium would not be able to qualify for renewal under the regulation regardless of how much continuing education the licensee completed during the second year, even though the statutory standard would apparently permit another full year to complete all 80 hours of continuing education. IRRC asked for an explanation of the need for and reasonableness of this requirement for annual continuing education and without an explanation suggested deleting the requirement.

The requirement that a licensee complete at least 20 CPE hours during each year of the biennial renewal period was in former § 11.62(a)(2) and the Board did not propose to alter it. This section has not been revised

since 24 Pa.B. 6559 (December 31, 1994). This requirement is consistent with the AICPA/NASBA Model Rules. Rule 6-4(a) provides that an applicant seeking triennial renewal shall complete 120 hours of CPE during the 3-year period (which is equivalent to 80 hours during a 2-year period) and requires a minimum of 20 hours of continuing education completed during each year. By means of adoption by the vast majority of state boards of accountancy, this 20-hour each year minimum has become standard across the country. The Board notes that deleting this requirement may jeopardize the ability of licensees to practice in another state under substantial equivalency as provided in provisions of other state licensure law analogous to sections 5.2, 5.3 and 5.4 of the act (63 P.S. §§ 9.5b, 9.5c and 9.5d). Under section 2 of the act (63 P.S. § 9.2), “substantial equivalency” requires that the education, examination and experience requirements for licensure in another jurisdiction are comparable to or exceed those of the act. In addition, section 8.2(d) of the act requires that when issuing regulations with respect to requirements for continuing education, the Board shall take into account impediments to interstate practice of public accounting which may result from differences in requirements in other states. The Board is retaining the requirement that licensees complete at least 20 CPE hours during each year of the reporting period as a condition for renewal. Because the AICPA and NASBA Model Rules require completion of 20 hours of continuing education during each year—not only as a requirement for completion, but also as a condition of renewal—the Board did not further consider permitting a licensee who has completed at least 80 CPE hours during the biennium to renew, despite not having completed at least 20 CPE hours during each of the two 1-year reporting periods, subject to disciplinary action. The Board notes that under § 11.62(d) the Board may grant a licensee a waiver of a CPE requirement upon a showing of individual hardship and, among other options, may extend the time period to complete CPE if the failure to timely comply was due to a reasonable cause. Moreover, a licensee who has not completed at least 20 CPE hours during each of the two 1-year periods of the biennium may permit the license to expire and, under § 11.62(c), apply for reactivation upon showing completion of 80 CPE hours in the required subject areas during the 2-year period preceding reactivation. While a licensee would not be in violation of § 11.62(b) and would not be subject to disciplinary action under § 11.68a(a) (relating to disciplinary action for failure to comply with CPE requirements) as a result of failing to complete at least 20 CPE hours during each year of the biennium, practice of public accounting in this Commonwealth prior to reactivation of the license would be in violation of section 12(q) of the act (63 P.S. § 9.12(q)).

Upon considering the previously discussed renewal issues, the Board recognized that proposed § 11.67(a) (relating to reporting of CPE hours) was insufficient as written. Proposed § 11.62(a) required an initial applicant for licensure to have completed CPE during the 2-year period preceding the filing date of the application, but explicitly excluded from this requirement an applicant who passed the CPA examination during the same renewal period in which the application is filed. The proposed rulemaking mistakenly stated this exclusion as applicable during the 2-year period preceding the filing date of the application. The Board revised § 11.62(a) to correct this mistake. Proposed § 11.67(a) required an applicant for initial licensure to submit a summary report of CPE hours but did not include the exclusion for an applicant who passed the examination during the preced-

ing relevant time period. The Board revised § 11.67(a) to apply only to an applicant who is required under § 11.62(a) to complete CPE during the 2-year period preceding the filing of the application.

Section 11.68a(a) provides for issuance of an Act 48 citation for certain violations of §§ 11.62—11.64, 11.67 and 11.68. The schedule of civil penalties was separately amended to accomplish this. The Commissioner of Professional and Occupational Affairs published the proposed rulemaking at 41 Pa.B. 4535 (August 20, 2011) and is contemporaneously promulgating a final-form rulemaking that, among other things, provides for an Act 48 citation for certain violations of the CPE requirements. However, the Board determined that formal action, rather than an additional citation, is appropriate for second offense violations of the CPE requirements. Accordingly, the Board revised § 11.68a(a) to refer only to first-offense violations under the schedule and to refer to second and subsequent offenses under section 9.1(a)(4) and (10) of the act (63 P. S. § 9.9(a)(4) and (10)).

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have fiscal impact on the regulated community or on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. Under § 11.63(a)(7), at least 4 of the CPE hours licensees will be required to complete during the January 1, 2012, through December 31, 2013, renewal cycle shall be in ethics.

#### *Statutory Authority*

The final-form rulemaking is authorized by section 3(a)(10) of the act.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4541, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 17, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 18, 2012, and approved the final-form rulemaking.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1404, st-accountancy@pa.gov.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 41 Pa.B. 4541.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 11, are amended by adding § 11.68a, deleting §§ 11.65 and 11.69 and amending §§ 11.1, 11.61, 11.62, 11.63, 11.64, 11.67, 11.68, 11.69a, 11.71, 11.71a and 11.72 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

PATRICK J. DUGAN, CPA,  
Chairperson

*(Editor's Note: See 42 Pa.B. 7275 (December 1, 2012) for a final-form rulemaking by the Bureau of Professional and Occupational Affairs relating to this final-form rulemaking.)*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6969 (November 3, 2012).)*

**Fiscal Note:** Fiscal Note 16A-5511 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 11. STATE BOARD OF ACCOUNTANCY GENERAL PROVISIONS**

##### **§ 11.1. Definitions.**

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

**AICPA**—American Institute of Certified Public Accountants.

**Act**—The CPA Law (63 P. S. §§ 9.1—9.16b).

**Attest activity**—The provision of any of the following financial statement services together with the issuance of

a report expressing or disclaiming an opinion or other assurance on the information:

- (i) An audit or other engagement performed in accordance with Statements on Auditing Standards.
- (ii) A review or compilation of a financial statement performed in accordance with SSARS.
- (iii) An engagement performed in accordance with SSAE.
- (iv) An audit or other engagement performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

(v) Other engagement performed in accordance with attestation standards established by an organization granted authority by statute or regulation to establish attestation standards, such as the AICPA or the PCAOB.

*Board*—The State Board of Accountancy of the Commonwealth.

*CPA*—Certified public accountant.

*CPE*—Continuing professional education.

*CPE program sponsor*—An individual or entity that assumes responsibility for presenting a CPE program that is structured as a group study program, interactive individual study program or noninteractive individual study program.

*Candidate*—A person sitting for an examination.

*Certificate of completion*—A document prepared by a CPE program sponsor evidencing a participant's completion of a group study program, interactive individual study program or noninteractive individual study program.

*Client*—The person or entity which retains a licensee for the performance of professional services.

*Contingent fee*—A fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.

*Engagement*—An undertaking by a licensee embodied in an agreement between the licensee and the client which defines the scope and terms of the services.

*Enterprise*—A person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

*Financial statement*—

- (i) A statement and footnotes related to the statement that purport to show financial position which relates to a point in time or changes in financial position which relate to a period of time.
- (ii) The term includes statements which use a cash or other incomplete basis of accounting.
- (iii) The term also includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position and statements of changes in owner's equity.
- (iv) The term does not include incidental financial data included in management advisory services reports to support recommendations to a client, tax returns or supporting schedules.

*Firm*—A qualified association that is a licensee.

*GAAP*—Generally Accepted Accounting Principles.

*GAAS*—Generally Accepted Auditing Standards.

*GAGAS*—Generally Accepted Government Auditing Standards.

*Group study program*—A CPE program that is designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

*Inactive status*—

(i) Status of a CPA or public accountant who has returned his license to practice public accounting to the Board and who has requested in writing that the Board place his name on the inactive roll.

(ii) The term does not apply to the status of a CPA or public accountant whose license to practice public accounting has expired for failure to comply with requirements for biennial renewal of licensure.

*Instructional design*—A teaching plan that considers the organization and interaction of program materials as well as the method of presentation such as lecture, seminar, workshop or program instruction.

*Interactive individual study program*—A CPE program that is designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware or administrative systems that provide significant ongoing interactive feedback to the participant regarding the learning process.

*Licensee*—

(i) An individual who is certified by or registered with the Board and holds a current license to practice under section 8.2 of the act (63 P. S. § 9.8b) or a qualified association that holds a current license to practice under section 8.8 of the act (63 P. S. § 9.8h).

(ii) The term does not include an individual who is on inactive status under section 8.2(a.1) of the act or who does not otherwise hold a current license.

*NASBA*—National Association of State Boards of Accountancy.

*New candidate*—A candidate who is taking the examination in this Commonwealth for the first time.

*Noninteractive individual study program*—A CPE program that is designed to permit a participant to learn a given subject without interaction with an instructor or interactive learning methodologies and requires the participant to achieve a 70% minimum grade on a written examination or workbook.

*PCAOB*—Public Company Accounting Oversight Board.

*Professional competence*—Having requisite knowledge, skills and abilities to provide quality professional service as defined by the technical and ethical standards of the profession.

*Professional service*—A service performed or offered to be performed by a licensee for a client in the course of the practice of public accounting.

*Public accounting*—Offering to perform or performing for a client or potential client:

- (i) Attest activity.
- (ii) Other professional services involving the use of accounting skills, including, but not limited to, management advisory or consulting services, business valuations, financial planning, preparation of tax returns or furnishing of advice on tax matters by a person holding out as a CPA, public accountant or firm.

*Public communication*—A communication made in identical form to multiple persons as to the world at large, such as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

*Qualified association*—An association as defined in 15 Pa.C.S. § 102 (relating to definitions) that is incorporated or organized under the laws of the Commonwealth or any other state or foreign jurisdiction if the organic law under which the association is incorporated or organized does not afford the shareholders, partners, members or other owners of equity interest in the association or the officers, employees or agents of the association greater immunity than is available to the shareholders, officers, employees or agents of a professional corporation under 15 Pa.C.S. § 2925 (relating to professional relationship retained).

*SEC*—Securities and Exchange Commission.

*SSAE*—Statement on Standards for Attestation Engagements.

*SSARS*—Statement of Standards on Accounting and Review Services.

### CONTINUING PROFESSIONAL EDUCATION

#### § 11.61. Scope.

Sections 11.62—11.64, 11.67, 11.68, 11.68a, 11.69a, 11.71 and 11.71a apply, as appropriate, to the following:

(1) An individual who needs CPE to obtain or maintain a license to practice public accounting.

(2) An individual that serves or desires to serve as a CPE program sponsor.

(3) An entity that serves or desires to serve as a CPE program sponsor.

#### § 11.62. CPE requirement for issuance of license; waiver or extension.

(a) A regular or reciprocal applicant for an initial license shall have completed 80 CPE hours, in the subject areas in § 11.63 (relating to CPE subject areas; relevance to professional competence), during the 2-year period preceding the filing date of the application. This requirement does not apply to an applicant who passed the CPA examination during the same biennial renewal period in which the application was filed.

(b) An applicant for renewal of a current license shall have completed 80 CPE hours, in the subject areas in § 11.63, during the 2-year period preceding the start of the next license period. An applicant shall have completed a minimum of 20 CPE hours during each year of the 2-year period.

(c) An applicant for reactivation of an expired or inactive license shall have completed 80 CPE hours, in the subject areas in § 11.63, during the 2-year period preceding the filing date of the application. This requirement does not apply to an applicant who is reactivating a license within the same biennial renewal period in which it was placed on inactive status.

(d) The Board may, upon application, waive in whole or in part a CPE requirement upon a showing of individual hardship, such as for reasons of health, military service or other good cause. The Board, upon application, may extend the time period for completing CPE upon a showing that the failure to timely comply was due to reasonable cause.

#### § 11.63. CPE subject areas; relevance to professional competence.

(a) The CPE hours required under § 11.62 (relating to CPE requirement for issuance of license; waiver or extension) must be in the following subject areas and with the following minimum hours as noted:

- (1) Accounting and attest—minimum of 16 CPE hours.
- (2) Advisory services—no minimum.
- (3) Management—no minimum.
- (4) Professional skills development—no minimum.
- (5) Specialized knowledge and applications—no minimum.
- (6) Taxation—minimum of 8 CPE hours.
- (7) Professional ethics—minimum of 4 CPE hours (effective as a condition of obtaining a license for the 2014-2015 license period and thereafter).

(b) The CPE hours required under § 11.62 must be relevant to maintaining the professional competence of a certified public accountant or public accountant. Practice building and office management are not acceptable CPE subject areas.

#### § 11.64. Sources of CPE hours.

The following are the acceptable sources of CPE hours:

(1) *Group study programs offered by approved CPE program sponsors under § 11.69a (relating to approval of CPE program sponsor).*

(i) Except as provided in subparagraph (ii), a participant will receive 1 CPE hour for each 50 minutes of participation.

(ii) A participant in a credit course offered by an accredited college or university will receive 15 CPE hours for each semester credit hour earned and 10 CPE hours for each quarter credit hour earned.

(iii) A participant will not receive CPE credit for less than 50 minutes of participation.

(2) *Individual study programs offered by approved CPE program sponsors under § 11.69a.*

(i) A participant in a noninteractive individual study program will receive 1 CPE hour for each 100 minutes of participation. A participant will not receive CPE credit for less than 100 minutes of participation.

(ii) A participant in an interactive individual study program will receive 1 CPE hour for each 50 minutes of participation. A participant will not receive CPE credit for less than 50 minutes of participation.

(iii) An individual study program is considered complete on the date the program sponsor issues a certificate of completion.

(iv) A participant will not receive more than 40 CPE hours in individual study programs during a reporting period. A participant will not receive more than 40 CPE hours for authorship of publications and individual study combined during the period.

(3) *Service as an instructor during group study programs offered by approved CPE program sponsors under § 11.69a.*

(i) An instructor will receive 3 CPE hours for each 50 minutes of instruction in a group study program which may include up to 2 hours of preparation time. An instructor will not receive CPE credit for less than 50 minutes of instruction.

(ii) An instructor will not receive CPE credit for repeating instruction in a group study program for which the instructor has previously claimed credit unless there was a substantial change in the subject matter.

(iii) An instructor may receive up to 40 CPE hours as an instructor during each reporting period.

(iv) Entry-level accounting courses are excluded from eligibility for CPE credit for service as an instructor.

(4) *Authorship of articles, books and other publications relevant to maintaining professional competence.*

(i) An individual who authors an article, book or other publication that is relevant to maintaining the professional competence of a CPA or public accountant will receive 1 CPE hour for each 50 minutes of research and writing, up to 20 hours, unless the individual can demonstrate to the Board that the complexity of the subject matter merits the awarding of additional CPE hours. An individual will not receive CPE credit for less than 50 minutes of research and writing.

(ii) An individual will not receive more than 40 CPE hours for authorship of all publications combined during a reporting period. An individual will not receive more than 40 CPE hours for authorship of publications and individual study combined during the period.

(iii) CPE hours will be awarded for the year in which publication occurs.

(iv) An individual seeking to obtain credit for authoring publications shall apply to the Board on forms supplied by the Board and submit the documentation necessary to establish entitlement to CPE credit, including a certification that the work is that of the individual and that the individual actually spent the time claimed for research and writing in support of the activity. An individual may not renew a license in reliance upon CPE credit for authoring publications until the credit has been approved by the Board.

**§ 11.65. (Reserved).**

**§ 11.67. Reporting of CPE hours.**

(a) An applicant for an initial license who is required under § 11.62(a) (relating to CPE requirement for issuance of license; waiver or extension) to complete CPE during the 2-year period preceding the filing date of the application shall submit a summary report of CPE hours on a form provided by the Board together with the CPE documentation required under § 11.68 (relating to documentation of CPE hours).

(b) An applicant for renewal of a current license or for reactivation of an expired or inactive license shall certify on the application that the applicant has completed the requirements in § 11.62 and §§ 11.63 and 11.64 (relating to CPE subject areas; relevance to professional competence; and sources of CPE hours). In the event a licensee is later selected by the Board for an audit of CPE hours, the licensee shall submit a summary report of CPE hours on a form provided by the Board together with the CPE documentation required under § 11.68.

**§ 11.68. Documentation of CPE hours.**

(a) The following are acceptable forms of documentation of CPE hours:

(1) A certificate of completion issued by the CPE program sponsor. A consolidated certificate of completion for multiple CPE programs is acceptable as long as it includes the information in subparagraphs (i)—(vii). The certificate must set forth the following:

(i) The CPE program sponsor's name.

(ii) The CPE program sponsor's approval number issued by the Board, NASBA or another state's accountancy regulatory body, as applicable.

(iii) The title of the program.

(iv) The location of the program, if a group study program, or a statement indicating whether the program is an interactive or noninteractive individual study program.

(v) The recommended CPE hours and relevant CPE subject area (for example, accounting and attest, taxation or professional ethics).

(vi) The name of the participant.

(vii) The name and signature of the CPE program sponsor's representative.

(2) A certified academic transcript from an accredited college or university if the CPE hours claimed are in a course taken for credit at the college or university.

(3) If a certificate of completion from the CPE program sponsor is not available for a group study program, a participant may submit an attendance verification form, signed by the participant and containing the information in paragraph (1)(i)—(vi) together with copies of the program materials.

(4) A signed statement from the CPE program sponsor's representative, containing the information in paragraph (1)(i)—(vi), that verifies the participant's service as an instructor.

(5) A copy of each article, book or other publication for which an individual claims CPE hours as an author.

(b) An individual shall retain the documentation in subsection (a) for 5 years after the date of completion of each CPE program or the date of publication of each article, book or publication authored.

**§ 11.68a. Disciplinary action for failure to comply with CPE requirements.**

(a) Unless granted an extension or waiver by the Board under § 11.62(d) (relating to CPE requirement for issuance of license; waiver or extension), and except as provided in subsection (b), a licensee who fails to comply with §§ 11.62—11.64, 11.67 and 11.68 will be subject to disciplinary action in the case of a first offense under § 43b.10a (relating to schedule of civil penalties—accountants) or in the case of a second or subsequent offense under section 9.1(a)(4) and (10) of the act (63 P. S. § 9.9a(a)(4) and (10)).

(b) A licensee who knowingly provides false information on an application about compliance with CPE requirements will be subject to disciplinary action under section 9.1(a)(1)(iii) of the act.

(c) A licensee who is disciplined for failure to comply with CPE requirements shall make up a deficiency in CPE hours and submit documentation of the fact to the Board within 6 months after imposition of the disciplinary sanction. A licensee who fails to submit documentation of make-up CPE hours by the prescribed deadline will undergo suspension of the licensee's license and



underlying certificate of CPA or public accountant registration until the documentation is submitted.

**§ 11.69. (Reserved).**

**§ 11.69a. Approval of CPE program sponsor.**

(a) *Approval requirement.* Except as provided in subsection (b), any individual or entity desiring to offer a program for CPE credit under this chapter shall apply to the Board for approval as a CPE program sponsor.

(b) *Exemption from approval process.* The following are deemed approved CPE program sponsors and are not required to submit applications for approval to the Board:

(1) An individual or entity that is a member in good standing of NASBA's National Registry of CPE Program Sponsors.

(2) An individual or entity that is approved as a CPE program sponsor by the accountancy regulatory body of a state that permits the practice of public accounting under principles of substantial equivalency.

(3) A college or university accredited by a Nationally recognized accrediting agency recognized by the United States Department of Education when offered as part of its approved curriculum.

(c) *Contents of application for approval.* An application for approval as a CPE program sponsor shall contain the following information:

- (1) The name and address of the CPE program sponsor.
- (2) The sources of CPE hours as specified in § 11.64 (relating to sources of CPE hours).
- (3) A list of existing or planned program offerings, if known.
- (4) The total number of credit hours requested for each program.
- (5) The attendance certification method.
- (6) The program objectives.
- (7) The admission requirements.
- (8) The program outlines.
- (9) The instruction and evaluation methods.

(d) *Sworn statements.* Statements made in an application shall be sworn to be true and correct to the best of the applicant's knowledge.

(e) *Board review of application for approval.* An application will be reviewed by the Board's CPE Committee, which will make recommendations to the Board for approval or disapproval. If an application is disapproved, the Board will provide the applicant with written notification of the reasons for disapproval. An applicant may submit a revised application to address the Board's concerns. No Board member will review or vote upon an application in which he has a vested interest.

(f) *Approval number.* Upon approval by the Board, an applicant will be assigned a CPE program sponsor approval number.

(g) *Biennial renewal of approval.* An approved CPE program sponsor shall renew its approval by January 1 of each even-numbered year. A renewal application shall list the CPE program sponsor's planned program offerings for the upcoming renewal period.

**§ 11.71. Responsibilities of CPE program sponsor.**

In addition to meeting the requirements in § 11.69a (relating to approval of CPE program sponsor), a CPE program sponsor shall comply with the following:

(1) *Program level of difficulty.* A CPE program sponsor shall specify the level of knowledge to be imparted under the program. The levels of knowledge may be expressed in a variety of ways, all of which should be informative to potential participants. For example, a program may be described as having the objective of imparting technical knowledge at levels such as basic, intermediate, advanced or overview, which might be defined as follows:

(i) A basic level program teaches fundamental principles or skills to participants having no prior exposure to the subject area.

(ii) An intermediate level program builds on a basic level program in order to relate fundamental principles or skills to practical situations and extend them to a broader range of applications.

(iii) An advanced level program teaches participants to deal with complex situations.

(iv) An overview program enables participants to develop perspective as to how a subject area relates to the broader aspects of accounting or brings participants up-to-date on new developments in the subject area.

(2) *Recommendation of education and experience prerequisites.* A CPE program sponsor shall clearly identify what prerequisites are suggested for enrollment. If a prerequisite is not necessary, a statement to that effect shall be made. Prerequisites shall be specified in precise language so potential participants can readily ascertain whether the program would be beneficial to them or whether the program is above or below their level of knowledge or skill.

(3) *Development of the program.* A CPE program sponsor shall ensure that the programs are developed by individuals qualified in the subject matter and in instructional design. This subsection is not intended to require that any individual CPE program sponsor be both technically competent and competent in instructional design. Its purpose is to ensure that both types of competency are represented in the program's development, whether one or more persons are involved in that development. Mastery of the technical knowledge or skill in instructional design may be demonstrated by appropriate experience or educational credentials.

(4) *Program review.* A CPE program sponsor shall review the course materials annually to ensure that they are accurate and consistent with currently accepted standards relating to the program's subject matter. Between these reviews, errata sheets should be issued when appropriate, and obsolete material should be deleted. Between the time a new pronouncement is issued and the issuance of errata sheets or removal of obsolete materials, the instructor is responsible for informing participants of changes. If, for example, a new accounting standard is issued, a program will not be considered current unless the ramifications of the new standard have been incorporated into the materials or the instructor appropriately informs the participants of the new standard.

(5) *Disclosure to prospective participants.* A CPE program sponsor shall disclose in advance to prospective participants the objectives, prerequisites, experience level, content, required advanced preparation, teaching method and number of CPE hours involved in the program.

(6) *Selection and review of instructors.* A CPE program sponsor shall select and assign qualified instructors for the CPE program. A CPE program sponsor shall evaluate the performance of instructors at the conclusion of each

program to determine their suitability for continuing to serve as instructors in the future.

(7) *Number of participants and adequacy of physical facilities.* A CPE program sponsor shall ensure that the number of participants and the physical facilities are consistent with the teaching methods to be utilized. Because the learning environment is affected by the number of participants and by the quality of physical facilities, a CPE program sponsor has an obligation to pay serious attention to both of these factors. The maximum number of participants for a case-oriented discussion program, for example, shall be less than for a lecture program. The seating arrangement is also very important. For discussion presentation, learning is enhanced as seating is arranged so that participants can easily see and converse with each other. If small group sessions are an integral part of the program format, appropriate facilities shall be made available to encourage communication with a small group.

(8) *Program evaluation.* A CPE program sponsor shall provide a program evaluation in accordance with the following:

(i) Evaluations shall be solicited from both the participants and instructors. The objective of evaluations is to encourage the CPE program sponsor to strive for increased program effectiveness. Programs should be evaluated to determine whether:

- (A) Objectives have been met.
- (B) Prerequisites were necessary or desirable.
- (C) Facilities were satisfactory.
- (D) Instructors were effective.
- (E) Advanced preparation materials were satisfactory.
- (F) The program content was timely and effective.

(ii) Evaluations may take the form of pretests for advanced preparation, posttests for effectiveness of the program, questionnaires completed at the end of the program or later and oral feedback to the instructor or CPE program sponsor. Instructors shall be informed of their performance, and the CPE program sponsor shall systematically review the evaluation process to ensure its effectiveness.

(9) *Attendance records.* A CPE program sponsor shall maintain and retain accurate records of attendance for a 5-year period.

(10) *Course materials.* A CPE program sponsor shall retain a written outline of course materials for a 5-year period.

(11) *Certificate of completion.* A CPE program sponsor shall provide a certificate of completion to each participant who satisfactorily completes a program. A certificate of completion must contain the information in § 11.68(a)(1) (relating to documentation of CPE hours).

(12) *Promotional materials.* A CPE program sponsor shall identify the subject area of a program under § 11.63 (relating to CPE subject areas; relevance to professional competence) in the program's promotional materials.

**§ 11.71a. Offsite review of CPE program sponsor.**

A CPE program sponsor shall be subject to an offsite review of its CPE programs to ensure compliance with this chapter. The review will involve an in-depth audit of all course materials, documents and records maintained by the CPE program sponsor under this chapter, including:

(1) The information in § 11.69a(c) (relating to approval of CPE program sponsor).

(2) The dates and locations of programs.

(3) The program schedules (that is, title of subject, instructor, time allotted, excluding breaks and lunches).

(4) The names, titles and degrees of instructors.

**§ 11.72. Withdrawal of approval of CPE program sponsor.**

(a) The Board, following notice and hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies) may withdraw the approval of a CPE program sponsor that the Board finds guilty of:

(1) Having acquired the Board's approval by misrepresentation.

(2) Failing to comply with § 11.69a or § 11.71 (relating to approval of CPE program sponsor; and responsibilities of CPE program sponsor).

(3) Refusing to provide information requested by the Board pursuant to an offsite review under § 11.71a (relating to offsite review of CPE program sponsor).

(4) Indicating in any manner that it has been approved as a CPE program sponsor prior to a CPE program sponsor approval number having been issued to it.

(b) The Board's withdrawal of a CPE program sponsor's approval will not affect the CPE hours earned by persons who completed programs of the sponsor prior to the withdrawal of its approval.

[Pa.B. Doc. No. 12-2312. Filed for public inspection November 30, 2012, 9:00 a.m.]

**BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**[ 49 PA. CODE CH. 43b ]**

**Schedule of Civil Penalties—Accountants**

The Commissioner of Professional and Occupational Affairs (Commissioner) amends § 43b.10a (relating to schedule of civil penalties—accountants) to read as set forth in Annex A.

*Description and Need for the Rulemaking*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's licensing boards. It further provides that a penalty may not exceed the sum of \$1,000 per violation. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation have the right to a hearing and retain their due process right of appeal prior to the imposition of discipline. The State Board of Accountancy (Board) has had an Act 48 schedule of civil penalties since 1998. The Commissioner published a proposed rulemaking at 41 Pa.B. 4535 (August 20, 2011) to amend the schedule of civil penalties for various violations of the CPA Law (63 P. S. §§ 9.1—9.16b) and regulations of the Board. The rulemaking proposed to increase the Act 48 civil penalty for one continuing professional education (CPE) violation,

add Act 48 civil penalties for additional CPE violations, delete the Act 48 civil penalty for a CPE violation that is no longer recognized under the CPA Law, restrict the applicability of Act 48 civil penalties for certain violations involving the unauthorized use of professional designations and other unauthorized representations and make editorial changes to the descriptions of violations for which Act 48 civil penalties are assessed.

Consistent with the proposed rulemaking published at 41 Pa.B. 4541 (August 20, 2011), the Board is contemporaneously promulgating a final-form rulemaking that, among other things, requires a licensee to make up a CPE deficiency no later than 6 months after imposition of a disciplinary sanction for noncompliance and provides that a licensee's failure to make up that CPE deficiency will result in the automatic suspension of the licensee's professional credentials until the deficiency is satisfied.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Commissioner published the proposed rulemaking at 41 Pa.B. 4535 with a 30-day public comment period. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA). Other members of the public did not comment. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

PICPA noted its strong belief that the civil penalty amounts provided for violations of section 12(a), (c) and (j) of the CPA Law (63 P. S. § 9.12(a), (c) and (j)) for holding out as a certified public accountant (CPA) or public accountant (PA) without having been licensed are not an effective enough deterrent. The HPLC recommended more stringent penalties for unlicensed persons and firms violating these protected titles. Although the Commissioner had not previously proposed changing the amount of this penalty, the Board agreed that a fine of \$500 is not a sufficient deterrent. Accordingly, the Commissioner revised the sanction to be \$1,000 for the first offense and formal action for all subsequent offenses.

PICPA noted that there is an important distinction between practicing without a license and practicing with a lapsed license and suggested providing Act 48 citations for a reduced civil penalty for inadvertent practice on a lapsed license. The HPLC asked why a penalty was not listed for firms operating when "not currently licensed." The HPLC further requested the Board to distinguish between lapsed license and unlicensed practice and impose a more severe sanction for unlicensed practice. The Board further considered how best to handle the process of disciplining a licensee for practice on a lapsed license. The Board agreed with PICPA and the HPLC that a violation is substantively different from practicing without having ever been licensed and should not always result in a \$1,000 fine. However, as described in the preamble of the proposed rulemaking, the Board prefers that CPAs, PAs and public accounting firms that use professional designations after licenses have lapsed be charged with the unlicensed practice of public accounting under section 12(q) of the CPA Law. Rather than setting predetermined civil penalties or even a formula for civil penalties, the Board has always enforced this provision

through formal action, fashioning each disciplinary sanction on a case-by-case basis by taking into account the length of time that a license has lapsed and the type of accounting activities performed. IRRC inquired why formal action is necessary in matters that would otherwise appear to be straightforward more minor violations. In light of the comments received and to increase efficiency in imposing an appropriate disciplinary sanction with the relatively modest civil penalty, the Board determined that the Commissioner should amend the schedule to provide a civil penalty of \$500 for lapsed license practice of less than 6 months. Subsequent violations and lapsed license practice of 6 months or more will continue to be enforced through formal action in which the Board retains the full discretion to impose an appropriate sanction based upon the relevant facts when it issues an adjudication or determines to accept a consent agreement. If these violations were included on the Act 48 schedule, the hearing examiner would be required to impose the full civil penalty from the schedule, as required under § 43b.3(c)(2) (relating to procedures). The Board would not have the opportunity to exercise its discretion unless the respondent denies the violation and, after the hearing examiner issues an order, either the respondent or the Commonwealth files an application for review. While the Board will continue to exercise its discretion in these individual cases, the Board agreed that a lapsed license practice violation generally does not merit the same sanction imposed upon a person who has never been licensed for the same level of practice and length of violation.

PICPA objected to providing a citation for second offense violations of the various CPE provisions as licensees who receive a first offense citation should then be able to comply or face formal action. The HPLC recommended subjecting second offense violations to formal action rather than simply an increased civil penalty. Upon further consideration, the Board agreed that the Commissioner should not amend this regulation to provide a citation for a second offense violation of the CPE provisions at section 8.2 of the CPA Law (63 P. S. § 9.8b(b)) and § 11.63(a)(1), (6) and (7) (relating to CPE subject areas; relevance to professional competence).

The HPLC first noted use of an asterisk and a number/pound sign as references in the schedule and suggested at least replacing them with superscript numbers. The Commissioner has replaced the \* with superscript <sup>1</sup> and replaced the # with superscript <sup>2</sup>.

IRRC requested that the Bureau clarify the difference between a CPA license and CPA certificate, as referenced for a violation of section 12(a) of the CPA Law. The general term of art for authorization to practice a profession is a "license." Section 4.2(a) of the CPA Law (63 P. S. § 9.4b(a)) refers to the Board issuing a "certificate" to a qualified individual who has passed the examination. Sections 5 and 5.1 of the CPA Law (63 P. S. §§ 9.5 and 9.5a) refer to the Board issuing "certificates" by domestic and foreign reciprocity, respectively. Section 12(a) of the CPA Law prohibits one from holding out as a CPA or with a similar title unless the person has received a "certificate" of CPA. Conversely, section 8.2 of the CPA Law refers to biennial "licenses" to engage in the practice of public accounting which are issued to holders of CPA certificates and to public accountants registered with the Board. Section 2 of the CPA Law (63 P. S. § 9.2) defines

“licensee” to include “an individual certified by or registered with the board and holding a current license to practice under section 8.2 of this act.” Thus, the statutory scheme would seem to indicate that an individual cannot obtain a renewable license authorizing the individual to practice public accounting without first possessing a CPA certificate or without first registering as a PA with the Board. Essentially, an individual can be credentialed as a CPA but not be licensed to engage in the practice of public accounting unless the individual has a current, active license issued by the Board. See § 11.9 (relating to use of the designation “certified public accountant” and the abbreviation “CPA” solely as mark of achievement by individual without current license).

To be consistent with the statutory language, the Commissioner proposed replacing “never licensed” with “not possessing CPA certificate in good standing.” Upon review of the comments about the difference between wholly unlicensed practice and practice with a lapsed license, the Board further realized that the proposed language might also suggest lapsed license practice. Accordingly, to more closely match the statutory language and make clear that it is directed towards unlicensed practice by individuals not holding credential issued by the Board, the Commissioner further revised the description for violation of section 12(a) of the CPA Law to refer to a person “who has not received a CPA certificate or whose certificate is revoked or suspended.” Similarly, because section 12(j) of the CPA Law prohibits one from holding out as a PA or similar title unless registered as a PA or received a CPA certificate, the Commissioner revised the description for violation of section 12(j) of the CPA Law to refer to a person “who has not received a PA registration or CPA certificate.” Because section 12(c) of the CPA Law prohibits similar holding out by a firm unless it “holds a current license,” the Commissioner did not revised the language referring to this violation as “by a firm never licensed.”

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

*Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

This final-form rulemaking is authorized by section 5(a) of Act 48.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4535, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 17, 2012, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 18, 2012, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1404, st-accountancy@pa.gov.

*Findings*

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) This final-form rulemaking does not include amendments that would enlarge the scope of proposed rulemaking published at 41 Pa.B. 4535.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the authorizing acts set forth in this preamble.

*Order*

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending § 43b.10a to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KATIE TRUE,  
*Commissioner*

*(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6969 (November 3, 2012).)*

*(Editor’s Note: See 42 Pa.B. 7267 (December 1, 2012) for a final-form rulemaking by the State Board of Accountancy relating to this final-form rulemaking.)*

**Fiscal Note:** Fiscal Note 16A-48 remains valid for the final adoption of the subject regulation.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

## § 43b.10a. Schedule of civil penalties—accountants.

## STATE BOARD OF ACCOUNTANCY

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 9.8b(b)	Failure to complete 80 hours of acceptable continuing professional education during reporting period	1st offense—1 to 20 hour deficiency—\$300; 21 to 40 hour deficiency—\$600; 41 to 60 hour deficiency—\$800; 61 to 80 hour deficiency—\$1,000 <sup>2</sup> 2nd or subsequent offense—formal action
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person who has not received a CPA certificate or whose certificate is revoked or suspended	1st offense—\$1,000 <sup>1</sup> 2nd or subsequent offense—formal action
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	1st offense—\$1,000 <sup>1</sup> 2nd or subsequent offense—formal action
Section 9.12(j)	Unlawful use of “public accountant,” “PA” or similar representation by person who has not received a PA registration or CPA certificate	1st offense—\$1,000 <sup>1</sup> 2nd or subsequent offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association or organization of CPAs or PAs by person not credentialed as CPA or PA or firm not licensed	1st offense—\$250 <sup>1</sup> 2nd or subsequent offense—formal action
Section 9.12(q)	Engaging in the practice of public accounting in this Commonwealth when the individual’s license is expired	1st offense—less than 6 months—\$500; 6 months or more—formal action 2nd or subsequent offense—formal action
<i>Violation under 49 Pa. Code Chapter 11</i>		
Section 11.62(b)	Failure to complete 20 hours of acceptable continuing professional education during each year of reporting period	1st offense—\$300 2nd or subsequent offense—formal action
Section 11.63(a)(1)	Failure to complete 16 hours of acceptable continuing professional education in accounting and attest subjects during reporting period	1st offense—1-4 hour deficiency—\$300; 4-8 hour deficiency—\$400; 9-12 hour deficiency—\$500; 13-16 hour deficiency—\$600 <sup>2</sup> 2nd or subsequent offense—formal action
Section 11.63(a)(6)	Failure to complete 8 hours of acceptable continuing professional education in tax subjects during reporting period	1st offense—\$300 <sup>2</sup> 2nd or subsequent offense—formal action
Section 11.63(a)(7)	Failure to complete 4 hours of acceptable continuing professional education in professional ethics during reporting period	1st offense—\$300 <sup>2</sup> 2nd or subsequent offense—formal action

Violation under  
49 Pa. Code Chapter 11

Section 11.67(b)

Failure to timely submit documentation of continuing professional education during Board audit (assumes no other continuing education violation)

1st offense—\$500  
2nd or subsequent offense—formal action

<sup>1</sup> The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct.

<sup>2</sup> When there are violations of both 63 P. S. § 9.8b(b) and 49 Pa. Code § 11.63(a)(1), (6) or (7) (relating to CPE subject areas; relevance to professional competence), a combined civil penalty will not be assessed for both sets of violations. The highest civil penalty will be assessed whether for the violation of 63 P. S. § 9.8b(b) or 49 Pa. Code § 11.63(a)(1), (6) or (7).

[Pa.B. Doc. No. 12-2313. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE TREASURY DEPARTMENT

#### [ 61 PA. CODE CH. 5 ]

#### Payments by Electronic Funds Transfer

The Department of Revenue (Department) and the Treasury Department (Treasury), under the authority of section 9 of The Fiscal Code (72 P. S. § 9), amend Chapter 5 (relating to payments by electronic funds transfer) to read as set forth in Annex A.

The act of July 2, 2012 (P. L. 823, No. 87) (Act 87) mandates the Secretary of Revenue and the State Treasurer to jointly promulgate a regulation revising electronic funds transfer (EFT) payments for payments equal to or greater than \$10,000. Accordingly, the Department and the Treasury, under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and the regulation thereunder, 1 Pa. Code § 7.4, find that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

Act 87 mandated these changes as part of the Fiscal Year (FY) 2012-2013 budget package. A balanced operating budget for the Commonwealth is required under Pa. Const. Art. VIII, § 12. The only way to timely implement this change, a necessary component of the FY 2012-2013 budget, is through a final-omitted rulemaking. These savings form part of the FY 2012-2013 budget passed by the General Assembly. Failure to timely adopt the regulations will create a deficit in the current year's budget as enacted.

Utilizing the shorter regulatory process enables the Department and the Treasury to quickly amend the regulations and provide the public with the revised EFT requirement enacted under Act 87. Even though time constraints make the formal comment period impossible, the Department reached out to the tax community to give them the opportunity to provide informal comments through the public outreach process. A copy of the draft regulation was sent to the Pennsylvania Bar Association, the Philadelphia Bar Association, the Pennsylvania Institute of Certified Public Accountants, the Pennsylvania Society of Public Accountants and the Pennsylvania Chamber of Business and Industry with a 30-day comment period. The draft regulation was also delivered to the Chairpersons of the Appropriations and Finance legislative committees. Comments or objections were not received on the EFT threshold revision. The regulation is listed on the Department's Quarterly Regulatory Report

posted on the Department's web site. The Department continues to inform taxpayers of the lower EFT requirement through many avenues, such as the Revenue Tax Update publication, notification in the electronic E-TIDES system and on the Department's web site.

As a result, the Department for good cause finds that the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are in these circumstances impractical, unnecessary or impose an impossible burden on the Department.

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

The purpose of this final-omitted rulemaking is to implement regulations to reflect a statutory change made by the General Assembly that revised payments required under § 5.3 (relating to payments required to be paid by EFT) from "\$20,000 or more" to "\$10,000 or more." Electronic payments offer several advantages over check payments. Payments are received faster and errors in handling and posting of tax payments are reduced.

#### *Explanation of Regulatory Requirements*

The Department amended § 5.3 to add language in subsection (d) that explains the lower EFT threshold requirement of \$10,000 beginning January 1, 2013. The remaining subsections are renumbered.

Section 5.5 is rescinded. Technology advances and streamlining processes available on the Department's web site have rendered obsolete the taxpayer registration process.

Section 5.7 (relating to miscellaneous provisions) is amended to reflect a new amount of "\$10,000 or more" as well update the reference to the renumbered section.

#### *Fiscal Impact*

The Department estimated that the regulations will have a fiscal impact of \$100,000 savings to the Commonwealth. It can be expected that the costs to the regulated community and small businesses, after an initial setup expense of staff time or other resources if the business is not already set up to make EFT payments, are minimal. Added expense to convert to electronic payments should be offset by savings on checks, stamps and envelopes.

#### *Paperwork*

This final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

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

*Contact Person*

The contact person for an explanation of the final-omitted rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on October 12, 2012, the Department and Treasury 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 Committee on Finance and the Senate Committee on Finance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 14, 2012, 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 November 15, 2012, and approved the final-omitted rulemaking.

*Findings*

The Department and the Treasury find that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL are unnecessary because it is in the public interest to expedite final-omitted rulemaking.

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

*Order*

The Department and the Treasury, acting under the authorizing statute, order that:

(a) The regulations of the Department, 61 Pa. Code Chapter 5, are amended by amending §§ 5.3 and 5.7 and deleting § 5.5 to read as set forth in Annex A.

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

(c) The Secretary of the Department and the State Treasurer shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DANIEL MEUSER,  
Secretary of Revenue  
ROBERT M. McCORD,  
State Treasurer

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)*

**Fiscal Note:** 15-457. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 61. REVENUE****PART I. DEPARTMENT OF REVENUE****Subpart A. GENERAL PROVISIONS****CHAPTER 5. PAYMENTS BY ELECTRONIC FUNDS TRANSFER****§ 5.3. Payments required to be paid by EFT.**

(a) Beginning July 1, 1992, a payment in the amount of \$40,000 or more shall be remitted using a method of EFT selected by the taxpayer. A taxpayer may choose the ACH debit method or the ACH credit method.

(b) Beginning January 1, 1993, a payment in the amount of \$30,000 or more shall be remitted using a method of EFT selected by the taxpayer. A taxpayer may choose the ACH debit method or the ACH credit method.

(c) Beginning January 1, 1994, a payment in the amount of \$20,000 or more shall be remitted using a method of EFT selected by the taxpayer. The taxpayer may choose the ACH debit method or the ACH credit method.

(d) Beginning January 1, 2013, a payment in the amount of \$10,000 or more shall be remitted using a method of EFT selected by the taxpayer. The taxpayer may choose the ACH debit method or the ACH credit method.

(e) This requirement applies to payment of only the following taxes:

Sales and Use  
Employer Withholding  
Liquid Fuels  
Fuel Use  
Mutual Thrift Institutions  
Oil Company Franchise  
Malt Beverage  
Motor Carrier Road Tax  
Corporate Net Income  
Capital Stock-Franchise  
Bank Shares  
Title Insurance and Trust Company Shares  
Insurance Premiums  
Public Utility Realty  
Gross Receipts

(f) A taxpayer may satisfy the obligation to remit a payment by EFT by delivering a certified or cashier's check, in person or by courier with the appropriate return or deposit statement, to the Pennsylvania Department of Revenue, Bureau of Business Trust Fund Taxes, EFT Unit, Ninth Floor, Strawberry Square, Fourth and Walnut Streets, Harrisburg, Pennsylvania 17128 on or before the due date of the obligation. Payments will not be accepted at other Department locations.

(g) Separate transfers shall be made for each payment.

**§ 5.5. (Reserved).****§ 5.7. Miscellaneous provisions.**

(a) A taxpayer who is required to remit payments by EFT shall initiate the transfer so that the tax due is deposited to the Commonwealth's depository account on or before the day that the tax is due. If a tax due date falls on a day other than a business day, the deposit by EFT is due on the first business day thereafter.

(b) The EFT method of payment does not change current filing requirements for tax returns. If the EFT payment is not timely made or the tax return required is

not filed by the due date, the provisions for late filing penalties, interest and loss of collection allowance apply as provided by law.

(c) A taxpayer who is required to remit payments by EFT and who is unable to make a timely payment because of system failures within the banking system/ACH interface which are beyond the taxpayer's control will not be subject to penalty or interest for late payment or loss of collection allowance.

(d) Errors made by the Treasury, the Department or their agents will not subject the taxpayer to loss of collection allowance or assessment of penalty or interest for late payment.

(e) A taxpayer who is required to remit payment by EFT and who elects to remit the payment by courier as described in § 5.6(d) (relating to EFT payments) will not be subject to penalty or interest for late payment or loss of collection allowance if the courier fails to make timely delivery due to a force majeure.

(f) For the first 6 months that a taxpayer is required to remit tax by EFT, the Department will extend a reasonable grace period to the taxpayer to resolve problems which arise with new administrative procedures, data

systems changes and taxpayer operating procedures. To qualify for a grace period, the taxpayer shall demonstrate that a good faith effort to comply was made, or that circumstances beyond the taxpayer's reasonable control prevented compliance by the required date.

(g) A taxpayer who remits taxes by EFT shall indicate that fact on the return when it is filed. For the purpose of this chapter, "return" means the form designated for filing the report of taxes due for a period, including forms for making installments of estimated tax and tentative tax returns.

(h) The Department and the Treasurer will provide one or more methods for taxpayers who remit taxes by EFT to verify and acknowledge that the payments have been received by the Department.

(i) The Treasurer, the Department and the Secretary of the Budget will provide one or more methods for tax refunds of \$10,000 or more. The refunds will be available for the taxes listed in § 5.3(e) (relating to payments required to be paid by EFT). The taxpayer shall file a written request for the electronic transfer of a refund.

[Pa.B. Doc. No. 12-2314. Filed for public inspection November 30, 2012, 9:00 a.m.]

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# STATEMENTS OF POLICY

## LEGISLATIVE REFERENCE BUREAU

[ 101 PA. CODE CH. 31 ]

### Right-to-Know Law; Proposed Amendments

The Legislative Reference Bureau (Bureau) proposes to amend § 31.17(c) (relating to fee schedule) to read as set forth in Annex A. The purpose of the proposed statement of policy is to clarify the fee procedures applicable to a large or complex “legislative record” as defined in section 102 of the Right-to-Know Law (65 P. S. § 67.102).

Comments on the proposed statement of policy may be sent to the Open-Records Officer, Legislative Reference Bureau, Room 641, Main Capitol Building, Harrisburg, PA 17120-0033, fax (717) 783-2396, [lrbrighttoknow@palrb.net](mailto:lrbrighttoknow@palrb.net). The Bureau will consider comments which it receives prior to December 21, 2012.

ROBERT W. ZECH, Jr.,  
*Director*

#### Annex A

#### TITLE 101. GENERAL ASSEMBLY

#### PART I. LEGISLATIVE REFERENCE BUREAU

#### Subpart E. STATEMENTS OF POLICY

#### CHAPTER 31. RIGHT-TO-KNOW LAW

#### Subchapter B. OPEN RECORDS PROCEDURES OF THE BUREAU

#### § 31.17. Fee schedule.

\* \* \* \* \*

(c) *Payment.*

(1) [ **Except as set forth in paragraph (2) ] In accordance with paragraphs (2) and (3), payment arrangements shall be made between the requester and the open-records officer.**

(2) [ **Under section 1307(h) of the law (65 P. S. § 67.1307(h)), if the total fee exceeds \$100, payment must ] If the actual fee is expected to exceed \$100, payment of an estimated fee under section 1307(h) of the law (65 P. S. § 67.1307(h)) shall be made prior to the initiation of [ the ] providing the document. If [ prepayment ] payment under this paragraph is required, a check, certified check or money order shall be made payable to “Commonwealth of Pennsylvania” in the [ total ] amount of the estimated fee.**

(3) **Payment of the actual fee shall be made prior to providing the document.**

[Pa.B. Doc. No. 12-2315. Filed for public inspection November 30, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Notice of Suspension/Modification of 2% Biodiesel Content Mandate

The Department of Agriculture (Department) received a request to suspend the 2% biodiesel content mandate in diesel fuel sold for on-road use arising from section 3(a)(1) of the Biofuel Development and In-State Production Incentive Act (act) (73 P. S. § 1650.3(a)(1)). A suspension was granted on November 2, 2012, to expire at 12 a.m. on November 12, 2012. The November 2, 2012, suspension stated that should conditions warrant, the suspension may be modified, terminated or extended. In consultation with the Department of Environmental Protection (DEP), the Department has continued to evaluate the impact of Hurricane Sandy on fuel supplies and disruptions to the fuel distribution system. Based on this evaluation, the Department has determined, and DEP concurs, that it is necessary to take further action to minimize or prevent disruption of the supply of diesel in this Commonwealth.

In accordance with the authority granted by section 5(d) of the act (73 P. S. § 1650.5(d)), the suspension is hereby extended, in part, and the mandated content required by section 3(a)(1) of the act is modified as follows for the period from 12:01 a.m., November 13, 2012, through 12 a.m. on November 22, 2012:

a. The sale of diesel fuel for use in on-road compression ignition engines by all entities that, prior to any suspension of the requirements in section 3(a)(1) of the act, blend diesel fuel and biodiesel within this Commonwealth for resale to parties other than consumers, as defined in the act, shall be subject to all provisions of the act.

b. The sale of diesel fuel for use in on-road compression ignition engines by any entity other than those described previously in a., including retailers as defined in the act, shall not be subject to the mandated content required by section 3(a)(1) of the act.

c. After the suspension expires, any entity other than those described previously in a. who take delivery of diesel fuel not compliant with the 2% biodiesel mandate during the period of suspension may sell for use in on-road compression ignition engines that non-compliant diesel fuel already in their possession.

The Department will continue to monitor the impact of Hurricane Sandy on the fuel supply situation. Should conditions warrant, this suspension may be modified, terminated or extended, as appropriate.

Questions about this suspension should be directed to the Department through either Deputy Secretary James Howes or Bureau of Ride and Measurement Standards Director Walter Remmert.

GEORGE D. GREIG,  
Secretary

[Pa.B. Doc. No. 12-2316. Filed for public inspection November 30, 2012, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (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 and Securities 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 13, 2012.

Under section 503.E of the Department of Banking and Securities 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 and Securities, 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

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-26-2012	Susquehanna Bank Lititz Lancaster County  Application for approval to purchase assets and assume liabilities of one branch of Community First Bank, Pikesville, Maryland, located at: 3725 Old Court Road Pikesville Baltimore County Maryland	Effective

## NOTICES

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-30-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	733 West Lancaster Avenue Bryn Mawr Montgomery County	Opened
11-9-2012	First Keystone Community Bank Berwick Columbia County	225 Memorial Highway Dallas Luzerne County	Approved

## Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-16-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 101 West Main Street Norristown Montgomery County  <i>From:</i> 2 West Lafayette Street Norristown Montgomery County	Effective
6-14-2012	Citizens Bank of Pennsylvania Philadelphia County	<i>To:</i> 4265 Buffalo Road Erie County  <i>From:</i> 4400 Buffalo Road Erie Erie County	Effective

## Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-7-2012	Citizens Bank of PA Philadelphia Philadelphia County	<i>Into:</i> Lawrence Park Shopping Center Broomall Delaware County  <i>From:</i> 1991 Sproul Road Broomall Delaware County	Effective
2-10-2012	Citizens Bank of PA Philadelphia Philadelphia County	<i>Into:</i> Bethlehem Pike and East Mill Road Flourtown Montgomery County  <i>From:</i> 1461 Bethlehem Pike Flourtown Montgomery County	Effective
2-13-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 4101 Carlisle Pike Camp Hill Cumberland County  <i>From:</i> 3301 Trindle Road Camp Hill Cumberland County	Effective
6-21-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 9353 Krewston Road Philadelphia Philadelphia County  <i>From:</i> 9896 Bustleton Avenue Philadelphia Philadelphia County	Effective
9-19-2012	Citizens Bank of PA Philadelphia Philadelphia County	<i>Into:</i> 435 West Dekalb Pike King of Prussia Montgomery County  <i>From:</i> 338 West Dekalb Pike King of Prussia Montgomery County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-25-2012	Citizens Bank of PA Philadelphia Philadelphia County	6901 Ridge Avenue Philadelphia Philadelphia County	Closed
2-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	2929 Arch Street Philadelphia Philadelphia County	Closed
2-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	1 North George Street York York County	Closed
2-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	1777 Sentry Park W Blue Bell Montgomery County	Closed
2-25-2012	Citizens Bank of PA Philadelphia Philadelphia County	100 MacDade Boulevard Holmes Delaware County	Closed
2-25-2012	Citizens Bank of PA Philadelphia Philadelphia County	110 Black Horse Pike Audobon New Jersey	Closed
2-26-2012	Citizens Bank of PA Philadelphia Philadelphia County	2711 Elm Street Erie Erie County	Closed
4-15-2012	Citizens Bank of PA Philadelphia Philadelphia	255 Cumberland Parkway Mechanicsburg Cumberland County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-12-2012	Peoples State Bank of Wyalusing Wyalusing Bradford County	Approved and Effective

Articles of Incorporation amended and restated in their entirety to change the name of the institution to "PS Bank" as well as change the location of their principal place of business from 201 Church Street, Wyalusing, to 76 Church Street, Wyalusing.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-2317. Filed for public inspection November 30, 2012, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. 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: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<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>
PA0029777 (Sewage)	Westgate Water & Sewer Municipal Authority Westgate Development Tunkhannock, PA 18657	Wyoming County Washington Township	Unnamed Tributary to Susquehanna River (4-G)	Y

*Southcentral Region: Clean Water 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>
PA0024961 (Sew)	Oley Township Municipal Authority One Rose Virginia Road PO Box 19 Oley, PA 19547	Berks County Oley Township	Manatawny Creek / 3-D	Y
PA0085979 (Sew)	Frank Plessinger Guest Farm Village 525 Hilltop Circle Greencastle PA 17225	Franklin County Montgomery Township	UNT to Licking Creek / 13-C	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>
PA0046221 (Sew)	Newville Borough Water & Sewer Authority 99 Cove Alley Newville, PA 17241	Cumberland County Newville Borough	Big Spring Creek / 7-B	Y
PA0031950 (Sew)	Little Buffalo State Park 1579 State Park Road Newport, PA 17074-9428	Perry County Juniata Township	Little Buffalo Creek / 12-B	Y
PA0081981 (Sew)	Smithville Community, LLC 103 Taggart Drive Coatesville, PA 19320	Lancaster County Providence Township	UNT to Huber Run / 7-K	Y

*Northcentral Region: Clean Water 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>
PAS144813 (Storm Water)	Centre Concrete State College Plant 2280 E College Avenue State College, PA 16801	Centre County College Township	Spring Creek (9-C)	Y

*Northwest Region: Clean Water 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>
PA0263711 - Amendment No. 1 (Sewage)	Benezette WWTP Schoolhouse Road Benezette, PA 15821	Elk County Benezette Township	Trout Run (8-A)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

**PA0057002**, SIC Code 4953, **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083. Facility Name: Haverford Township Landfill Leachate TP. This existing facility is located in Haverford Township, **Delaware County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>XXX</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report	XXX	XXX
Color (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	100
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX
Benzidine	XXX	XXX	XXX	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report

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

- A. Remedial Measures if Unsatisfactory Effluent
- B. Small Stream Discharge
- C. Change of Ownership
- D. Proper Sludge Disposal
- E. TMDL/WLA Requirement

- F. 2/Month Monitoring
- G. Laboratory Certification
- H. PPC Plan Submission
- I. Proper Test Method

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

The EPA Waiver is in effect.

**PA0058866 A-1**, SIC Code 2066, **Blommer Chocolate Co.**, 1101 Blommer Drive, East Greenville, PA 18041. Facility Name: Blommer Chocolate. This existing facility is located in Upper Hanover Township, **Montgomery County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of treated industrial wastewater and storm water.

The receiving stream(s), Unnamed Tributary to Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and 004 are for storm water based on a design flow of 0.000000 MGD.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0047 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Monthly</i>	<i>Maximum</i>	<i>Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0236 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Monthly</i>	<i>Maximum</i>	<i>Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Hexavalent Chromium	XXX	XXX	XXX	Report	Report	Report

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

- Chemical Additive Requirements
- Storm water Requirements

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

The EPA Waiver is in effect.

**PA0058301**, Sewage, SIC Code 8811, **Maurer Richard**, 807 Ridge Road, Telford, PA 18969-1528. Facility Name: Maurer Properties. This existing facility is located in Salford Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Ridge Valley Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Maximum	Instant. Maximum
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean 10	XXX	20
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0

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

- AMR to DEP
- Abandon STP when Municipal Sewers Available
- Remedial Measures if Public Nuisance
- No Stormwater
- Necessary Property Rights
- Small Stream Discharge
- Change in Ownership
- Proper Sludge Disposal
- Laboratory Certification

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

The EPA Waiver is in effect.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PAS232213**, Storm Water, SIC Code 2841, 2842, **Royal Chemicals Co. Ltd.**, 1336 Crowe Road, East Stroudsburg, PA 18301. Facility Name: Royal Chemicals Co. Ltd Plant. This proposed facility is located in Stroud Township, **Monroe County**.

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

The receiving stream(s), Brodhead Creek, is located in State Water Plan watershed 1-E and is classified for 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 0.0 MGD.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
pH	XXX	XXX	Report	XXX	XXX	Report
BOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX



Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant. Maximum
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

Other Requirements: Requirements Applicable to Stormwater Outfalls.

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

The EPA Waiver is in effect.

**PA0060721**, Sewage, SIC Code 4952, **Pocono Plateau Christian Association**, 304 Pocono Plateau Road, Cresco, PA 18326-7888. Facility Name: Pocono Plateau Treatment Plant. This existing facility is located in Barrett Township, **Monroe County**.

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

The receiving stream(s), Unnamed Tributary to Taylor Creek, is located in State Water Plan watershed 1-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Total Annual	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
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	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	13.0	XXX	26.0
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0
Total Phosphorus						
(Interim)	Report	Report	XXX	Report	XXX	XXX
(Final)	Report	Report	XXX	0.5	XXX	XXX

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

- none

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

**PA0081361**, Sewage, SIC Code 4941, **Memphord Estates Sewerage Company Inc.**, PO Box 421, Dillsburg, PA 17019-1007. Facility Name: Memphord Estates STP. This existing facility is located in Monaghan Township, **York 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, Stony Run, is located in State Water Plan watershed 7-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 0.050 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.50	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 8.5	XXX	17

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.

**PA0086045**, Sewage, SIC Code 6515, **Castle Hill Associates**, 20 Erford Road, Lemoyne, PA 17043. Facility Name: Castle Hill Mobile Home Park. This existing facility is located in Straban Township, **Adams 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, Unnamed Tributary to Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</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
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.16
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	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12

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.

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

**PA0093335**, Sewage, **Louis V. & Ilona M. Yenich**, 105 Hutchinson Road, West Newton, PA 15089-3063. Facility Name: 770 W Newton Rd STP. This existing facility is located in Sewickley Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Sewickley Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0019 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Monitor and Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.83	XXX	1.9
(Final)	XXX	XXX	XXX	0.33	XXX	0.77
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	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Geo Mean						
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	XXX	XXX	XXX	10.5	XXX	21.0

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

**WQM Permit No. 0601402 Amendment 12-1**, Sewerage, **Leesport Borough Authority**, 10 East Wall Street, PO Box 201, Leesport, PA 19533-0710.

This proposed facility is located in Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the replacement of 2,100' of existing 8", 10" and 15" PVC sanitary sewer by 18" PVC sanitary sewer between Manhole #74 and Manhole #1 near existing Wastewater Treatment Plant, and replacement/re-establishment of 8" sewer main between Manhole #100 and Manhole #94 in order to reroute sewer lines.

**WQM Permit No. 0598404, Amendment 12-1**, Sewerage, **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177.

This proposed facility is located in Everett Borough, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval to modify grinder room and install vertical screen.

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

**WQM Permit No. 1110412-A1**, Sewerage, **West Branch Sewer Authority**, 901 Maple Avenue, Suite 2, Northern Cambria, PA 15714

This existing facility is located in Susquehanna Township, **Cambria County**

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

**WQM Permit No. 0311402-A2**, Sewerage, **Mahoning Township Supervisors**, 987 State Route 1025, New Bethlehem, PA 16242

This existing facility is located in Mahoning Township, **Armstrong County**

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

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

**WQM Permit No. 2410402**, Sewerage **Amendment No. 1**, **Benezette Township**, P. O. Box 10, Benezette, PA 15821.

This proposed facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewer collection facilities and wastewater treatment plant.

### 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>
PAI01151237	Armstrong Engineering PO Box 633 West Chester, PA 19381	Chester	West Bradford Township	Broad Run (EV-MF)

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512006	Hott PA, Inc. 5 Pondview Lane Flanders, NJ 07836	Monroe	Middle Smithfield Twp.	Pond Creek, HQ-CWF, MF; Marshalls Creek, HQ-CWF, MF

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806024(2)	Trio Farms PA, LLC 559 Main St. Suite 300 Bethlehem, PA 18018	Northampton	Lower Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033612011	Amos E. Fisher 5269 Paes Rd New Holland PA 17557	Lancaster	Salisbury and East Earl Townships	UNT Umbles Run & Umbles Run/HQ-CWF, MF

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

PAG-12      CAFOs

### **CAFO Notices of Intent Received**

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

**PAG123742, CAFO, Horse Shoe Farms, Inc.,** PO Box 339, Hanover, PA 17331-0339.

This proposed facility is located in Conewago Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for a farm consisting of 1,295 animals / 953.37 AEU's. The farm will produce approximately 4,350 tons of manure per year.

The receiving stream, South Branch of the Conewago Creek, is in watershed 7-F and classified for: WWF.

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 general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general 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.

## **STATE CONSERVATION COMMISSION**

### **PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (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.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

#### 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>
Werner Acres LLC Jeffrey & Christopher Werner 897 North Lancaster Street Jonestown, PA 17038	Lebanon	422.1	489.61	Poultry- Turkeys	NA	Renewal
Four Winds Dairy, LLC 400 VanEtten Road Ulysses, PA 16948	Potter	917.9	2213	Dairy	High Quality N/A	

#### PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

#### SAFE DRINKING WATER

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

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

##### **Application No. 6712520 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Fawn Grove Congregation of Jehovah's Witnesses</b>
Municipality	Fawn Township
County	<b>York</b>
Responsible Official	Mark Williams, Operator 999 Baltimore Road York Springs, PA 17372
Type of Facility	Public Water Supply
Consulting Engineer	Craig J Zack, P.E. KPI Technology 143 Carlisle Street Gettysburg, PA 17325
Application Received:	11/8/2012
Description of Action	Installation of anion exchange nitrate treatment.

##### **Application No. 0112514, Minor Amendment, Public Water Supply.**

Applicant	<b>Apple Valley Creamery</b>
Municipality	Reading Township
County	<b>Adams</b>
Responsible Official	Mark Williams, Operator 999 Baltimore Road York Springs, PA 17372

Type of Facility  
Public Water Supply  
Consulting Engineer Craig J Zack, P.E.  
KPI Technology  
143 Carlisle Street  
Gettysburg, PA 17325  
Application Received: 11/5/2012  
Description of Action Installation of nitrate removal  
treatment.

#### MINOR AMENDMENT

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

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

#### Application No. 1077501-T1-MA1, Minor Amend- ment.

Applicant **Pennsylvania American Water  
Company**  
Township or Borough Connoquenessing Township  
Responsible Official David R. Kaufman  
Type of Facility Public Water Supply  
Consulting Engineer Bruce A. Brubaker, P.E.  
Pennsylvania American  
Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055  
Application Received Date October 23, 2012  
Description of Action Blasting and repainting of interior  
and exterior of the tank.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-  
mental Remediation Standards Act (act) (35 P. S.  
§§ 6026.302—6026.305) require the Department to pub-  
lish 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 remedia-  
tion measures for the site and a description of the  
intended future use of the site. A person who demon-  
strates 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 con-

tamination identified in reports submitted to and ap-  
proved 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 pub-  
lished 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 remedia-  
tion and reuse plans for the site if the request is made  
within 30 days of the date specified as follows. During  
this comment period, the municipality may request that  
the person identified as the remediator of the site develop  
and implement a public involvement plan. Requests to be  
involved and comments should be directed to the  
remediator of the site.

For further information concerning the content of a  
Notice of Intent to Remediate, contact the environmental  
cleanup program manager in the Department regional  
office listed before the notice. If information concerning  
this acknowledgment is required in an alternative form,  
contact the community relations coordinator at the appro-  
priate 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  
and Brownfields Program Manager, 2 Public Square,  
Wilkes-Barre, PA 18701-1915.*

**Horwith Trucking Backlot**, 6 Horwith Drive, North-  
ampton Borough, **Northampton County**, Elizabeth  
Schamberger, Moonstone Environmental, LLC., has sub-  
mitted a Notice of Intent to Remediate on behalf of her  
client Regina Grim, MRS Land LLC., Route 329, North-  
ampton, PA 18067, concerning the remediation of soil and  
groundwater from bunker oil due to an historical release.  
The applicant proposes to remediate the site to meet the  
Non-Residential Statewide Health Standards for soils and  
Site Specific Standards for groundwater. The intended  
future use of the property is commercial/industrial. A  
summary of the Notice of Intent to remediate was  
published in *The Morning Call*, on October 6, 2012.

**Gordon Williams**, US Route 11, Great Bend Township,  
**Susquehanna County**, James P. Sposito, James P.  
Sposito Associates, has submitted a Notice of Intent to  
Remediate (on behalf of his client Gordon Williams, PO  
Box AA 23372, US Route, Hallstead, PA 18822), concern-  
ing the remediation of soil from diesel fuel due to an  
accident caused by a water tanker truck striking a tree  
after leaving the roadway. The applicant proposes to  
remediate the site to meet the Residential Statewide  
Health Standards for soils. The intended future use of the  
property is residential/agricultural. 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.

**Former Omega Tools Facility**, 4136 Church Street,  
Upper Mount Bethel Township, **Northampton County**,  
Amanda Lofink, Cardno ATC, has submitted a Notice of

Intent to Remediate (on behalf of her client Heilgard Kemmerer/Administrator, The Estate of Ruth Krauttier, 321 South Easton Belmont Pike, Saylorsburg, PA 18353), concerning the remediation of soil containing PAHs found in the area of the septic system. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soils. The intended use of the property is to remain non-residential in nature. 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.

**1327 East Mahanoy Street Property, (A.K.A. Grabowski Property)**, 1327 East Mahanoy Street Property, Borough of Mahanoy City, **Schuylkill County**, Dean Cruciani, Pennsylvania Tectonics, Inc., has submitted a Notice of Intent to Remediate (on behalf of his clients, Mr. Eric Grabowski, 348 West State Street, Trenton, NJ 08618 and Mrs. Rose Kern, 1329 East Mahanoy Street, Mahanoy City, PA 17948) concerning the remediation of soil and groundwater contaminated with #2 fuel oil released from corroded copper return and feed lines from two 275 gallon fuel oil aboveground storage tanks located in Mr. Grabowski's basement. The fuel oil migrated beneath the concrete basement floor to a compromised sewer line located in the yard on Mrs. Kern's property. The applicants propose to remediate the site to meet the Residential Statewide Health for soil and groundwater. The intended use of the property is to remain residential. A summary of the Notice of Intent to remediate is expected to be published in *The Pottsville Republican* sometime in the near future.

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

**Titusville Wax Plant**, City of Titusville, **Crawford County**. AMEC Environment & Infrastructure, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Honeywell International, Inc., 101 Columbia Road, Morristown, NJ 07962 has submitted Risk Assessment/Remedial Investigation Report concerning remediation of site soil contaminated with volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), semi-volatile organic compounds (SVOCs), metals and groundwater contaminated with VOCs, SVOCs, and metals. The report is intended to document interim remedial response actions, in addition to risk assessment to meet the Site-Specific Standard.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Determination of Applicability 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste**

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

**General Permit Application No. WMGM017D007. Barnside Farm Composting Facility, LLC.**, 430 Dieber Road, Schwenksville, PA 19472-1984.

The Department of Environmental Protection, Bureau of Waste Management has received, from Barnside Farm Composting Facility (Barnside), LLC., a modification to its determination of applicability (DOA) application for

the composting process authorized under the Municipal Waste General Permit (# WMGM017). Waste materials authorized to be accepted under WMGM017 for use as ingredients in the composting process are non-liquid and limited to manure, yard waste, source-separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper, and source-separated corrugated paper (cardboard). The modification includes the use of aerated static pile technology, changes to the stormwater and odor control management plans and other aspects of the operation. The Barnside facility is located in Upper and Lower Salford Townships, **Montgomery County**. The Department determined the DOA modification application to be administratively complete on November 15, 2012.

Persons interested in obtaining more information about the general permit application may contact C. D. Vu, Chief, Permits Section and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**Application(s) for Determination of Applicability for General Permit WMGM014 Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste**

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

**General Permit Application Number WMGM014. James D. Morrissey, Inc.**, 9119 Frankford Ave, Philadelphia, PA 19114. The Department of Environmental Protection, Bureau of Land Recycling and Waste Management has received an application for a determination of applicability (DOA) under the General Permit Number WMGM014. General Permit Number WMGM014 is limited to the beneficial use of roadway excavation materials (i.e., used asphalt, sub-base, sub-grade, and bituminous concrete road materials), hereinafter referred to as "roadway excavation waste or excavation waste", as construction materials. The Department determined the application to be administratively complete on November 14, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM014" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

## DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

### Application(s) for Determination of Applicability received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit Application No. WMGR028, Program I.D. WMGR028NE005, Eureka Stone Quarry, Inc.**, Milford Asphalt Plant, 460 Route 6, Milford, PA 18337. A General Permit Determination of Applicability (DOA) for the beneficial use of asphalt plant baghouse fines as a soil additive located in Dingman Township, **Pike County**. The application for Determination of Applicability was received in the Regional Office on November 5, 2012, and was deemed administratively complete as of November 13, 2012.

Persons interested in obtaining more information about the Determination of Applicability application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Public comments must be submitted within 30 days of the publication of this notice, and these comments may recommend revisions to, and approval or denial of the application.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR081D038. Responsible Recycling Services, LLC**, 805 Tomahawk Drive, Kutztown, PA 19530. This application is for a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on November 9, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

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

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

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

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

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

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

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

## PLAN APPROVALS

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

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

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

**15-0141: Carriage Pennsylvania Holdings, Inc.—d/b/a Green Earth Cremation** (736 East Lancaster Avenue, Downingtown, PA 19335) to allow repositioning of a charge during the cremation cycle at their facility in Downingtown Borough, **Chester County**. The provisions of this plan approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**15-0027J: Johnson Matthey, Inc.—Catalytic Systems Division** (456 Devon Park Drive, Wayne, PA 19087) for modification of condition language in the existing Plan Approval 15-0027J to revise the pH operating limits for the Line 14 Ammonia Scrubber (Source ID: C018) and the



Line 15 Ammonia Scrubber (Source ID: C019) for their facility in Atglen Township, **Chester County**. The provisions of the modified plan approval will subsequently be incorporated into the existing Title V Operating Permit No. 15-00027 through an administrative amendment in accordance with 25 Pa. Code § 127.450. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

**26-00599A: PPL Renewable Energy, LLC** (Two North Ninth Street (GEN-PL2), Allentown, PA 18101) for installation up to 2 landfill gas-fired internal combination engines to utilize existing landfill gas for the production of electricity at Veolia ES Chestnut Valley Landfill in German Township, **Fayette County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**62-017U: United Refining Co.** (15 Bradley Street, Warren, PA 16365) for modification of plan approval 62-017R for the inclusion of particulate matter emission limits that include both condensable and filterable emissions in Warren City, **Warren County**. This is a Title V facility.

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

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

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

**46-0112F: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) to modify an existing reactor (Source ID 129) and condenser (Source ID C03) and install two (2) new reactors (each equipped with its own condenser) at their facility in Skippack Township, **Montgomery County**. Emissions from all three reactors (with condensers) are controlled by an existing thermal oxidizer (Source ID C02), with a destruction efficiency of 95%. The two new reactors will be heated by two individual 4-MMBtu thermal heaters. Potential annual emissions from this project are: 1.87 TPY for VOC; 4.68 TPY for NO<sub>x</sub>; 2.89 TPY for CO; 0.26 TPY for PM; 0.54 TPY for SO<sub>x</sub>; and 1.49 TPY for HAP. Per 25 Pa. Code § 123.13, emissions of filterable PM from the thermal oxidizer shall not exceed 0.04 grains per dry standard cubic feet. Per 25 Pa. Code § 123.11, emissions of PM from the thermal heaters shall be limited to 0.4 lb/MMBtu. Per 25 Pa. Code § 123.22, emissions of SO<sub>x</sub> from the thermal heaters shall be limited to 1.2 lb/MMBtu. Fuel usage from the thermal heaters shall be monitored and recorded to estimate actual emissions using AP-42 emissions factors. Process information shall be recorded from the reactors and condensers to estimate actual emissions from the process using mass balance. Temperature readings from the condensers shall be monitored and recorded to ensure that emissions are properly controlled prior to the ther-

mal oxidizer. The thermal oxidizer shall continue to operate in accordance with the facility's State Only Operating Permit No. 46-00112 to ensure that emissions of VOC are reduced by 95%. This project is not subject to NSPS, NESHAP, MACT, PSD, NSR, or CAM. The Plan Approval will contain additional monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**45-302-078: Sanofi Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) for replacement of Boiler No. 1, and equipped Boilers Nos. 2 and 3 (500 and 800 hp, respectively), with dual fuel burners, which will fire either #2 fuel oil (with maximum 0.5 weight percent sulfur) or natural gas for their facility in Pocono Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 45-302-078 to Sanofi Pasteur, Inc., Discovery Drive, Swiftwater, PA 18370 for their facility in Pocono Township, Monroe County. This plan approval will be incorporated into the Title V operating permit # 45-00005 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Sanofi Pasteur proposes replacement of Boiler No. 1, and equipped Boilers Nos. 2 and 3 (500 and 800 hp, respectively), with dual fuel burners, which will fire either No. 2 fuel oil (with maximum 0.5 weight percent sulfur) or natural gas. In addition, Sanofi Pasteur proposes to replace the dual fuel burner on Boiler No. 6 with another manufacturer's dual fuel burner in order to evaluate whether maintenance and operation will be facilitated. Each proposed burner and boiler combination will be equipped with a low NO<sub>x</sub> burner with flue gas recirculation to minimize NO<sub>x</sub> emissions. The proposed boilers will operate up to 8,760 hours per year at full capacity after modification. In addition, economizers will be added to these units, thus increasing energy efficiency while reducing stack exit temperature and atmospheric dispersion.

The following emission limitations are set for each boiler.

NO<sub>x</sub> emissions—From BAT, 30 PPM @ 3% O<sub>2</sub> when firing with natural gas.

90 PPM @ 3% O<sub>2</sub> when firing with #2 fuel oil.

CO emission—From BAT, 100 PPM at 3% O<sub>2</sub>.

The facility is located in an area designated as a marginal nonattainment area for O<sub>3</sub>. The project area is also included in the northeast Ozone Transport Region (OTR). The facility is currently a major source for NO<sub>x</sub> emissions only. The federally enforceable limit chosen by the company for the NO<sub>x</sub> emission will keep the proposed emission increase from the facility below the NSR applicability triggering thresholds from the proposed new sources. Thus, the modification of sources will not subject the facility to the provisions of NA NSR for NO<sub>x</sub>. Emissions of SO<sub>2</sub>, CO, NO<sub>x</sub>, TSP, PM<sub>10</sub>, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds associated with the proposed projects will be below the PSD significant emission rates as the

company will maintained the emissions from the entire facility below the PSD PALs level and thus are not subject to PSD review.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the applications are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 45-302-078 and 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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

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

**AMS 10277A: Veolia Energy** (2600 Christian Street, Philadelphia, PA 19146) for the Veolia Energy has requested Air Management Services (AMS) to modify the AMS Plan approval 10277 for the construct and operate two (2) 297.91 MMBTU/hr rapid fire package boilers burning natural gas or No. 2 fuel oil.

The modification includes de-commissioning of Boiler 24 instead of Boiler 2 and 6-month extension for construction.

The facility will maintain the facility wide emission for nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), non-methane hydrocarbon (NMHC), particulate matter (PM), particulate matter-10 (PM-10), carbon monoxide (CO), and ammonia (NH<sub>3</sub>) as permitted in Plan Approval 97019. Each boiler will be installed with induce flue gas recirculation and low NO<sub>x</sub> burners. The permit will contain operating, testing, monitoring, and recordkeeping requirements to ensure that the boilers operate within all applicable requirements.

## PLAN APPROVAL

### PUBLIC HEARINGS

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

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

#### **Moxie Patriot LLC, Moxie Patriot Generation Plant Clinton Township, Lycoming County**

The Department of Environmental Protection will conduct a public meeting at 6:30 p.m. Thursday, January 3, 2013 at the Clinton Township Volunteer Fire Co., 2311 Route 54 Highway, Montgomery, Pa. 17752 to discuss the proposed air quality plan approval 41-00084A for construction of a natural gas-fired combined-cycle power plant to produce 936 MW or less of electricity in Clinton Township, Lycoming County.

Staff from DEP's Air Quality Program will explain the application review process and applicable regulations, and Moxie Patriot, LLC officials will review the project with the audience. These presentations will be followed by a question and answer session with citizens.

Moxie Patriot, LLC submitted a Plan Approval 41-00084A application to the Department on January 20, 2012, for construction of a natural gas-fired combined-cycle power plant at a site located in Clinton Township, Lycoming County. The project consists of two power blocks, and each block includes a combustion gas turbine and a steam turbine. Each combined-cycle process will also include a heat recovery steam generator and supplemental duct burners and other ancillary sources. The heat input rating of each combustion gas turbine is 2890 MMBtu/hr (HHV) or less, and the heat input rating of each supplemental duct burner is equal to 387 MMBtu/hr (HHV) or less.

The proposed project is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, the New Source Review (NSR) regulations of 25 Pa. Code §§ 127.201—127.218, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Therefore, the proposed facility will be a Title V facility. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department's BAT requirements. Moxie performed an air quality analysis that adequately demonstrated that the proposed emissions due to the project will not cause or significantly contribute to air pollution in violation of the National Ambient Air Quality Standards. Additionally, the Department published a notice of intent to issue the plan approval in the *Pennsylvania Bulletin* on September 29, 2012, for comments regarding the proposed Plan Approval 41-00084A.

The public meeting will be followed by a DEP public hearing beginning 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 Monday, January 14, 2013. The statement should be sent to: Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 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.

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

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

**48-00098: PPL Renewable Energy, LLC** (Two North Ninth Street, Allentown, PA 18101) for a plan approval to construct and operate three (3) 1,600 kW Caterpillar model G3520C landfill gas fired engines at their facility in Glendon Borough, **Northampton County**. The Department of Environmental Protection's review of the information submitted by PPL Renewable Energy indicates that the proposed engines will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. The company shall comply with 123.31 for malodorous emissions. The company shall comply with 123.41 for visible emissions. The engines are subject to 40 CFR Part 63, Subpart ZZZZ. The engines are subject to 40 CFR Part 60, Subpart JJJJ and WWW requirements. The VOC emissions from the facility will not equal or exceed 50 tpy, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 tpy, based on a 12-month rolling sum. The CO emissions from the facility will not equal or exceed 250 TPY, based on a 12-month rolling sum. The SO<sub>2</sub> emissions from the facility will not equal or exceed 250 tpy, based on a 12-month rolling sum. Total PM emissions from the facility will not equal or exceed 100 tpy, based on a 12-month rolling sum. The formaldehyde emissions from the facility will be 24.31 tpy, based on a 12-month rolling sum making it a major source a single HAP. The total HAPs from the facility will be 25.41 tpy of all aggregated HAPs, based on a 12-month rolling sum making it a major source for combined HAPs. The proposed Title V Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager, may be contacted at 717-705-4702,*

**36-05140: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519) for rendering operations at the Terre Hill plant in East Earl Township, **Lancaster County**. This is a major modification to the facility's Title V Operating Permit issued in June of 2011.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to modify an Air Quality Operating Permit for the abovementioned facility. The modification includes changes made to the monitoring approach for the facility's scrubbers controlling emissions from the plant's rendering operations. These proposed changes will not have any effect on the facility's current rate of emissions.

The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). The plant's newest boiler is subject to 40 CFR Part 60, Subpart Dc—New Source Performance Standards for Small Industrial-Commercial-Institutional Steam Generating Units. All three of the facility's existing boilers are subject to the requirements of 40 CFR Part 63, Subpart JJJJJJ—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The facility has annual emissions of approximately 36.0 tpy of NO<sub>x</sub>, 33.0 tpy of CO, 1.5 tpy of PM<sub>10</sub>, and 1.0 tpy of VOCs.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facility Permitting 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.

**67-05113: Graham Architectural Products Corp.** (1551 MT Rose Ave., York, PA 17403) for operation of its metal window and door manufacturing facility in Spring Garden Township, **York County**.

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

The actual emissions in year 2011 were 8.95 tons of VOC and 3.5 tons of Toluene. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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. 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.

William Weaver, Air Program Manager, may be contacted at 717-705-4702, 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: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00029: Erie Coke Corp.** (PO Box 6180, Erie, PA 16512) for the re-issuance of a Title V Permit for the foundry coke producing plant in the City of Erie, **Erie County**. The facility's major emission sources include 2 coke oven gas-fired boilers (1 rated at 60 million Btu/hr and 1 at 77.2 million Btu/hr), coke oven batteries A and B, by-product recovery processes, and wastewater treatment. The facility is a major facility due to its potential to emit HAPs and VOCs. Emissions for the year 2011 were 73.2 tons CO, 105.9 tons NO<sub>x</sub>, 131.2 tons SO<sub>x</sub>, 71.19 tons VOCs, and 34.3 tons PM-10. This facility is subject to the following federal standards: 40 CFR Part 63 Subpart L, NESHAPs for Coke Oven Batteries; 40 CFR Part 63 Subpart CCCC, NESHAPs for Coke Ovens—Pushing, Quenching, and Battery Stacks; 40 CFR Part 63 Subpart DDDDD, NESHAPs for ICI Boilers and Process Heaters; and 40 CFR Part 61 Subpart L, NESHAPs for Benzene Emissions from Coke By-product Recovery Plants. Since the facility is major for VOCs, it is subject to RACT requirements of 25 Pa. Code §§ 129.91—129.95. The Battery underfire system is subject to Compliance Assurance Monitoring and CAM requirements are added to the renewal permit to comply with 40 CFR Part 64.

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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*

**15-00085: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) for a state-only, natural minor operating permit in Lower Oxford Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The permit was issued on 12-10-2002 and was subsequently renewed on 11-30-2007. The facility is a college campus that has three (3) boilers, thirty-one (31) combustion sources, and thirteen (13)

generators as primary pollution sources. The facility has reported an average 8.16 tons of NO<sub>x</sub> emission for CY2010-2011. The permit will include monitoring, recordkeeping, reporting, and work practice standards 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*

**40-00046: Wilkes-Barre General Hospital** (575 North River Street, Wilkes-Barre, PA 18702-2634) for a hospital facility in the City of Wilkes-Barre, **Luzerne County**. The sources at the facility include three (3) natural gas / #2 fuel oil fired boilers. Reported emissions for year 2011 from the facility include carbon monoxide (CO)—3.5 tpy, nitrogen oxides (NO<sub>x</sub>)—5.0 tpy, particulate matter (PM<sub>10</sub>)—0.30 tpy, sulfur oxides (SO<sub>x</sub>)—0.10 tpy, and volatile organic compounds (VOC)—0.30 tpy, which are below the major emission thresholds. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager at 717-705-4702.*

**67-03079: Hercon Pharmaceuticals, LLC** (101 Sinking Spring Lane, Emigsville PA 17318) for operation of transdermal coating line with VOC control in Manchester Township, **York County**. This is a renewal of their State-Only Operating Permit issued in 2007.

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

The subject facility has the potential-to-emit approximately 15 tpy VOC and less than 1 tpy combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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.

William Weaver, Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909

Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**06-03152: Atlas Minerals & Chemicals, Inc.** (P. O. Box 38, 1227 Valley Road, Mertztown, PA 19539-0038) for operation of their synthetic resins and specialty asphalts manufacturing operations in Longswamp 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 issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has past actual emissions of 6.4 tpy CO, 3.0 tpy NO<sub>x</sub>, 0.8 tpy PM<sub>10</sub>, 6.4 tpy SO<sub>x</sub>, 0.4 tpy VOC, 0.1 tpy of a single HAP (formaldehyde), and 0.1 tpy combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR, Part 63, Subpart AAAAAA—National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing & 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facility Permitting 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.

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

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

**14-00025: RESTEK Corp.** (110 Benner Circle, Bellefonte, PA 16823) for their manufacturing facility in Benner Township, **Centre 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 a renewal of an Air Quality Operating Permit for the above mentioned facility. The subject facility has the following potential emissions: 0.20 TPY of CO; 0.07 TPY of PM/PM<sub>10</sub>; 0.96 TPY of NO<sub>x</sub>; 2.70 TPY of VOC and 2.70 TPY of total hazardous air pollutants (HAPs). The operating permit

will include emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**14-00027: HRI Inc.** (1750 West College Avenue, State College, PA 16801) for their Curtain Gap hot mix asphalt plant in Marion Township, **Centre 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 a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 49.60 TPY of CO; 6.04 TPY of PM/PM<sub>10</sub>; 32.72 TPY of NO<sub>x</sub>; 24.17 TPY of VOC; 6.56 TPY of total hazardous air pollutants (HAPs) and 32,510 TPY of CO<sub>2</sub>e carbon dioxide equivalent. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, 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*

**04-00222: J.P. Austin Associates, Inc.** (1060 24th St. Ext., Beaver Falls, PA, 15010-3668) located in the city of Beaver Falls, **Beaver County**. Emission sources at this facility include two natural gas-fired, exfoliation furnaces rated at 1.08 mmbtu/hr and 1.32 mmbtu/hr for expanding raw vermiculite, various hoppers, screw conveyors and bucket elevators for moving the material through the plant, cyclonic material separators and plant haul roads and surfaces. Potential emissions from the emission sources at this facility are estimated to be approximately 1.0 ton per year of NO<sub>x</sub> and particulate matter. Actual emissions from the facility are much lower as the facility generally operates one shift per day. 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*

**20-00262: Generant Co., Inc.** (18254 Technology Drive, Meadville, PA 16335-8380) for renewal of a Natural Minor Permit to operate vales and pipe fittings manufacturing facility in City of Meadville, **Crawford County**. The facility's emitting sources included, 1) Passivation & Brass Bright Dip Line, 2) Lubrication Booth and, 3) Miscellaneous Degreaser Units (2). This is a Natural Minor facility due to its potential to emit of pollutants are less than the Title V threshold limits. The facility is not subject to 40 CFR Part 63, Subpart WWWW and XXXXXX. The potential emission of alkaline and nitric acid fume is 16.13 tons per year.

**25-00886: Vincent Cross Paving, Inc.** (11620 Lake Pleasant Road, Union City, PA 16438) to re-issue the Synthetic Minor Operating Permit for this asphalt paving material manufacturing plant in Venango Township, **Erie County**. The facility's primary sources of emissions are a hot mix asphalt batch plant and the associated equipment. The only pollutant with potential emissions above the major source level is Carbon Monoxide (CO). Particulate matter is the pollutant with the next greatest potential for emissions which are no greater than 30 tons per year. In order to maintain status as a minor source, asphalt production is limited to no more than 440,000 tons per year. This production rate will limit CO emissions to no more than 90 tons per year.

**25-00958: Ridg-U-Rak—State Line Plant** (12340 Gay Road, North East, PA 16428) to re-issue a State Only, Natural Minor Operating Permit to operate a Metal Shelving Manufacturing Facility, in North East Township, **Erie County**. The emissions from this facility have been reduced to well below major source levels.

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

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

**S12-017: Dietz & Watson Inc.** (5701 Tacony Street, Philadelphia, PA 19135) for the processing of lunch meat, hot dogs, hams, roast beef, sausage, and turkey products in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 11.82

MMBTU/hr natural gas, #2 oil, or propane-fired boilers, eleven (11) 1.65 MMBTU/hr or less natural gas or propane-fired food processing ovens, three (3) used oil and/or #2 oil-fired heaters, each rated less than 1 MMBTU/hr, one (1) diesel-fired emergency generator, and gasoline loading station.

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

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

**N12-010: SEPTA-Elmwood Trolley Shop** (7311 Elmwood Avenue, Philadelphia, PA 19142) for operation of two (2) each 3.08 MMBTU/hr H.B. Smith Boilers, firing #2 and Natural gas, One (1) .44 MMBTU/hr pressure washer, Two (2) each 0.35 MMBTU/hr space heaters, a Parts washer.

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

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

**N12-012: SEPTA-Fern Rock Subway Shop** (11th and Grange Street, Philadelphia, PA 19141) for operation of two (2) each 9.96 MMBTU/hr Cleaver Brooks Boilers, firing No. 2 and Natural gas, three (3) each 0.456 MMBTU/hr Pressure Washers, a 80 kW Emergency generator, a paint booth and eight (8) Parts washers,

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

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

will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**N12-024: SEPTA-Wayne Junction Car House** (4500 Germantown Avenue, Philadelphia, PA 19141) for operation of two (2) each 2.51 MMBTU/hr, one (1) 2.05 MMBTU/hr boilers firing No. 2 and Natural gas, and a .60 MMBTU/hr space heater, a Spray can paint booth, Parts washer, and Pressure Washer.

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

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

**S11-023: United States Mint** (151 North Independence Mall East, Philadelphia, PA 19106) for the production of medal and coin dies, coins of all denominations for general circulation, and a limited amount of commemorative coins in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) natural gas-fired annealing gas generators each rated less than 1.0 MMBTU/hr controlled by two (2) catalytic oxidizer, five (5) natural gas-fired rotary annealing furnaces each rated at 4,048 MMBTU/hr, two (2) natural gas-fired die shop furnaces each rated at 200,000 BTU/hr, a diesel-fired emergency generator, two (2) spray booths with filters for lacquer medal coating, and alcohol and aerosol wipe cleaners, and nine (9) cold cleaning degreasers.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University 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.

#### PLAN APPROVALS

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

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

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

**39-399-071: Samuel Adams Brewing Co.** (7880 Penn Drive, Breinigsville, PA 18031) for their facility in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Samuel Adams Brewing Company (7880 Penn Drive, Breinigsville, PA 18031) for their facility located in Upper Macungie Township, Lehigh County. This Plan Approval No. 39-399-071 will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-399-071 is for the installation of a new 88 MMBTU boiler which will fire on Natural Gas and number 2 oil. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. The company shall be subject to and comply with 25 Pa. Code § 123.22 for Sulfur Compound Emissions. The company is subject to NSPS Subpart Dc requirements. These limits will meet BAT requirements for this source. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emissions (opacity) shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-399-071 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); 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*

**11051301 and NPDES No. PA0235652. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To renew the permit the Cresson Mine in Cresson, Allegheny, and Munster Townships and Cresson and Sankertown Boroughs, **Cambria County** and related NPDES permit. Site is non-activated. No additional discharges. The application was considered administratively complete on November 7, 2012. Application received: June 8, 2012.

**56831602 and NPDES No. PA0214469. Reitz Coal Company, LLC**, (509 15th Street, Windber, PA 15963). To renew the permit for the Reitz No. 4 Plant in Shade Township and Central City Borough, **Somerset County** and related NPDES permit for reclamation/water treat-

ment. No additional discharges. The application was considered administratively complete on November 7, 2012. Application received: June 1, 2012.

**32031701 and NPDES No. PA0235555. Homer City Generation, LP**, (800 Long Ridge Road, Stamford, CT 06927). To transfer the permit for the Dixon Run Central Treatment Facility in Cherryhill Township, **Indiana County** and related NPDES permit from EME Homer City Generation, LP. No additional discharges. The application was considered administratively complete on November 13, 2012. Application received: September 19, 2012.

**32753702 and NPDES No. PA0235849. Homer City Generation, LP**, (800 Long Ridge Road, Stamford, CT 06927). To transfer the permit for the Homer City Refuse Disposal in Center Township, **Indiana County** and related NPDES permit from EME Homer City Generation, LP. No additional discharges. The application was considered administratively complete on November 13, 2012. Application received: September 19, 2012.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11020101 and NPDES No. PA0249203. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 141.0 acres. Receiving stream(s): Fallentimber Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2012.

**Permit No. 56120114 and NPDES No. PA0269158. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface mine in Elk Lick and Summit Townships, **Somerset County**, affecting 353.0 acres. Receiving stream(s): unnamed tributaries to/and Casselman River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 15, 2012.

**56060105 and NPDES No. PA024997. AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650, revision of an existing bituminous surface and auger mine to change the land use from unmanaged natural habitat to industrial/commercial use in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving stream(s): unnamed tributaries to/and Quemahoning Creek to the Stoney Creek River to the Conemaugh River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. (There are no potable water supply intakes within 10 miles downstream). Application received: October 25, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**GP12-63090101. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Application for authorization under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP-63090101 to operate a portable coal crusher to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 367 acres. Receiving streams: unnamed tributaries to Mingo Creek and Sugar Run, classified for



the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GP12 application received: November 1, 2012.

**GP12-63120102. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Application for authorization under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP-63120102 to operate a portable coal crusher to a bituminous surface mine, located in Fallowfield & Somerset Townships, **Washington County**, affecting 99.2 acres. Receiving streams: unnamed tributaries to Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GP12 application received: November 5, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16070104. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Limestone Township, **Clarion County** affecting 30.2 acres. Receiving streams: Poe Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: November 5, 2012.

**16120104 and NPDES Permit No. PA0259349. Ancient Sun, Inc.** (P. O. Box 129, Shipperville, PA 16254) Commencement, operation and restoration of a bituminous surface mine in Elk Township, **Clarion County** affecting 93.0 acres. Receiving streams: Unnamed tributary to Canoe Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 7, 2012.

**33080108. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous surface and auger mine to add 35.8 acres in Porter Township, **Jefferson County** affecting 457.8 acres. Receiving streams: Sugarcamp Run, Hamilton Run, and unnamed tributary to Hamilton Run, all classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 7, 2012.

**1192-33080108-E-2. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Revision to an existing stream encroachment to conduct mining activities within 50 feet of the east side of Hamilton Run in Porter Township, **Jefferson County**. Receiving streams: Sugarcamp Run, Hamilton Run, and unnamed tributary to Hamilton Run, all classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 7, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17060107 and NPDES No. PA0256391. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface/auger mine in Girard Township, **Clearfield County**, affecting 294.8 acres. Receiving streams: Unnamed Tributary to Deer Creek; Deer Creek classified for the following uses: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 5, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49840103C4. Reading Anthracite Company**, (P. O. Box 1200, Pottsville, PA 17901), boundary correction to increase the permitted acres from 106.3 to 188.8 of an existing anthracite surface mine operation in East Cameron and Mt. Carmel Townships, **Northumberland County**, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: October 11, 2012.

**49120102. Clinton M. Wynn Mining**, (419 Shingara Lane, Sunbury, PA 17801), commencement, operation and restoration of an anthracite surface mine operation in West Cameron and Zerbe Townships, **Northumberland County** 84.1 acres, Zerbe Run and Carbon Run, classified for the following use: cold water fishes. Application received: October 24, 2012.

**54851317C. Blackwood Mining**, (540 East Center Street, Ashland, PA 17921), correction to an existing anthracite underground mine operation to add another slope in Reilly Township, **Schuylkill** affecting 4.5 acres, receiving stream: Panther Creek, classified for the following use: cold water fishes. Application received: October 29, 2012.

**54890201C3. Coal Castle Fuels, Inc.**, (101 N. Center Street, Pottsville, PA 17901), correction to an existing anthracite coal refuse reprocessing operation to include strip mining, coal refuse disposal and preparation plant operation in Cass Township, **Schuylkill County** affecting 82.24 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: October 31, 2012.

**54-305-029GP12. Coal Castle Fuels, Inc.**, (101 N. Center Street, Pottsville, PA 17901), 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. 54890201 in Cass Township, **Schuylkill County**. Application received: October 31, 2012.

#### *Noncoal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16970307. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Renewal of NPDES Permit No. PA0227609 in Beaver, Licking & Richland Townships, **Clarion County**. Receiving streams: Unnamed tributary to Turkey Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 31, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08830301 and NPDES No. PA0608874. Dalrymple Gravel & Contracting Company, Inc.** (2105 South Broadway, Pine City, NY 14871). Revision of an existing large noncoal (sand and gravel) permit to increase the active mine and drainage area adding new bond authorization and modify NPDES located in Athens Township, **Bradford County** affecting 305.0 acres. Receiving streams: Chemung River classified for Warm Water Fishes. Application received: November 5, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**64050804. Tompkins Bluestone Co., Inc.**, (325 Tar Hollow Road, P. O. Box 776, Hancock, NY 13783), Stage I & II bond release from a quarry operation in Buckingham

Township, **Wayne County** affecting 5.0 acres on property owned by Upper Hills R.C. Club. Application received: October 9, 2012.

**40950803. Tom Piatt**, (8 Knob Hill Road, Trucksville, PA 18708), Stage I & II bond release from a quarry operation in Lake Township, **Luzerne County** affecting 1.0 acre on property owned by Wendy Piatt. Application received: October 10, 2012.

**54120301. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 199.0 acres, receiving stream: Rausch Creek, classified for the following use: cold water fishes. Application received: October 31, 2012.

### 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	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU)

Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**NPDES No. PA0214248 (Mining Permit No. 63743702), Eighty Four Mining Company**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). A renewal to the NPDES and mining activity permit for Mine 84 Refuse Area in Somerset Township, **Washington County**. Surface Acres Affected 601. Receiving stream: Unnamed Tributary to Center Branch Pigeon Creek, classified for the following use: WWF. Monongahela River Watershed. The application was considered administratively complete on September 15, 2010. Application received June 4, 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.

*Outfall 002* discharges to: Unnamed Tributary to Center Branch Pigeon Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 08' 20.57" Long: 80° 02' 59.59") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.15	-
Iron (mg/l)		0.6	1.2	1.4
Manganese (mg/l)		0.9	1.9	2.3
Aluminum (mg/l)		1.0	2.1	2.6
Settable Solids (ml/l)		0.3	0.5	0.6
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		60	119	149
Total Dissolved Solids (mg/l)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Outfall 008* discharges to: Unnamed Tributary to Center Branch Pigeon Creek

The proposed effluent limits for *Outfall 008* (Lat: 40° 08' 11.64" Long: 80° 03' 27.69") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.383	-
Iron (mg/l)		1.2	2.5	3.1
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		1.8	3.7	4.6
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		141	283	383
Total Dissolved Solids (mg/l)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Outfall 009* discharges to: Unnamed Tributary to Center Branch Pigeon Creek

The proposed effluent limits for *Outfall 009* (Lat: 40° 06' 55" Long: 80° 01' 19") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	1.728	-
Iron (mg/l)		1.3	2.7	3.3
Manganese (mg/l)		0.9	1.8	2.3

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum (mg/l)		0.4	0.8	1.0
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		51	102	127
Total Dissolved Solids (mg/l)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0235385 (Mining Permit No. 03801302), Keystone Coal Mining Corporation**, (PO Box 219, 400 Overview Drive, Shelocta, PA 15774). A renewal to the NPDES and mining activity permit for the Margaret No. 7 Mine Water Treatment Plant in Plumcreek and Cowanshannock Townships, **Armstrong County**. Surface Acres Affected 26.2. Receiving streams: Unnamed Tributary to Cherry Run, classified for the following use: CWF. Crooked Creek TMDL and Unnamed Tributary to Huskin Run, classified for the following use: WWF. Huskins Run TMDL. The application was considered administratively complete on March 13, 2012. Application received September 1, 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.

*Outfall 001* discharges to: Unnamed Tributary to Cherry Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 44' 17" Long: 79° 22' 58") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.3	-
Iron (mg/l)		0.5	0.9	1.1
Total Suspended Solids (mg/l)		35	70	90
Manganese (mg/l)		0.1	0.19	0.24
Aluminum (mg/l)		0.4	0.8	1.0

*Outfall 002* discharges to: Unnamed Tributary to Huskins Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 46' 18" Long: 79° 22' 42") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.11	-
Iron (mg/l)		0.28	0.56	0.7
Manganese (mg/l)		0.25	0.5	0.6
Aluminum (mg/l)		0.15	0.3	0.4

**NPDES No. PA0214469 (Mining Permit No. 56831602), Reitz Coal Company, LLC**, (509 15th Street, Windber, PA 15963). A renewal to the NPDES and mining activity permit for the Reitz No. 4 Plant in Shade Township and Central City Borough, **Somerset County**. Receiving stream: Dark Shade Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TDML. The application was considered administratively complete on November 7, 2012. Application received June 1, 2012.

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.

*Outfall 001* discharges to: Dark Shade Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 05' 14" Long: 78° 50' 12") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.029	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settable Solids (mg/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

**NPDES No. PA0100803 (Mining Permit No. 17841607), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for the Bigler Coal Preparation Plant in Bradford Township, **Clearfield County**. Surface Acres Affected 84.2. Receiving stream: Roaring Run, classified for the following use: CWF. Clearfield Creek Watershed TMDL. The application was considered administratively complete on July 20, 2011. Application received December 27, 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.

*Outfall 001* discharges to: Roaring Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 59' 44" Long: 78° 19' 15") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	<0.01	-
Iron (mg/l)		3.0	6.0	7.0
Settable Solids (ml/l)		0.2	0.4	0.5
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Dissolved Solids (mg/l)		-	-	REPORT
Sulfates (mg/l)		-	-	REPORT

*Outfall 002* discharges to: Roaring Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 59' 39" Long: 78° 19' 04") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	<0.01	-
Iron (mg/l)		3.0	6.0	7.0
Settable Solids (ml/l)		0.2	0.4	0.5
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Dissolved Solids (mg/l)		-	-	REPORT
Sulfates (mg/l)		-	-	REPORT

*Outfall 003* discharges to: Roaring Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 59' 42" Long: 78° 19' 08") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	<0.01	-
Iron (mg/l)		3.0	6.0	7.0
Settable Solids (ml/l)		0.2	0.4	0.5
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Total Dissolved Solids (mg/l)		-	-	REPORT
Sulfates (mg/l)		-	-	REPORT

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. 0257893 (Mining Permit No. 17120101), Forcey Coal, Inc.**, (475 Banian Road, Madera PA 16661) new NPDES permit for bituminous coal surface mining in Lumber City Borough, **Clearfield County**, affecting 55.0 acres. Receiving streams: Unnamed Tributary to the West Branch Susquehanna River classified for the following use: Warm Water Fishery (West Branch Susquehanna River TMDL). Application received: April 6, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall listed below discharges to: Unnamed Tributary to the West Branch Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0224162 (Mining permit no. 28010302), David H. Martin Excavating, Inc.** 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of an NPDES permit for non-coal surface mining activities in Antrim Township, **Franklin County**, affecting 48.5 acres. Receiving stream(s): unnamed tributary to Muddy Run, classified for the following use(s): high quality cold water fishery. This receiving stream is included in the Conococheague Creek Watershed TMDL. Application received: September 4, 2012.

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 stormwater outfall(s) listed below discharge to an unnamed tributary to Muddy Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP 4001	N
SP 4003	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## 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: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E39-518. 4 Seasons Garden Center**, 8354 Carpet Road, New Tripoli, PA 18066, in Upper Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall in the floodway of Breinig Run (HQ-CWF, MF) consisting of an 18-inch diameter HDPE pipe, endwall and riprap apron. The project is located at 9005 Hamilton Boulevard (Topton, PA Quadrangle, Latitude: 40°32'29.0"; Longitude: -75°38'03.5").

**E45-578. Fred & Deborah McQuiston**, 696 Sunnyside Avenue, Audubon, PA 19403, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot by 12-foot floating wooden dock in Arrowhead Lake (EV) with a 4-foot wide by 27-foot long wooden gangway across approximately 25 feet of wetlands (EV). The project is located along Lake Shore Drive near its intersection with Chippewa Drive on Lots 55 & 56, Block 25A, Section 7 of the Arrowhead Lakes Development (Thornhurst, PA Quadrangle, Latitude: 41°09'3.8"; Longitude: -75°33'32.2").

**E48-420. Saucon Valley School District**, 2097 Polk Valley Road, Hellertown, PA 18055, in Lower Saucon Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 4-foot wide foot bridge across Polk Valley Run (CWF, MF) having a 16-foot span and a 5.5-foot underclearance. The project is located on the west side of Polk Valley Road (T566) south of the Saucon Valley Elementary School (Hellertown, PA Quadrangle, Latitude: 40°34'8"; Longitude: -75°19'53").

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E59-515. Erica A. Butler**, 4161 Baldwin Run Road, Wellsboro, PA 16901-7706. Butler Access Road Project, Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Latitude: 41° 47' 52.4"; Longitude: 77° 18' 35.5").

The applicant is seeking authorization to construct, operate and maintain a private access bridge across Baldwin Run (High Quality—Cold Water Fishery). The private bridge shall be constructed with a single span having a minimum width of 14-feet, underclearance of 4.4-feet and clear span of 25-feet. Construction of the in-stream bridge footings and abutments shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. As proposed, construction poses 25-feet of permanent stream impact. The project is located along the northeastern right-of-way of Baldwin Run Road (T-531) approximately 2500-feet northwest of SR 0287 and T-531 intersection.

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1680. The Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County**; ACOE Pittsburgh District

Applicant proposes to construct and maintain two (2) outfall structures (a 42 inch diameter outfall structure and a 54 inch diameter outfall structure) on the left bank of the Allegheny River for the purpose of separating the existing combined sewer system. The project is located just upstream from the 16th Street Bridge (Pittsburgh

East PA Quadrangle N: 13.9 inches; W: 15.8 inches; Latitude: 40-27'-06"; Longitude: 79-59'-19") in the City of Pittsburgh, Allegheny County.

*Southwest Region: Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**[Permit # 95-7-60915-18]. Range Resources—Appalachia LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317. Project proposes to operate and maintain the Hibbits Impoundment Dam (42.61 ac-ft) as a centralized impoundment to collect and store flow-back water and fresh water, for the use and re-use of hydraulic fracturing water, from the Hercules, James Unit Well (# 2H, 5H, and 7H), and future wells in the area (PA Quadrangle; Canonsburg, Latitude: N 40° 09' 13.3", Longitude: W 80° 25' 17.66"), Donegal Township, **Washington County**. Pittsburgh ACOE District, State Water Plan Basin 20-E, Wheeling—Buffalo Creeks Watershed (HQ-WWF).

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5829-043: Williams Field Services Company, LLC**, 1605 Coraopolis Heights Road, Moon Township, PA 15108, Dimock and Springville Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 16-inch diameter natural gas gathering pipeline crossing impacting 330 lineal feet (0.01 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 42' 45", Long. -75° 56' 33");

2. a 16-inch diameter natural gas gathering pipeline crossing impacting 1.33 lineal feet of an unnamed tributary to White Creek (CWF-MF) (Springville, PA Quadrangle; Lat. 41° 42' 45", Long. -75° 56' 32");

3. a 16-inch diameter natural gas gathering pipeline crossing impacting 1.33 lineal feet of an unnamed tributary to White Creek (CWF-MF) (Springville, PA Quadrangle; Lat. 41° 42' 45", Long. -75° 56' 29");

4. a 16-inch diameter natural gas gathering pipeline crossing impacting 231 lineal feet (0.01 acre) of a PFO wetland (Springville, PA Quadrangle; Lat. 41° 42' 44", Long. -75° 56' 23");

5. a 16-inch diameter natural gas gathering pipeline crossing impacting 579 lineal feet (0.02 acre) of a PFO wetland (Springville, PA Quadrangle; Lat. 41° 42' 44", Long. -75° 56' 3");

6. a 16-inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,528 square feet (0.06 acre) of a PEM wetland (Springville, PA Quadrangle; Lat. 41° 42' 49", Long. -75° 55' 28");

7. a 16-inch diameter natural gas gathering pipeline and timber mat bridge crossing impacting 60 lineal feet of an unnamed tributary to Thomas Creek (CWF-MF) (Springville, PA Quadrangle; Lat. 41° 42' 49", Long. -75° 55' 20");

8. a 16-inch diameter natural gas gathering pipeline and timber mat crossing impacting 528 square feet (0.01 acre) of a PSS wetland (Springville, PA Quadrangle; Lat. 41° 42' 49", Long. -75° 55' 18").

The Shields to Springville Pipeline Lateral project will convey natural gas, for approximately 1.4 miles, between the Shields and Lathrop Compressor Stations. The project will result in 63 lineal feet of temporary stream impacts and a total of 0.10 acre (4,538 square feet) of temporary

wetland impacts all for the purpose of providing safe and reliable transportation capacity for natural gas from the Marcellus Shale formation to eastern markets.

**E4129-060: PVR Marcellus Gas Gathering, LLC**, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch natural gas pipeline and a timber mat bridge impacting 53 linear feet of First Fork Larrys Creek (EV,MF) and 748 square feet of adjacent palustrine emergent (PEM) wetland (Waterville Quadrangle 41°20'37"N 77°18'11"W).

The project will result in 53 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

#### EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit.

Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

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

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**Applications received under sections 5 and 402 of  
The Clean Streams Law (35 P.S. §§ 691.5 and  
691.402)**

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*Northwest Region: Oil and Gas Program Manager, 230  
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-053-0010B—Warrant B

Major Modification

Applicant Catalyst Energy, Inc

Contact Mr. Douglas Jones

Address 800 Cranberry Woods Drive; Suite 290

City Cranberry Township State PA Zip Code 16066

County Forest Township(s) Hickory(s)

Receiving Stream(s) and Classification(s) Beaver Run /  
Wolf Run / Lick Run

ESCGP-1 #ESX12-083-0073—Heartwood 6" Pipeline  
Applicant Pennsylvania General Energy, LLC  
Contact Address 120 Market Street  
City Warren State PA Zip Code 16365  
County McKean Township(s) Norwich and Liberty(s)  
Receiving Stream(s) and Classification(s) Parker Run,  
Hamlin Run, Railroad Run, Scaffold Lick Run, and  
Colegrove Brook

ESCGP-1 #ESX12-039-0005-Kerecman 1H Reserve 2 Pad

Applicant Halcon Operating Co Inc

Contact Jon Wright

Address 1000 Louisiana Street, Suite 6700

City Houston State TX Zip Code 77002

County Crawford Township(s) North Shenango(s)

Receiving Stream(s) and Classification(s) Bennett Run-  
Ohio River Basin in PA (List W)-WWF

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**ACTIONS**

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**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 pro bono representation. call the secretary to the board at (717) 787-3483 for more information.



**I. NPDES Renewal Permit Actions**

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<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>
PA0065170 (Sewage)	Benton Park STP Franklin Valley Road Fleetville, PA 18420-0188	Lackawanna County Benton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y
PA0062499 (Sewage)	Southern Lehigh School District Lower Milford Elementary School 7350 Elementary Road Coopersburg, PA 18036	Lehigh County Lower Milford Township	Hosensack Creek (3-E)	Y
PA0031071 (Sewage)	St Pius X Seminary STP 1000 Seminary Road Dalton, PA 18414-9547	Lackawanna County Dalton Borough	Unnamed Tributary to Ackerly Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086215 (Sew)	Jay Peifer—Peifer Brothers / Shalako Run MHP PO Box 550 Elizabethtown, PA 17022	York County / Lower Windsor Township	UNT Cabin Creek / 7-I	Y
PA0083020 (Sew)	Forbes Road School District— Forbes Road High School & Elementary School 159 Red Bird Drive Waterfall, PA 16689-7138	Fulton County / Taylor Township	UNT Elder's Branch / 12-C	Y
PA0083194 (Sew)	Mark Davis HMS Host / Blue Mountain Turnpike Plaza PO Box 8 Middletown, PA 17057-0008	Cumberland County / Hopewell Township	Newburg Run / 7-C	Y

*Northwest Region: Clean Water 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>
PA0103292 (Sewage)	Hamilton Township Ludlow STP State Highway 6 West Ludlow, PA 16333	McKean County Hamilton Township	Twomile Run (16-F)	Y
PA0103209 (Sewage)	Wattsburg Area School District Campus-STP 10770 Wattsburg Road Erie, PA 16509-5422	Erie County Greene Township	Unnamed Tributary of LeBoeuf Creek (16-A)	Y

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0050482**, Sewage, **Freedoms Foundation at Valley Forge**, 1601 Valley Forge Road, Valley Forge, PA 19482-0706.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.0189 mgd of treated sewage from a facility known as Freedoms Foundation STP to Jug Hollow Run in Watershed 3-F.

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

**NPDES Permit No. 4487402, Amendment 12-1**, Sewage, **Burnham Borough Authority**, 200 1st Avenue, Burnham, PA 17009-1640.

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

Description of Proposed Action/Activity: Permit amendment to include the following: 1) Revised maximum Daily Organic Loading (MDOL) and Maximum Monthly Organic Loadings from 1,350 #/day to 1,140 #/day. 2) Revised blower

size to reflect lower organic loadings. 3) Revised layout for SBR /Aerobic Digester /Post SBR Equalization Tanks and Chemical Buildings. 4) Revised the location of the screening facility. 5) Revised layout for grit removal system. 6) Added provision for supplemental alkalinity and supplemental carbon sources. 7) Deleted use of Hypochlorite for disinfection and Sodium bisulfate for de-chlorination 8) Revised location and arrangement of Reed Beds.

**NPDES Permit No. 3605403, Amendment 11-1**, Sewage, **Millersville Borough**, 100 Municipal Drive, Millersville, PA 17551.

This proposed facility is located in Millersville Borough, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment for the replacement of the Creek Drive Pump Station with a triplex pumping system and a new comminutor.

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

**NPDES Permit No. PA0254371**, Industrial Waste, **Marianna Municipal Water Works County**, PO Box 368, Marianna, PA 15345-0368

This proposed facility is located in Marianna Borough, **Washington County**

Description of Proposed Action/Activity: Permit issuance for industrial waste discharge.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**WQM Permit No. 2670407-A2**, Sewerage, **Menallen Township Sewer Authority**, 427 Searights Herbert Road, Uniontown, PA 15401-5137

This existing facility is located in Menallen Township, **Fayette County**

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 6371406-A3**, Sewerage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314

This existing facility is located in Fallowfield Township, **Washington County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

**WQM Permit No. 6210404**, Sewage, **City of Warren**, 318 West Third Avenue, Warren, PA 16365-2388.

This proposed facility is located in Warren City, **Warren County**.

Description of Proposed Action/Activity: This permit is for construction of a new municipal WWTP to replace an aging treatment works.

**WQM Permit No. WQG018855**, Sewage, **Keith R. Jackson d/b/a the Sydney Ellison Irrevocable Trust**, Suite 2I-7, 3025 Washington Road, McMurray, PA 15317.

This proposed facility is located in Eldred Township, **McKean County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912018	Lehigh-Northampton Airport Authority 3311 Airport Rd. Allentown, PA 18109	Lehigh	Catasauqua Borough, Hanover Township	UNT to Catasauqua Creek, HQ-CWF, MF; UNT to Lehigh River, CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033612003	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	UNT to Pequea Creek (HQ-CWF)

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053212001	PennDOT Dist. 10-0 PO Box 429 25550 Oakland Avenue Indiana, PA 15701	Indiana	Brush Valley Township	Brush Creek (CWF)
PAI056512001	Regional Trail Corporation PO Box 95 West Newton, PA 15089	Westmoreland	Salem Township	UNTs to Getty Run (WWF), Beaver Run Reservoir and UNTs (HQ-CWF), and Beaver Run and UNTs (HQ-CWF)
PAI056512002	JV 10, LLC 14431 Route 30 North Huntington, PA 15642	Westmoreland	Municipality of Murrysville	UNT to Steel Run (HQ-CWF)

### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *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>
Wrightstown Township Bucks County	PAG0200 0912052	Orleans Homebuilders, Inc. 333 Street Road, Suite 101 Bensalem, PA 19020	Jericho Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0912017	County View Properties 55 Lynn Avenue Warminster, PA	Pennypack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

7317

<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>
Lower Makefield Township Bucks County	PAG0200 0912062	Quaker Group Bucks II, LP 1103 Laurel Oak Road, Ste 103 Voorhees, NJ 08043	Bucks and Brock Creeks (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG0200 1510045-R	Wal-Mart Real Estate Business 2001 SE 10th St Mail Stop 570 Bentonville, AR 72716-5570	East Branch Red Clay Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New London Township Chester County	PAG0200 1512031	Dewall's Bus Service 668 West Avondale Road West Grove, PA 19390	West Branch White Clay Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Bradford Township Chester County	PAG0200 1511037	Bright Glade Farms CSII Conzone, LP 865 Easton Road Warrington, PA 18976	Unnamed Tributary East Branch Brandywine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAG0200 2310026-R	Bethel Developers, LP 1 Raymond Drive, Ste 2 Havertown, PA 19083	South Branch Naamans Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Rose Valley Borough Delaware County	PAG0200 2306058-R1	NVWS Associates, LP 347 East Conestoga Road Wayne, PA 19087	Ridley Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4612047	David Blumenfeld 1818 Market Street, Ste 2920 Philadelphia, PA 19103	Cobbs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5106046-R	Great Oak Holdings, Inc. 18 West Highland Avenue Philadelphia, PA 19118	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lehigh Twp., Northampton County	PAG02004812013R	Mark Harlacker McAuliffe Hauling and Recycling Services, Inc. 354 Alexander Spring Rd. Suite 3 Carlisle, PA 17015	UNT to Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Bethlehem Twp., Northampton County	PAG02004807006R	Louis P. Pektor Ashley Development Corp. 559 Main St. Suite 300 Bethlehem, Pa 18018	UNT to Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Wilkes-Barre City, Luzerne County	PAG02004012016	Penrac LLC 2625 Market Place Harrisburg, PA 17110	Unnamed Tributary to Laurel Run, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Sugarloaf Twp., Luzerne County	PAG02004012014	PA Department of Transportation District 4-0 Debbie Noone 55 Keystone Industrial Park Dunmore, Pa 18512	Black Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991

<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>
Whitehall Twp., Lehigh County	PAG02003912013	Robert Zentz Bible Fellowship Church Homes, Inc. 3000 Fellowship Dr. Whitehall, PA 18052	Jordan Creek, TSF, MF	Lehigh County Cons. Dist. 610-391-9583
Whitehall Twp. and Borough of Coplay, Lehigh County	PAG02003911004	David Scheuermann DVS Enterprises, Inc. 5285 W. Coplay Rd. Whitehall, PA 18052	Coplay Creek, CWF, MF	Lehigh County Cons. Dist. 610-391-9583
City of Scranton and Dunmore Boro., Lackawanna County	PAG02003512015	Wendy Yankelitis, Marywood University 2300 Adams Avenue Scranton, PA 18509	Unnamed Tributary to Lackawanna River CWF, MF	Lackawanna County Cons. Dist. 570-281-9495

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<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>
Amity Township Berks County	PAG02000610062R	Giovanna Raffaelli Heritage Building Group, Inc. 865 Easton Road, Suite 250 Warrington, PA 18976	Leaf Creek/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Upper Bern Township Berks County	PAG02000612025	Dave Vitez DSM Enterprises 428 Fork Mountain Road Auburn, PA 17922	Wolf Creek/CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Dickinson and South Middleton Townships Cumberland County	PAG02002107013	US Real Estate Limited Partnership, a Texas Limited Partnership By: USAA Real Estate Company, as its General Partner 9830 Colonnade Boulevard San Antonio, TX 78230	Alexander Spring Creek/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Upper Frankford Township Cumberland County	PAG02002112021	Bryant Minnich 898 Grahams Woods Road Newville, PA 17241	Bloser Creek/WWF & Locust Creek/WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Ayr Township Fulton County	PAG02002911004(2)	Bryce Veon 61 Executive Drive West Middlesex, PA 16159	UNT to Big Cove Creek/ CWF	Fulton Co Conservation District 216 N. Second Street, Suite 15 McConnellsburg, PA 17233 717.485.3547, Ext 121
West Hempfield Township Lancaster County	PAG02003612058	Sylvan Partners, LP 3115 Nolt Road, Suite 700 Lancaster, PA 17601	UNT Strickler Run/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

**NOTICES**

**7319**

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Donegal Township Lancaster County	PAG02003612068	Crowe Transportation 2388 North Market Street Elizabethtown, PA 17022	UNT Conewago Creek/ TSF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township Lancaster County	PAG02003612082	PPL Electric Utilities Two North Ninth Street Allentown, PA 18101	Conestoga River & Cocalico Creek/ WWF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Earl Township Lancaster County	PAG02003612086	Edwin Z. Hoover & Leonard R. Hoover 602 East Farmersville Road New Holland, PA 17557	Conestoga River/ WWF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Codorus Township York County	PAG02006706064(2)	Codorus Ventures, LLC 113 Westminster Road Reistertown, MD 21136	UNT of Codorus Creek/ CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township York County	PAG02006712044	Tim Fulton Susquehanna Real Estate, LP 140 East Market Street York, PA 17401	UNT of Codorus Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Township York County	PAG02006707021R	James Craft JG Leasing Co., Inc. PO Box 8 York Haven, PA 17370	Fox Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Manheim Township York County	PAG02006707031R	Kenneth Martz Jr. KEM Construction 711 Pumping Station Road Hanover, PA 17331	West Branch of Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Carroll Township York County	PAG02006712013	Kevin Anderson 5006 East Trindle Rd., Suite 203 Mechanicsburg, PA 17050	Dogwood Run/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Patton Township Centre County	PAG02001408004R	Ben Heim Keystone Real Estate Group 444 E College Ave Ste 560 State College PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Facility Location:*

<i>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>
Rayburn Township Armstrong County	PAG02000312004	Rayburn Township Joint Municipal Authority PO Box 776 Kittanning, PA 16201	Cowanshannock Creek (TSF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*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>
Cranberry Township Butler County	PAG02001012043	Robert Ferree Dutilh Property Associates 4848 Route 8 Allison Park PA 15101	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012046	Pennsylvania Power Co. 76 South Main Street Akron OH 44308	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012048	CWH2 Associates LP 215 Executive Drive, Suite 300 Cranberry Township PA 16066	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Union Township Lawrence County	PAG02003706005R(1)	Arbor Development Group Inc Attn: Mr. David Chapin 4420 Miraloma Avenue, Suite A Anaheim CA 92807	UNT Big Run WWF	Lawrence County Conservation District 724-652-4512
City of Sharon Mercer County	PAG02004311001R	Sharon City School District 215 Forker Road Sharon PA 16146	Pine Run WWF	Mercer County Conservation District 724-662-2242
Pine Township Mercer County	PAG02004312010	GE Corporation Co. John L Singleton 660 Barkeyville Road Grove City PA 16127	Wolf Creek CWF	Mercer County Conservation District 724-662-2242
Springfield Township Mercer County	PAG02004312011	Larry Dick GCDS LLC 306 Sycamore Street Altoona PA 16602	UNT Black Run CWF	Mercer County Conservation District 724-662-2242
Cranberry Township Venango County	PAG02006112007	Cranberry-Venango County General Authority 3726 SR 257, PO Box 378 Seneca PA 16346	Sage Run CWF	Venango County Conservation District 814-676-2832

*General Permit Type—PAG-3*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springettsbury Twp York County	PAR203547	Apex Tool Group York 3990 East Market Street York, PA 17402	UNT to Kreutz Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

## NOTICES

7321

<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>
Delaware Township Juniata County	PAR223528	AC Products Thompsontown 12393 William Penn Highway Thompsontown, PA 17094	UNT to Locust Run / CWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Brady Township Lycoming County	PAR504801	Lycoming County PO Box 187 Alexander Drive Montgomery, PA 17752	Unnamed Tributary of Black Run and Unnamed Tributary to Black Run—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Williamsport City Lycoming County	PAR804865	Fedex Freight Inc. 2200 Forward Drive Harrison, AR 72601	Unnamed Tributary of West Branch Susquehanna River— 10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Montgomery Borough Lycoming County	PAR314834	Peak Energy Services 107 Miller Avenue Montgomery, PA 17752	Unnamed Tributary to West Branch Susquehanna River— 10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
West Chillisquaque Township Northumberland County	PAR804838	New Penn Motor Express Inc. Milton Industrial Park 130 Sodom Road Milton, PA 17847	Unnamed Tributary of West Branch Susquehanna River and Unnamed Tributary to West Branch Susquehanna River— 10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Cecil Township Washington County	PAR806239	Weavertown Transport Leasing, Inc. 2 Dorrington Road Carnegie, PA 15106	UNT to Miller's Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Dunbar Township Fayette County	PAR606180	Butchko Brothers, Inc. PO Box 675 Connellsville, PA 15425	UNT to Dunbar Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Franklin Borough Cambria County	PAR606223	EMF Development Corporation 365 Bassett Road Hooversville, PA 15936-7608	Little Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000



<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>
Quemahoning Township Somerset County	PAR606167	Rollock Company 156 Rollock Road Stoystown, PA 15563	Two Mile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Jenner Township Somerset County	PAR606146	Roy Hemminger 6288 Penn Avenue Friedens, PA 15541	UNT to Quemahoning Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*Northwest Region: Clean Water 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>
Oil City Venango County	PAR238329	Consolidated Container Co LP 400 Indeco Boulevard Suite B Atlanta, GA 30336	Allegheny River 16-E	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Meadville City Crawford County	PAR208342	Channelock, Inc. 1306 South Main Street Meadville, PA 16335	French Creek 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Meadville City Crawford County	PAR208343	Channelock, Inc. 1306 South Main Street Meadville, PA 16335	French Creek 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Bradford Township McKean County	PAR148303	Georgia Pacific Corrugated, II LLC 1 Owens Way Bradford, PA 16701-3750	Unnamed Tributary to East Branch Tunungwant Creek and Toad Hollow Run (007 & 009) 16-C	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>
Upper Salford Township Montgomery County	PAG040081	Mr. William B. Smith PO Box 105 Salford, PA 18957-0105	Unnamed Tributary to Perkiomen Creek—3-E	Southeast Region Clean Water Program Manager 2 E. Main Street Norristown, PA 19401 484-250-5970

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Eldred Township McKean County	PAG041088 Keith R. Jackson d/b/a The Sydney Ellison Irrevocable Trust Suite 2I-7 3025 Washington Road McMurray, PA 15317	Unnamed Tributary to the Allegheny River 16-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

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

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Slippery Rock Borough Butler County	PAG058364 Sheetz, Inc. 5700 Sixth Street Altoona, PA 16602-1111	Unnamed Tributary to Slippery Rock Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Stoneboro Borough Mercer County	PAG058378 Leslie Dye d/b/a Dye's Service Station P. O. Box 185 Stoneboro, PA 16153-0335	Storm Sewer to Sawmill Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Saint Marys City Elk County	PAG058354 Delullo's Car Wash and Market, Inc. 19 John Street Saint Marys, PA 15857	Unnamed Tributary to Elk Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-12*

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Berks County	PAG123591 Dennis Ulrich Farm 330 Brown Road Bethel, PA 19507	Mill Creek / CWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Lurgan Township Franklin County	PAG123743 Dream Farms 13689 Dream Highway Newburg, PA 17240	UNT to Conodoguinet Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
South Londonderry Twp. Lebanon County	PAG123545 Meadow Run Farm 138 Airport Road Marietta, PA 17547	UNT to Little Chickies Creek / TSF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

## 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.

**NUTRIENT MANAGEMENT PLAN  
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>
Roy Diem 3409 Smoketown Road Spring Grove, PA 17362	York	15.1	285.06	Layers	None	Approved
John Wanner 5800 Wanner Road Narvon, PA 17555	Lancaster	683.2	1428.13	Dairy	HQ	Approved
S & A Kreider 761 Spring Valley Road Quarryville, PA 17566	Lancaster	916.2	2402.5	Dairy	HQ	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 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: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 1511525**, Public Water Supply.  
Applicant **Loags Corner Mobile Home Park POB**  
251 Morgantown, PA 19543  
Township West Nantmeal  
County **Chester**  
Type of Facility PWS  
Consulting Engineer James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401  
Permit to Construct Issued November 13, 2012

**Permit No. 1511526**, Public Water Supply.  
Applicant **Devereux Foundation Glen Moore**  
Devereux Road  
PO Box 69  
Glenmoore, PA 19343  
Township Wallace  
County **Chester**  
Type of Facility PWS  
Consulting Engineer James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401  
Permit to Construct Issued November 13, 2012

**Permit No. 1511543**, Public Water Supply.  
Applicant **West Vincent Township St. Stephens Greene**  
729 St. Matthews Road  
Chester Springs, PA 19425  
Township West Vincent

County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Carroll Engineering Corporation  
 949 Easton Road  
 Warrington, PA 18976  
 Permit to Construct November 13, 2012  
 Issued

**Permit No. 4612516**, Public Water Supply.

Applicant North Penn Water Authority  
 300 Forty Foot Road  
 POB 1659  
 Lansdale, PA 19446  
 Township Franconia  
 County Montgomery Type of Facility  
 PWS  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 PO Box 32  
 Reading, PA 19603  
 Permit to Construct November 13, 2012  
 Issued

**Permit No. 4612524**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
 Aqua PA Hatboro  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Upper Moreland  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Aqua Pennsylvania, Inc.  
 Aqua PA Hatboro  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Permit to Construct November 13, 2012  
 Issued

**Permit No. 2312505**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
**Aqua PA-Main System**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Newtown  
 County **Delaware**  
 Type of Facility PWS  
 Consulting Engineer Aqua Pennsylvania, Inc.  
 Aqua PA-Main System  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Permit to Construct November 13, 2012  
 Issued

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

**Operations Permit** issued to: **Christ United Church of Christ**, 7010987, Union Township, **Adams County** on 11/9/2012 for the operation of facilities approved under Construction Permit No. 0112509 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **PA American Water Company**  
 [Township or Borough] Milton Borough  
 County **Northumberland**  
 Responsible Official Mr. David R. Kaufman  
 Vice President—Engineering  
 PA American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued November 9, 2012  
 Description of Action Operation of the two 238,000  
 gallon Milton Sludge Tanks.

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

**Operation Permit** issued to **Erie City Water Authority d/b/a Erie Water Works**, PWSID #6250028, Millcreek Township, **Erie County**. Permit Number 2789-T1-MA4 issued November 9, 2012 for the operation of the Old Zuck Road Pump Station located in Millcreek Township, Erie County. This permit is issued in response to an operation inspection conducted by Erie County Department of Health personnel on October 25, 2012.

**Construction/Operation Permit** issued to **JLT Rentals, Inc. d/b/a Warner's Mobile Home Park**, PWSID #6250008, Wayne Township, **Erie County**, November 8, 2012, for the construction/operation of the replaced pressure filters for iron and manganese treatment. Construction and Operation authorized simultaneously under permit number 2597501-T1-MA1 issued March 8, 2012.

**Operation Permit** issued to **Bernie's Mobile Home Park**, PWSID #5100026, Winfield Township, **Butler County**. Permit Number 1012502 issued November 9, 2012 for the operation of the 4-Log Treatment of Viruses for Groundwater Wells No. 1 and 2 via Entry Point No. 101.

**Transfer of Operation Permit** issued to **Bernie's Mobile Home Park LLC**, PWSID #5100026, Winfield Township, **Butler County** on November 9, 2012. Action is for change in ownership; the potable water supplier will do business as Bernie's Mobile Home Park. The new permit number is 1012501-T1.

**Permit No. 2512508** Public Water Supply  
 Applicant **Pebble Beach Campground**  
 Township or Borough Springfield Township  
 County **Erie**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert L. Rabell  
 R. L. Rabell Surveying &  
 Engineering  
 10560 Walnut Street  
 Albion, PA 16401  
 Permit to Construct November 14, 2012  
 Issued

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**SEWAGE FACILITIES ACT PLAN APPROVAL**


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**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**


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*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>
Robeson Township	2689 Main St. Birdboro, PA 19508	Berks County

*Plan Description:* Approval of a revision to the official plan of Robeson Township, Berks County. The project is known as Quaker Ridge V Subdivision. The plan provides for a 24 lot residential subdivision to generate a total of 12,000 gallons sewage per day each to be served by individual on-lot septic systems. The proposed development is located on Quaker Hill Rd., Robeson Twp., Berks County. 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 C3-06954-221-2 and the APS Id is 691888. Permits for on lot sewage disposal systems must be obtained from the municipality.

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**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**


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**UNDER ACT 2, 1995**
**PREAMBLE 2**


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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of

receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Avalon Cleaners**, 511 Pierce Street, Kingston Borough, **Luzerne County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Combined Remedial Investigation Report/Cleanup Plan/Final Report (on behalf of his client, David T. Andes, 348 Pierce Street, Kingston, PA 18704), concerning the remediation of soil and groundwater found to have been impacted by PCE as a result of historical operations at this former dry cleaning establishment. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil and groundwater. The anticipated future use of the subject property is for non-residential purposes. A summary of the Notice of Intent to Remediate was published in *The Citizens Voice* on July 8, 2011. A summary of the Combined Remedial Investigation Report/Cleanup Plan/Final Report was published in *The Citizens Voice* on October 17, 2012.

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

**Susquehanna Valley Nursing & Rehabilitation Center**, 745 Old Chickies Hill Road, Columbia, PA 17512, Columbia Borough, **Lancaster County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Susquehanna Valley Nursing & Rehabilitation Center, LP, 9900 Walther Boulevard, Baltimore, MD, 21234 and Susquehanna Valley Nursing & Rehabilitation Center, LLC, 745 Old Chickies Hill Road, Columbia, PA 17512, submitted a Final Report concerning site soils and groundwater contaminated with No. 2 fuel oil released during removal of an underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Vanity Fair Powerhouse Site**, 801 Hill Avenue, Reading, PA 19610, Wyomissing Borough, **Berks County**. Environmental Resources Management, 350 Eagleview Boulevard, Suite 200, Exton, PA 19341, on behalf of Rockwell Automation, 1201 South Second Street, Mail Stop B5 M28, Milwaukee, WI, 53204 and VF Factory Outlet, Inc., 801 Hill Avenue, Reading, PA 19610 submitted a Final Report concerning site soils and groundwater contaminated with No. 4 and No. 6 fuel oils. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

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**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**


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**UNDER ACT 2, 1995**
**PREAMBLE 3**


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**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).**

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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:

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

**Bard Town Houses**, 100 Bard Drive, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. BL Companies, Inc., 213 Market Street, Harrisburg, PA 17101, on behalf of Shippensburg Reserve Partnership, 2601 West 26th Street, Erie, PA 16506, and Corridor Shippensburg, LLC, 20 Avon Meadow Lane, Avon, Connecticut, 06001, submitted a Final Report concerning the remediation of site soils and groundwater 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 7, 2012

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

**FT Seismic Rig Fire**, Jay Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of F. T. Seismic Support, Inc., 4530 County Route 6, Avoca NY 14809 has submitted a Final Report concerning the remediation of site soil contaminated with Lead, Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthrene, Benzo[g,h,i]perylene, Chrysene, Indeo[1,2,3-cd]pyrene, and Pyrene. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 7, 2012.

**Missing Moon Crude Oil Release**, Glade Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Missing Moon Oil, Inc., 6383 Canoe Ripple Road, Knox, PA 16232 has submitted a Final Report concerning the remediation of site soils contaminated with crude oil, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The site has been remediated within 90-days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 9, 2012.

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

**Robertshaw Controls Facility (Former)**, Hillis Street and Third, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysville PA 15668-1848 on behalf of Robertshaw Controls Company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products. The Final Report demonstrated attainment of a non-residential site specific standard and was approved by the Department on November 15, 2012.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR019-SC002. Eastco Enterprises**, 454 East Princess Street, P. O. Box 291, York, PA 17405-0291. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGR019 to Eastco Enterprises, Inc. for their facility located at 200 East Richland Avenue, Myerstown, PA in Jackson Township, **Lebanon County**. The permit was issued November 16, 2012.

Persons interested in obtaining more information about this general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) withdrawn under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.*

**Permit ID No. 300491. EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748 for operation of the Homer City Station Ash Disposal Site Landfill located in Center and Blacklick Townships, **Indiana County**. Permit modification for renewal of the existing captive residual waste landfill withdrawn from the Regional Office on November 15, 2012.

**Permit ID No. 300876. GenOn Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317 for operation of the Conemaugh Station Ash/Residual Disposal Site Landfill located in West Wheatfield Township, **Indiana County**. Application for major permit modification for the Stage III Liner System withdrawn from the Regional Office on November 15, 2012.

**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*

**39-302-203GP1: Samuel Adams PA Brewery Co.** (7880 Penn Drive, Breinigsville, PA 18031) on October 31, 2012, to operate three (3) boilers at their site in Upper Macungie Township, **Lehigh County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**GP3-06-03157: Haines & Kibblehouse, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 9, 2012, for portable nonmetallic mineral processing equipment under GP3 at the Dollar General Warehouse Jobsite in Bethel Township, **Berks County**.

**GP9-06-03157: Haines & Kibblehouse, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 9, 2012, for four diesel-fired engines under GP9 to power stone crushing equipment at the Dollar General Warehouse Jobsite in Bethel Township, **Berks County**.

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

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

**GP3-41-580D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 5, 2012, to relocate and operate one McCloskey R155 portable crushing unit with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Hagerman's Run facility in Armstrong Township, **Lycoming County**.

**GP11-41-580D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 5, 2012, to relocate and operate one 130 brake horsepower, Caterpillar 3054C diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at the Hagerman's Run facility in Armstrong Township, **Lycoming County**.

**GP3-41-709: Duffy, Inc.** (PO Box 374, 1 Delta Drive, Smethport, PA 16749) on November 5, 2012, to locate and operate a Fast Trac FT2650 portable jaw crusher with associated water spray dust suppression system, and a CRC Road Runner vibratory screen with a Terex Finlay screen as a backup unit pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Johnson Well Pad Tract 293 site in McHenry Township, **Lycoming County**.

**GP11-41-709: Duffy, Inc.** (PO Box 374, 1 Delta Drive, Smethport, PA 16749) on November 5, 2012, to locate and operate one 275 bhp CAT C9 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at the Johnson Well Pad Tract 293 site in McHenry Township, **Lycoming County**.

**GP5-12-061: Seneca Resources Corp.** (5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237) on October 19, 2012, to construct and operate a 840 brake horsepower, Waukesha model VHP-F3524GSI, rich-burn natural gas-fired engine with a 3-way catalyst and a 3 MMscf/day dehydrator pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the Rich Valley Compressor Station in Shippen Township, **Cameron County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-01023: R.E. Gas Development, LLC** (476 Rolling Ridge Drive, State College, PA 16801) on November 2, 2012, to allow the installation and operation of one 500 bhp Caterpillar natural gas-fired compressor engine and one 5 MMscfd dehydrator at the Orgavan Compressor Station in Derry Township, **Westmoreland County**.

**GP5-03-00247C: Snyder Brothers Inc.** (90 Glade Drive, Kittanning, PA 16201) on November 15, 2012, to operate three natural gas-fired compressor engines rated at 630, 1005, and 1340 bhp respectively and replace the TEG dehydrator with a 20 MMscfd unit at the Furnace Run Compressor Station in East Franklin Township, **Armstrong County**.

**GP5-32-00344C: Keyrock Energy, LLC** (2800 Route 982, Mt. Pleasant, Pa 15666) on November 16, 2012, to authorize the installation and operation of a Caterpillar Compressor Engine, rated at 415 bhp; removal of the existing Waukesha Compressor Engine, rated at 738 bhp, from service, and authorize the continued operation of

additional previously authorized equipment at their Ferguson Compressor Station in Burrell Township, **Indiana County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP3-61-210A: Glenn O. Hawbaker, Inc.—Harrisville Plant** (157 Hawbaker Industrial Boulevard, Grove City, PA 16127) on October 26, 2012, to install of two (2) crushers, two (2) vibratory screens, and twenty-two conveyers (BAQ-GPA/GP-3) in Barkeyville Borough, **Venango 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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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

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

**49-00065A: Polar Tech Industries of Pennsylvania, Inc.** (1017 West Valley Avenue, Elysburg, PA 17824) on November 2, 2012, to construct an expandable polystyrene foam processing operation at their facility in Ralpho Township, **Northumberland County**.

**60-00060A: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837-6840) on November 2, 2012, to construct two surface (2) coating spray booths and an abrasive blasting booth at their facility in Buffalo Township, **Union County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05077A: Can Corp. of America** (326 June Avenue, Blandon, PA 19510-0170) on November 8, 2012, for the installation and temporary operation of a new sheet coater (Source 108) to be controlled by an oxidizer, at their can manufacturing facility in Maiden creek Township, **Berks County**. The plan approval was extended.

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

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

**08-00030A: Angelina Gathering Co.** (2350 North Sam Houston Parkway East, Houston, TX 77009) on November 5, 2012, to extend the authorization for the construction of four natural-gas-fired compressor engines each equipped with oxidation catalysts and the construction two natural gas glycol dehydration units each equipped with reboiler fireboxes at the Greenzweig Compressor Station in Herrick Township, **Bradford County** to May 7, 2013. The plan approval has been extended.

**17-00063A: PA Grain Processing, LLC** (250 Technology Drive, Clearfield, PA 16830) on November 9, 2012, to

extend the authorization to temporarily operate their ethanol production facility in Clearfield Borough, **Clearfield County** to May 17, 2013. The plan approval has been extended.

**17-00063B: PA Grain Processing, LLC** (250 Technology Drive, Clearfield, PA 16830) on November 9, 2012, to extend the authorization to temporarily operate their ethanol production facility in Clearfield Borough, **Clearfield County** to May 17, 2013. The plan approval has been extended.

**17-00063C: PA Grain Processing, LLC** (250 Technology Drive, Clearfield, PA 16830) on October 22, 2012, to extend the authorization to temporarily operate their ethanol production facility in Clearfield Borough, **Clearfield County** to April 22, 2013. The plan approval has been extended.

**17-00020B: Glenn O Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 2, 2012, to extend the authorization to temporarily operate their mineral processing equipment at their facility in Sandy Township, **Clearfield County** to May 17, 2013. The plan approval has been extended.

**17-00066A: Forum US Inc.** (1102 Industrial Park Road, Clearfield, PA 16830) on November 2, 2012, to extend the authorization to temporarily operate their surface coating operation and a burn off oven at their facility in Clearfield Borough, **Clearfield County** to May 2, 2013. The plan approval has been extended.

**41-00078C: PVR NEPA Gas Gathering, LLC** (100 Penn Tower, Suite 201 & 202, 25 West Third Street Williamsport, PA 17701) on November 9, 2012, to extend the authorization for construction of four (4) natural-gas fired compressor engines (Source IDs P107-P110) each equipped with oxidation catalysts (C107-C110). The plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) at the Barto Compressor Station located in Penn Township, **Lycoming County** to May 13, 2013. The plan approval has been extended.

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

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

**30-00108A: River Processing Corp.** (158 Portal Road Waynesburg, PA 15370) on November 14, 2012, to grant an 18-month Plan Approval extension for their Coal Processing Operation in Jefferson Township, **Greene County**. The plan approval has been extended.

**03-00246A: Bedrock Mines LP** (111 Freeport Road, Aspinwall, PA 15215) on October 31, 2012, for a 180 days plan approval extension for their coal blending operation at Keystone East Mine site in Plumcreek Township, **Armstrong County**. The plan approval has been extended.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**10-2810: II-VI Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) on November 30, 2012, for an extension for the construction of an additional Hydrogen



Selenide production process and associated scrubber in the existing DH building in Clinton Township, **Butler County**. This is a State Only facility. This plan approval has been extended.

**10-325A: Butler VA Medical Center** (325 New Castle Road, Butler, PA 16001) on November 30, 2012, for an extension for three (3) existing 25.4 MMBtu/hr capacity gas and #2 fuel oil fired boilers at their facility in Butler Township, **Butler County**. This plan has been extended.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00055: EME Homer City Generation, LP** (1750 Power Plant Road, Homer City PA 15748) on November 16, 2012, issued a renewal Title V Operating Permit and an Acid Rain Permit to EME Homer City Generation, LP to authorize the continued operation of the Homer City Generating Station in Center Township, **Indiana County**. The facility consists of three pulverized coal-fired electric generating units, rated at 660, 660 and 692 megawatts, respectively. All three units are equipped with electrostatic precipitators for particulate control as well as selective catalytic reduction, low NO<sub>x</sub> burners and separate over-fired air for NO<sub>x</sub> control. Unit #3 is also controlled by a limestone scrubber for SO<sub>x</sub> control. Other sources at this facility include an auxiliary boiler, emergency generators, fire pump, space heaters, material storage and handling equipment and other miscellaneous fugitive emission sources of minor significance. No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and Pa. Code Title 25, Article III, Chapters 121 through 145.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**10-00028: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) on November 13, 2012, to issue a Title V Permit to operate a cement manufacturing facility in Winfield Township, **Butler County**. The facility's major emission sources include raw material stockpiles, primary and secondary crushers for raw materials, material conveyance systems, cement kilns, finish mills, and miscellaneous support operations. The facility is a major facility due to its potential to emit particulate matter less than ten microns in diameter, sulfur oxides, nitrogen oxides and carbon monoxide. The potential emissions from this facility are estimated at: 1,000 TPY (tons per year)—NO<sub>x</sub>, 56 TPY—CO, 168 TPY—PM<sub>10</sub>, 6.1 TPY—VOCs, and 1332 TPY—SO<sub>x</sub>.

**20-00035: Molded Fiber Glass Companies—Tray Co.** (6175 US Highway 6, Linesville, PA 16424) on November 13, 2012, to re-issue a Title V Operating Permit to operate a Reinforced Plastic Manufacturing Facility, in Linesville Borough, **Crawford County**. The facility is a major source due to their emissions of

styrene. The potential styrene emissions, if this facility were operated around the clock, are 19 tons per year.

**33-00140: Dominion Transmission Inc.—Punxsutawney, Station** (88 Laska Road, Punxsutawney, PA 15767) on November 14, 2012, for a renewal of Title V permit to operate a natural gas transmission and distribution station in Perry Township, **Jefferson County**. The facility's major emission sources included, Boiler 1 (Ajax Egfd-5500), Miscellaneous Combustion Units (2.5 MMBTU / Hr.), Compressor Engine 1 (4200 HP), Compressor Engine 2 (4200 HP) Auxiliary Generator (550 HP Caterpillar), Miscellaneous Storage Tanks, Compressor Engines 3 (4735 HP). The potential emissions of the major pollutants from the facility are, NO<sub>x</sub>: 243 TPY (tons per year) and VOC: 85.4 TPY, Thus, the facility is subject to Title V requirements. Three compressors are exempted from 40 CFR Part 63, Subpart ZZZZ. The auxiliary emergency generator is also exempt from Subpart ZZZZ except for the requirements of § 63.6640(f) (2).

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

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

**46-00251: Anders Detweiler Funeral Home** (130 East Broad Street, Souderton, PA 18964) on November 15, 2012, to renew a State Only Operating Permit for a human crematory in Souderton Borough, **Montgomery County**. This Operating Permit renewal includes emission restrictions, monitoring, and recordkeeping requirements designed to ensure this facility complies with all applicable air quality regulations.

**46-00149: Heinz North America** (250 Hansen Access Road, King of Prussia, PA 19406) on November 16, 2012, for renewal of an air quality permit for two (2) boilers in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. There is one new regulation that applies to these boilers (40 CFR 63, Subpart JJJJJJ), which has been incorporated into the operating permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**48-00080: Belyea Co., Inc.** (2200 Northwood Avenue, Easton, PA 18045-2208) for operation of a spray paint booth at their plating and polishing facility in Palmer Township, **Northampton County**. The renewed State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

**45-00031: CHS Inc.—Horizon Milling LLC Plant** (PO Box 147, Mount Pocono, PA 18344-0147) on November 13, 2012, for flour and other grain products manufacturing in Pocono Township, **Monroe County**. The primary sources consist of wheat screening, purifiers, and loadout bins. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>),

carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions.

This is a renewal 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.

**40-00070: Berwick Offray LLC—Berwick Offray LLC Salem Township Plant** (Ninth and Bomboy Lane, Berwick, PA 18603, Salem Township, PA 18603) on November 14, 2012, for commercial printing and gravure manufacturing in Salem Township, **Luzerne County**. The primary sources consist of extrusion lines, presses, storage silos, pellet mixing tank, and reclaim system. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions.

This is a renewal 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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**36-05144A: Lancaster Leaf Tobacco Co., PA** (198 West Liberty Street, PO Box 897, Lancaster, PA 17608-0897) on November 8, 2012 for the tobacco processing facility in Lancaster City, **Lancaster County**. The State-only permit was renewed.

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

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

**41-00019: VT Hackney, Inc.** (914 Saegers Station Road, Montgomery, PA 17752) on October 15, 2012, for their Montgomery Plant in Clinton Township, **Lycoming County**. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-00326: Foamex Innovations, Inc.—Corry Plant** (466 Shady Avenue, Corry, PA 16407) on November 14, 2012, to issue a Natural Minor Operating Permit to operate a Flexible Polyurethane Foam Manufacturing Facility, in Corry Borough, **Erie County**. This facility had been classified as a major source and has previously been issued a Title V Operating Permit but in recent years they have completely eliminated the use of Methylene Chloride as an Auxiliary Blowing Agent. By using Carbon Dioxide as an Auxiliary Blowing Agent HAP emissions from this facility have been reduced to nearly zero without any emission control systems. Emissions of all other criteria pollutants are well below major source thresholds.

**25-00924: Erie Forge & Steel, Inc.** (1341 West 16th Street, Erie, PA 16512-1522) on November 14, 2012, to renew a Natural Minor Permit to operate a machine shop and heat treating facility in City of Erie, **Erie County**. The facility's emitting sources included, 1) Heat Treat Furnaces (3), 2) Heat Treat Furnaces (3)—Forging Area, 3) Plant wide cleaning wiping operations and, 4) Epoxy painting operation. This is a Natural Minor facility due to its potential to emit of pollutants are less than the Title V threshold limits. The facility is not subject to 40 CFR Part 63, Subpart HHHHHH and XXXXXX. The potential emission statement, NO<sub>x</sub>: 70 TPY (Tons per year), CO: 57 TPY, PM: 6 TPY, SO<sub>2</sub>: 1 TPY, VOC: 15 TPY and CO<sub>2</sub>: 72,000 TPY.

**61-00012: OMG Americas, Inc.** (P. O. Box 111, Two Mile Run Road, Franklin, PA 16323) on November 14, 2012, for a Synthetic Minor Permit to operate an industrial chemical manufacturing facility in Sugar creek Borough, **Venango County**. The facility manufactures specialty chemicals, metal carboxylate, PVC stabilizers and cobalt and nickel salts using a batch type processing manufacturing facility. The Synthetic Minor Operating Permit will limit the emission of Volatile Organic Compound to 49.9 TPY (Tons per year) emissions of any single Hazardous Air Pollutants to 9.9 TPY, and emissions from all Hazardous Air Pollutants to 24.9 TPY. The emitting sources included, 1) Kewanee Boiler (50-03)- natural gas, 2) Hurst Boiler, 3) Carboxylate MFG—R4, 7, 4) Carboxylate Mfg—R12,18, 5) Light color process reactor, 6) Bepex dryer with controls, 7) Carboxylate MFG—R304,307, 8) Cobalt Carboxylate Process, 9) Packaging (filling drum), 10) Pastillator 1,2 & Hopper, 11) Reactor R-601 and tanks, 12) Miscellaneous natural gas usage, 13) Reactor R-601 and tanks, 14) Combination of miscellaneous small sources, 15) Foreburg mixer and hopper, 16) Kohler emergency generator, 17) Clarke Detroit Diesel fire pump engines (2), and 18) Miscellaneous cold cleaning degreasers (10). The emission statement: Ammonia: 1.39 TPY (Tons per year), Lead: 4.0280 TPY, NO<sub>x</sub>: 2.14 TPY, PM<sub>10</sub>: 0.2760 TPY, SO<sub>x</sub>: 0.029 TPY, VOC: 23.62 TPY, Cobalt Compound: 0.1260 TPY, Glycol Ether: 0.2590 TPY and Phenol: 0.0420 TPY. The sources, two fire pumps and emergency generator are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have included in the source level of the permit.

**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.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-03007: Apex Tool Group, LLC** (3990 East Market Street, York, PA 17402-2769) on November 15, 2012, for the chain manufacturing facility in Springettsbury Township, **York County**. This State-only operating permit was administratively amended due to a change of ownership.

**01-05029: GenOn Wholesale Generation LP** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on November 15, 2012, for the Hunterstown electrical generating facility located in Straban Township, **Adams County**. The Title V permit was administratively amended to correct a typographical error in a condition cross-reference.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Applications Returned

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11120102 and NPDES No. PA0268941. Wilson Creek Energy, LLC,** 140 West Union Street, Suite 102, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 70.1 acres. Receiving stream(s): UTS to/and Brubaker Run to Chest Creek to the West Branch of Susquehanna River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes stream encroachments to construct a haulroad crossing and erosion and sedimentation controls within the barrier area of unnamed tributaries to Brubaker Run and to relocate an unnamed tributary. The application also includes requests for Section 401 Water Quality Certifications. Application received: February 13, 2012. Permit returned: November 2, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17990103 and NPDES No. PA0238244. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Revision to an existing bituminous surface mine to add coal refuse disposal located in Bigler Township, **Clearfield County** affecting 228.8 acres. Receiving streams: Alexander Run, Upper Morgan Run and Unnamed Tributaries to Upper Morgan Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2012. Application withdrawn: November 1, 2012.

**17020103 and NPDES No. PA0243221. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Revision to an existing bituminous surface mine to add coal refuse disposal in Chest Township, **Clearfield County**, affecting 560.7 acres. Receiving stream(s): Wilson Run and McMasters Run to Wilson Run to Chest Creek classified for the following uses: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 18, 2012. Application withdrawn: November 1, 2012.

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30831303. Cumberland Coal Resources, LP,** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to install two boreholes at the #10 Air Shaft. Surface Acres Proposed 2.17. No additional discharges. The application was considered administratively complete on November 18, 2011. Application received: July 25, 2011. Permit issued: November 15, 2012.

**11051301. AMFIRE Mining Company, LLC,** (One Energy Place, Latrobe, PA 15650). To revise the permit for the Cresson Mine in Cresson Township, **Cambria County** to add underground permit and subsidence control plan acres for development mining. Underground Acres Proposed 986.3, Subsidence Control Plan Acres Proposed 986.3. No additional discharges. The application was considered administratively complete on May 1, 2009. Application received: October 15, 2008. Permit issued: November 30, 2012.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11020102 and NPDES No. PA0249220. Bell Resources, Inc.,** R. R. #2, Box 281, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 78.2 acres. Receiving stream(s): unnamed tributary to Muddy Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 13, 2012. Permit issued: November 1, 2012.

**Permit No. 56070111 and NPDES No. PA0262510. Mountaineer Mining Corporation,** 1010 Garrett Shortcut Road, Berlin, PA 15530, revision of an existing bituminous surface mine to add augering to a portion of the existing mining area approximately 2.6 acres in size in Brothersvalley Township, **Somerset County**, affecting 115 acres. Receiving stream(s): unnamed tributaries to Swamp Creek and unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 16, 2012. Permit issued: October 24, 2012.

**11813040 and NPDES No. PA125423. Cooney Brothers Coal Company,** P. O. Box 246, Cresson, PA 16630, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland or land occasionally cut for hay in Adams Township, **Cambria County**, affecting 50.0 acres. Receiving stream(s): unnamed tributaries to/and South Fork Little Conemaugh River; unnamed tributary to/and Sulfur Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: June 25, 2012. Permit issued: October 24, 2012.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03050103 and NPDES Permit No. PA0250961. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Revision permit issued for additional acreage to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 163.5 acres. Receiving stream: unnamed tributary to Allegheny River. Application received: June 26, 2012. Permit issued: November 13, 2012.

**26870107 and NPDES Permit No. PA0589802.** **David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 100.2 acres. Receiving streams: unnamed tributaries to Jacobs Creek. Renewal application received: August 30, 2012. Permit issued: November 13, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33120101 and NPDES Permit No. PA0259250.** **P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface mine in Young Township, **Jefferson County** affecting 88.3 acres. Receiving streams: Unnamed tributaries to Sawmill Run. Application received: March 16, 2012. Permit Issued: October 31, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17110111 and NPDES No. PA0257842.** **Sky Haven Coal, Inc.**, (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface mine (Lansberry Operation) located in Bradford Township, **Clearfield County** affecting 102.0 acres. Receiving streams: Valley Fork Run to Roaring Run (CWF, MF) to Clearfield Creek to West Branch of the Susquehanna River—Upper West Branch Watershed (WWF, MF). Sky Haven Coal, Inc. proposes to affect 54.9 acres while mining 26.5 acres of coal. The operation will reclaim 9.3 acres of abandoned surface mine lands comprised of open pits and unreclaimed mine spoils. The operation will also eliminate 3,520-feet of abandoned highwall. Five pre-existing pollutional discharges that drain to the Valley Fork Run watershed should see quality improvements through the reclamation of abandoned mine land. The proposed re-mining has a projected reclamation value of \$856,074.00 which will be done at no cost to the Commonwealth. (Contact: David Bisko—Moshannon District Mining Operations) There are no potable water supply intakes within 10 miles downstream. Application received: September 21, 2011. Permit issued: November 1, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40020201R2.** **South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzern County** affecting 113.0 acres, receiving stream: Catawissa Creek. Application received: January 5, 2012. Renewal issued: November 5, 2012.

**40020201GP104.** **South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40020201R2 in Hazle Township, **Luzerne County**, receiving stream: Catawissa Creek. Application received: January 5, 2012. Permit issued: November 5, 2012.

**22041301R.** **Ladnar, Inc.**, (1165 Trail Road, Hummelstown, PA 17036), renewal of an existing anthracite underground mine operation for reclamation activities only in Williams Township, **Dauphin County** affecting 3.0 acres, receiving stream: none. Application received: January 26, 2010. Renewal issued: November 7, 2012.

**54860105R5 and NPDES Permit No. PA0593303.** **Kuperavage Enterprises, Inc.**, (P. O. Box 99, Middleport, PA 17953), renewal of an existing anthracite

surface mine, coal refuse reprocessing and preparation plant operation in Blythe Township, **Schuylkill County** affecting 273.84 acres, receiving stream: unnamed tributary to East Branch Schuylkill River. Application received: April 3, 2012. Renewal issued: November 13, 2012.

**54693047R5.** **Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 698.0 acres, receiving stream: Mill Creek Watershed. Application received: December 9, 2010. Renewal issued: November 13, 2012.

**54693047GP104.** **Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54693047 in Mahanoy Township, **Schuylkill County**, receiving stream: Mill Creek Watershed. Application received: September 7, 2012. Permit issued: November 13, 2012.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**20120801.** **Kapalin, Inc.** (3605 Route 167 East, Jefferson, OH 44047) Commencement, operation and restoration of a small industrial minerals mine in Pine Township, **Crawford County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Pymatuning Reservoir. Application received: April 4, 2012. Permit Issued: October 31, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08110301 and NPDES No. PA0257532.** **Always Ready Excavating** (RR 1, Box 91, Wyalusing, PA 18853). Commencement, operation and restoration of a large noncoal surface mine located in Wyalusing Township, **Bradford County** affecting 16.9 acres. Receiving streams: unnamed tributary to Wyalusing Creek (warm water fishes) to Wyalusing Creek (warm water fishes) to the Susquehanna River (warm water fishes). There are no potable water supply intakes within 10 miles downstream. Application received: January 20, 2011. Permit issued: November 2, 2012.

**59020301-GP104.** **Chad E. Cross** (19316 Route 6, Mansfield, PA 17933), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 59020301 in Lawrence Township, **Tioga County**. This GP-104 replaces NPDES PA0243213. Receiving streams: Harts Creek and Unnamed Tributary to Tioga Creek classified as Warm Water Fishes. Application received: July 9, 2012. Permit issued: October 31, 2012.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**8173SM1C15 and NPDES Permit No. PA0594148.** **Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), correction an existing quarry to update the permitted acres and NPDES Permit to increase the average discharge rate in East Caln and West Whiteland Townships, **Chester County** affecting 303.62 acres, receiving stream: unnamed tributary to Valley Creek. Application received: May 10, 2011. Correction issued: November 5, 2012

**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*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**42124007. Seneca Resources Corporation** (51 Zents Boulevard, Brookville, PA 15825) Blasting activity permit to build a road for their own use in Mt. Jewett Borough & Hamlin Township, **McKean County**. This blasting activity permit will expire on July 1, 2013. Permit Issued: October 31, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08124152. Midstream Explosives LLC** (289 Southside Drive, Newville PA 17241). Blasting for pipeline located in Burlington Township, **Bradford County**. Permit issued: October 31, 2012. Permit expires: October 24, 2013.

**08124153. Brubacher Excav Inc.** (P. O. Box 528, Bowmansville, PA 17507-0528). Blasting for residential development located in Towanda Township, **Bradford County**. Permit issued: October 31, 2012. Permit expires: October 1, 2013.

**08124154. Meshoppen Stone, Inc.** (P. O. Box 127, Frantz Rd, Meshoppen, PA 18630). Blasting for construction of gas well pad, and access road located in Stevens Township, **Bradford County**. Permit issued: October 31, 2012. Permit expires: February 28, 2013.

**08124155. Meshoppen Stone, Inc.** (P. O. Box 127, Frantz Rd, Meshoppen, PA 18630). Blasting for construction of gas well pads located in Orwell Township, **Bradford County**. Permit issued: October 31, 2012. Permit expires: February 28, 2013.

**14124112. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866-0077). Blasting for Dan Ulmer Farm Manure Pit located in Spring Township, **Centre County**. Permit issued: October 31, 2012. Permit expires: June 30, 2013.

**41124009. Demtech LLC** (2500 Noah Drive, Saxonburg, PA 16056). Blasting for Arch Street Bridge demolition located in DuBois Town Borough, **Lycoming County**. Permit issued: November 6, 2012. Permit expires: November 7, 2012.

**59124112. M & J Explosives Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for construction of a well pad located in Liberty Township, **Tioga County**. Permit issued: October 31, 2012. Permit expires: October 29, 2013.

**08124156. Doug Wathen, LLC** (11934 Fairway Lakes Dr., Suite 1, Ft Myers, FL 33913). Blasting for gas pad construction located in Wilmot Township, **Bradford County**. Permit issued: November 13, 2012. Permit expires: November 7, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58124020. John Brainard,** (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit

39 in New Milford Township, **Susquehanna County** with an expiration date of February 28, 2013. Permit issued: November 5, 2012.

**46124115. Maine Drilling & Blasting, Inc.,** (P. O. Box 1140, Gardiner, ME 04345), construction blasting at Graterford Prison in Skipack Township, **Montgomery County** with an expiration date of July 7, 2013. Permit issued: November 15, 2012.

**48124107. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for the Bethlehem Landfill in Bethlehem and Lower Saucon Townships, **Northampton County** with an expiration date of November 30, 2013. Permit issued: November 16, 2012.

**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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1085. Dean A. Miller**, Borough of Norristown, 235 East Airy Street, 2nd Floor, Norristown, PA 19401, Borough of Norristown, **Montgomery County**, ACOE Philadelphia District.

To install and maintain the post-aeration system consisting of two partially exposed underground tanks at the existing Norristown Municipal Wastewater Treatment Plant in the floodway of the Schuylkill River (CWF-MF) associated with Dissolved Oxygen level of the discharge.

The site is located approximately 250 feet southwest of the intersection of Ford Street and E Washington Street (Norristown, PA, USGS Quadrangle N: 19.60 inches; W: 12.10 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)].

**E09-873. Warrington Township**, 7852 Easton Road, Warrington Township, **Bucks County**. ACOE Philadelphia District

To amend previously authorized Permit No E09-873 associated with the proposed water obstruction and encroachment activity across Little Neshaminy Creek (WWF, MF):

1. To construct and maintain a 4-foot long, 70-foot span, 3.75-foot high pedestrian bridge. This work includes the associate trail modifications on the approaches to the bridge.

The project will permanently impact approximately 10 linear feet of stream. The site is located approximately 397 feet southeast of the terminus of Bradley Road in Warrington Township, Bucks County (Ambler, PA USGS Quadrangle N: 20.22 inches; W: 5.99 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)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E28-375: Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, Pennsylvania 17268, in Washington Township, **Franklin County**, ACOE Baltimore District

To construct and maintain: 1) approximately 23,800.0 linear feet of sanitary sewer in the floodplain of Red Run (CWF, MF), unnamed tributaries to East Branch Antietam Creek (CWF, MF) and East Branch Antietam Creek (CWF, MF); 2) a 30.0-inch diameter DIP sanitary sewer line in and across Red Run (CWF, MF); 3) a 36.0-inch diameter DIP sanitary sewer line; 4) a 30.0-inch diameter PVC sanitary sewer line; 5) a 24.0-inch PVC sanitary sewer line; 6) a 18-inch diameter PVC sanitary sewer line; 7) a 15.0-inch diameter PVC sanitary sewer line; 8) a 15.0-inch diameter PVC sanitary sewer line, all in and across an unnamed tributary to East Branch Antietam Creek (CWF, MF); 9) a 36.0-inch diameter DIP sanitary sewer line; 10) two 30.0-inch diameter DIP sanitary sewer lines; 11) a 24.0-inch diameter DIP sanitary sewer line in and across East Branch Antietam Creek (CWF, MF); 12) a 380.0-foot long, 30.0-inch diameter PVC sanitary sewer line in and across a PEM

wetland; 13) a 210.0-foot long, 30.0-inch diameter PVC sanitary sewer line in and across a PEM EV wetland; 14) a 5.0-foot diameter manhole, a 45.0-foot long, 30.0-inch diameter PVC, and a 24.0-inch diameter PVC sanitary sewer line in and across a PEM EV wetland; and 15) wetland crossings temporarily impacting 113.0 ft<sup>2</sup> of PEM wetland. The project starts along Stottlemeyer Road (T397) (Waynesboro, PA Quadrangle; N: 2.52 inches, W: 8.20 inches; Latitude: 39°45'50", Longitude: -77°33'30") and ends along Lyons Road (T363) (Smithsburg, PA Quadrangle; N: 18.46 inches, W: 12.81 inches; Latitude: 39°43'36, Longitude: -77°35'28") in Washington Township and Waynesboro Borough, Franklin County. The purpose of the project is to replace the existing aging wastewater conveyance system. The amount of permanent wetland impact is considered a de minimus impact of 0.01 acre and wetland mitigation is not required. Total temporary wetland impacts are 0.62 acre and all areas will be restored to preconstruction conditions.

**E36-906: County of Lancaster**, 150 North Queen Street, Suite 612, Lancaster, Pennsylvania 17603, in East Cocalico Township, **Lancaster County**, ACOE Baltimore District

To remove existing deficient steel bridge and construct a new reinforced concrete bridge having normal span of 100.5 feet, width of 28.0 feet, and an under clearance of 2.43 feet above the 100-year FEMA water surface elevation, in approximately the same location over Cocalico Creek (WWF, MF) for the purpose of improving safety. The project is located on Wabash Road (Ephrata, PA Quadrangle; Latitude: 40°12'14.7", Longitude: -76°08'50") in East Cocalico Township, Lancaster County.

**E36-909: Diana Holbrook**, 1521 Furniss Road, Drumore, Pennsylvania 17518, in Drumore Township, **Lancaster County**, ACOE Baltimore District

To install and maintain: 1) a 10.0-foot long, 36.0-inch diameter, 6.0-inch uniformly depressed, smooth lined, corrugated plastic pipe with concrete endwalls in an Unnamed Tributary to Fishing Creek (EV); 2) a 4.0-inch diameter plastic pressure sewer pipe across an unnamed tributary to Fishing Creek (EV); and 3) a 2.0-inch diameter plastic pipe across an Unnamed Tributary to Fishing Creek (EV) (Latitude: 39°48'04", Longitude: -76°14'01"), for the purpose of replacing an existing, failing sewage disposal system.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-499. Pennsylvania Department of Transportation, District 10-0**, PO Box 429, 25550 Oakland Avenue, Indiana, PA 15701, Brush Valley Township, **Indiana County**; ACOE Pittsburgh District.

Has been given consent to remove the existing SR 56 two lane, 36 foot wide by 32 foot long single span bridge having a minimum underclearance of 6.9 feet; construct and maintain a replacement two lane 25 foot wide by 91 foot long by 11 foot underclearance box culvert depressed 1 foot in Brush Creek (CWF) with a drainage area of 8 square miles; place and maintain fill in 0.16 acre PEM/PSS exceptional value wetlands; construct and maintain 260 feet of stream relocation on Brush Creek; installation of road associated stormwater outfalls. This project is associated with SR 56 improvement work with these encroachments extending approximately 0.25 mile east of the village of Brush Valley in Brush Valley Township, Indiana County (beginning Brush Valley PA Quadrangle, North 3.8 inches; West 7.5 inches; Latitude 40° 31' 14":

Longitude 79° 3' 16" and extending North 7.8 inches; West 3.7 inches; Latitude 40° 31' 13"; Longitude 79° 3' 21"). To compensate for the wetland impacts the permittee shall construct and maintain 0.72 acre of wetland mitigation at the site. To compensate for the stream impacts in addition to the 260 feet at the site, the permittee shall construct and maintain approximately 1,200 stream mitigation within Brush Creek located approximately 2 miles downstream of the project area. This project will have a permanent impact to 582 feet of Brush Creek.

**E65-946. Regional Trail Corporation**, P. O. Box 95, West Newton, PA 15089, Salem Township, **Westmoreland County**; ACOE Pittsburgh District.

Has been given consent to place and maintain fill in 0.03425 acre of wetlands in the Beaver Run drainage (HQ-CWF), to construct and maintain various stormwater outfalls to the Beaver Run watershed, and to replace, operate and or maintain the following existing culverts, as indicated in the table below:

<i>Aquatic Resource Name</i>	<i>Chapter 93 designation</i>	<i>Culvert length</i>	<i>Culvert diameter</i>	<i>Proposed activity</i>
Unnamed Tributary to Beaver Run	HQ-CWF	38'	36"	Replace, operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	70'	24"	Replace, operate, maintain
Unnamed Tributary to Beaver Run (Kiebler Run)	HQ-CWF	152'	48"	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	56'	18"	Operate, maintain
Beaver Run Reservoir	HQ-CWF	240'	30ft arch	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	80'	36"	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	64'	18"x20"	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	78'	18"x20"	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	80'	36"	Operate, maintain
Unnamed Tributary to Beaver Run	HQ-CWF	108'	60"	Operate, maintain

For the purpose of constructing a walking trail approximately 19,000' long on an abandoned railroad grade. The project begins approximately 175' west of state route 819 in the village of Slickville, and ends in Delmont on Athena Dr. (SR 1035) in Salem Township, Westmoreland County, Pennsylvania (Slickville PA, Quadrangle Starting at: N 15.1', W 3.1"; Latitude 40° 27' 30.7", Longitude 79° 31' 23.2"; ending at: N 9.7", W 8.5"; Latitude 40° 25' 41.79" Longitude: 79° 33' 39.52")

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

**E33-244, PA Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 in Knox Township, **Jefferson County**, ACOE Pittsburgh District.

Construct and maintain a 14-foot wide steel I-beam (W16x64) bridge with timber deck (2x6 pressure treated) having a structure length of 36 feet on 2-foot wide by 14-foot long concrete abutments proving a clear span of approximately 36 feet and an under-clearance of 5 feet across Camp Run near its confluence with Sandy Lick Creek. The purpose of this bridge is to provide access to State Games Lands No. 244 (Reynoldsville, PA Quadrangle N: 41°, 04', 37"; W: 78°, 58', 08").

**E62-429, City of Warren Wastewater Treatment Plant**, 318 West Third Avenue West, Warren, PA 16365 in the City of Warren, **Warren County**, ACOE Pittsburgh District

To conduct renovations and alterations to the existing City of Warren Wastewater Treatment Plant including demolition of current features and construction of new treatment facilities along Harmar Street located within the current FEMA mapped 100-year flood plain of the Allegheny River (Warren, PA Quadrangle N: 41°, 50', 21"; W: -79°, 09', 39").

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E42-08-008, Pennsylvania General Energy Company LLC**, 120 Market Street, Warren, PA 16365. Heartwood 6" Pipeline, in Norwich and Liberty Townships, **McKean County**, Army Corps of Engineers Pittsburgh District and Baltimore District (Norwich, PA Quadrangle N: 41° 28' 30"; W: 79° 55' 21").

The applicant proposes to construct and maintain a 6" underground pipeline that will collect and convey natural gas from natural gas well sites in the area. The pipeline will be approximately 6.44 miles in length. There are also plans to construct and maintain a water line approximately 2.91 miles in length. A meter station that is approximately 30,000 square feet will also be constructed to monitor the flow of gas through the Heartwood 6" pipeline. The water obstructions and encroachments for the purpose of installing the natural gas pipeline are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1)—6" flex steel gas pipeline crossing an UNT to Hamlin Run (HQ-CWF) and a temporary timber mat equipment crossing having 83 linear feet of temporary stream impact.	41° 42' 17" -78° 19' 10"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
2	One (1)—6" flex steel gas pipeline crossing a ditch from a vernal pool having 60 linear feet of temporary stream impact.	41° 42' 13" -78° 18' 56"
3	Timber matting over a ditch to a wetland having 260 linear feet of temporary stream impact.	41° 41' 14" -78° 17' 13"
4	Two (2)—One 6" gas pipeline and one 6" water line crossing Parker Run (EV) and a temporary timber mat equipment crossing having 112 linear feet of temporary stream impact.	41° 40' 39" -78° 16' 13"
5	One (1)—6" water line crossing an UNT to Scaffold Lick Run (CWF) and a temporary timber mat equipment crossing having 53 linear feet of temporary stream impact.	41° 41' 40" -78° 17' 10"
6	One (1)—6" water line crossing an UNT to Scaffold Lick Run (CWF) and a temporary timber mat equipment crossing having 61 linear feet of temporary stream impact.	41° 41' 41" -78° 17' 09"

The project will result in a total of 629 linear feet of temporary stream impacts from utility line and temporary road crossings. No impacts to wetlands are proposed.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-034: Talisman Energy USA, Inc**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Union and Ward Townships, **Tioga County**, ACOE Baltimore District. To construct, operate, and maintain:

1. a 12 inch diameter natural gas pipeline and a 6 inch diameter waterline impacting 285 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'12"N 76°56'30"W);

2. a 12 inch diameter natural gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 1,994 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 33 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'16"N 76°56'42"W);

3. a 12 inch diameter gas pipeline and a 6 inch diameter waterline impacting 716 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'17"N 76°56'43"W);

4. a 12 inch diameter gas pipeline and a 6 inch diameter waterline impacting 1,595 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'21"N 76°56'45"W);

5. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 1,686 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'22"N 76°56'47"W);

6. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 52 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'22"N 76°56'48"W);

7. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 137 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'23"N 76°56'48"W);

8. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and timber matting impacting 18 linear feet of

an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'23"N 76°56'49"W);

9. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and timber matting impacting 3,307 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'23"N 76°56'49"W);

10. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber matting impacting 2,465 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'23"N 76°56'50"W);

11. a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber matting impacting 70 linear feet of the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'53"N 76°57'28"W);

12. a 12 inch diameter gas pipeline, a 6 inch waterline, and a temporary crossing using timber matting impacting 357 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'54"N 76°57'28"W);

13. a temporary crossing using timber matting impacting 26 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'54"N 76°57'30"W);

14. a temporary crossing using timber matting impacting 199 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°39'55"N 76°57'30"W);

15. a temporary crossing using timber matting impacting 9 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'52"N 76°57'25"W);

16. a temporary crossing using timber matting impacting 25 linear feet of an unnamed tributary to the Tioga River (CWF). (Gleason, PA Quadrangle 41°39'54"N 76°57'24"W);

17. a temporary crossing using timber matting impacting 280 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°40' 10"N 76°57'07"W);

18. a temporary crossing using timber matting impacting 378 square feet of a palustrine open water (POW) wetland (Gleason, PA Quadrangle 41°40'15"N 76°57'02"W);



19. a temporary crossing using timber matting impacting 468 square feet of a palustrine open water (POW) wetland (Gleason, PA Quadrangle 41°40'17"N 76°56'59"W);

20. A temporary road crossing using two 30 foot long 60 inch diameter corrugated metal culverts impacting 30 linear feet of South Creek (EV) (Gleason, PA Quadrangle 41°40'19"N 76°56'48"W);

21. a temporary crossing using timber matting impacting 15 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'04"N 76°57'32"W);

22. a temporary crossing using timber matting impacting 387 square feet of an exceptional value palustrine emergent/forested (EV-PEM/PFO) wetland and 17 linear feet of an unnamed tributary to the Tioga River (CWF). (Gleason, PA Quadrangle 41°40'06"N 76°57'31"W);

23. a temporary crossing using timber matting impacting 13 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'08"N 76°57'30"W);

24. a temporary crossing using timber matting impacting 30 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'08"N 76°57'30"W);

25. a temporary crossing using timber matting impacting 35 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°40'09"N 76°57'29"W);

26. a temporary crossing using timber matting impacting 188 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°40'10"N 76°57'28"W);

27. a temporary crossing using timber matting impacting 284 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 80 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'12"N 76°57'26"W);

28. a temporary crossing using timber matting impacting 337 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 83 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'16"N 76°57'24"W);

29. a temporary crossing using timber matting impacting 15 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'18"N 76°57'23"W).

The project will result in 653 linear feet of temporary stream impacts, 14,700 square feet (0.34 acre) of temporary wetland impacts, and 280 square feet (0.01 acre) of permanent wetland impacts for the purpose of installing gathering lines for Marcellus well development and associated access roads in Ward and Union Townships, Tioga County.

**E4129-048: Anadarko Marcellus Midstream LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, electric/fiber optic line, a timber mat crossing and the replacement of an existing 30 inch culvert impacting 62 linear feet of Buck Run (HQ-CWF,

MF) and 2834 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°25'51"N 77°11'17"W).

The project will result in 62 linear feet of temporary stream impacts and 0.07 acre of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

**E4129-036: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, McHenry & Cummings Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, three 6 inch flex steel gas lines, and a 12 inch waterline impacting 2930 square feet of a palustrine forested (PFO) wetland (Jersey Mills, PA Quadrangle 41°20'12"N 77°27'12"W);

2) a temporary road crossing using a timber mat bridge, three 6 inch flex steel gas lines, and a 12 inch waterline impacting 44 linear feet of an unnamed tributary to Browns Run (HQ-CWF, MF) (Jersey Mills, PA Quadrangle 41°20'22"N 77°27'28"W);

3) a temporary road crossing using a timber mat bridge, three 6 inch flex steel gas lines, and two 6 inch flex steel waterlines impacting 58 linear feet of Browns Run (HQ-CWF, MF) (Jersey Mills, PA Quadrangle 41°20'48"N 77°28'17"W);

4) a temporary road crossing using a timber mat bridge, three 6 inch flex steel gas lines, two 6 inch flex steel waterlines impacting 15 linear feet of an unnamed tributary to Browns Run (HQ-CWF, MF) (Jersey Mills, PA Quadrangle 41°20'59"N 77°28'23"W).

The project will result in 117 linear feet of temporary stream impacts and 0.07 acre of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

**E4129-047: Anadarko Marcellus Midstream LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Anthony & Lycoming Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, electric/fiber optic line, and a timber mat crossing impacting 114 linear feet of an unnamed tributary to Stony Gap Run (HQ-CWF, MF) and 1,138 square feet of palustrine emergent (PEM) wetland (Salladasburg, PA Quadrangle 41°18'34"N 77°08'41"W);

2) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, electric/fiber optic line, and a timber mat crossing impacting 61 linear feet of an unnamed tributary to Stony Gap Run (HQ-CWF, MF) and 10488 square feet of adjacent palustrine emergent (PEM) and palustrine scrub-shrub (PSS) wetlands (Salladasburg, PA Quadrangle 41°18'38"N 77°08'51"W);

3) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, electric/fiber optic line, and a timber mat crossing impacting 84 linear feet of an unnamed tributary to Stony Gap Run (HQ-CWF, MF) and 18003 square feet of adjacent palustrine emergent (PEM) and palustrine scrub-shrub (PSS) wetlands (Salladasburg, PA Quadrangle 41°19'12"N 77°09'10"W).

The project will result in 259 linear feet of temporary stream impacts and 0.68 acre of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D39-081EA. Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052. Whitehall Township, City of Allentown, **Lehigh County**, ACOE Philadelphia District. Project proposes to remove MacArthur Road Dam and two low head dams for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dams are located across Jordan Creek (TSF, MF) at the following locations: MacArthur Road Dam (Catasauqua, PA Quadrangle, Latitude: 40.6233; Longitude: -75.4821), Barrier #7 (Catasauqua, PA Quadrangle, Latitude: 40.6245; Longitude: -75.4883), and Barrier #8 (Catasauqua, PA Quadrangle, Latitude: 40.6277; Longitude: -75.4893).

**D39-082EA. Bruce Solt, Superintendent, Parks and Recreation Department**, City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104. City of Allentown, **Lehigh County**, ACOE Philadelphia District.

Project proposes to remove Jordan Park Dam for the purpose of eliminating a threat to public safety and restore the stream to a free-flowing condition. The proposed restoration project includes construction of in-stream structures and a floodplain bench. The project is located within Jordan Park in and adjacent to Jordan Creek (TSF) (Allentown East, PA Quadrangle, Latitude: 40.6195; Longitude: -75.4764).

**D46-354EA. Mr. David Rounick**, 804 Brookwood Lane, Bryn Mawr, PA 19010. Lower Merion Township, **Montgomery County**, ACOE Philadelphia District. Project proposes to abandon the Rounick Pond Dam in place and relocate the contributory flow into a constructed channel around the impoundment to its former historic location for the purpose of restoring the stream to a free flowing condition. The dam is located across a tributary to Mill Creek (TSF, MF) (Norristown, PA Quadrangle, Latitude: 40.0398; Longitude: -75.3012).

**D48-088EA. Director of Parks and Public Property**, 10 East Church Street, Bethlehem, PA 18018-6025. City of Bethlehem, **Northampton County**, ACOE Philadelphia District. Project proposes to breach and remove Monocacy Creek Dam across Monocacy Creek (HQ-CWF, MF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1200 feet of stream channel. The dam is located approximately 500 feet south of the intersection of S.R. 378 and West Broad Street. (Allentown, East, PA Quadrangle; Latitude: 40° 37' 18", Longitude: -75° 23' 01").

#### 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-131-0027

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Wyoming County

Township(s) Lemon Township

Receiving Stream(s) and Classification(s) UNT of Meshoppen Creek (CWF);

Secondary: UNT of Meade Brook (CWF)

ESCGP-1 # ESX12-131-0030

Applicant Name Appalachia Midstream Services, LLC

Contact Person Greg Floerke

Address 100 Ist Center

City, State, Zip Horseheads, NY 14845

County Wyoming County

Township(s) Mehoopany and Forkston Townships

Receiving Stream(s) and Classification(s) Mehoopany Creek (CWF), Rogers Hollow (CWF), Bowman Hollow (HQ-CWF), Mehoopany—Bowman Creek Watershed;

Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX12-081-0146

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Pine Township

Receiving Stream(s) and Classification(s) Bonnell Run (EV/MF), Fourmile Run (EV/MF);

Secondary: Little Pine Creek (EV/MF), Texas Creek (EV/MF)

ESCGP-1 # ESX12-115-0188

Applicant Name Williams Field Services Company, LLC

Contact Person Sandra Lojek

Address 1605 Coraopolis Heights Road

City, State, Zip Moon Township, PA 15108

County Susquehanna County

Township(s) Lenox Township

Receiving Stream(s) and Classification(s) 4 UNT to Millard Creek;

Secondary: Susquehanna River (Other)

ESCGP-1 # ESX12-081-0133 (01)

Applicant Name PVR NEPA Gas Gathering, LLC

Contact Person Kevin Roberts

Address 100 Penn Tower, Suite 201-202, 25 W. Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Roaring Run (EV/MF), Hoagland Run (HQ-CWF/MF)

ESCGP-1 # ESX12-081-0147  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Brian Rushe  
Address 3000 Ericsson Drive Suite 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming County  
Township(s)  
Receiving Stream(s) and Classification(s) Beaver Run (CWF);  
Secondary: Little Muncy Creek (CWF)

ESCGP-1 # ESX12-131-0031  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Wyoming County  
Township(s) Nicholson Township  
Receiving Stream(s) and Classification(s) Horton Creek (CWF);  
Secondary: Tunkhannock Creek (CWF)

ESCGP-1 # ESX12-115-0192  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) UNT to Tunkhannock (CWF)

ESCGP-1 # ESX12-015-0205  
Applicant Name EOG Resources, Inc.  
Contact Person Jon Jorgenson  
Address 2039 South Sixth Street  
City, State, Zip Indiana, PA 15701  
County Bradford County  
Township(s) Springfield Township  
Receiving Stream(s) and Classification(s) Mill Creek Watershed;  
Secondary: Sugar Creek (Other)

ESCGP-1 # ESX12-115-0036 (01)  
Applicant Name Bluestone Pipeline Company of PA, LLC  
Contact Person Bruce Nieman  
Address 1708 WCB, 2000 Second Ave.  
City, State, Zip Detroit, MI 48226  
County Susquehanna County  
Township(s) Harmony Township  
Receiving Stream(s) and Classification(s) Starrucca Creek/Susquehanna River (Other)

ESCGP-1 # ESX12-117-0086  
Applicant Name SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Richmond Township  
Receiving Stream(s) and Classification(s) UNT to Canoe Camp Creek (CWF/MF);  
Secondary: Canoe Camp Creek

ESCGP-1 # ESX12-081-0143  
Applicant Name Atlas Resources, LLC

Contact Person Carla Suszkowski  
Address 1000 Commerce Drive, Suite 400  
City, State, Zip Pittsburgh, PA 15275  
County Lycoming County  
Township(s) Muncy Creek Township  
Receiving Stream(s) and Classification(s) Muncy Creek (TSF);  
Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-115-0191  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Lathrop Township  
Receiving Stream(s) and Classification(s) East Branch field Brook (CWF)

ESCGP-1 # ESX12-115-0195  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Lathrop & Lenox Townships  
Receiving Stream(s) and Classification(s) Martin Creek (Other)

ESCGP-1 # ESX12-015-0206  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Bradford County  
Township(s) Orwell Township  
Receiving Stream(s) and Classification(s) UNT to South Creek (CWF) (South), South Creek (CWF) (North);  
Secondary: Johnson Creek (CWF)

ESCGP-1 # ESX12-035-0022  
Applicant Name Anadarko E&P Company, LP  
Contact Person Nathan S. Bennett  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Clinton County  
Township(s) Beech Creek Township  
Receiving Stream(s) and Classification(s) Coon Run (EV/MF), Swamp Branch (EV/MF);  
Secondary: Swamp Branch (EV/MF), East Branch Big Run (EV/MF)

ESCGP-1 # ESX11-081-0079 (01)  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Brian Rushe  
Address 3000 Ericsson Drive Suite 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming County  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) Sugar Run, UNT Sugar Run, Big Run, UNT Big Run (CWF)

ESCGP-1 # ESX12-081-0145  
Applicant Name PVR NEPA Gas Gathering, LLC  
Contact Person Kevin Roberts  
Address 100 Penn Tower, Suite 201-202, 25 W. Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Franklin Township  
Receiving Stream(s) and Classification(s) Little Muncy Creek, UNT to Little Muncy Creek (CWF/MF)

ESCGP-1 # ESX12-081-0145  
 Applicant Name Southwestern Energy Production Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Lycoming County  
 Township(s) Cogan House and Jackson Townships  
 Receiving Stream(s) and Classification(s) UNT to Blockhouse Creek (EV), UNT to Flicks Run (HQ-CWF)

ESCGP-1 # ESX11-081-0014 (02)  
 Applicant Name Atlas Resources  
 Contact Person Carla Suszkowski  
 Address 1000 Commerce Drive, Suite 400  
 City, State, Zip Pittsburgh, PA 15275  
 County Lycoming County  
 Township(s) Gamble Township  
 Receiving Stream(s) and Classification(s) Miller Run (EV) and Mill Creek (EV);  
 Secondary: West Branch Murray Run & Loyalsock Creek

ESCGP-1 # ESX12-115-0187  
 Applicant Name Williams Field Services, LLC  
 Contact Person Tom Page  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Dimock and Springville Townships  
 Receiving Stream(s) and Classification(s) Meshoppen, Burdick and Stevens Creek, and their UNTs (All CWF/MF);  
 Secondary: Susquehanna River

ESCGP-1 # ESX12-115-0186  
 Applicant Name Susquehanna Gathering Company 1, LLC  
 Contact Person John Miller  
 Address P. O. Box 839, 1299 Oliver Road  
 City, State, Zip New Milford, PA 18834-7595  
 County Susquehanna County  
 Township(s) New Milford Township  
 Receiving Stream(s) and Classification(s) East Lake Creek (HQ/CWF)

ESCGP-1 # ESX12-081-0119  
 Applicant Name XTO Energy, Inc.  
 Contact Person Stacey Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Lycoming County  
 Township(s) Brown Township  
 Receiving Stream(s) and Classification(s) UNT to Trout Run (HQ, CWF/MF);  
 Secondary: Trout Run (HQ, CWF/MF)

ESCGP-1 # ESX12-081-0152  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Brian Rushe  
 Address 3000 Ericsson Drive Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Roaring Run (EV);  
 Secondary: Larry's Creek (EV)

ESCGP-1 # ESX12-015-0086 (01)  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Greg Floerke  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford and Wyoming Counties  
 Township(s) Wilmot, Windham and North Branch Townships  
 Receiving Stream(s) and Classification(s) The Sugar Run Creek—CWF/MF, UNT to the Sugar Run Creek—CWF/MF

ESCGP-1 # ESX12-015-0203  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Monroe Township  
 Receiving Stream(s) and Classification(s) UNT to French Run (CWF-MF) and Towanda Creek (WWF);  
 Secondary: Towanda Creek (TWF, WWF)

ESCGP-1 # ESG11-131-0027 (02)  
 Applicant Name PVR NEPA Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 100 Penn Tower, Suite 201-202, 25 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Wyoming and Susquehanna Counties  
 Township(s) Nicolson and Lathrop Townships  
 Receiving Stream(s) and Classification(s) Field Brook (CWF/MF), UNT to Field Brook (CWF/MF)

ESCGP-1 # ESX12-081-0150  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Brian Rushe  
 Address 3000 Ericsson Drive Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Anthony Township  
 Receiving Stream(s) and Classification(s) Pond Hollow Creek, Trib to Larry's Creek (EV, UNT) to Lycoming Creek (HQ/CWF)

*Northwest Region: Waterways and Wetlands 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>
1012803(1)	Brian Raber NiSource Midstream Services LLC 5151 San Felipe, Suite 2500 Houston TX 77056	Butler	Buffalo, Clinton, and Jefferson Townships	Thorn Creek CWF; Patterson Run CWF; Davis Run CWF; Lardintown Run TSF; McDowell Run TSF; Little Bull Creek TSF; UNT Little Buffalo Creek HQ-TSF; UNT Buffalo Creek TSF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-053-0010B—Warrant B  
Major Modification  
Applicant Catalyst Energy, Inc  
Contact Mr. Douglas Jones  
Address 800 Cranberry Woods Drive; Suite 290  
City Cranberry Township State PA Zip Code 16066  
County Forest Township(s) Hickory(s)  
Receiving Stream(s) and Classification(s) Beaver Run / Wolf Run / Lick Run

ESCGP-1 #ESX12-083-0073—Heartwood 6" Pipeline  
Applicant Pennsylvania General Energy, LLC  
Contact Mr. Douglas Kuntz  
Address 120 Market Street  
City Warren State PA Zip Code 16365  
County McKean Township(s) Norwich and Liberty(s)  
Receiving Stream(s) and Classification(s) Parker Run, Hamlin Run, Railroad Run, Scaffold Lick Run, and Colegrove Brook

ESCGP-1 #ESX12-039-0005-Kerecman 1H Reserve 2 Pad  
Applicant Halcon Operating Co Inc  
Contact Jon Wright  
Address 1000 Louisiana Street, Suite 6700  
City Houston State TX Zip Code 77002  
County Crawford Township(s) North Shenango(s)  
Receiving Stream(s) and Classification(s) Bennett Run-Ohio River Basin in PA (List W)-WWF

ESCGP-1 #ESX12-085-0009—Shannon  
Applicant SWEPI LP  
Contact James Sewell  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Mercer Township(s) Lake(s)  
Receiving Stream(s) and Classification(s) UNT to Little Shenango River (TSF), Little Shenango River

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

10/9/12  
ESCGP-1 No.: ESX12-125-0117  
Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC  
Contact Person MR RICK LOWRY  
Address: 601 TECHNOLOGY DRIVE SUITE 300  
City: CANONSBURG State: PA Zip Code: 15317  
County: WASHINGTON Township: CROSS CREEK  
Receiving Stream (s) And Classifications: UNTs TO SOUTH FORK CROSS CREEK; HQ

9/13/12  
ESCGP-1 No.: ESX10-059-0046 MAJOR REVISION  
Applicant Name: LAUREL MOUNTAIN MIDSTREAM OPERATING LLC  
Contact Person: MR JOSEPH R MCCAY  
Address: 1605 CORAOPOLIS HEIGHTS RD  
City: MOON TOWNSHIP  
State: PA Zip Code: 15108  
County: GREENE Township(s): FRANKLIN  
Receiving Stream(s) and Classifications: MUD LICK RUN (HQ-WWF), BROWNS CREEK (HQ-WWF); HQ

10/15/12  
ESCGP-1 No.: ESX12-125-0094 MAJOR REVISION  
Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC  
Contact Person: MR RICK LOWRY  
Address: 601 TECHNOLOGY DRIVE SUITE 300  
City: CANONSBURG State: PA Zip Code: 15317  
County: WASHINGTON Township(s): BUFFALO

Receiving Stream(s) and Classifications: BUFFALO CREEK (HQ-WWF), UNTs TO BUFFALO CREEK (HQ-WWF); HQ

8/15/12  
ESCGP-1 No.: ESX10-059-0061 MAJOR REVISION  
Applicant Name: CHESAPEAKE APPALACHIA LLC  
Contact Person: MR ERIC HASKINS  
Address: 101 NORTH MAIN STREET  
City: ATHENS State: PA Zip Code: 18810  
County: GREENE Township(s): SPRINGHILL  
Receiving Stream(s) and Classifications: RECEIVING WATER/WATERSHED NAME 1. PIGEON RUN (WWF) FISH CREEK 2. UNT TO KNOB RUN (WWF)/FISH CREEK 3. PENNSYLVANIA FORK FISH CREEK (WWF) FISH CREEK; OTHER

10/2/12  
ESCGP-1 No.: ESX12-125-0038 MAJOR REVISION  
Applicant Name: CHESAPEAKE APPALACHIA LLC  
Contact Person: MR ERIC HASKINS  
Address: 101 NORTH MAIN STREET  
City: ATHENS State: PA Zip Code: 18810  
COUNTY WASHINGTON Township(s): WEST FINLEY  
Receiving Stream(s) and Classifications: UNT TO BEHAM RUN-(WWF)/WHEELING CREEK 2. BEHAM RUN-(WWF)/WHEELING CREEK 3. UNT TO LAIDLEY RUN-(WWF)/WHEELING CREEK; OTHER

3/23/12  
ESCGP-1 No.: ESX12-125-0041  
Applicant Name: M3 APPALACHIA GATHERING LLC  
Contact Person: MR JAMES C ROBERTS  
Address: 109 MAIN AVENUE SUITE 210  
City: DURANGO State: CO Zip Code: 81301  
County: WASHINGTON Township(s): CARROLL  
Receiving Stream(s) and Classifications: BARNEYS RUN/MONONGAHELA RIVER, BLACK DOG HOLLOW/TENMILE CREEK, BROWNS RUN/SOUTH FORK TENMILE CREEK, CASTILE RUN/SOUTH FORK TENMILE CREEK, FISHPOT RUN/MONONGAHELA RIVER, UNT TO MONONGAHELA RIVER/MONONGAHELA RIVER; MINGO CREEK/MONONGAHELA RIVER, NORTH BRANCH FISHPOT RUN/FISHPOT RUN, PETERS CREEK/MONONGAHELA RIVER, PIGEON CREEK/MONONGAHELA RIVER, PIKE RUN/MONONGAHELA RIVER, SAWMILL CREEK/MONONGAHELA RIVER, SOUTH FORK TENMILE CREEK/TENMILE CREEK, AND TENMILE CREEK/MONONGAHELA RIVER; SEE ATTACHMENT F FOR SUMMARY OF WATERBODIES WITHIN THE PROJECT AREA TABLE; HQ (MINGO CREEK); OTHER; WWF, TSF (ALL OTHER WATERBODIES)

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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

which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22237-00-00  
 Well Farm Name Iceman Bra 6H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford  
 Municipality Wilmot Township  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cooley, Unnamed Tributary to Panther Lick Creek, which is tributary to Sugar Run Creek.

Well Permit #: 015-22343-00-00  
 Well Farm Name James Barrett BRA 6H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 101 N. Main Street, Athens, PA 18810-1707  
 County: Bradford  
 Municipality Asylum Township  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Monroeton, Tributary of the UNT to Durell Creek.

[Pa.B. Doc. No. 12-2318. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Air Quality Technical Advisory Committee Meeting Cancellation**

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for Thursday, December 13, 2012, has been cancelled. The next Committee meeting is scheduled for Thursday, February 14, 2013, in Room 105, Rachel Carson State Office Building at 9:15 a.m.

For additional information, contact Arleen Shulman at (717) 772-9495 or ashulman@state.pa.us. The agenda and materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Arleen Shulman at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-2319. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Substantive Revision*

*DEP ID:* 562-5900-001. *Title:* Surface Mine Accident/ Incident Investigations. *Description:* The purpose of this guidance is to outline a standard operating procedure for the Department's role in investigating accidents which cause serious injury or death; and in investigating incidents that had the potential to cause bodily injury on surface mine sites. The guidance is being revised to update the investigation procedures and to include the reporting and investigation of incidents on surface mine sites.

*Written Comments:* Interested persons may submit written comments on this Draft Technical Guidance Documents by January 1, 2013. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Chris Yeakle, P. O. Box 669, Knox, PA 16232, (814) 797-1191, [cyeakle@pa.gov](mailto:cyeakle@pa.gov).

Contact: Chris Yeakle, (814) 797-1191 or cyeakle@pa.gov.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-2320. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Bid Opportunity

**OOGM 12-7, Cleaning Out and Plugging Three Abandoned Gas Wells (William H. Brawand, Mr. and Mrs. Wayne J. Lowe and Michael C. Anderson Properties), Jones Township, Elk County.** The principal items of work and approximate quantities are to clean out and plug three abandoned gas wells, estimated to be 1,800 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on November 30, 2012, and bids will be opened on January 8, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for December 20, 2012, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-2321. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Extension of NPDES General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Petroleum Product Groundwater Remediation Facilities (PAG-05).

The existing PAG-05 in effect at this time will expire on December 28, 2012. By this notice, the Department is administratively extending the PAG-05 General Permit to December 28, 2013. Persons that are operating under the PAG-05 General Permit may continue to operate until December 28, 2013, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. The Department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-05 General Permit.

To access the General Permit and related documents, visit [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) and select "Permit and Authorization Packages," "Water Management," "NPDES (National Pollutant Discharge Elimination System)," "General Permits" and "PAG-05."

Questions regarding the PAG-05 General Permit for Petroleum Product Contaminated Groundwater Remediation

Systems should be directed to Sean M. Furjanic, P.E. at (717) 787-2137 or sefurjanic@pa.gov.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-2322. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

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

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

For further information about this action or the Trading Program, contact Brian Schlauderer, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approvals of these requests are considered a final action of the Department. These approvals are applicable to nitrogen and phosphorous credits to be generated from pollutant reduction activities of installed treatment processes or agriculture best management practices. These approvals include verification plans and authorize the generation of nitrogen or phosphorous credits for the 2012-2015 Compliance Years, or both. These certifications are valid until September 30, 2015, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in their certifications.

**University Area Joint Sewer Authority (UAJA), PA0026239 (Centre County).** It is estimated for the 2012-2015 Compliance Years that UAJA could produce 35,000 nitrogen reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 4985 (August 4, 2012).

**Material Matters, Inc., on behalf of Derry Township Municipal Authority (DTMA), PA0026484 (Dauphin County).** It is estimated for the 2012-2015 Compliance Years that DTMA could produce 29,000 nitrogen and 700 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 4985.

**Eastern Snyder County Regional Authority (ESCRA), PA0110582 (Snyder County).** It is estimated for the 2012-2015 Compliance Years that ESCRA could produce 5,400 nitrogen and 1,570 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5435 (August 18, 2012).

**New Oxford Municipal Authority (NOMA), PA0020923 (Adams County).** It is estimated for the 2012-2015 Compliance Years that NOMA could produce 12,000 nitrogen and 1,500 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 4985.

**Stiffler-McGraw and Associates, Inc., on behalf of Towanda Municipal Authority (TMA), PA0034576 (Adams County).** It is estimated for the 2012-2015 Compliance Years that TMA will produce 3,900 nitrogen reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5435.

**HRG, Inc., on behalf of Mid-Centre County Authority (MCCA), PA0110965 (Centre County).** It is estimated for the 2012-2015 Compliance Years that MCCA will produce 12,000 nitrogen and 1,500 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 620 (January 28, 2012).

**Gwin, Dobson and Foreman, Inc., on behalf of Altoona Water Authority's Westerly Wastewater Treatment Plant (AWA Westerly), PA0027022 (Blair County).** It is estimated for the 2012-2015 Compliance Years that AWA Westerly will produce 164,381 nitrogen and 21,918 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5936 (September 15, 2012).

**CET Engineering Services, on behalf of Middletown Borough, PA0020664 (Dauphin County).** It is estimated for the 2012-2015 Compliance Years that Middletown Borough will produce 16,300 nitrogen and 700 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5435.

**Mount Carmel Municipal Authority (MCMA), PA0024406 (Centre County).** It is estimated for the 2012-2015 Compliance Years that MCMA will produce 41,095 nitrogen and 5,479 phosphorous reduction credits per compliance year through the use of installed treat-

ment processes. Notice of the certification request was published for comment at 42 Pa.B. 5936.

**RETTEW, on behalf of Pine Grove Joint Treatment Authority (PGJTA), PA0020915 (Schuylkill County).** It is estimated for the 2012-2015 Compliance Years that PGJTA will produce 15,574 nitrogen and 1,001 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 4985.

**Harrisburg Advanced Wastewater Treatment Facility (Harrisburg's AWTF), PA0027197 (Dauphin County).** It is estimated for the 2012-2015 Compliance Years that Harrisburg's AWTF will produce 769 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5701 (September 1, 2012).

**RETTEW, on behalf of Highspire Borough, PA0024040 (Dauphin County).** It is estimated for the 2012-2015 Compliance Years that Highspire Borough will produce 23,000 nitrogen reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Gwin, Dobson and Foreman, Inc., on behalf of Saxton Borough Municipal Authority (SBMA), PA0025381 (Blair County).** It is estimated for the 2012-2015 Compliance Years that SBMA will produce 2,313 nitrogen and 292 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 6346 (October 6, 2012).

**CET Engineering Services, on behalf of Dillsburg Area Authority (DAA), PA0024431 (York County).** It is estimated for the 2012-2015 Compliance Years that DAA will produce 16,186 nitrogen and 387 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 6346.

**Salzmann Hughes PC, on behalf of Gregg Township Municipal Authority (GTMA), PA0114821 (Union County).** It is estimated for the 2012-2015 Compliance Years that GTMA will produce 8,916 nitrogen and 769 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 6346.

**CET Engineering Services, on behalf of Penn Township, PA0037150 (York County).** It is estimated for the 2012-2015 Compliance Years that Penn Township will produce 30,688 nitrogen and 1,875 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 6346.

**Swatara Township Authority (STA), PA0026735 (Dauphin County).** It is estimated for the 2012-2015 Compliance Years that STA will produce 30,000 nitrogen and 4,000 phosphorous reduction credits per compliance year through the use of installed treatment processes. Notice of the certification request was published for comment at 42 Pa.B. 6346.

**Lycoming County Conservation District:** Client BICCIT0001 is authorized for the 2012-2015 Compliance Years to produce 739 nitrogen reduction credits per compliance year through the use of agriculture best



management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client MiREIT0001 is authorized for the 2012-2015 Compliance Years to produce 1,561 nitrogen reduction credits per compliance year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client MuCFrT0002 is authorized for the 2012-2015 Compliance Years to produce 349 nitrogen reduction credits per compliance year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client MuCMCT0001 is authorized for the 2012-2015 Compliance Years to produce 206 nitrogen reduction credits per year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client PiCPoT0001 is authorized for the 2012-2015 Compliance Years to produce 373 nitrogen reduction credits per year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client WBSCT0001 is authorized for the 2012-2015 Compliance Years to produce 765 nitrogen reduction credits per year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 5701.

**Lycoming County Conservation District:** Client WhCWaT0002 is authorized for the 2012-2015 Compliance Years to produce 3,271 nitrogen reduction credits per year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 6708 (October 20, 2012).

**Lycoming County Conservation District:** Client LoCEIT0001 is authorized for the 2012-2015 Compliance Years to produce 2,017 nitrogen reduction credits per year through the use of agriculture best management practices. Notice of the certification request was published for comment at 42 Pa.B. 6708.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-2323. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Pennsylvania Natural Gas Energy Development Program; Funding Opportunity Available**

On behalf of Governor Tom Corbett, Secretary Michael Krancer announces that on December 1, 2012, the Department of Environmental Protection (Department) will offer competitive grants for the incremental cost share for the purchase of vehicles over 14,000 pounds that operate using compressed natural gas and liquefied natural gas.

The Pennsylvania Natural Gas Energy Development Program (program) grants will be made from amounts deposited in the Marcellus Legacy Fund. Up to \$10 million will be available for this solicitation. Of that amount, \$5 million shall be allocated exclusively for local

transportation organizations. The purpose of this program is to provide funding to support the purchase or retrofit of natural gas vehicles that utilize new or existing natural gas fueling stations within this Commonwealth.

Key elements of the program are as follows. Each project must propose to receive funding for five or more eligible vehicles. The vehicles utilizing incremental purchase or retrofit cost funding must be registered in this Commonwealth. Each grant will cover no more than 50% of the incremental purchase or retrofit cost of eligible vehicles. Grants will not provide more than \$25,000 for each eligible vehicle. Eligible vehicles include purchased or retrofitted new and used vehicles. Grantees may not receive incremental costs for a vehicle purchased or retrofitted prior to the award date of the grant. Grant funds awarded under this program may not be used in place of available Federal funds. Project must be completed within the grant period of performance which will be 18 months from the award announcement.

For grants under this solicitation, the following entities are eligible to apply:

A Commonwealth authority

A municipal authority

The Pennsylvania Turnpike Commission

A local transportation organization, which includes the following:

A political subdivision

A public transportation authority, port authority or redevelopment authority, which is organized under the laws of the Commonwealth or an interstate compact, or is empowered to render, contract to render or assist in rendering transportation services in a limited area in this Commonwealth even though it may also render or assist in rendering transportation service in adjacent states

An incorporated nonprofit entity which directly or indirectly provides public transportation service

An incorporated nonprofit entity of public transportation providers operating within this Commonwealth

An incorporated nonprofit entity

A State-owned or State-related university

A for profit company

Guidelines may be viewed at [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us).

Applications must be submitted via the eGrants system at [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us).

Applications will be accepted from December 1, 2012, through February 1, 2013.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-2324. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Public Hearing Opportunity for Storage Tank Site-Specific Installation Permit Application Submitted by Perdue Grain & Oilseed, LLC; Public Comment Period Extended**

The Department of Environmental Protection (Department) by this notice is extending the public comment period through December 17, 2012, for the Storage Tank

Site-Specific Installation Permit (SSIP) application submitted by Perdue Grain & Oilseed, LLC for the installation of two aboveground storage tanks with a total capacity of 40,000 gallons storing hexane at their proposed Soybean Processing Facility in Conoy Township, Lancaster County.

In addition, comments will be accepted on the SSIP application at a public hearing scheduled in conjunction with air plan approval applications that are also required for this project. The public hearing will be held from 6 p.m. to 8 p.m. on Thursday, December 13, 2012, at the Hellam Fire Company Hall, 163 East Market Street, Hellam, PA 17406.

Persons wishing to present testimony at the hearing should contact Dawne Wilkes at (717) 705-4702 to reserve a time to present any testimony. Oral testimony will be limited to 10 minutes for each witness. All groups or organizations are required to designate one witness to present testimony on its behalf. Commentators shall provide two written copies of their remarks at the time of the hearing.

Persons interested in submitting written comments on the SSIP application should send their comments to Eric Lingle, Chief, Registration, Permitting and Certification Section, at the address that follows. Comments will also be accepted at tanks@pa.gov. Comments sent by facsimile or voice mail will not be accepted. Written comments on the SSIP application must be received by December 17, 2012.

The SSIP application is available for review by contacting the Department of Environmental Protection, Bureau of Environmental Cleanup and Brownfields, Rachel Carson State Office Building, P. O. Box 8762, 14th Floor, Harrisburg, PA 17105-8762, (717) 772-5599, tanks@pa.gov. The permit application is also available for review at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4732.

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a comment and response document and the final permit decision. The final permit decision will be announced in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-2325. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Public Notice of Availability of Final NPDES General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02)

The Department of Environmental Protection (Department) by this notice is publishing as final the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02, 2012 amendment) for renewal for 5 years. This General NPDES Permit is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1387) and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). The current PAG-02 permit is

scheduled to expire at 12 a.m. on December 7, 2012. This permit becomes available at 12:01 a.m. on December 8, 2012. In accordance with 25 Pa. Code § 92a.84(c)(3) (relating to public notice of general permits), a notice will be published in the *Pennsylvania Bulletin* of every approval of coverage only.

This General Permit, as finalized, has been modified in the following significant ways:

- Changing from 2-year term to 5-year term.
- Updated fees.
- Updated stabilization requirements to mirror the revised 25 Pa. Code Chapter 102 (relating to erosion and sediment control) regulations.
- Revised condition for projects that drain to waters with Total Maximum Daily Loads or that are impaired.
- Added condition for projects discharging to permitted Municipal Separate Storm Sewer System (MS4) or Combined Sewer Overflow (CSO) if there is a net change in the post construction stormwater rate, volume or quality, must obtain permission from the permitted MS4 or CSO.
- Added conditions related insufficient funds tendered for permit fees.
- Updated long-term post construction stormwater management conditions to mirror the revised 25 Pa. Code Chapter 102 regulations.
- Modified condition regarding when the Department must be notified for noncompliance monitoring.
- Added conditions per 25 Pa. Code § 102.8(n) (relating to PCSM requirements) regarding when site restoration plans can be used in lieu of post construction stormwater management plans.
- Added condition to address use of voluntary riparian forest buffers to achieve the antidegradation presumption and for trading, offsetting purposes.
- Added condition related to permitted MS4 reliance on the construction stormwater program as a "Qualifying Local Program" to meet some of their permit obligations.
- Added conditions related to public notice and stormwater offsetting.
- Deeding restrictions for Federal facilities must be done upon the transfer of the property but not with the notice of termination.
- Deeding restrictions/covenants must be recorded before the sale of property to owners.
- Included effluent monitoring conditions and limitations for turbidity to maintain compliance with 40 CFR Part 450 (relating to construction and development point source category).

• Modified preconstruction meetings from voluntary to mandatory unless the applicant is informed by the Department or delegated conservation district that it is not necessary.

The Department solicited public comment on the proposed revisions to PAG-02 from August 18, 2012, through October 2, 2012. Sixty comments were received from five commentators. The final PAG-02, 2012 amendment permit is available by contacting the Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, P. O. Box 8460, 3rd Floor, Harrisburg, PA 17105-8460, (717) 787-3411. The final PAG-02, 2012 amendment permit is also available on the Department's web site. To access the

General Permit and related documents, visit [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) and select "Permit and Authorization Packages," "Water Management," "NPDES (National Pollutant Discharge Elimination System)," "Stormwater Construction Activities" and "PAG-02."

Questions about the final PAG-02 should be directed to Jennifer Orr, Chief, NPDES Construction Program at (717) 772-5961 or [jeorr@pa.gov](mailto:jeorr@pa.gov).

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-2326. Filed for public inspection November 30, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Addition of Diseases to the Newborn Screening and Follow-Up Program

Under section 3(d) of the Newborn Child Testing Act (act) (35 P. S. § 623(d)), the Department of Health (Department), with the approval of the Newborn Screening and Follow-up Technical Advisory Committee (Committee), has the authority to establish by periodic publication in the *Pennsylvania Bulletin*, changes to the list in section 3(a)(1) of the act of diseases for which screening tests of newborn children shall be conducted and changes to the list in section 3(a)(2) of the act of diseases for which follow-up services (relating to case management, referrals, confirmatory testing and assessment) of newborn children with abnormal, inconsistent or unacceptable screening test results are required.

The Department hereby gives notice, effective March 1, 2013, that the following disease shall be added to the list of diseases for which follow-up services (relating to case management, referrals, confirmatory testing and assessments in section 3(a)(2) of the act of newborn children are required:

*Congenital Heart Disease (CHD).*

Under section 3(e) of the act, the Department also may establish, by periodic publication in the *Pennsylvania Bulletin*, the method for reporting newborn screening test results to the Department. The Department hereby gives notice, effective March 1, 2013, that test results and diagnoses based upon screening tests for CHD shall be reported to the Department by means of reporting forms that may be accessed, as of January 2, 2013, on the Department's web site at [www.health.state.pa.us/newbornscreening](http://www.health.state.pa.us/newbornscreening).

This notice also will serve to advise that the Department has approval from the Committee to add Severe Combined Immunodeficiency Disease to the list of diseases in section 3(a)(2) of the act for which follow-up services are required. Formal notice will be published upon implementation of a laboratory information management system, which the Department anticipates will occur in 2013.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of Family Health, Division of Newborn Screening Program, 625 Forster Street, H&W Building, 7th Floor East, Harrisburg, PA 17120, (717) 783-8143, for speech and/or

hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,  
Acting Secretary

[Pa.B. Doc. No. 12-2327. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charts or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P. S. §§ 1—1041.1 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2011, through October 31, 2012, the Consumer Price Index was 2.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2013, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20 . . . . .	\$1.42
Amount charged per page for pages 21—60 . . . . .	\$1.05
Amount charged per page for pages 61—end . . . . .	\$0.34
Amount charged per page for microfilm copies . . . . .	\$2.05

*Not to Exceed*

Flat fee for production of records to support any claim under Social Security or any Federal or State financial needs based program ..... \$26.70

Flat fee for supplying records requested by a district attorney ..... \$21.07

\* Search and retrieval of records ..... \$21.07

The fees listed previously shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice, (for example, large print, audiotape, Braille) should contact James T. Steele, Jr. at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

\*Note: Federal regulations enacted under the Health Insurance Portability and Accountability Act at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, <http://www.hhs.gov/ocr/hipaa>.

MICHAEL WOLF, *Acting Secretary*

[Pa.B. Doc. No. 12-2328. Filed for public inspection November 30, 2012, 9:00 a.m.]

**Application of Geisinger Community Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Community 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 standards contained in this publication: 2.2-2.6.2.2 and 2.2-3.3.6.14 (relating to space requirements for minimum headwall width; and sub-sterile room location).

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 (800) 654-5984 (TT).

MICHAEL WOLF, *Acting Secretary*

[Pa.B. Doc. No. 12-2329. Filed for public inspection November 30, 2012, 9:00 a.m.]

**Long-Term Care Nursing Facilities; Request for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Spruce Manor Nursing & Rehabilitation Center  
220 South 4th Avenue  
West Reading, PA 19611  
FAC ID 180302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, 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](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 the 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 address or phone numbers listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF, *Acting Secretary*

[Pa.B. Doc. No. 12-2330. Filed for public inspection November 30, 2012, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Office of Developmental Programs Priorities for Provider QM Plan Development

The Department of Public Welfare (Department) announces its priorities for a provider's Quality Management Plan under 55 Pa. Code § 51.25(d)(1) (relating to quality management) for providers of Consolidated and Person/Family Directed Support (P/FDS) Waiver services, including Supports Coordination Organizations, targeted services management and providers of base-funded services in a waiver service location.

*The Department priorities are as follows:*

- Achieving compliance with the quality improvement strategy sections found in Appendix A, Appendix B, Appendix C, Appendix D, Appendix G and Appendix I in both the Consolidated Waiver at [http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/communication/p\\_012897.pdf](http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/communication/p_012897.pdf) and the P/FDS Waiver at [http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/document/p\\_012754.pdf](http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/document/p_012754.pdf).
- Achieving compliance with incident management policies and procedures established in Bulletin #6000-04-01 "Incident Management" and including review and analysis of incidents as specified in 55 Pa. Code § 51.17 (relating to incident management).
- Improving results of provider and Supports Coordination Organization monitoring reviews and ensuring corrective action plans under 55 Pa. Code § 51.24 (relating to provider monitoring) are successfully implemented.
- Improving waiver participant satisfaction with service provision through review of Independent Monitoring for Quality data in the Home and Community Services Information System.
- Reviewing and evaluating practices to promote employment and increase the number of individuals with an intellectual disability who are employed.
  - Reviewing and evaluating life sharing opportunities and promote an increase in the number of individuals with an intellectual disability who live in life sharing arrangements.
  - Reviewing and evaluating practices to reduce and eliminate restraints.
  - Reviewing and evaluating practices to increase awareness and ensure reduction in individual to individual abuse.
  - Reviewing and evaluating practices to ensure each individual is supported in the use of an effective communication strategy.
    - Reviewing and evaluating practices to ensure each individual receives the most inclusive, least restrictive services and supports.
  - Diverting individuals from admission to State Centers and State Hospitals.

### *Fiscal Impact*

There are no costs or savings anticipated.

### *Public Comment*

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County

Program, Administrative Entity (AE) or Regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department at the ODP mailbox at [ra-ODPcomment@pa.gov](mailto:ra-ODPcomment@pa.gov), use subject header "PN Priorities for Provider QM Plan Development" or Department of Public Welfare, Office of Developmental Programs, Division of Program Management, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, 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-801. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-2331. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add Kalydeco and Korlym to the Medical Assistance (MA) Program's list of services and items requiring prior authorization. The Department will also add Hypoglycemics, TZDs designated as preferred on the Department's Preferred Drug List (PDL), and low dose oral atypical antipsychotics designated as preferred on the Department's PDL to the MA Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for Kalydeco, Korlym and preferred Hypoglycemics, TZDs. The Department will also require prior authorization of prescriptions for preferred oral atypical antipsychotics prescribed in a low-dose for recipients 18 years of age and older beyond the first 60 days of therapy. These prior authorization requirements apply to prescriptions dispensed on or after December 3, 2012.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for

obtaining prior authorization of prescriptions for each of the medications listed previously.

#### *Fiscal Impact*

These changes are estimated to result in savings of \$1.651 million (\$0.755 million in State funds) in the MA Outpatient Program in Fiscal Year (FY) 2012-2013. Annualized savings of \$3.301 million (\$1.535 million in State funds) are estimated in FY 2013-2014.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

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-802. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-2332. Filed for public inspection November 30, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Alpha Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Alpha.

2. *Price:* The price of a Pennsylvania Alpha instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Alpha instant lottery game ticket will feature a "YOUR LETTERS" area and a "YOUR WORDS" area. The "YOUR WORDS" area contains five "3 letter word" areas, four "4 letter word" areas, three "5 letter word" areas and one "6 letter word" area. Each "word" is played separately. The play symbols and their captions located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in the "YOUR WORDS" area are: the letters A through and including Z.

4. *Prize Symbols:* The prize symbols and their captions, located in the "Prize" area for the "3 letter word" areas are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$150 (ONEHUNFTY), \$300 (THR HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$30,000 (TRY THO). The prize symbols and their captions, located in the "Prize" area for the "4 letter word" areas are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX

DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY) and \$50<sup>00</sup> (FIFTY). The prize symbols and their captions, located in the "Prize" area for the "5 letter word" areas are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY) and \$75<sup>00</sup> (SVY FIV). The prize symbols and their captions, located in the "Prize" area for the "6 letter word" area is: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$75<sup>00</sup> (SVY FIV) and \$150 (ONEHUNFTY).

5. *Prizes:* Prizes shown in the "Prize" area for the "3 letter word" areas are not multiplied, prizes shown in the "Prize" area for the "4 letter word" areas are doubled, prizes shown in the "Prize" area for the "5 letter word" areas are tripled and prizes shown in the "Prize" area for the "6 letter word" area are quadrupled. The prizes that can appear in the "Prize" area for the "3 letter word" areas are: \$3, \$5, \$6, \$9, \$10, \$20, \$30, \$50, \$75, \$150, \$300, \$1,000, \$10,000, \$20,000 and \$30,000. The prizes that can appear in the "Prize" area for the "4 letter word" areas are: \$3, \$5, \$6, \$10, \$20, \$30 and \$50. The prizes that can appear in the "Prize" area for the "5 letter word" areas are: \$3, \$5, \$6, \$10, \$20, \$30, \$50 and \$75. The prizes that can appear in the "Prize" area for the "6 letter word" area are: \$3, \$5, \$6, \$10, \$20, \$30, \$75 and \$150. A player can win up to 13 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,000,000 tickets will be printed for the Pennsylvania Alpha instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which the player completely matches all the letters in a "3 letter word" in the "YOUR WORDS" area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$30,000 (TRY THO) appears in the "Prize" area under the matched "3 letter word," on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which the player completely matches all the letters in a "3 letter word" in the "YOUR WORDS" area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area under the matched "3 letter word," on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which the player completely matches all the letters in a "3 letter word" in the "YOUR WORDS" area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matched "3 letter word," on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which the player completely matches all the letters in a "3 letter word" in the "YOUR WORDS" area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matched "3 letter word," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which the player completely matches all the letters in a "6 letter word" in the "YOUR WORDS" area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matched "6 letter word," on a single ticket, shall be entitled to a prize of \$600.



(x) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which the player completely matches all the letters in a “4 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matched “4 letter word,” on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which the player completely matches all the letters in a “6 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matched “6 letter word,” on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which the player completely matches all the letters in a “5 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the “Prize” area under the matched “5 letter word,” on a single ticket, shall be entitled to a prize of \$18.

(bb) Holders of tickets upon which the player completely matches all the letters in a “5 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matched “5 letter word,” on a single ticket, shall be entitled to a prize of \$15.

(cc) Holders of tickets upon which the player completely matches all the letters in a “4 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the “Prize” area under the matched “4 letter word,” on a single ticket, shall be entitled to a prize of \$12.

(dd) Holders of tickets upon which the player completely matches all the letters in a “6 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the “Prize” area under the matched “6 letter word,” on a single ticket, shall be entitled to a prize of \$12.

(ee) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$10<sup>00</sup>

(TEN DOL) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which the player completely matches all the letters in a “4 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matched “4 letter word,” on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$9.

(hh) Holders of tickets upon which the player completely matches all the letters in a “5 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the “Prize” area under the matched “5 letter word,” on a single ticket, shall be entitled to a prize of \$9.

(ii) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$6.

(jj) Holders of tickets upon which the player completely matches all the letters in a “4 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the “Prize” area under the matched “4 letter word,” on a single ticket, shall be entitled to a prize of \$6.

(kk) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$5.

(ll) Holders of tickets upon which the player completely matches all the letters in a “3 letter word” in the “YOUR WORDS” area, using only the letters found in the “YOUR LETTERS” area, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the “Prize” area under the matched “3 letter word,” on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Scratch Your Letters. Then Scratch the Corresponding Letters When They Appear In Any Of Your Words. When You Completely Match All The Letters In Any Word, Apply That Word’s Multiplier To The Prize Shown For That Word And Win That Amount. Three Letter Words Are Not Multiplied. Each Word Played Separately.*

3 LETTER WORD	4 LETTER WORD (X2)	5 LETTER WORD (X3)	6 LETTER WORD (X4)	Win:	Approximate Odds Are	Approximate No. Of Winners Per 9,000,000 Tickets:
\$3				\$3	1 In: 9.09	990,000
\$5				\$5	22.73	396,000



*Scratch Your Letters. Then Scratch the Corresponding Letters  
When They Appear In Any Of Your Words. When You Completely Match  
All The Letters In Any Word, Apply That Word's Multiplier To The Prize  
Shown For That Word And Win That Amount. Three Letter Words Are  
Not Multiplied. Each Word Played Separately.*

3 LETTER WORD	4 LETTER WORD (X2)	5 LETTER WORD (X3)	6 LETTER WORD (X4)	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,000,000 Tickets:
\$3 x 2				\$6	100	90,000
	\$3			\$6	100	90,000
\$6				\$6	100	90,000
\$6 + \$3				\$9	200	45,000
\$3	\$3			\$9	200	45,000
		\$3		\$9	200	45,000
\$9				\$9	200	45,000
\$5 x 2				\$10	250	36,000
	\$5			\$10	166.67	54,000
\$10				\$10	250	36,000
(\$5 x 2) + \$10				\$20	500	18,000
\$5		\$5		\$20	500	18,000
			\$5	\$20	333.33	27,000
	\$10			\$20	500	18,000
\$20				\$20	1,000	9,000
\$5	\$5	\$5		\$30	1,000	9,000
\$10	\$10			\$30	1,000	9,000
		\$5 x 2		\$30	1,000	9,000
		\$10		\$30	1,000	9,000
\$30				\$30	1,000	9,000
\$5 x 5	\$5	\$5		\$50	2,000	4,500
\$10 x 5				\$50	1,714	5,250
\$5	\$5	\$5	\$5	\$50	1,714	5,250
\$10	\$20			\$50	2,000	4,500
\$50				\$50	2,000	4,500
\$3 x 4	\$3 x 4	\$3 x 3	\$3	\$75	2,400	3,750
\$5 x 4		\$5	\$10	\$75	4,000	2,250
(\$20 x 3) + \$10 + \$5				\$75	6,000	1,500
\$10 + \$5	\$10 x 3			\$75	6,000	1,500
	\$20	\$5	\$5	\$75	4,000	2,250
		\$20 + \$5		\$75	4,000	2,250
\$75				\$75	4,000	2,250
(\$6 x 3) + (\$3 x 2)	\$6 x 4	\$6 x 3	\$6	\$150	12,000	750
\$10 x 4		\$10	\$20	\$150	8,000	1,125
\$30 x 5				\$150	12,000	750
\$20 + \$10	\$20 x 3			\$150	24,000	375
\$20	\$30	\$10	\$10	\$150	8,000	1,125
		\$30 + \$20		\$150	12,000	750
\$150				\$150	24,000	375
(\$10 x 4) + \$50	\$10 x 4	\$10 x 3	\$10	\$300	24,000	375
\$20 x 4	\$20	\$20	\$30	\$300	24,000	375
\$30 x 3	\$30 x 3	\$10		\$300	30,000	300
\$50 x 2	\$30	\$20	\$20	\$300	40,000	225
		\$50 x 2		\$300	24,000	375
			\$75	\$300	24,000	375
\$300				\$300	24,000	375
(\$300 x 3) + (\$50 x 2)				\$1,000	30,000	300
\$75	\$50	\$75	\$150	\$1,000	30,000	300
\$1,000				\$1,000	30,000	300
\$10,000				\$10,000	1,800,000	5
\$20,000				\$20,000	1,800,000	5
\$30,000				\$30,000	900,000	10

3 Letter Word: Win prize shown.  
4 Letter Word: (X2) = Win double the prize shown.  
5 Letter Word: (X3) = Win triple the prize shown.  
6 Letter Word: (X4) = Win four times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Alpha instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Alpha, prize money from winning Pennsylvania Alpha instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Alpha instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Alpha or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-2333. Filed for public inspection November 30, 2012, 9:00 a.m.]

## Pennsylvania Lucky in Love Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky in Love.

2. *Price:* The price of a Pennsylvania Lucky in Love instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lucky in Love instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24

(TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Double Heart (DBLHRT) symbol and a LUCKY (LUCKY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$400, \$500, \$1,000, \$5,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Lucky in Love instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in six of the “Prize” areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the “Prize” areas and a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$250 (TWOHUNFTY) appears in two of the “Prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$250 (TWOHUNFTY) appears in the “Prize” area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a LUCKY (LUCKY) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "Prize" areas, a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in six of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets:
\$5	\$5	8.57	560,000
\$5 × 2	\$10	120	40,000
\$5 w/ DOUBLE HEART	\$10	33.33	144,000
\$10	\$10	60	80,000
\$5 × 4	\$20	300	16,000
\$10 × 2	\$20	300	16,000
(\$5 × 2) + \$10	\$20	300	16,000
\$10 w/ DOUBLE HEART	\$20	300	16,000
\$20	\$20	200	24,000
\$5 × 5	\$25	300	16,000
(\$10 × 2) + \$5	\$25	200	24,000
\$20 + \$5	\$25	200	24,000
(\$5 w/ DOUBLE HEART) + (\$5 × 3)	\$25	300	16,000
\$25	\$25	300	16,000
\$10 × 4	\$40	600	8,000
\$20 × 2	\$40	600	8,000
(\$5 w/ DOUBLE HEART) + (\$5 × 6)	\$40	600	8,000
\$20 w/ DOUBLE HEART	\$40	600	8,000
\$40	\$40	600	8,000
\$5 × 10	\$50	600	8,000
\$10 × 5	\$50	600	8,000
\$25 w/ DOUBLE HEART	\$50	300	16,000
\$50	\$50	600	8,000
LUCKY w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	1,091	4,400
\$10 × 10	\$100	2,400	2,000
\$25 × 4	\$100	2,400	2,000
\$50 × 2	\$100	4,000	1,200
\$50 w/ DOUBLE HEART	\$100	1,091	4,400
\$100	\$100	2,400	2,000
LUCKY w/ ((\$25 × 2) + (\$20 × 10))	\$250	6,000	800
(\$40 × 5) + (\$10 × 5)	\$250	10,000	480
(\$50 w/ DOUBLE HEART) + (\$50 × 3)	\$250	6,000	800
\$250	\$250	8,000	600
LUCKY w/ ((\$100 × 2) + (\$20 × 10))	\$400	24,000	200
\$40 × 10	\$400	30,000	160
\$100 × 4	\$400	40,000	120
(\$50 w/ DOUBLE HEART) + (\$50 × 6)	\$400	24,000	200
\$400	\$400	40,000	120
LUCKY w/ ((\$100 × 2) + (\$40 × 5) + (\$20 × 5))	\$500	40,000	120
\$50 × 10	\$500	60,000	80
\$250 × 2	\$500	60,000	80
\$250 w/ DOUBLE HEART	\$500	40,000	120
\$500	\$500	60,000	80
LUCKY w/ ((\$250 × 2) + (\$50 × 10))	\$1,000	60,000	80
LUCKY w/ ((\$50 × 6) + (\$40 × 5) + \$500)	\$1,000	60,000	80
\$250 × 4	\$1,000	60,000	80
\$500 × 2	\$1,000	120,000	40
(\$100 w/ DOUBLE HEART) + (\$100 × 8)	\$1,000	60,000	80
\$1,000	\$1,000	120,000	40
\$1,000 × 5	\$5,000	480,000	10
\$5,000	\$5,000	480,000	10
\$50,000	\$50,000	480,000	10

Reveal a "DOUBLE HEART" (DBLHRT) symbol, win double the prize shown under it.  
Reveal a "LUCKY" (LUCKY) symbol, win all 12 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky in Love instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky in Love, prize money from winning Pennsylvania Lucky in Love instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky in Love instant lottery game, the right of a ticket holder to claim the prize represented by

the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky in Love or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-2334. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Pennsylvania Millionaires Club Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Millionaires Club.

2. *Price*: The price of a Pennsylvania Millionaires Club instant lottery game ticket is \$20.

3. *Play Symbols*: Each Pennsylvania Millionaires Club instant game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Keystone (KYSTN) symbol, 5X (5TIMES) symbol and a Moneybag (MNYBAG) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes*: The prizes that can be won in this game are: \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 6,600,000 tickets will be printed for the Pennsylvania Millionaires Club instant game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$500 (FIV HUN) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$1,000 (ONE THO) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$500 (FIV HUN) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 5X (5TIMES) symbol and a prize symbol of \$100 (ONE HUN) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MONEYBAG (MNYBAG) symbol and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$250 (TWOHUNFTY) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in five of the "prize" areas and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$100 (ONE HUN) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Keystone (KYSTN) symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the Keystone (KYSTN) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
		<i>1 In:</i>	
\$10 x 2	\$20	30	220,000
(\$10 w/ KEYSTONE) x 2	\$20	30	220,000
\$20 w/ KEYSTONE	\$20	30	220,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$20	\$20	30	220,000
\$25 w/ KEYSTONE	\$25	30	220,000
\$25	\$25	30	220,000
\$30 w/ KEYSTONE	\$30	50	132,000
\$30	\$30	75	88,000
\$10 x 4	\$40	300	22,000
\$20 x 2	\$40	300	22,000
(\$20 w/ KEYSTONE) x 2	\$40	150	44,000
\$40	\$40	300	22,000
\$10 x 5	\$50	300	22,000
\$25 x 2	\$50	300	22,000
(\$40 w/ KEYSTONE) + \$10	\$50	100	66,000
\$50 w/ KEYSTONE	\$50	100	66,000
\$50	\$50	150	44,000
\$10 x 10	\$100	300	22,000
\$25 x 4	\$100	300	22,000
\$20 w/ 5X	\$100	300	22,000
\$100 w/ KEYSTONE	\$100	300	22,000
\$100	\$100	300	22,000
MONEYBAG w/ ((\$20 x 5) + (\$10 x 15))	\$250	600	11,000
\$25 x 10	\$250	857.14	7,700
\$50 w/ 5X	\$250	600	11,000
((\$100 w/ KEYSTONE) x 2) + \$50	\$250	1,200	5,500
\$250 w/ KEYSTONE	\$250	1,200	5,500
\$250	\$250	1,200	5,500
MONEYBAG w/ (\$25 x 20)	\$500	1,600	4,125
\$50 x 10	\$500	3,000	2,200
\$250 x 2	\$500	3,000	2,200
\$100 w/ 5X	\$500	1,600	4,125
((\$50 w/ KEYSTONE) x 5) + ((\$25 w/ KEYSTONE) x 10)	\$500	1,846	3,575
\$500 w/ KEYSTONE	\$500	1,846	3,575
\$500	\$500	3,000	2,200
MONEYBAG w/ (\$50 x 20)	\$1,000	6,000	1,100
\$250 x 4	\$1,000	12,000	550
\$500 x 2	\$1,000	12,000	550
(\$100 w/ 5X) x 2	\$1,000	4,000	1,650
((\$100 w/ KEYSTONE) x 5) + ((\$50 w/ KEYSTONE) x 10)	\$1,000	6,000	1,100
\$1,000 w/ KEYSTONE	\$1,000	6,000	1,100
\$1,000	\$1,000	12,000	550
MONEYBAG w/ (\$500 x 20)	\$10,000	264,000	25
(\$100 w/ 5X) x 20	\$10,000	188,571	35
\$10,000	\$10,000	440,000	15
\$100,000	\$100,000	440,000	15
\$1,000,000	\$1,000,000	1,320,000	5

Reveal a "KEYSTONE" (KYSTN) symbol, win the prize shown under it automatically.

Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown below it.

Reveal a "MONEYBAG" (MNYBAG) symbol, win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Millionaires Club instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of P Pennsylvania Millionaires Club instant game, prize money from Pennsylvania Millionaires Club instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of

the Pennsylvania Millionaires Club instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Millionaires Club instant game or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-2335. Filed for public inspection November 30, 2012, 9:00 a.m.]

**Pennsylvania 7 Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7.
2. *Price:* The price of a Pennsylvania 7 instant lottery game ticket is \$5.
3. *Play Symbols:* Each Pennsylvania 7 instant lottery game ticket will contain one play area featuring 15 play symbols and their captions. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX) and a 7 (SVN) symbol.
4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$700 (SVN HUN), \$7,000 (SVN THO) and \$70,000 (SVYTHO).
5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$700, \$7,000 and \$70,000. The player can win up to 15 times on the ticket.
6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania 7 instant lottery game.
7. *Determination of Prize Winners:*
  - (a) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$70,000 (SVYTHO) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$70,000.
  - (b) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$7,000 (SVN THO) in the

“prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$700 (SVN HUN) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$50<sup>00</sup> (FIFTY) in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets with a 7 (SVN) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A “7” (SVN) Symbol, Win Prize Shown Under It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$5	\$5	8.57	1,260,000
\$7	\$7	15	720,000
\$5 × 2	\$10	60	180,000
\$10	\$10	60	180,000
\$5 × 3	\$15	200	54,000



<i>Reveal A "7" (SVN) Symbol, Win Prize Shown Under It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$10 + \$5	\$15	200	54,000
\$15	\$15	150	72,000
\$5 × 4	\$20	200	54,000
\$10 × 2	\$20	200	54,000
\$15 + \$5	\$20	300	36,000
\$20	\$20	300	36,000
\$5 × 8	\$40	300	36,000
\$10 × 4	\$40	600	18,000
\$20 × 2	\$40	600	18,000
\$40	\$40	600	18,000
\$10 × 5	\$50	300	36,000
\$5 × 10	\$50	600	18,000
(\$7 × 5) + \$15	\$50	600	18,000
\$50	\$50	600	18,000
\$10 × 10	\$100	1,200	9,000
\$20 × 5	\$100	1,263	8,550
\$25 × 4	\$100	1,333	8,100
\$50 × 2	\$100	1,412	7,650
(\$15 × 2) + (\$7 × 10)	\$100	1,333	8,100
\$100	\$100	1,412	7,650
(\$20 × 10) + (\$10 × 5)	\$250	6,000	1,800
\$50 × 5	\$250	12,000	900
(\$100 × 2) + \$50	\$250	12,000	900
\$250	\$250	15,000	720
(\$40 × 10) + (\$20 × 5)	\$500	24,000	450
\$50 × 10	\$500	40,000	270
\$100 × 5	\$500	40,000	270
\$250 × 2	\$500	40,000	270
\$500	\$500	60,000	180
\$100 × 7	\$700	30,000	360
(\$250 × 2) + (\$100 × 2)	\$700	60,000	180
\$700	\$700	60,000	180
\$700 × 10	\$7,000	720,000	15
\$7,000	\$7,000	720,000	15
\$70,000	\$70,000	720,000	15

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 7 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7, prize money from winning Pennsylvania 7 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania 7 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-2336. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Pennsylvania Spicy 9s Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spicy 9s.

2. *Price:* The price of a Pennsylvania Spicy 9s instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Spicy 9s instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions printed in black ink and located in the play area

are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 20 (TWENT). The play symbols and their captions printed in red ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and a 9 (NINE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$9,000 (NIN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$1,000 and \$9,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 21,600,000 tickets will be printed for the Pennsylvania Spicy 9s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$9,000 (NIN THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$9,000.

(b) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with a 9 (NINE) symbol in a "GAME," with the symbol and caption printed in red ink, and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Spicy 9s instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal a "9" (NINE) Symbol  
In Any Game, Win Prize  
Shown For That Game. Win  
With:

FREE  
\$1 x 2  
\$2  
\$1 x 3  
\$2 + \$1  
\$3  
(\$2 x 2) + \$1  
\$5  
\$5 x 2  
(\$3 x 2) + (\$2 x 2)  
(\$2 x 3) + \$4  
(\$4 x 2) + \$2  
\$10

Win:  
FREE \$1 TICKET  
\$2  
\$2  
\$3  
\$3  
\$3  
\$5  
\$5  
\$10  
\$10  
\$10  
\$10  
\$10

Approximate  
Odds Are  
1 In:  
9.52  
42.86  
37.5  
100  
100  
100  
136.36  
130.43  
1,500  
1,000  
750  
1,000  
300

Approximate  
No. Of Winners  
Per 21,600,000  
Tickets  
2,268,000  
504,000  
576,000  
216,000  
216,000  
216,000  
158,400  
165,600  
14,400  
21,600  
28,800  
21,600  
72,000

Reveal a "9" (NINE) Symbol  
In Any Game, Win Prize  
Shown For That Game. Win  
With:

\$5 × 4  
\$10 × 2  
(\$5 × 2) + \$10  
\$20  
(\$20 × 2) + (\$5 × 2)  
(\$10 × 3) + \$20  
(\$20 × 2) + \$10  
\$50  
\$50 × 2  
(\$20 × 2) + \$50 + \$10  
\$100  
\$1,000  
\$9,000

Win:  
\$20  
\$20  
\$20  
\$20  
\$50  
\$50  
\$50  
\$50  
\$100  
\$100  
\$100  
\$1,000  
\$9,000

Approximate  
Odds Are  
1 In:  
1,000  
1,000  
1,500  
1,500  
3,000  
3,000  
3,000  
3,000  
12,000  
12,000  
12,000  
30,000  
1,200,000

Approximate  
No. Of Winners  
Per 21,600,000  
Tickets  
21,600  
21,600  
14,400  
14,400  
7,200  
7,200  
7,200  
7,200  
7,200  
1,800  
1,800  
1,800  
720  
18

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Spicy 9s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Spicy 9s, prize money from winning Pennsylvania Spicy 9s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Spicy 9s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Spicy 9s or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-2337. Filed for public inspection November 30, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken By The Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, November 15, 2012, and announced the following:

*Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 14, 2012*

Department of Labor and Industry #12-94: Uniform Construction Code (amends 34 Pa. Code Chapters 401 and 403)

Department of Transportation #18-424: Dual Control Learner's Permit (amends 67 Pa. Code Chapter 84)

#### Action Taken—Regulations Approved:

Department of Revenue #15-457: Payments by Electronic Funds Transfer (amends 61 Pa. Code Chapter 5)

Bureau of Professional and Occupational Affairs #16A-46: Schedule of Civil Penalties for Violations of the Clean Indoor Air Act (amends 49 Pa. Code §§ 43b.4, 43b.5, 43b.6, 43b.7, 43b.8 and 43b.9)

State Real Estate Commission #16A-5613: Education (amends 49 Pa. Code Chapter 35)

State Board of Physical Therapy #16A-6514: Act 38 of 2008 Amendments (amends 49 Pa. Code Chapter 40)

### Approval Order

Public Meeting Held  
November 15, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

Department of Revenue—  
Payments by Electronic Funds Transfer;  
Regulation No. 15-457 (#2978)

On October 12, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapter 5. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking aligns the Department's existing regulations with statutory changes made by Act 87 of 2012. Act 87 amended the Fiscal Code by lowering the threshold of tax payments that must be submitted electronically from \$20,000 to \$10,000.

We have determined this regulation is consistent with the statutory authority of the Department (72 P.S. § 9) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
November 15, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Bureau of Professional and Occupational Affairs—  
Schedule of Civil Penalties for Violations of the Clean  
Indoor Air Act;  
Regulation No. 16A-46 (#2870)*

On August 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs (Bureau). This rulemaking amends 49 Pa. Code §§ 43b.4, 43b.5, 43b.6, 43b.7, 43b.8 and 43b.9. The proposed regulation was published in the September 11, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 11, 2012.

This final-form rulemaking incorporates the civil penalties found in Pennsylvania's Clean Indoor Air Act (35 P.S. §§ 637.1—637.11) into the Bureau's Schedule of Civil Penalties regulation.

We have determined this regulation is consistent with the statutory authority of the Bureau (63 P.S. § 2205) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
November 15, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Real Estate Commission—  
Education;  
Regulation No. 16A-5613 (#2871)*

On August 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Real Estate Commission. This rulemaking amends 49 Pa. Code Chapter 35. The proposed regulation was published in the September 11, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 4, 2012.

This final-form regulation clarifies procedural requirements for continuing education providers and updates certain continuing education requirements for new licensees.

We have determined this regulation is consistent with the statutory authority of the State Real Estate Commission (63 P.S. § 455.404a) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
November 15, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Physical Therapy—  
Act 38 of 2008 Amendments;  
Regulation No. 16A-6514 (#2910)*

On September 6, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking amends 49 Pa. Code Chapter 40. The proposed regulation was published in the September 17, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 11, 2012.

This regulation implements Act 38 of 2008 for physical therapists and physical therapist assistants primarily relating to continuing education, liability insurance and supervision of physical therapist assistants.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 1303(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 12-2338. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6-324	State Board of Private Licensed Schools General Provisions 42 Pa.B. 5872 (September 15, 2012)	10/15/12	11/14/12

#### State Board of Private Licensed Schools Regulation #6-324 (IRRC #2961)

##### General Provisions

November 14, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the September 15, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Private Licensed Schools (Board) to respond to all comments received from us or any other source.

#### 1. Fiscal impact.

The Preamble to this rulemaking states that the proposed changes related to civil penalties could generate an additional \$4,000 for the Board. The Board's response to Question #17 of the Regulatory Analysis Form states that the rulemaking will impose a revenue loss of \$4,000 for state government, but does not explain the basis for the loss. When the Board submits the final regulatory package, we ask for a more detailed explanation of the fiscal impact the rulemaking will have on state government as it pertains to lost revenue.

#### 2. Section 73.104. Instructor.—Reasonableness; Clarity.

Under Subsection (b), instructors at private licensed schools must meet one of six criteria. We have two concerns. First, a commentator has noted that there are no baccalaureate programs for fields of study such as automotive repair or heating, ventilation and air conditioning. The commentator has suggested that an Associates Degree in Specialized Technology be added to the list of criteria that would qualify an individual as an instructor. Would this type of degree provide an individual with the necessary knowledge and skill to be an instructor? If so, we ask the Board to consider including this degree in the criteria of this subsection.

Second, the proposed criterion found at Subsection (b)(5) states that an instructor must have: "Competency in the specific program of instruction and the ability to teach the program in accordance with Board policy." This

requirement is vague and lacks clarity. We recommend that the final-form rulemaking specify what the Board's policy is regarding competency and ability to teach for instructors. In the alternative, we recommend that the final-form regulation identify the specific policy document that outlines how these types of decisions will be made and where that document can be found.

#### 3. Section 73.189. Guidelines for civil penalties.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Reasonableness; Fiscal impact.

The proposed amendments to this section of the regulation delete the tiered fee structure for first, second and third violations and replace it with the following language: "The Board may levy a fine up to \$1,000 per student per day for each instance of a violation." We have two concerns with the new language. First, we question if the new language is consistent with Section 15(b) of the Private Licensed Schools Act (Act). (24 P.S. § 6515(b)). Section 15(b) of the Act allows the Board to, "levy a civil penalty of up to \$1,000 on any licensee who violates any provision of this act or any person who operates a private licensed school without being properly licensed under this act." In the Preamble, the Board explains that the proposed regulatory language brings the regulations "into line with the maximum fine allowed under the Board's statutory authority." We fail to see how the proposed regulation is consistent with Act and the intent of the General Assembly. We ask the Board to explain how potential fines of \$1,000 per student per day are consistent with "a civil penalty of up to \$1,000 on any licensee."

Second, we question the reasonableness of the proposed fees. As an example, if a school with 100 students fails to display its license for month in violation of Section 6512(b) of the Act, it could be penalized \$3,000,000. A penalty of this magnitude could force many of Pennsylvania's private licensed schools to close. We do not believe this approach to deterring violations of the Act and these regulations is reasonable and ask the Board revise it.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 12-2339. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-521	Department of Public Welfare Psychiatric Rehabilitation Services	11/14/12	*TBD

\*The public meeting date for this regulation can only be determined after the standing committees are designated for the 2013-2014 legislative session.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-2340. Filed for public inspection November 30, 2012, 9:00 a.m.]

### 2013 Public Meeting Schedule

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2013 as follows:

January 17, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
February 21, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
March 14, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
April 4, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
April 18, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
May 16, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
June 6, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
June 20, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
July 18, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
August 1, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
August 22, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
September 19, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
October 10, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
October 24, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
November 7, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
November 21, 2013	10 a.m.	14th Floor Conference Room 333 Market Street
December 12, 2013	10 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting should notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the Commission web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If an executive session is deemed necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Persons in need of special accommodations, as provided for in the Americans with Disabilities Act of 1990 should contact Cheryl Yohn at (717) 772-3455.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-2341. Filed for public inspection November 30, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allianz Life Insurance Company of North America; Rate Increase Filing for Several LTC Forms

Allianz Life Insurance Company of North America is requesting approval to increase the premium 25% on 1,759 policyholders with the following individual LTC policy form numbers: 10-P-Q-PA and 10-P-Q-PA(F).

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days

after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2342. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Allstate Property and Casualty Insurance Company; Private Passenger Automobile; Rate Revision**

On November 14, 2012, the Insurance Department (Department) received from Allstate Property and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The companies request an overall 3.9% increase, amounting to \$3,306,584, to be effective March 28, 2013, for renewal business only. This overall figure represents an average, the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to January 13, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments regarding the filing to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2343. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Continental Casualty Company; Rate Increase Filing for Several LTC Forms**

Continental Casualty Company is requesting approval to increase the premium 80% on 6,668 policyholders with the following individual LTC policy form numbers: P1-N0080-A37, P1-N0081-A37, P1-N0085-A37, P1-N0086-A37, P1-N0095-A37, P1-N0096-A37, P1-N0100-A37, P1-N0101-A37, P1-N0075-A37, P1-N0076-A37, P1-N0090-A37, P1-N0091-A37, P1-N0080-A87, P1-N0081-A87, P1-N0085-A87, P1-N0086-A87, P1-N0095-A87, P1-N0096-A87, P1-N0100-A87, P1-N0101-A87, P1-N0075-A87, P1-N0076-A87, P1-N0090-A87, P1-N0091-A87, P1-N0080-B37, P1-N0081-B37, P1-N0085-B37, P1-N0086-B37, P1-N0095-B37, P1-N0096-B37, P1-N0100-B37, P1-N0101-B37, P1-N0075-B37, P1-N0076-B37, P1-N0090-B37, P1-N0091-B37, P1-N0080-B87, P1-N0081-B87, P1-N0085-B87, P1-N0086-B87, P1-N0095-B87, P1-N0096-B87, P1-N0100-B87, P1-N0101-B87, P1-N0075-B87, P1-N0076-B87, P1-N0090-B87 and P1-N0091-B87.

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2344. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Geisinger Health Plan; HMO Conversion; Rate Filing**

On November 16, 2012, Geisinger Health Plan submitted a filing to increase the rates for its Individual HMO Conversion Product. The filing requests a rate increase of 8.6%. The filing will affect approximately 1,100 members and generate additional revenue of approximately \$459,000. An effective date of April 1, 2013, is requested.

Unless formal administrative action is taken prior to February 13, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2345. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Geisinger Health Plan; HMO Individual Direct Pay Medical; Rate Filing**

On November 16, 2012, Geisinger Health Plan submitted a filing to increase the medical rates for its Individual HMO Product. The filing requests a rate increase of 7.77%. The filing will affect approximately 2,300 members and generate additional revenue of approximately \$900,000. An effective date of April 1, 2013, is requested.

Unless formal administrative action is taken prior to February 13, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2346. Filed for public inspection November 30, 2012, 9:00 a.m.]

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2348. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Geisinger Health Plan; HMO Individual Direct Pay Pharmacy; Rate Filing**

On November 16, 2012, Geisinger Health Plan submitted a filing to increase the pharmacy rates for its Individual HMO Product. The filing requests a rate increase of 4.78%. The filing will affect approximately 1,300 members and generate additional revenue of approximately \$33,000. An effective date of April 1, 2013, is requested.

Unless formal administrative action is taken prior to February 13, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2347. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Geisinger Quality Options; PPO Conversion Rate Filing**

Geisinger Quality Options requests approval to increase the rate for the Conversion Plans. The average requested rate increase is 9.7%. The rate increases include adjustments for the ACA Well-Women and the approved April 2013 benefit changes. The proposed rate increases would affect approximately 492 subscribers and would produce additional income of about \$254,000 annually. The requested effective date of the change is April 1, 2013.

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2349. Filed for public inspection November 30, 2012, 9:00 a.m.]

### **Geisinger Health Plan; HMO Small Group Rate Filing**

Geisinger Health Plan requests approval to increase the rate for the Employer Small Group HMO Plans. The average requested rate increase is 9.95%. The proposed rate increases would affect approximately 9,772 members and would produce additional income of about \$3.5 million annually. The requested effective date of the change is April 1, 2013.

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.

### **Teachers Protective Mutual Life Insurance Company; Small Group Medical Base Rate Filing**

Teachers Protective Mutual Life Insurance Company requests approval to increase the Conversion Product rates. The requested rate increase is 9.5%. The proposed rate increase would affect approximately 2,167 members and would produce additional revenue of about \$680,000 annually. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.



A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2350. Filed for public inspection November 30, 2012, 9:00 a.m.]

### United Teachers Associates Insurance Company; Major Medical Rate Filing

United Teachers Associates Insurance Company requests approval to increase the Major Medical rates. The requested rate increase is 18.0%. The proposed rate increase would affect approximately 17 subscribers and would produce additional revenue of about \$10,500 annually.

Unless formal administrative action is taken prior to February 14, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-2351. Filed for public inspection November 30, 2012, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on January 2, 2013, at 10 a.m. in Room 202, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; up-

dated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2011 and 2012; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on December 4, 2012, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on December 4, 2012, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on December 6, 2012, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on December 20, 2012, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on December 27, 2012, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on December 21, 2012.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-2352. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on January 2, 2013, at 10:30 a.m. in Room 202, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2011 and 2012; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on December 4, 2012, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on December 4, 2012, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on December 6, 2012, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on December 20, 2012, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on December 27, 2012, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on December 21, 2012.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-2353. Filed for public inspection November 30, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Energy Efficiency and Conservation Program; Doc. No. M-2012-2289411

The following electric distribution company filed Energy Efficiency and Conservation plans with the Pennsylvania Public Utility Commission (Commission) on November 1, 2012, in compliance with 66 Pa.C.S. § 2806.1(b)(1)(ii) (relating to energy efficiency and conservation program):

PECO Energy Company at Doc. No. M-2012-2333992

PECO Energy Company's plan is available on the Commission's web site at [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2333992](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2333992).

In accordance with the Energy Efficiency and Conservation Program Implementation Order, entered on August 3, 2012, at Doc. No. M-2012-2289411, responsive pleadings along with comments and recommendations are to be filed with the Commission within 20 days of the publication of this notice in the *Pennsylvania Bulletin*. The filing must reference the docket number associated with the individual electric distribution company plan it is addressing. If a filing addresses more than one plan, it must be filed at all plan dockets that are addressed.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2354. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Energy Efficiency and Conservation Program; Doc. No. M-2012-2289411

The following electric distribution companies filed Energy Efficiency and Conservation plans with the Pennsylvania Public Utility Commission (Commission) on November 15, 2012, in compliance with 66 Pa.C.S. § 2806.1(b)(1)(ii) (relating to energy efficiency and conservation program):

Duquesne Light Co. at Doc. No. M-2012-2334399  
 Metropolitan Edison Co. at Doc. No. M-2012-2334387  
 Pennsylvania Electric Co. at Doc. No. M-2012-2334392  
 Pennsylvania Power Co. at Doc. No. M-2012-2334395  
 PPL Electric Utilities Corp. at Doc. No. M-2012-2334388  
 West Penn Power Co. at Doc. No. M-2012-2334398

Each plan is available on the Commission's web site at the following links:

Duquesne: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334399](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334399)  
 Met-Ed: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334387](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334387)  
 Penelec: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334392](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334392)  
 Penn Power: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334395](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334395)  
 West Penn: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334398](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334398)  
 PPL: [http://www.puc.state.pa.us/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2012-2334388](http://www.puc.state.pa.us/about_puc/consolidated_case_view.aspx?Docket=M-2012-2334388)

In accordance with the Energy Efficiency and Conservation Program Implementation Order, entered on August 3, 2012, at Doc. No. M-2012-2289411, responsive pleadings along with comments and recommendations are to be filed with the Commission within 20 days of the publication of this notice in the *Pennsylvania Bulletin*. The filing must reference the docket number associated with the individual electric distribution company plan it is addressing. If a filing addresses more than one plan, it must be filed at all plan dockets that are addressed.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2355. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 17, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2012-2317200. Bonick's Body Guard Services, LLC, t/a Bonick's Limo** (15 Gail Drive, Plains Township, Luzerne County, PA 18702)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Lackawanna and Luzerne, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2322960. Kramer Mill Woodcraft, LLC, t/a AI's Express** (134 Vine Street, East Earl, Lancaster County, PA 17519)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in

paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

#### Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-2012-2332104. Auto Effects Motor Sports, Inc.** (191 Ninth Street, Monaca, Beaver County, PA 15061), for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, at A-6410529 authorizing the transportation of persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Beaver and Allegheny Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority and the Port Authority of Allegheny County.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Marrema d/b/a Great Valley Cab Company LLC; Doc. No. C-2011-2270469*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau Investigation and Enforcement and other Bureaus with enforcement respon-

sibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Marrema d/b/a Great Valley Cab Company LLC, Respondent, maintains a principal place of business at 13 Landmark Dr, Malvern, PA 19355.

2. That Respondent was issued a certificate of public convenience by this Commission on June 23, 2010, at Docket No. A-6311591, for call or demand authority.

3. That, between December 1 and December 31 of 2010, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Manager, Inspection Division, Bureau of Investigation and Enforcement, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Marrema d/b/a Great Valley Cab Company LLC the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### VERIFICATION

I, Michael E. Hoffman, Manager, Inspection Division, of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_11/10/11\_\_\_\_

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

—————  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. A and R Travel, Inc.;*  
*Doc. No. C-2012-2329968*

#### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against A and R Travel, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission

Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is A and R Travel, Inc. and maintains its principal place of business at 2701 Glenwood Avenue, Philadelphia, PA 19121, Attention: Arthur Wiggs, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 25, 1988, at A-00105554, for group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2008-2009 Fiscal Year

12. On or about September 15, 2008, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2008 to June 30, 2009 Fiscal Year. Respondent's assessment was \$660.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to the 2008-2009 Fiscal Year Assessment.

15. Respondent failed to pay the total amount set forth in the 2008-2009 Fiscal Year Assessment.

## 2010-2011 Fiscal Year

16. On or about February 15, 2010, the Commission mailed to Respondent an assessment report form for Respondent to report its 2009 calendar year revenues.

17. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2010.

18. Respondent failed to file an assessment report to show its 2009 calendar year revenues.

19. The Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$875.

20. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

21. The Commission received no objections from Respondent to this assessment.

22. Respondent failed to pay this assessment and has an outstanding balance of \$875.

23. The total outstanding assessment balance for Respondent is \$1,535.

## Violations

## COUNT 1

24. That Respondent, by failing to file an assessment report to demonstrate its gross intrastate operating revenues for the 2009 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

## COUNT 2

1. That Respondent, by failing to pay the Commission's assessment for two (2) Fiscal Years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$230 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,765, which consists of its outstanding assessment balance, which totals \$1,535 and a civil penalty of \$1,230 for the above-described violations.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 18, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 18, 2012

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Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Aaron's Transportation Services, LLC; Doc. No. C-2012-2326668*

#### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Aaron's Transportation Services, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Wayne T. Scott  
 First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.783.6150  
 wascott@pa.gov

4. Respondent is Aaron's Transportation Services, LLC and maintains its principal place of business at 323 Sherbrook Boulevard, Upper Darby, PA 19082, Attention: Aaron Hudson, Sr.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 30, 2007, at A-00122960, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$81.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The Commission received no objections from Respondent to this assessment.

18. Respondent failed to pay this assessment and has an outstanding balance of \$81.

#### Violations

##### COUNT 1

19. That Respondent, by failing to file an assessment report to demonstrate its gross intrastate operating revenues for the 2010 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.

## COUNT 2

20. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$12 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$143, which consists of its outstanding assessment balance, which totals \$81, and a civil penalty of \$62 for the above-described violations.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 28, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 28, 2012

\_\_\_\_\_  
Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. DBH Transportation, Inc.; Doc. No. C-2012-2326226*

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against DBH Transportation, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:



## Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

3. Respondent is DBH Transportation, Inc. and maintains its principal place of business at 1625 North 5th Street, Reading, PA 19610, Attention: Suzanne L. Holder, President.

4. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

5. The Commission issued Respondent a certificate of public convenience on or about April 4, 2001, at A-00117202, for limousine authority.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

8. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

9. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## Factual Background

11. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

12. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

13. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

14. The Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$1,192.

15. On September 27, 2011, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2011 to June 30, 2012 Fiscal Year.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. Payment of Respondent's assessment was due on or before October 27, 2011.

18. The Commission received no objections from Respondent to this assessment.

19. Respondent failed to pay this assessment and has an outstanding balance of \$1,192.

## Violations

## COUNT 1

20. That Respondent, by failing to file an assessment report to demonstrate its gross intrastate operating revenues for the 2010 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

## COUNT 2

21. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$175 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,367, which consists of its outstanding assessment balance, which totals \$1,192, and a civil penalty of \$1,175 for the above-described violations.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: September 26, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: September 26, 2012

Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment

within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to: Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Direc Transit, LLC;*  
*Doc. No. C-2012-2318330*

#### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Direc Transit, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

(4) Respondent is Direc Transit, LLC and maintains its principal place of business at 45 East City Line Avenue, Suite 286, Bala Cynwyd, PA 19004.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 13, 2009, at A-2009-2097346, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

12. On September 26, 2011, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2011 to June 30, 2012 Fiscal Year. Respondent's assessment was \$143.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. Payment of Respondent's assessment was due on or before October 26, 2011.

15. The Commission received no objections from Respondent to this assessment.

16. Respondent failed to pay this assessment and has an outstanding balance of \$143.

#### Violation

17. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the

assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$20 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$163, which consists of its outstanding assessment balance, which totals \$143, and a civil penalty of \$20 for the above-described violation.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order that cancels the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: August 8, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 8, 2012

Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Gary J. Marbella t/a Empire Limousine and Sedan Service;*  
*Doc. No. C-2012-2330200*

### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Gary J. Marbella t/a Empire Limousine and Sedan Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

3. Respondent is Gary J. Marbella t/a Empire Limousine and Sedan Service and maintains its principal place of business at 104 Malcolm Avenue, Pittsburgh, PA 15212, Attention: Gary J. Marbella.

4. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

5. The Commission issued Respondent a certificate of public convenience on or about July 16, 2003, at A-00119038, for limousine authority.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

8. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

9. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

10. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2008-2009 FISCAL YEAR

11. On or about September 22, 2008, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2008 to June 30, 2009 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2007 calendar year. Respondent's assessment was \$306.

12. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

13. The Commission received no objections from Respondent to the 2008-2009 Fiscal Year Assessment.

14. Respondent failed to pay the total amount set forth in its 2008-2009 Fiscal Year Assessment.

#### 2009-2010 FISCAL YEAR

15. On or about September 17, 2009, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2008 calendar year. Respondent's assessment was \$244.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The Commission received no objections from Respondent to the 2009-2010 Fiscal Year Assessment.

18. Respondent failed to pay the total amount set forth in its 2009-2010 Fiscal Year Assessment.

#### 2010-2011 FISCAL YEAR

19. On or about September 9, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$389.

20. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

21. The Commission received no objections from Respondent to the 2010-2011 Fiscal Year Assessment.

22. Respondent failed to pay the total amount set forth in its 2010-2011 Fiscal Year Assessment.

#### 2011-2012 FISCAL YEAR

23. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$457.

24. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

25. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

26. Respondent failed to pay the total amount set forth in its 2011-2012 Fiscal Year Assessment.

#### PREVIOUS COMPLAINTS

27. On March 10, 2010, the Commission's Bureau of Transportation and Safety ("BTS") filed a complaint against Respondent alleging that Respondent failed to pay the Commission's 2008-2009 and 2009-2010 Fiscal Year Assessments. This complaint is docketed at C-2010-2162094.

28. BTS alleged that Respondent owed \$748.67 at that time.

29. In response to the complaint, on May 5, 2010, the Commission received a check from Respondent in the amount of \$748.67.

30. Subsequently, the Commission discovered that Respondent had insufficient funds in its checking account to pay this amount and the check bounced.

31. To date, the total outstanding assessment balance for Respondent for the 2008-2009, 2009-2010, 2010-2011 and 2011-2012 Fiscal Year Assessments is \$1,394.67.

#### Violation

32. That Respondent, by failing to pay the Commission's assessments for four (4) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$205 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,599.67, which consists of its outstanding assessment balance, which totals \$1,394.67 and a civil penalty of \$205 for the above-described violation.

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 19, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 19, 2012

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Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

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*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Jatmon Enterprises, Inc.; Doc. No. C-2012-2329960*

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and En-

forcement ("I&E"), by its counsel, and files this Complaint against Jatmon Enterprises, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is Jatmon Enterprises, Inc. and maintains its principal place of business at 20 North Railroad Street, Hanover, PA 17331, Attention: Gary Winfrey, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 8, 2005, at A-00121201, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2008-2009 FISCAL YEAR

12. On or about September 15, 2008, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2008 to June 30, 2009 Fiscal Year. Respondent's assessment was \$368.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to the 2008-2009 Fiscal Year Assessment.

15. Respondent failed to pay the total amount set forth in its 2008-2009 Fiscal Year Assessment.

##### 2009-2010 FISCAL YEAR

16. On or about September 17, 2009, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year. Respondent's assessment was \$3,780.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to the 2009-2010 Fiscal Year Assessment.

19. Respondent failed to pay the total amount set forth in its 2009-2010 Fiscal Year Assessment.

##### 2010-2011 FISCAL YEAR

20. On or about February 15, 2010, the Commission mailed to Respondent an assessment report form for Respondent to report its 2009 calendar year revenues.

21. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2010.

22. Respondent failed to file an assessment report to show its 2009 calendar year revenues.

23. On or about September 9, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$6,025.

24. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

25. The Commission received no objections from Respondent to the 2010-2011 Fiscal Year Assessment.

26. Respondent failed to pay the total amount set forth in its 2010-2011 Fiscal Year Assessment.

##### 2011-2012 FISCAL YEAR

27. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

28. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

29. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

30. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$7,074.

31. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

32. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

33. Respondent failed to pay the total amount set forth in its 2011-2012 Fiscal Year Assessment.

34. The total outstanding assessment balance for Respondent is \$17,127.33.

#### Violations

##### COUNT 1

35. That Respondent, by failing to file assessment reports to demonstrate its gross intrastate operating revenues for the 2009 and 2010 calendar years violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

##### COUNT 2

36. That Respondent, by failing to pay the Commission's assessments for four (4) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$2,570 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

*Wherefore*, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$21,697.33, which consists of its outstanding assessment balance, which totals \$17,127.33 and a civil penalty of \$4,570 for the above-described violations.

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: October 18, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 18, 2012

Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Pine Roe Natural Gas Company, Inc.; Doc. No. C-2012-2316007*

#### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission (“Commission”), Bureau of Investigation and Enforcement (“I&E”), by its counsel, and files this Complaint against Pine Roe Natural Gas Company, Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is Pine Roe Natural Gas Company, Inc. and maintains its principal place of business at P. O. Box 146, Clarion, PA 16214, Attention: John Habjan.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in producing, generating, transmitting, distributing, or furnishing natural gas in the Commonwealth of Pennsylvania for compensation.



6. The Commission issued Respondent a certificate of public convenience on or about August 4, 1980, at A-00102046.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in producing, generating, transmitting, distributing, or furnishing natural gas for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2008-2009 FISCAL YEAR

12. On or about February 15, 2008, the Commission mailed to Respondent an assessment report form for Respondent to report its 2007 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2008.

14. Respondent failed to file an assessment report to show its 2007 calendar year revenues.

15. The Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2008 to June 30, 2009 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2007 calendar year. Respondent's assessment was \$626.

16. On October 16, 2008, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2008 to June 30, 2009 Fiscal Year.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. Payment of Respondent's assessment was due on or before November 17, 2008.

19. The Commission received no objections from Respondent to the 2008-2009 Fiscal Year Assessment.

20. Respondent failed to pay the total amount set forth in its 2008-2009 Fiscal Year Assessment.

##### 2009-2010 FISCAL YEAR

21. On or about February 15, 2009, the Commission mailed to Respondent an assessment report form for Respondent to report its 2008 calendar year revenues.

22. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2009.

23. Respondent failed to file an assessment report to show its 2008 calendar year revenues.

24. The Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2008 calendar year. Respondent's assessment was \$608.

25. On October 7, 2009, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2009 to June 30, 2010 Fiscal Year.

26. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

27. Payment of Respondent's assessment was due on or before November 6, 2009.

28. The Commission received no objections from Respondent to the 2009-2010 Fiscal Year Assessment.

29. Respondent failed to pay the total amount set forth in its 2009-2010 Fiscal Year Assessment.

30. The total outstanding assessment balance for Respondent is \$1,234.

#### Violations

##### COUNT 1

31. That Respondent, by failing to file assessment reports to demonstrate its gross intrastate operating revenues for the 2007 and 2008 calendar years violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

##### COUNT 2

32. That Respondent, by failing to pay the Commission's assessments for two (2) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$185 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$3,419, which consists of its outstanding assessment balance, which totals \$1,234, and a civil penalty of \$2,185 for the above-described violations.

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: July 26, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 26, 2012

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Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

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*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. DPI-Teleconnect, LLC;*  
Doc. No. C-2012-2318132

#### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against DPI-Teleconnect, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is DPI-Teleconnect, LLC and maintains its principal place of business at 1330 Capital Parkway, Carrollton, TX 75006, Attention: Wanda Johnson-Townsend.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 15, 1999, at A-310804, as a competitive local exchange carrier.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

12. On September 20, 2010, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the Commission's July 1, 2010 to June 30, 2011 Fiscal Year. Respondent's assessment was \$205.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. Payment of Respondent's assessment was due on or before October 20, 2010.

15. The Commission received no objections from Respondent to this assessment.

16. Respondent failed to pay this assessment and has an outstanding balance of \$205.

#### Violation

17. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$30 or 15% of the outstanding amount due.

The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$235, which consists of its outstanding assessment balance, which totals \$205, and a civil penalty of \$30 for the above-described violation.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order that cancels the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: August 7, 2012

#### VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 7, 2012

Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

[Pa.B. Doc. No. 12-2356. Filed for public inspection November 30, 2012, 9:00 a.m.]

#### Telecommunications

**A-2012-2334884. Consolidated Communications of Pennsylvania Company and Level 3 Communications, LLC.** Joint petition of Consolidated Communications of Pennsylvania Company and Level 3 Communications, LLC for approval of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Consolidated Communications of Pennsylvania Company and Level 3 Communications, LLC, by its counsel, filed on November 19, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania Company and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2357. Filed for public inspection November 30, 2012, 9:00 a.m.]

ments 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:* US Signal Company, LLC

*Through and By Counsel:* Katherine Baker Marshall, Arent Fox, LLP, 1050 Connecticut Avenue NW, Washington, DC 20036

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2359. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2333300. Consolidated Communications of Pennsylvania Company and Salsgiver Telecom, Inc.** Joint petition of Consolidated Communications of Pennsylvania Company and Salsgiver Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Consolidated Communications of Pennsylvania Company and Salsgiver Telecom, Inc. by its counsel, filed on November 8, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania Company and Salsgiver Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2358. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Telecommunications Services

**Corrected Notice: A-2012-2326081, A-2012-2326085 and A-2012-2326168. US Signal Company, LLC.** Application of US Signal Company, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Armstrong Telephone Company—North, Consolidated Communications of PA Company and Windstream PA, 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 10, 2012. The docu-

### Transfer of Control

**A-2012-2334801, A-2012-2334891 and A-2012-2334892. First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Summit Data Services, Inc.** Application of First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Summit Data Services, Inc. for approval of a transfer of control of First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc. to Summit Data Services, Inc.

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 17, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* First Communications, LLC, Globalcom, Inc., Xtension Services, Inc.

*Through and By Counsel:* John F. Povilaitis, Esquire, Buchanan Ingersoll & Rooney, PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101-1357

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2360. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Water Service

**A-2012-2333761 and A-2012-2333851. Pennsylvania American Water Company and Olwen Heights Water Service Company, Inc.** Joint application of Pennsylvania American Water Company and Olwen Heights Water Service Company, Inc. for approval of: 1) the transfer, by sale, of the water works property and rights of the Olwen Heights Water Service Company, Inc. to Pennsylvania American Water Company; 2) the commencement by Pennsylvania American Water Company of water service to the public in portions of Roaring Brook Township, Lackawanna County, presently being served by Olwen Heights Water Service Company, Inc.; and 3) the

abandonment by Olwen Heights Water Service Company, Inc. of all water service to the public in the Commonwealth of Pennsylvania.

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 17, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company, Olwen Heights Water Service Company, Inc.

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

John J. Mercuri, Esquire, Academy and Main Street, P. O. Box 310, Moscow, PA 18444

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-2361. Filed for public inspection November 30, 2012, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

Hearing; Doc. No. C-12-02-021

Mohamed Ali  
H-101562

LAST KNOWN ADDRESS:

2101 Alfred Drive  
Apt. A  
Yeadon, PA 19050

Re: Philadelphia Parking Authority v. Mohamed Ali  
Docket No. C-12-02-021

Dear Mr. Mohamed Ali,

Your request for a hearing on citations T11272 and T11273 issued on 2/04/12 has been granted. You are scheduled to appear at the Taxicab & Limousine Division Headquarters, at 2415 S. Swanson St., Philadelphia, PA, 19148 on 1/17/13 at 2:30 p.m.

You are hereby advised you have the right to be represented by an attorney if you wish to engage one. If you desire to be represented by an attorney, both must appear on the date scheduled. You may also choose to represent yourself.

Please prepare to arrive at least 15 minutes early to avoid any untimely delays. Valid photo identification MUST be presented prior to the start of the hearing. If you fail to appear, you may be found in your absence liable for the offense that you were charged with and you may incur additional fines or penalties as a result of the decision.

All requests for rescheduling and any other subsequent filings in this matter must be received in writing to the Office of the Clerk at 2415 S. Swanson St., Philadelphia,

PA 19148. If you have any questions or need further assistance, please contact me at (215) 683-9653 or email me at [TLDClerk@philapark.org](mailto:TLDClerk@philapark.org).

Sincerely,

Christine Kirlin  
Office of the Clerk  
Deputy Manager of Administration  
Taxicab & Limousine Division

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2362. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Hearing; Doc. No. C-12-09-008

Accurate Transportation, LLC  
CPC No. 1014986-07

Mr. Timothy Glavin, President  
LAST KNOWN ADDRESS:  
12 Rain Tree Road  
Chadds Ford, PA 19317

Re: Philadelphia Parking Authority v. Accurate Transportation, LLC  
Docket No. C-12-09-008 - Hearing Notice

Dear Mr. Timothy Glavin,

Pursuant to the hearing held on Docket No. O-12-09-01, please be advised that a hearing has been scheduled on the formal complaints, citations T-13019 and T-13020 issued on 10/13/12 by publication in the *PA Bulletin*. You are scheduled to appear at the Taxicab & Limousine Division Headquarters, at 2415 S. Swanson St., Philadelphia, PA 19148 on 1/15/13 at 10:00 a.m.

You are hereby advised you have the right to be represented by an attorney if you wish to engage one. If you desire to be represented by an attorney, the attorney must also appear on the date scheduled. You may also choose to represent yourself. For an individual to represent an entity, an appearance resolution or a notarized letter from the entity's secretary confirming the individual's authorization must be presented prior to the hearing.

Please prepare to arrive at least 15 minutes early to avoid any untimely delays. If you fail to appear, you may be found in your absence liable for the offense that you were charged with and you may incur additional fines or penalties as a result of the decision.

All subsequent filings and requests for rescheduling must be received in writing to the Office of the Clerk at 2415 S. Swanson St., Philadelphia, PA 19148. If you have any questions or need further assistance, please contact me at (215) 683-9653 or email me at [TLDClerk@philapark.org](mailto:TLDClerk@philapark.org).

Sincerely,

Christine Kirlin  
Office of the Clerk  
Deputy Manager of Administration  
Taxicab & Limousine Division  
Philadelphia Parking Authority

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2363. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Akash Trans, Inc. (CPC No. 1024077-01, Medallion P-0603 and P-1180) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Phila-Austin Taxi, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on September 17, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2364. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Ameer Cab Co. (CPC No. 1011876-01, Medallion P-1074) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**United Trans Services, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on September 10, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2365. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by M&T Taxi Corp. (CPC No. 1017409-01, Medallion P-0460) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Housewives Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on September 19, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2366. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Serpens, Inc. (CPC No. 1023962-01, Medallion P-1119) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Gold Runner Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on September 26, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2367. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of BSP Trans, Inc. CPC 1000569-01 held by Alex Friedman transferred to her.

**Michelle Friedman**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2368. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of BSP Trans, Inc. CPC 1000569-01 held by Inna Friedman transferred to her.

**Michelle Friedman**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2369. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a

Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of LAN Trans Co, Inc. CPC 1000641-01 transferred to her.

**Lana S. Marcus**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2370. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of LAN Trans Co, Inc. CPC 1000641-01 transferred to him.

**Jeffrey Sterin**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2371. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of SAJ Trans, Inc. CPC 1000710-01 transferred to her.

**Lana S. Marcus**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2372. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of SAJ Trans, Inc., Trans Co, Inc. CPC 1000710-01 transferred to him.

**Jeffrey Sterin**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2373. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Service has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The applicant has applied to have 50% of the stock of TGIF Trans, Inc. CPC 1000598-01 held by Inna Friedman transferred to her.

**Danielle Friedman**, 2301 Church Street, Philadelphia, PA 19124.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority).

ity). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by December 17, 2012. Documents filed in support of the application are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2374. Filed for public inspection November 30, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-105.P, Camera Surveillance Upgrades, until 2 p.m. Thursday, December 20, 2012. Information can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement, or call (215) 426-2600. (Note: Mandatory prebid meeting on December 11, 2012.)

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2375. Filed for public inspection November 30, 2012, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 12-066.8, Cargo Elevator Repairs—Pier 84 South, until 2 p.m. on Thursday, December 27, 2012. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-2376. Filed for public inspection November 30, 2012, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Ronald D. Hall; Doc. No. 0330-56-11

On October 2, 2012, Ronald D. Hall, license no. RM419317, RS183037L, AB051881L, RB051881L, RM051881A, of Wallingford, Delaware County, was revoked based on making a substantial misrepresentation and engaging in conduct that demonstrated bad faith, dishonesty, untrustworthiness or incompetency.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.



This final order represents the State Real Estate Commission's (Commission) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JEFFREY J. JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 12-2377. Filed for public inspection November 30, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. National Cemetery Marketing Associates, Inc., t/d/b/a Grave Solutions; Doc. No. 1306-56-09**

On September 28, 2012, National Cemetery Marketing Associates, Inc., t/d/b/a Grave Solutions, unlicensed, of Front Royal, VA, was assessed a \$268,000 civil penalty and ordered to cease and desist from practicing as a cemetery broker based on findings that it acted in the capacity of a cemetery broker without possessing a cemetery broker's license.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's (Commission) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to

the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JEFFREY J. JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 12-2378. Filed for public inspection November 30, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. K. Douglas Smith; Doc. No. 1684-56-10**

On October 3, 2012, K. Douglas Smith, license no. RS282874 of Bedford, Bedford County, was indefinitely suspended for at least 1 year based upon a conviction of a misdemeanor related to the profession.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's (Commission) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JEFFREY J. JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 12-2379. Filed for public inspection November 30, 2012, 9:00 a.m.]