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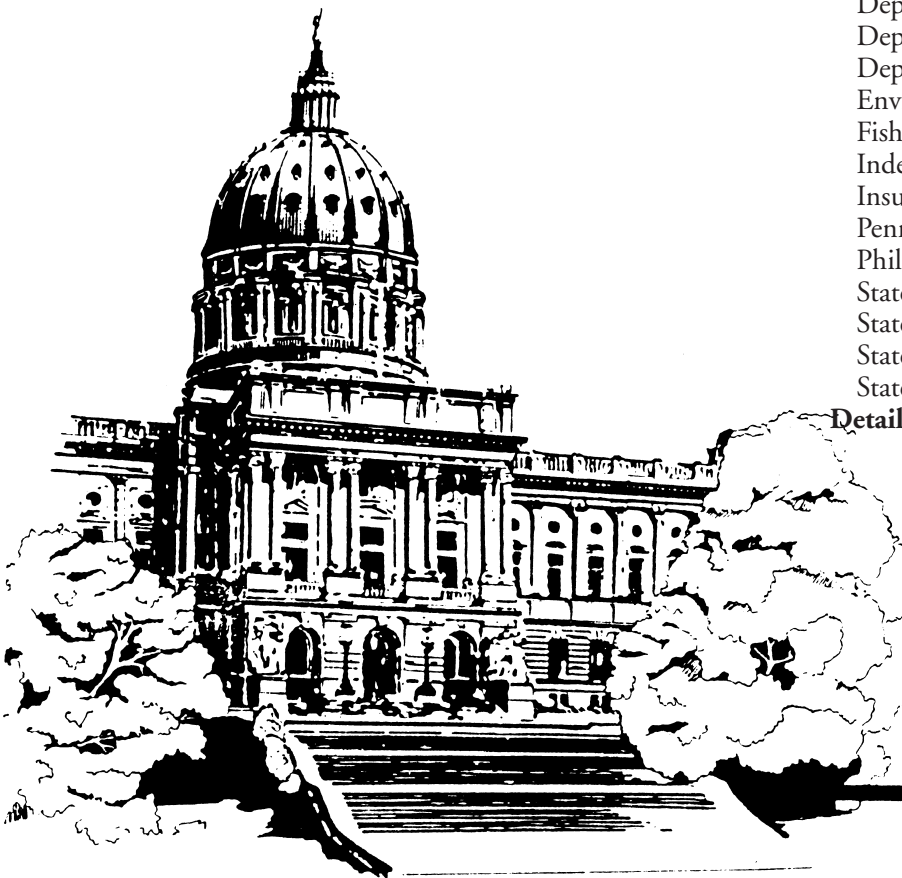
# PENNSYLVANIA BULLETIN

Volume 41  
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## Agencies in this issue

The General Assembly  
The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Cosmetology  
State Board of Nursing  
State Board of Veterinary Medicine  
State Real Estate Commission

Detailed list of contents appears inside.



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

**No. 445, December 2011**

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# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2011 regular session of the General Assembly ..... 6667

## THE COURTS

### LOCAL COURT RULES

#### Armstrong County

Administrative order; no. CP-03-AD-0000012-2011 . 6669  
Administrative order; no. CP-03-AD-0000013-2011 . 6669

#### Fayette County

Local rule 201; no. 2605 of 2011 GD ..... 6670  
Local rule 202; no. 2604 of 2011 GD ..... 6670  
Local rule 205.2(b); no. 2603 of 2011 GD ..... 6670

#### Lehigh County

Promulgation of rule of juvenile procedure 167 (service of orders and court notices); rescinding juvenile rule 121; and approving protocol for community justice panels and school justice panels; no. AD-12-2011 ..... 6671

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Actions on applications ..... 6683  
Adjustment to definition of "base figure" in the loan interest and protection law ..... 6684

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Consolidated plan public meeting and Regional Housing Advisory Committee meetings ..... 6685

### DEPARTMENT OF EDUCATION

#### Notices

Application of Liberatoscioli, Inc., d/b/a The Restaurant School at Walnut Hill College and Walnut Hill College for approval of an amendment of the articles of incorporation to change the corporate name to Walnut Hill College, Inc. .... 6686  
Application of Mercyhurst College for approval of a certificate of authority to operate as a university under the name of Mercyhurst University ..... 6686

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices ..... 6686  
Addendum to Storm Relief Advantages Grant Program projects regarding rebates and incentives provided by others ..... 6745  
Nutrient Credit Trading Program; actions ..... 6746  
Nutrient Credit Trading Program; notice of certification requests ..... 6747  
Nutrient Credit Trading Program; notice of registration ..... 6748

### DEPARTMENT OF HEALTH

#### Rules and Regulations

Photo identification badges ..... 6672

### DEPARTMENT OF PUBLIC WELFARE

#### Statements of Policy

Department-established fees for the ineligible portion of payment for respite services provided at waiver service locations ..... 6681

### DEPARTMENT OF REVENUE

#### Notices

Rates of tax on aviation gasoline and jet fuel for 2012; oil company franchise tax rate for 2012; alternative fuels tax rates for 2012 ..... 6749

### ENVIRONMENTAL QUALITY BOARD

#### Notices

Meeting cancellation ..... 6751

### FISH AND BOAT COMMISSION

#### Notices

Proposed nursery water designation; Shenango River, Crawford County ..... 6751

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final rulemakings ..... 6751

### INSURANCE DEPARTMENT

#### Notices

Application and request for a certificate of authority to provide a continuing care retirement community by FCNRC, LP ..... 6752  
Application and request for a certificate of authority to provide a continuing care retirement community by Green Ridge Healthcare Group, LLC .... 6752  
Pennsylvania Compensation Rating Bureau; workers' compensation loss cost filing ..... 6752  
Review procedure hearings under the Unfair Insurance Practices Act ..... 6753

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Gas service ..... 6753  
Service of notice of motor carrier applications ..... 6753  
Telecommunications ..... 6755

### PHILADELPHIA REGIONAL PORT AUTHORITY

#### Notices

Request for proposals ..... 6755

### STATE BOARD OF COSMETOLOGY

#### Notices

Bureau of Professional and Occupational Affairs v. Kevin Gaskins; doc. no. 1801-45-2011 ..... 6756  
Bureau of Professional and Occupational Affairs v. Chris Van Ly and Kieu Trinh Duong, t/d/b/a Pink Nails and Spa; doc. no. 1755-45-11 ..... 6756

---

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**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v.  
Melissa A. Nieves; doc. no. 1803-51-2011 ..... 6756

**STATE BOARD OF VETERINARY MEDICINE**

**Rules and Regulations**

License renewal; continuing education ..... 6676

**STATE REAL ESTATE COMMISSION**

**Notices**

Bureau of Professional and Occupational Affairs v.  
Robert Maurice Bouknight; doc. no. 1805-  
56-2011 ..... 6756

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

<b>1 Pa. Code (General Provisions)</b>		1025 .....	5865
<b>Adopted Rules</b>		1027 .....	5865
1 .....	2686	1029 .....	5865
<b>4 Pa. Code (Administration)</b>		1031 .....	5865
<b>Adopted Rules</b>		1033 .....	5865
6 .....	1754, 5345, 5348, 6081	<b>31 Pa. Code (Insurance)</b>	
7 .....	5350	<b>Adopted Rules</b>	
7a .....	5345, 5350	39 .....	592
247 .....	6217	39a .....	592
<b>Statements of Policy</b>		43 .....	4948
9 .....	522, 614, 1784, 3100, 3733, 4441, 4854, 5388	84b .....	599
<b>7 Pa. Code (Agriculture)</b>		84c .....	600
<b>Adopted Rules</b>		84d .....	601
59 .....	2540	118a .....	602
59a .....	2540	<b>34 Pa. Code (Labor and Industry)</b>	
<b>Proposed Rules</b>		<b>Adopted Rules</b>	
144 .....	2123	61 .....	844
<b>Statements of Policy</b>		63 .....	3094
28c .....	351	65 .....	848
<b>10 Pa. Code</b>		<b>37 Pa. Code (Law)</b>	
<b>Proposed Rules</b>		<b>Proposed Rules</b>	
91 .....	6380	431 .....	5961
<b>25 Pa. Code (Environmental Protection)</b>		<b>40 Pa. Code (Liquor)</b>	
<b>Adopted Rules</b>		<b>Adopted</b>	
78 .....	805	3 .....	6217
86 .....	3084, 4624	5 .....	6218
87 .....	3084	<b>Proposed Rules</b>	
88 .....	3084	3 .....	4104
89 .....	3084	5 .....	4104
90 .....	3084	<b>49 Pa. Code (Professional and Vocational Standards)</b>	
93 .....	1335, 4751, 4754	<b>Adopted Rules</b>	
105 .....	219	5 .....	2845
121 .....	4761	20 .....	16
127 .....	4761	27 .....	5365
129 .....	229	31 .....	6676
208 .....	5360	37 .....	2847
250 .....	230, 840, 1458	43b .....	2853, 2856
901 .....	3187	47 .....	4627
<b>Proposed Rules</b>		48 .....	4627
208 .....	5959	49 .....	4627
806 .....	3987	<b>Proposed Rules</b>	
901 .....	1173	5 .....	4958
<b>28 Pa. Code (Health and Safety)</b>		11 .....	4541
<b>Adopted Rules</b>		27 .....	1337
53 .....	6672	31 .....	4982
<b>Proposed Rules</b>		33 .....	4960
1001 .....	5865	40 .....	4962
1003 .....	5865	42 .....	1909
1005 .....	5865	43b .....	4535, 4538
1007 .....	5865	<b>52 Pa. Code (Public Utilities)</b>	
1009 .....	5865	<b>Adopted Rules</b>	
1011 .....	5865	23 .....	4100
1013 .....	5865	56 .....	5473
1015 .....	5865	62 .....	30
1021 .....	5865	1001 .....	6499
1023 .....	5865	1003 .....	6499
		1005 .....	6499



1011	6499
1013	6499
1015	6499
1017	6499
1019	6499
1021	6499
1025	6499
1027	6499
1029	6499
1051	6499
1053	6499
1055	6499
1057	6499
1059	6499
1061	6499
1063	6499
1065	6499

**Proposed Rules**

33	5634
59	1020
111	5624
1001	435
1003	435
1005	435
1011	435
1013	435
1015	435
1017	435
1019	435
1021	435
1023	435
1025	435
1027	435
1029	435
1051	435
1053	435
1055	435
1057	435
1059	435
1061	435
1063	435
1065	435

**Statements of Policy**

41	3009, 3863
----	------------

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

**Adopted Rules**

1187	4630
1189	4630

**Statements of Policy**

178	5064
4300	6681
6000	352

**58 Pa. Code (Recreation)**

**Adopted Rules**

51	2437
53	2438
61	5365
63	2950, 5365
65	2950, 5367
95	2438
111	2438
131	2687
135	1621, 1764
139	2688
141	1622, 1623, 1765, 2694, 2695, 2696, 2697, 2698, 2699

143	2700
147	1624, 1764, 1766, 1767, 4419
401a	2439, 5368
405a	5368
421a	2439
439a	2439
440a	2439
441a	2439
451a	2439
465a	2439
481a	2439
501a	2439
503a	2439
521	234
523	2952, 3825, 4949
525	234, 1897, 2329, 2952, 4952
526	3825
527	4949
531	1897
535	234, 1897, 2329
537	234, 2952
539	1897
541	234, 2952, 2962
543	234, 2329, 2962
545	234, 2952
549	234, 1897, 2329, 4949, 4952
553	2329
555	3825
557	2962
559	2962
561	1897, 4952
563	1897, 3825
565	234, 2329, 4949
569	234, 2962, 3825
571	2952, 2962
573	3825
575	5155

**Proposed Rules**

51	2971
53	2978
61	2444
63	2444, 2976
65	2447, 2976
69	5555
71	5560
97	2975, 2978
111	2978
131	1633
137	4637
139	1634
141	1625, 1626, 1627, 1629, 1631
143	1625
147	2701, 4420
401a	1018, 2581, 5373
403a	5373
405a	1018, 5373
407a	5373
423a	1903
433a	1903
435a	1903
436a	1903
437a	5373
461a	2581, 5373
465a	2581
467a	2581
471a	5373
491a	5373
493a	5373
494a	5373

495a ..... 5373  
 499a ..... 5373  
 501a ..... 5373  
 511a ..... 5373  
 513a ..... 1903  
 521 ..... 1769, 2581  
 523 ..... 238  
 524 ..... 605  
 525 ..... 2581  
 526 ..... 1769  
 527 ..... 1769  
 528 ..... 605  
 529 ..... 605  
 531 ..... 3000  
 533 ..... 3000  
 535 ..... 2981  
 537 ..... 2981  
 539 ..... 2981  
 541 ..... 3196, 3732  
 543 ..... 3196, 3732  
 545 ..... 3196, 3732  
 549 ..... 4421  
 551 ..... 5963  
 553 ..... 5963  
 555 ..... 3975  
 557 ..... 3836  
 559 ..... 3836  
 561 ..... 4421  
 563 ..... 3975  
 565 ..... 3836  
 567 ..... 3000  
 569 ..... 3836  
 571 ..... 5963  
 573 ..... 5963  
 601a ..... 1769  
 603a ..... 238  
 605a ..... 605  
 609a ..... 1769  
 611a ..... 1769  
 613a ..... 605  
 615a ..... 605  
 617a ..... 3000  
 619a ..... 3000  
 621a ..... 2981  
 623a ..... 2981  
 625a ..... 2981  
 627a ..... 3196, 3732  
 629a ..... 3196, 3732  
 631a ..... 3196, 3732  
 633a ..... 4421  
 635a ..... 5963  
 637a ..... 5963  
 639a ..... 3975  
 641a ..... 3836  
 643a ..... 3836  
 645a ..... 4421  
 647a ..... 3975  
 649a ..... 3836  
 651a ..... 3000  
 653a ..... 3836  
 655a ..... 5963  
 657a ..... 5963

**61 Pa. Code (Revenue)**

**Adopted Rules**  
 1001 ..... 41

**Proposed Rules**

91 ..... 6220  
 901 ..... 4638

**Statements of Policy**

60 ..... 3543  
 94 ..... 5994

**67 Pa. Code (Transportation)**

**Adopted Rules**  
 21 ..... 5623  
 83 ..... 46  
 231 ..... 6086

**Proposed Rules**

23 ..... 6088  
 427 ..... 6089

**Statements of Policy**

455 ..... 4984

**101 Pa. Code (General Assembly)**

**Statements of Policy**  
 31 ..... 4775

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 7 ..... 4417  
 19 ..... 3719, 6085

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 29 ..... 1894, 4845, 6195  
 71 ..... 1895, 5742  
 83 ..... 331, 2119, 2932, 3526  
 85 ..... 1757, 4202  
 87 ..... 4202  
 89 ..... 4202  
 91 ..... 4202  
 93 ..... 4202  
 201 ..... 6377  
 211 ..... 1894

**Proposed Rules**

29 ..... 4084  
 83 ..... 2517, 4200, 4845

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**  
 33 ..... 4620  
 51 ..... 332

**Proposed Rules**

115 ..... 1332

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**  
 5 ..... 5620  
 11 ..... 923  
 15 ..... 1999  
 17 ..... 5353  
 21 ..... 5620  
 63 ..... 923, 2837, 4620  
 67 ..... 1456, 2413

**Proposed Rules**

1 ..... 2212, 5954  
 3 ..... 4529  
 9 ..... 2212, 3968, 4529  
 15 ..... 3968  
 17 ..... 3968, 4529  
 19 ..... 2212, 4529  
 27 ..... 2212

**225 Pa. Code (Rules of Evidence)**

**Proposed Rules**

I ..... 2795  
 II ..... 2795  
 III ..... 2795  
 IV ..... 2795  
 V ..... 2795  
 VI ..... 2795  
 VII ..... 2795  
 VIII ..... 2795  
 IX ..... 2795  
 X ..... 2795

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 7, 214, 215, 333  
 1000 ..... 3526  
 1910 ..... 4531, 4847, 4849, 4851, 5153  
 1920 ..... 1758  
 3000 ..... 333  
 4000 ..... 334  
 Part II ..... 336, 5743

**Proposed Rules**

200 ..... 2314  
 1000 ..... 2315  
 1300 ..... 2316  
 1910 ..... 1617, 1618, 1619, 3527  
 1915 ..... 3719  
 3000 ..... 5062  
 Part II ..... 2932

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1999  
 3 ..... 1759  
 4 ..... 1167  
 5 ..... 834  
 9 ..... 1999  
 10 ..... 216, 834, 3970, 5353

**Proposed Rules**

1 ..... 1008, 2214, 3810, 5538  
 4 ..... 3812  
 5 ..... 3810, 5538

6 ..... 2318, 5538  
 7 ..... 1011  
 9 ..... 2214  
 10 ..... 5538  
 11 ..... 5538

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 2319, 2413, 2429, 2684, 2839, 5062, 5355  
 2 ..... 2319, 2413, 3180  
 3 ..... 2319, 2684, 3180  
 4 ..... 2319, 2413, 3180  
 5 ..... 2319, 2413, 2684, 3180  
 6 ..... 2319, 2413, 3180  
 8 ..... 2319  
 11 ..... 2319, 2413, 2430, 2839  
 12 ..... 2319, 2413, 2839  
 14 ..... 2319, 2413  
 15 ..... 2319, 2413  
 16 ..... 2319, 2413, 2430, 2434  
 18 ..... 2413, 2430, 2434, 2839

**Proposed Rules**

1 ..... 8, 1013  
 4 ..... 2522  
 5 ..... 3528  
 6 ..... 3528  
 8 ..... 8  
 11 ..... 8  
 12 ..... 8  
 18 ..... 8

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

Unclassified ..... 1760, 3534, 3730, 5154

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

Unclassified .. 14, 218, 344, 346, 521, 588, 589, 590, 724,  
 837, 838, 839, 924, 1016, 1017, 1168, 1169, 1332,  
 1456, 1620, 1763, 1896, 2001, 2002, 2221, 2224,  
 2225, 2525, 2532, 2537, 2843, 3083, 3184, 3541,  
 3821, 3822, 3823, 3972, 3973, 3974, 4085, 4086,  
 4089, 4097, 4098, 4208, 4532, 4533, 4534, 4621,  
 4622, 4852, 4853, 4944, 4945, 4946, 5063, 5154  
 5359, 5746, 5955, 5956, 6085, 6196, 6203,  
 6212, 6213, 6379, 6669, 6670, 6671

# THE GENERAL ASSEMBLY

## Recent Actions during the 2011 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2011 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2011 GENERAL ACTS of Regular Session ENACTED—ACT 082 through 106</b>					
082	Oct 27	HB0389	PN0353	60 days	George W. Niblock Bridge—designation
083	Oct 27	SB0389	PN1200	60 days	Public School Code of 1949—further defining “vocational agricultural education”
084	Nov 3	HB0278	PN2419	Immediately	The Second Class Township Code—competitive bidding of contracts
085	Nov 3	HB0279	PN2420	Immediately	The First Class Township Code—general regulations concerning contracts, evasion of advertising requirements and separate specifications for branches of work
086	Nov 3	HB0284	PN2424	Immediately	The County Code—commissioners sole contractors for county, contract procedures, terms and bonds, advertising for bids, and evasion of advertising requirements, bids for plumbing, heating, ventilating, electrical work, elevators and moving stairs
087	Nov 3	HB0288	PN2426	60 days	Public Auditorium Authorities Law—increasing the dollar amount of supplies and materials which may be purchased without advertising
088	Nov 3	HB0289	PN2429	Immediately	Municipal Flood Control—competitive bidding of contracts
089	Nov 3	HB0290	PN2626	Immediately*	Second Class County Code—omnibus amendments
090	Nov 3	HB0291	PN2428	Immediately	General Local Government Code (53 Pa.C.S.) and Transportation (74 Pa.C.S.)—omnibus amendments
091	Nov 3	SB0282	PN1584	Immediately	The Third Class County Code—contracts relating to purchasing and advertising requirements
092	Nov 3	SB0285	PN1587	Immediately	The Borough Code—regulation of contracts, evasion of advertising requirements and certain purchase contracts
093	Nov 3	SB0286	PN1667	Immediately	Regulation of contracts, adjustment, evasion of advertising requirements and separate bids for plumbing, heating, ventilating and electrical work for buildings of incorporated towns
094	Nov 3	SB0290	PN1592	Immediately	Political Subdivision Joint Purchases Law—amount of purchases subject to certain conditions
095	Nov 3	SB0292	PN1594	Immediately	Flood Control Law—contracts and acquisition of property and adjustments
096	Nov 3	SB0295	PN1596	Immediately	Housing Authorities Law—awards of contracts, completion bond, additional bond for protection of materialmen and others
097	Nov 3	SB0296	PN1597	60 days	Public School Code of 1949—omnibus amendments
098	Nov 9	SB0314	PN1724	120 days	Vehicle Code (75 Pa.C.S.)—use of interactive wireless communications devices for text-based communications while operating motor vehicles prohibited

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
099	Nov 9	HB1459	PN1765	Immediately	The Third Class City Code—promotions in civil service
100	Nov 9	HB1460	PN1766	Immediately	The First Class Township Code—examinations, eligibility list and manner of filling appointments in civil service for police and firemen
101	Nov 9	SB0200	PN1637	Immediately*	Safety in Youth Sports Act—enactment
102	Nov 9	SB0566	PN1032	60 days	“Stan the Man” Musial Bridge—designation
103	Nov 22	HB0563	PN0619	60 days	Vehicle Code (75 Pa.C.S.)—motorcycle safety education program
104	Nov 22	HB1461	PN2625	Immediately*	The Borough Code—appointments and incompatible offices and background investigations and examinations for police and firemen
105	Nov 22	SB0458	PN1299	Immediately	Mental Health and Mental Retardation Act of 1966—certain terminology updated and modernized
106	Nov 22	SB0834	PN1669	Immediately	Counties (Title 16)—omnibus amendments

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

#### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 11-2100. Filed for public inspection December 9, 2011, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

Administrative Order; No. CP-03-AD-0000012-2011

#### Order of Court

*And Now*, this 21st day of November, 2011, it is hereby *Ordered* as follows:

1. There is hereby promulgated a new Local Rule of Civil Procedure numbered 1901.5, to read as follows:

#### **Rule 1901.5. Service of Indirect Criminal Contempt Complaint.**

(a) A defendant in a Protection from Abuse proceeding who has been arrested for an alleged violation of an order shall be served with a certified copy of the Indirect Criminal Contempt Complaint by the Court or the Magisterial District Judge at the preliminary arraignment. If a Magisterial District Judge conducts the preliminary arraignment, the original copy of the complaint shall forthwith be forwarded to the Clerk of Courts.

(b) If an arrest of the defendant has not been effected, the Court Administrator shall serve a certified copy of the Indirect Criminal Contempt Complaint upon the defendant by first class mail simultaneously with service of the notice of non-jury trial.

2. Local Rule of Civil Procedure 205.4 pertaining to Limited Electronic Filing and Services of Legal Papers is hereby rescinded.

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

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 11-2101. Filed for public inspection December 9, 2011, 9:00 a.m.]

### ARMSTRONG COUNTY

Administrative Order; No. CP-03-AD-0000013-2011

#### Order of Court

*And Now*, this 21st day of November, 2011, it is hereby *Ordered* as follows:

1. There is hereby promulgated a new Local Rule of Civil Procedure numbered 1915.4-3, to read as follows:

#### **Rule 1915.4-3. Pretrial Conference.**

(a) If at the conciliation conference, the parties cannot agree upon a resolution of all the issues and a trial before a judge becomes necessary, the Court Administrator shall cause a pretrial conference to be scheduled to occur within ninety (90) days after the date the conciliation conference was held.

(b) The Court will schedule a trial date at the pretrial conference, and a date for an additional pretrial conference when appropriate. The parties must attend each pre-trial conference.

2. Current Local Rule of Civil Procedure 1920.51 is hereby rescinded and there is hereby promulgated a new Local Rule of Civil Procedure numbered 1920.51, to read as follows:

#### **Rule 1920.51. Hearing by Court. Appointment of Master. Preliminary Conference. Security for Payment of Master's Fees and Costs. Allocation.**

(a) Upon motion filed by either party, when there are no claims other than for divorce or when leave to bifurcate has been granted, the Court will conduct a hearing to determine if grounds for divorce exist under 23 Pa.C.S. § 3301(e)(1)(ii).

(b) In all divorce or annulment actions where there are unresolved issues properly referable to a master under applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by Pa.R.C.P. No. 1920.51(a)(3). The moving party shall pay a sum of money to the Prothonotary at the time the motion is filed, which sum shall be determined from time to time by order of Court, as security for payment of master's fees and costs.

(c) The master shall schedule a preliminary conference immediately after the order of appointment has been entered. The preliminary conference shall occur within sixty (60) days of the date of appointment, and it shall be attended by the parties and their counsel. At the preliminary conference, those present shall explore the possibility of resolving the issues in dispute without further litigation. At least three (3) days in advance of the preliminary conference, the parties shall exchange memoranda expressing their perceptions of and position on the issues, providing the master with a copy of the same. If a party fails to appear either personally or through counsel at a preliminary conference, the costs of the conference shall be assessed against such party in any ultimate equitable distribution award recommended by the master.

(d) After payment to the Prothonotary of an additional sum of money as security for payment of the master's fees and costs, the master shall schedule an evidentiary hearing to receive evidence on all issues which were not resolved at the preliminary conference. The master shall schedule the evidentiary hearing only after a party has presented satisfactory proof to him that the additional security for costs have been paid. The amount of the additional security shall be determined from time to time by order of Court.

(e) The Court may, upon motion of the master presented at Motions Court, require a party to enter security for the master's fees and costs in addition to that required under subsections (a) and (c) of this rule.

(f) The master's fees and costs shall be regarded as costs of the case, and the master may recommend and the Court may order an equitable allocation of the same as part of the final adjudication and order, even if the security already paid is sufficient to pay them in full.

(g) The provisions of this rule shall apply to instances where the Court appoints a master pursuant to its own motion.

(h) The master's fee and costs incurred as a result of the scheduling or conducting of a preliminary conference or a hearing shall be paid by the Prothonotary upon approval of the court.



*Comment*

See L.R.C.P. No. 1920.31 for the procedure to be followed in claims for alimony pendente lite asserted in a divorce proceeding.

3. The comment to Local Rule of Civil Procedure 1915.3 is hereby deleted.

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

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 11-2102. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 201; No. 2605 of 2011 GD****Order**

*And Now*, this 18th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule of Civil Procedure 201 is hereby amended to read as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

The amendment of the previously listed rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

**Rule 201. Case Assignment.**

(a) All civil cases, not including family court matters, filed in the Prothonotary's Office shall be assigned to a Judge as set forth in FCR 201.1. The Prothonotary shall notify the assigned Judge of the assignment upon the filing of the initial responsive pleading of any defendant. The assigned Judge's name shall be placed on all subsequent pleadings by counsel under the number and term of the case. The party's or counsel's facsimile number and email address, along with the party's or counsel's address, phone number and counsel's Supreme Court identification number, shall be listed on all civil case pleadings.

(b) If pending cases which arise from the same transaction or occurrence are assigned to different Judges, the Court, on its own motion or the motion of any party, may order the cases consolidated before the Judge assigned to the first case filed.

[Pa.B. Doc. No. 11-2103. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 202; No. 2604 of 2011 GD****Order**

*And Now*, this 18th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule of Civil Procedure 202 is hereby adopted to read as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

The adoption of the previously listed rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

**Rule 202. Papers and Records.**

(a) The court administrator and members of a judge's staff may remove records from the prothonotary's office for official Court business. In addition, the following, if appointed by the Court, shall have authority to remove records from the office of the prothonotary:

1. Referees;
2. Auditors;
3. Masters;
4. Attorneys; and
5. other similar officers.

All such records shall be returned within three months after their taking unless the Court authorizes a longer retention.

(b) Except as provided in section (a), no record shall be removed from the prothonotary's office except upon subpoena duces tecum or order of Court.

(c) Any original record filed may be reviewed in the prothonotary's office and copied by paying the prescribed fee charged by the prothonotary's office for such copying.

[Pa.B. Doc. No. 11-2104. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 205.2(b); No. 2603 of 2011 GD****Order**

*And Now*, this 17th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule 205.2(b) is rescinded.



The Prothonotary is directed as follows:

(1) One certified copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

[Pa.B. Doc. No. 11-2105. Filed for public inspection December 9, 2011, 9:00 a.m.]

### LEHIGH COUNTY

#### **Promulgation of Rule of Juvenile Procedure 167 (Service of Orders and Court Notices); Rescinding Juvenile Rule 121; and Approving Protocol for Community Justice Panels and School Justice Panels; No. AD-12-2011**

##### **Administrative Order**

*And Now*, this 15th day of November, 2011, *It Is Hereby Ordered That*:

I. The following Lehigh County Rule of Juvenile Procedure be and the same is hereby *Adopted*:

##### **Leh.R.J.C.P.167. Service of Orders and Court Notices.**

(a) Except as otherwise provided in Paragraph (B) of this local rule, the Clerk of Courts-Criminal shall serve copies of all orders and court notices filed with the Clerk.

(b) Copies of orders and court notices generated by the Court Administrator shall be served by the Court Administrator, who shall indicate on the original transmitted to the Clerk for filing, each attorney or party served, including their names, as well as addresses, dates, and methods of service.

II. The following Lehigh County Rule of Juvenile Procedure be and the same is formally *Rescinded*:

Leh.R.J.C.P. 121 (Effective Dates of Rules) is *Rescinded*.

*Comment*: This Rule was allowed to lapse pursuant to the January 11, 2010, amendment to Pa.R.J.C.P. 121B, as being superfluous and, to an extent, inconsistent with the statewide rule. This explicit rescission of the Rule is adopted to insure notice that the local rule is no longer in existence.

III. The following protocol for Community Justice Panels and School Justice Panels, approved by the District

Attorney of Lehigh County and the Chief Juvenile Probation Officer of Lehigh County in conjunction with the Lehigh County Juvenile Court Working Group:

1. Programs for alternative "prosecution" of certain cases involving offenders under the age of 18 have been established by the Court of Common Pleas of Lehigh County in conjunction with the Juvenile Probation Office, the Office of the District Attorney, local school authorities and police agencies serving Lehigh County. The program provides for Community Justice Panels and School Justice Panels throughout the County.

2. Cases, other than felonies, may be referred to those panels by police agencies, the District Attorney, Magisterial District Judges and juvenile probation officers prior to and in lieu of formal institution of charges. The Community Justice Panels hear cases which occur in the community and the School Justice Panels, cases which occur on school property.

3. Persons accused of offenses referred to these panels must agree to the referral and must waive any otherwise applicable statute of limitations or speedy trial rule or statute. If the panel is unable to successfully resolve a case, it will be returned to the referring authority for prosecution.

4. Referral to these panels of cases pending before the Minor Judiciary are permitted under the standards set forth in Pa.R.Crim.P. 458 (Dismissal of Summary Cases Upon Satisfaction or Agreement) or Pa.R.Crim.P. 546 (Dismissal Upon Satisfaction or Agreement); or Pa.R.J.C.P. 335 (Withdrawal of Petition).

5. This Protocol may be modified upon the joint recommendation of the District Attorney of Lehigh County, the Chief Juvenile Probation Officer of Lehigh County and the Lehigh County Juvenile Court Working Group subject to the approval of the President Judge.

This Order shall take effect thirty (30) days after its publication in the *Pennsylvania Bulletin* and on the UJS Portal.

*It Is Further Ordered* that one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Juvenile Procedural Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 11-2106. Filed for public inspection December 9, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

### DEPARTMENT OF HEALTH

#### [ 28 PA. CODE CH. 53 ]

#### Photo Identification Badges

The Department of Health (Department) is adopting interim regulations to facilitate implementation of section 809.2 of the Health Care Facilities Act (act) (35 P. S. § 448.809b), regarding photo identification badge regulations, enacted by the act of November 23, 2010 (P. L. 1099, No. 110) (Act 110). Through these interim regulations, the Department is adding Chapter 53 (relating to photo identification badges) to read as set forth in Annex A. Chapter 53 contains the standards applicable to entities licensed as health care facilities under the act and to the private practice of a physician.

#### A. *Scope and Purpose of the Interim Regulations*

Act 110 requires that the Department adopt interim regulations within 90 days of the effective date to facilitate its implementation. Act 110 establishes a staggered implementation process wherein certain provisions of the act apply to employees that deliver direct care to a consumer outside of a health care facility or employment agency and to employees of the private practice of a physician with the publication of the interim regulations. Those same provisions do not apply to employees that deliver direct care to a consumer at a health care facility until June 1, 2015. Several provisions do not apply to employees until June 1, 2015, regardless of whether the direct care is provided at the health care facility, outside of the health care facility or at the private practice of a physician. The interim regulations only deal with those requirements that apply now to employees that deliver direct care to a consumer outside of a health care facility or employment agency and to employees of the private practice of a physician. Until adoption of regulations regarding employees that deliver direct care at a health care facility, § 51.6 (relating to identification of personnel) remains in effect and applies to those individuals.

Section (b) of Act 110 exempts the interim regulations from review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), known as the Commonwealth Documents Law. Act 110 went into effect on January 22, 2011, and states that the interim regulations are to be adopted within 90 days thereafter following at least one public hearing.

Act 110 requires that the Department conduct a public hearing prior to the publication of interim regulations. The Department held a public meeting on Act 110 on January 14, 2011. The following groups were represented and provided testimony: Pennsylvania Medical Society, Hospital and Healthsystem Association of Pennsylvania, Montgomery Home Care and Hospice and Palliative Care, Pennsylvania Academy of Dermatology and Dermatologic Surgery, SUN Home Health and Hospice, Pennsylvania Home Care Association, Pennsylvania Association of Non Profit Homes for the Aging, the Pennsylvania Health Care Association and the County Commissioners Association of Pennsylvania. Subsequently, letters were received from the Pennsylvania Athletic Trainer's Society and the

Pennsylvania Association of Certified Nurse-Midwives. These groups were generally supportive of the requirements in Act 110.

Section 803(1) of the act (35 P. S. § 448.803(1)) requires that the Department consult with the Health Policy Board prior to the promulgation of regulations issued under the authority of the act.

Act 110 also requires that following the Department's adoption of interim regulations, the Department will adopt final regulations in accordance with customary rulemaking procedures by July 22, 2012. The Department will propose regulations before adopting final regulations by that date.

#### B. *Summary*

##### § 53.1. *Legal basis, scope and definitions*

This section describes the purpose of Chapter 53, which is to implement section 809.2 of the act. This section also includes definitions used throughout Chapter 53. "Direct care" is defined as "the actual delivery of health care services or assistance with activities of daily living to a consumer or patient." This definition clarifies that Chapter 53 applies to individuals involved in face-to-face, hands on care of patients and consumers. "Outside of the health care facility or employment agency" is defined as "health care services that are provided to patients and consumers at a location other than a health care facility or employment agency, such as the patient or consumer's residence." This definition clarifies that most of the requirements in the interim regulations apply to individuals who are not working in or at a health care facility but are providing services to patients and consumers away from a health care facility. "Private practice of a physician" is defined as "a circumstance in which a health care practitioner or an employee under a health care practitioner's supervision provides direct care to a patient or consumer" and "this does not include a physician practice group which is owned and operated by a health care provider." This definition includes a "health care practitioner" which is defined in section 103 of the act (35 P. S. § 448.103) as "an individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board." While the term "health care practitioner" captures most of the individuals who work in the private practice of a physician, the Department believes that it may not account for all of the individuals in this setting who may provide direct care to a patient or consumer. For example, medical technicians often provide direct care, but they do not necessarily receive a Commonwealth-issued license, permit, certificate or registration. By including those employees who work under a health care practitioner's supervision, these individuals will be encompassed by this definition. The second sentence of the definition was added to exclude those physician practice groups which are owned and operated by a health care provider. Act 110 does not apply to individuals who work "at a health care facility" until June 2015. Under regulations that have been in effect since 1999, individuals who work in a health care facility shall wear identification badges. Generally, these badges are encrypted with codes which provide access to secure units, medication storage units and other areas associated with a health care facility. It appears that the General Assembly believed it was appropriate to delay implemen-

tation of Act 110 to give these facilities time to transition to the photo identification badges requirement in Act 110. It is the Department's understanding that most of the individuals who work at physician practice groups owned and operated by health care providers possess these badges so that there is not a necessity to make the requirements in Act 110 instantly applicable. Act 110 will become applicable to these physician practice groups in 2015.

#### § 53.2. Requirements

This section sets forth the applicability of Chapter 53. Act 110 establishes a staggered implementation mechanism. Subsection (a) states that this chapter applies to employees that deliver direct care outside of a health care facility, employees that deliver direct care in a health care facility and employees that deliver direct care at the private practice of a physician. Subsection (b) states that employees that deliver direct care outside of a health care facility or at the private practice of a physician shall wear photo identification badges that meet the requirements in § 53.3 (relating to contents of photo identification badge). Subsection (c) states that employees that deliver direct care in a health care facility shall wear an identification badge that meet the requirements in § 51.6. Section 809.2(d) of the act does not apply to employees that deliver direct care in a health care facility until June 1, 2015.

#### § 53.3. Contents of photo identification badge

This section lists the items that must be on the photo identification badge. Subsection (a)(1) requires that the badge contain a recent photograph of the employee. Subsection (c) requires that these photographs shall be updated every 4 years. This is consistent with the requirements for photographic driver's licenses issued by the Department of Transportation. See 67 Pa. Code § 73.4(a) (relating to expiration). Subsection (a)(2) and (3) requires that the employee's full name and title appear on the badge.

Subsection (b) requires that the badge issued by an employment agency for an employee who is providing direct care for a health care facility must include all of the items in subsection (a). Also, the health care facility where the employee of the employment agency is working shall issue the employee an identification badge that contains the name of the health care facility, the employee's title and the employment status of the employee at that facility, such as temporary contract employee. Under this process, the primary employer of the employee shall issue the photo identification badge that complies with the requirements in this section. As the badge issued by the health care facility will only have to contain the facility's name and the employee's title and employment status, this badge can be easily prepared and provided to the employee. In this way, patients at the health care facility shall be provided with the necessary information to verify identification of the individual and also verify that the individual is authorized to work in the health care facility.

#### § 53.4. (Reserved)

Act 110 requires that titles must be in a specific size, type and location on the badge. Also, other than four designated professional titles set forth by the General Assembly, the Department is required to determine the titles to be used on the identification badges under section 809.2(a)(3)(v) of the act. However, these requirements do not take effect until June 1, 2015. The Department is reserving this section to address these requirements at a future date.

#### § 53.5. Exceptions

This section provides exceptions to the general requirements that individuals who fall within the requirements of Act 110 shall wear photo identification badges. Subsections (a) and (b) discuss an individual whose religion or religious beliefs would be violated by the taking of a photograph of the individual. In the event that an employee raises this concern, the employer is required to obtain a signed and notarized statement from the employee that the taking of a photograph would violate the employee's religion or religious beliefs and to ensure that the employee does wear an identification badge that contains the remainder of the requirements in § 53.3. This requirement is also similar to that for individuals claiming exemption from a photographic driver's license. See 67 Pa. Code § 73.3(d)(4) (relating to application). In the absence of the employee's photograph, the identification badge must contain the employee's height and eye color. This information is contained on a nonphotographic driver's license and will provide assistance in verifying the employee's identity. Subsection (c) states that an individual may not be required to wear a photo identification badge while delivering direct care if it is not clinically feasible. This is consistent with section 809.2(c)(1) of the act. Subsection (d) states that the last name of an employee may be omitted or concealed when delivering direct care to a patient or consumer who exhibits symptom of irrationality or violence. This is consistent with section 809.2(c)(2) of the act. Subsection (e) requires that the employing health care facility, health care provider, employment agency or private practice of a physician shall establish a policy and procedure for employees who require exceptions under subsection (d) which must, at a minimum, describe the process to be followed and describe how employees with the same first name will be differentiated.

#### C. Affected Persons

The interim regulations will affect employees who work for health care facilities, health care providers or employment agencies who provide direct care to a patient or consumer outside of the health care facility. The interim regulations will also affect health care practitioners and employees who provide direct care to a patient or consumer under the supervision of a health care practitioner. These individuals will be required to wear photo identification badges that comply with these interim regulations.

#### D. Cost and Paperwork Estimate

*Commonwealth*—There will not be additional costs to the Commonwealth resulting from these interim regulations associated with the Department's responsibility to enforce the interim regulations. The Department's surveyors perform the function of surveying and inspecting health care facilities and check for compliance with the regulations when at the facilities. The Department's surveyors will also respond and investigate complaints regarding employees of health care facilities. The Department of State has jurisdiction to inspect complaints regarding allegations pertaining to health care practitioners. Complaints concerning health care practitioners not employed by health care facilities will be referred to the Department of State for their review and action.

*Local government*—There will not be additional cost to local government.

*Regulated community*—There will be additional costs to some health care facilities and to all private practices of physicians. These interim regulations apply to employees that deliver direct care outside of a health care facility or



employment agency. In the health care facility setting, this requirement will mainly apply to those individuals employed by home health care agencies, home care agencies and registries and hospices. Most of these individuals provide care to patients and consumers outside of the health care facility, usually in the patient or consumer's home. The Department licenses all of these health care facilities. The number of individuals employed by these facilities or employed by employment agencies and providing this type of care is estimated to be 81,700.

The Department does not have the ability to obtain an accurate number of the individuals who are employed at the private practice of a physician. However, the total number of licensed physicians with an address in this Commonwealth is 39,060 (33,439 medical physicians and 5,621 osteopathic physicians). The Department estimates each physician employs three individuals who provide direct care for a total number of 117,180.

As for the cost of a photo identification badge, this amount could vary depending on the type and quality of the badge. Testimony at the public hearing on January 14, 2011, indicated that forms for these badges were available on web sites for downloading. Inserting a digital photograph with the required information is all that would be necessary to comply with the interim regulations.

*General public*—There will not be additional costs to the general public. In fact, since the interim regulations require employees who provide direct care to patients and consumers to wear photo identification badges, there will be a benefit to the general public as they will be able to identify the name and title of the person who is providing their care and to match the photograph on the badge with that individual.

#### E. Statutory Authority

Section 803(2) of the act authorizes the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provision of the act. Section 809.2 of the act directs the Department to adopt interim regulations to implement the provisions of this addition to the act.

#### F. Effectiveness/Sunset Dates

The interim regulations will become effective upon publication in the *Pennsylvania Bulletin*. Under section 809.2(b) of the act, the interim regulations will expire 18 months following the effective date or upon promulgation of final regulations by the Department, whichever occurs first.

#### G. Regulatory Review

Under section 809.2(b) of the act, after the conclusion of one public hearing and within 90 days of the effective date of Act 110, the Department is to publish interim regulations regarding implementation of Act 110. The interim regulations are not subject to the Regulatory Review Act. Under section 809.2(b) of the act, the Department is to adopt final regulations within 18 months of the effective date of Act 110.

In accordance with section 803(1) of the act, the Department consulted with the Health Policy Board on May 5, 2011.

The Office of Attorney General reviewed the interim regulations and approved these regulations on October 26, 2011.

#### H. Contact Person

Interested persons are invited to submit comments, suggestions or objections to the interim regulations to

Susan Coble, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665 within 30 days after publication of these interim regulations in the *Pennsylvania Bulletin*. Persons with a disability may submit questions in alternative format such as audio tape or Braille or by using V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service, (800) 654-5984 (TT). Persons who require an alternative format of this document should contact Susan Coble at the previous address or telephone number so that necessary arrangements can be made. The Department will consider the comments it receives in developing proposed regulations that will be published in advance of the Department adopting final regulations by July 22, 2012.

#### I. Findings

The Department finds that:

(1) Proposed rulemaking in advance of the interim regulations is not required under section 809.2(b) of the act.

(2) A public hearing was held on January 14, 2011, prior to the adoption of the interim regulations as required under section 809.2(b) of the act and comments received by the Department were considered.

(3) The adoption of the interim regulations in the manner provided for by this order is necessary and appropriate for the administration of the act.

#### J. Order

The Department, under the authorizing statute, orders that:

(a) The regulations of the Department, 28 Pa. Code, are amended by adding §§ 53.1—53.3 and 53.5 and by reserving § 53.4 to read as set forth in Annex A.

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

(c) The Secretary of Health 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 immediately upon publication in the *Pennsylvania Bulletin*.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

**Fiscal Note:** 10-192. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 28. HEALTH AND SAFETY

#### PART IV. HEALTH FACILITIES

#### Subpart A. GENERAL PROVISIONS

### CHAPTER 53. PHOTO IDENTIFICATION BADGES

Sec.	
53.1.	Legal basis, scope and definitions.
53.2.	Requirements.
53.3.	Contents of photo identification badge.
53.4.	(Reserved).
53.5.	Exceptions.

#### § 53.1. Legal basis, scope and definitions.

(a) This chapter implements section 809.2 of the act (35 P. S. § 448.809b).

(b) This chapter contains standards which are applicable to the following:

(1) All entities licensed as health care facilities under the act.

(2) The private practice of a physician.

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

*Direct care*—The actual delivery of health care services or assistance with activities of daily living to a consumer or patient.

*Employee*—An employee or a physician of any of the following who delivers direct care to a consumer:

- (i) A health care facility.
- (ii) A health care provider.
- (iii) The private practice of a physician.
- (iv) An employment agency.

*Employment agency*—A public or private organization that provides employment services for persons seeking employment and for potential employers seeking employees who provide direct care to consumers.

*Employment status*—Full-time, part-time, temporary, contractual or other classification of work that indicates the relationship between the employee and the health care facility, health care provider or employment agency.

*Health care facility*—A facility licensed by the Department under the act.

*Health care provider*—An individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), the Commonwealth or a political subdivision or instrumentality (including a municipal corporation or authority) thereof, that operates a health care facility.

*Outside of the health care facility or employment agency*—Health care services that are provided to patients and consumers at a location other than a health care facility or employment agency, such as at the patient or consumer's residence.

*Private practice of a physician*—

(i) A circumstance in which a health care practitioner or an employee under a health care practitioner's supervision provides direct care to a patient or consumer.

(ii) This does not include a physician practice group which is owned and operated by a health care provider.

*Title*—A license, certification or registration held by the employee.

**§ 53.2. Requirements.**

(a) This chapter applies to an employee who delivers direct care as follows:

- (1) Outside of a health care facility or employment agency.
- (2) In a health care facility.
- (3) At the private practice of a physician.

(b) An employee who delivers direct care outside of a health care facility or employment agency or at the private practice of a physician shall wear a photo identification badge that meets the requirements in § 53.3 (relating to contents of photo identification badge).

(c) An employee who delivers direct care in a health care facility shall wear an identification badge that meets the requirements in § 51.6 (relating to identification of personnel).

**§ 53.3. Contents of photo identification badge.**

(a) An employee's photo identification badge must include the following:

- (1) A recent photograph of the employee, updated as provided for in subsection (c).
- (2) The employee's full name to include, at a minimum, the full first and last name.
- (3) The employee's title.
- (4) The name of the employee's health care facility or employment agency.

(b) The identification badge issued by an employment agency for an employee who is providing direct care for a health care facility must include the items in subsection (a). In addition, the health care facility where the employee of the employment agency is working shall issue the employee an identification badge that contains the name of the health care facility, the employment status of the employee at that facility and the employee's title.

(c) Photographs shall be updated at least every 4 years.

**§ 53.4. (Reserved).**

**§ 53.5. Exceptions.**

(a) *Photograph.* A health care facility, health care provider, employment agency or private practice of a physician may permit an employee to wear an identification badge without a photograph if having a photograph taken would violate the tenets of the employee's religion or religious beliefs.

(b) *Policies and procedures for exemption.* A health care facility, health care provider, employment agency or private practice of a physician shall establish policies and procedures in the event that an employee requests an exception under subsection (a), which, at a minimum:

- (1) Require the employee to submit a signed and notarized statement that the taking of a photograph would violate the employee's religion or religious beliefs.
- (2) Ensure that the employee wears an identification badge that contains the information in § 53.3(a)(2)—(4) (relating to contents of photo identification badge).
- (3) Contain the employee's height and eye color.

(c) *Use of identification badge not clinically feasible.* An employee may not be required to wear an identification badge while delivering direct care to a patient or consumer if not clinically feasible.

(d) *Employee safety.* The last name of the employee may be omitted or concealed when delivering direct care to a patient or consumer who exhibits symptoms of irrationality or violence.

(e) *Policies and procedures for exemption.* A health care facility, health care provider, employment agency or private practice of a physician shall establish policies and procedures in the event that an employee requires an exception under subsection (d), which, at a minimum describe:

- (1) The process to be followed in the event that an employee requires an exception.
- (2) How employees with the same first name will be differentiated.

[Pa.B. Doc. No. 11-2107. Filed for public inspection December 9, 2011, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

## STATE BOARD OF VETERINARY MEDICINE

[ 49 PA. CODE CH. 31 ]

### License Renewal; Continuing Education

The State Board of Veterinary Medicine (Board) amends §§ 31.11, 31.13, 31.15, 31.16, 31.40 and 31.41 and rescinds § 31.12 to read as set forth in Annex A. This final-form rulemaking updates the Board's regulations with regard to licensure applications and renewal, temporary permits, continuing education and existing fees for duplicate licenses.

#### *Effective Date*

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

#### *Statutory Authority*

Section 8 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.8) authorizes the Board to determine the educational requirements for licensure. Section 18 of the act (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship. Section 27.1 of the act (63 P. S. § 485.27a) requires the Board to promulgate regulations setting forth recordkeeping standards. Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

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

Notice of proposed rulemaking was published at 40 Pa.B. 4154 (July 24, 2010) with a 30-day public comment period. No public comments were received. On September 13, 2010, the Board received comments from the House Professional Licensure Committee (HPLC). On September 20, 2010, the Independent Regulatory Review Commission (IRRC) submitted its comments under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The following is a summary of those comments and the Board's response.

The HPLC noted that in the preamble to the proposed rulemaking the Board referred to "jurisdictions states" and asked what was meant. This was essentially a typographical error. The sentence should have read as follows: "The AAVSB presented information to the Board regarding the program, which has approved over 400 candidates and is now accepted in 29 jurisdictions and states, including New York and Virginia." Both words are used because the Program for the Assessment of Veterinary Education Equivalence (PAVE) is accepted for veterinary licensure in United States territories as well as states. As of March 2011, there are 34 jurisdictions and states that accept PAVE, including the United States Virgin Islands and Puerto Rico. However, because the proposed preamble is not republished, the error cannot be corrected.

The HPLC next noted a typographical error in the preamble to the proposed rulemaking where the statutory

citation was given as "53 P. S. § 485.10" rather than "63 P. S. § 485.10" and asked that the error be corrected. Because the Board does not republish the proposed preamble, the error cannot be corrected. The HPLC also noted a typographical error in § 31.13 (relating to licensure renewal). A "d" was erroneously added to the word "receive." This error has been corrected in the final-form rulemaking.

The HPLC asked whether the District of Columbia was included in the reference in § 31.13(b) to "another state, territory, country, or by a Federal authority in the United States." The Board intended the word "state" to include the District of Columbia. This interpretation comports with the definition of "state" in 1 Pa.C.S. § 1991 (relating to definitions), which provides, in part, "[w]hen used in reference to the different parts of the United States, includes the District of Columbia. . . ."

The HPLC requested an explanation for the use of the term "licensee" in § 31.13(e)(1) when other paragraphs in the subsection referenced a "veterinarian." Subsection (e) provides for licensees who may not use the § 31.13 renewal provisions because they have been practicing on an expired license, either in this Commonwealth or in another state, or because they have not been practicing veterinary medicine even though they have a currently-renewed license in another state. Although the HPLC suggested using "veterinarian" consistently in subsection (e), the Board finds that the more accurate term is "licensee" because individuals affected by this section would be licensees of the Board. The Board has made this amendment to the final-form rulemaking.

The HPLC next questioned the term used for a veterinarian who fails to renew a license and asked if the term "holder of an expired license" or "licensee" is the "technical status." The Board does not see a difference between the two terms. Once an individual is granted a license, the individual is a licensee. Individuals have a constitutionally-protected property interest in their professional licenses. If an individual fails to renew the license, the individual retains the property interest and remains a licensee, with all of the constitutional protections afforded the individual's right in the property. Only if the license is surrendered or revoked does the individual cease to be a licensee. In response to the HPLC's inquiry, the Board amended the existing language in subsection (d), which refers to a "holder of an expired license to practice veterinary medicine" to refer instead to a "licensee whose license to practice veterinary medicine is expired."

The HPLC also noted that when the proposed rulemaking was published by the Legislative Reference Bureau, an uppercase heading caption "Veterinary Technicians and Noncertified Employees" was added. The HPLC pointed out that the term "noncertified employee" has not been used since the 2002 amendments to the act. The Board believed that references to "noncertified employees" were previously deleted and replaced with "veterinary assistant," the term used in the 2002 statutory amendments. Apparently, the reference in the subheading was not amended at that time. The Board made this correction to the final-form rulemaking.

IRRC asked why the Board was deleting the provisions and fee related to temporary practice permits while the underlying statutory provision regarding temporary permits was still in place. Section 10 of the act (63 P. S. § 485.10) provides that the Board may issue a temporary permit to a graduate of a Board-approved school of veterinary medicine that permits the permit holder to



practice veterinary medicine in association with a licensee and under the supervision of the licensee. Section 10 of the act further requires the permit holder to “present himself or herself for examination at the next scheduled examination of the board” and provides that the permit will immediately terminate if the holder fails the examination. From 1954 to 1970, the National Board Examination in Veterinary Medicine was given in June and graduates of schools and colleges of veterinary medicine took the examination following graduation. Temporary permits were necessary at that time to permit a graduate to work under the supervision of a veterinarian while waiting for the exam results and issuance of a license. Beginning in 1976, the National examination was offered in December and June, and third and fourth year veterinary students were permitted to sit for examination. As a result, fewer temporary permits were issued because many students took and passed the examination while still in school. In approximately 1979, the National examination dates were changed to December and May; a year or so later the dates were changed to December and April and the examination was limited to fourth year veterinary students. Since that time and continuing to the present, fourth year students test in December and, if they are unsuccessful, retest in April—both testing dates are prior to graduation. Because the act provides that “[n]o temporary permit shall be issued to any applicant if he or she has previously failed the examination,” a graduate who has failed the exam is not eligible for the issuance of a temporary permit. For these reasons, the Board has not had an applicant for a temporary permit for more than 30 years. Therefore, the provisions regarding a temporary permit are not needed. Because section 10 of the act does not mandate that the Board shall issue temporary permits, but rather provides the Board with discretion (by use of the term “may”), the Board believes that deleting these outdated, unnecessary provisions from the regulations is reasonable. The Board will consider putting forth a legislative initiative seeking to have the General Assembly amend the act in like fashion.

IRRC next asked for clarification of the Board’s amendments to § 31.13, specifically, what type of documentation would evidence completion of continuing education requirements. Certificates of attendance, which are provided to licensees upon completion of a continuing education course under § 31.16(c) (relating to continuing education provider approval), are the standard documentation that licensees submit to verify completion with continuing education requirements. The Board amended § 31.13(d) by changing “documentation” to “submission of certificates of attendance demonstrating” that the licensee has completed the required continuing education.

IRRC recommended maintaining existing language in § 31.15 (relating to continuing education) “so that it is clear to licensees that a license cannot be renewed if the licensee fails to complete continuing education credits as required by statute.” The Board amended § 31.15 in the final-form rulemaking in light of IRRC’s suggestion.

Finally, IRRC noted that the Board stated that the amendments would not have adverse effect and that there are no costs or savings associated with the amendments, yet the Board proposed three amendments to its fees. The three amendments to the fees in § 31.41 (relating to schedule of fees) are as follows: add a \$5 fee for a duplicate license for veterinarians, add a \$5 fee for a duplicate license for veterinary technicians and delete the \$35 fee for a temporary permit for veterinarians. The \$5 fee for a duplicate license is a Bureau of Professional and Occupational Affairs-wide fee set forth in section 226 of

the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-226), originally established in 1978. This fee has been charged to licensees of the Board for more than 30 years. Therefore, there are no costs or savings associated with the amendment, which merely provides additional notice to licensees of the fee associated with the printing of a duplicate license. The Board does not anticipate any savings from deleting the \$35 fee for a temporary permit because, as previously discussed, the Board has not issued temporary permits since approximately the late 1970s.

#### *Description of Amendments to the Final-Form Rulemaking*

Section 31.13(d) is amended to refer to a licensee whose license to practice veterinary medicine is expired and to clarify the documentation needed to demonstrate continuing education for the biennial period preceding renewal consists of certificates of attendance. Section 31.13(e) is amended for simplification to require a licensee who either practiced on an expired license or did not practice at all for a 5-year period to re-examine to establish competence to practice.

Section 31.15 is amended to clarify that veterinarians shall certify completion of the required continuing education as a condition of licensure renewal. In addition, while reviewing the proposed amendments to subsection (c), the Board determined that it would be more beneficial to licensees to retain proof of continuing education attendance for a minimum of 5 years, rather than 3 years as proposed. In considering this change, the Board noted that a majority of other health-related boards require proof of continuing education be maintained for no less than 4 or 5 years.

#### *Fiscal Impact and Paperwork Requirements*

The Board believes that the final-form rulemaking should have little or no fiscal impact on licensees, approved continuing education providers, the Board or other Commonwealth entities. The requirement to maintain documentation of continuing education for 5 years will have a minor effect on licensees’ paperwork/recordkeeping requirements.

#### *Sunset Date*

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 14, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4154, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (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 September 28, 2011, the final-form rulemaking was approved by HPLC. On October 19, 2011, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2011, and approved the final-form rulemaking.



*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) (45 P. S. §§ 1201 and 1202) and the 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 the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 4154.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by deleting § 31.12 and by amending §§ 31.11, 31.13, 31.15, 31.16, 31.40 and 31.41 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General 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) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

ROBIN J. BERNSTEIN, Esq.,  
Chairperson

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

**Fiscal Note:** Fiscal Note 16A-5724 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 31. STATE BOARD OF VETERINARY MEDICINE****LICENSURE****§ 31.11. Application for licensure.**

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by contacting the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, [veterina@pados.dos.state.pa.us](mailto:veterina@pados.dos.state.pa.us), or by accessing the Board's web page at [www.dos.state.pa.us/bpoa/vetbd/mainpage.htm](http://www.dos.state.pa.us/bpoa/vetbd/mainpage.htm). Application forms shall be returned to the Board at least 60 days prior to the first day of the NAVLE testing period.

(b) *Original licensure.* As a prerequisite to original licensure as a veterinarian, an applicant shall submit the following documentation to the Board:

(1) Evidence of graduation from an approved school or college of veterinary medicine or certification of equivalence sent directly from the American Veterinary Medical Association, Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards, Program for the Assessment of Veterinary Education Equivalence.

(2) North American Veterinary Licensing Examination (NAVLE) results as furnished through a National examination grade reporting service.

(3) A letter of good standing from the licensure board of each state where the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

(4) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications contained in the act.

(c) *Reciprocal licensure.* An applicant for licensure by reciprocity who has held a valid license from another state and has been actively engaged in clinical practice in that state for 5 years immediately preceding application for licensure in this Commonwealth, may be granted a license to practice veterinary medicine in this Commonwealth after having paid the fee required by § 31.41 (relating to schedule of fees), and submitted the following documentation to the Board:

(1) An application form under subsection (a).

(2) A verification of clinical practice, completed by the applicant, describing in detail the applicant's clinical practice during the immediately preceding 5 years.

(3) A letter from the licensure board of the state wherein the applicant has been actively engaged in clinical practice during the immediately preceding 5 years, certifying 5 years of continued licensure in that state.

(4) Two certificates of recommendation from licensed veterinarians regarding the applicant's character and competence and attesting to the fact that the applicant has been in active clinical practice during the immediately preceding 5 years.

(5) A letter of good standing from each board office in which the applicant has held a license to practice veterinary medicine, reporting the outcome of disciplinary actions taken against the applicant, if any, in that state.

**§ 31.12. (Reserved).****§ 31.13. Licensure renewal.**

(a) Licenses expire on November 30 of each even-numbered year, regardless of the date of issuance. Li-

censes are renewable for a 2-year period beginning December 1 of each even-numbered year. The fee for biennial renewal is as set forth in § 31.41 (relating to schedule of fees). Upon renewing their licenses, licensees will receive a blue 5 x 7 wall certificate and wallet-size license card which show the next expiration date of the license.

(b) A licensee who is also licensed to practice veterinary medicine in another state, territory or country shall report this information on the biennial registration form. Disciplinary action taken by the veterinary licensing authority or other authority that authorizes a licensee to the practice of veterinary medicine or that is related to veterinary medicine in another state, territory, country or by a Federal authority in the United States, shall be reported to the Board on the biennial registration application or within 90 days of final disposition, whichever is sooner. Criminal convictions shall be reported to the Board on the biennial registration application or within 90 days of sentencing, including acceptance into an Accelerated Rehabilitative Disposition program, whichever is sooner.

(c) Licensed veterinarians who fail to renew their license shall cease from the practice of veterinary medicine in this Commonwealth on the last day of November of the renewal year. A licensee who continues to practice on an expired license will be subject to disciplinary action by the Board. Late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) will be added to the renewal fee of a licensee who practiced on an expired license. The licensee will be required to pay the current biennial renewal fee as set forth in § 31.41 and the fees that would have been paid had the license been maintained in good standing. The licensee will be required to submit continuing education certificates of attendance for the current and any past biennial renewal periods during which the licensee practiced on an expired license.

(d) A licensee whose license to practice veterinary medicine is expired who did not practice veterinary medicine in this Commonwealth while the licensee's license was expired may reactivate and renew the license upon application to and approval of the Board and upon payment of the current biennial renewal fee as set forth in § 31.41 and submission of certificates of attendance demonstrating that the licensee has complied with § 31.15 (related to continuing education) for the biennial period preceding renewal. The application for renewal shall also be accompanied by an Affidavit of Non-Practice, verifying the period of time in which the licensee abstained from the practice of veterinary medicine in this Commonwealth. A licensee will not be assessed a late renewal fee under the Bureau of Professional and Occupational Affairs Fee Act for the preceding biennial periods in which the licensee abstained from the practice of veterinary medicine in this Commonwealth.

(e) A licensee will be required to reactivate the license in accordance with section 9 of the act (63 P.S. § 485.9) to resume practicing veterinary medicine if the licensee practiced veterinary medicine on an expired license in this Commonwealth or another state, territory or country for more than 5 years or if the licensee did not practice veterinary medicine for more than 5 years.

**§ 31.15. Continuing education.**

(a) Veterinarians shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Veteri-

narians shall certify completion of the required continuing education as a condition of licensure renewal.

(b) A maximum of 25% of the hours may be earned by taking individual study or written or computer-based correspondence courses for which third-party verification of satisfactory completion is provided.

(c) Veterinarians shall maintain a list of all continuing education courses attended and certificates of attendance for a minimum of 5 years.

(d) Courses in office management or practice building may not be used to meet the 30-hour continuing education requirement.

**§ 31.16. Continuing education provider approval.**

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers so long as the programs increase the skills, knowledge and competency of veterinarians in the practice of the profession:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) AVMA-approved major regional veterinary organizations.
- (5) Specialty boards of the AVMA.
- (6) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (7) Other states' veterinary medical associations.
- (8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).
- (9) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. If a certificate of attendance covers a program with more than one course, organizations approved under subsections (a) and (b) shall require some method by which attendees verify attendance at individual courses. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

- (1) Members of the faculties of approved schools of veterinary medicine.

(2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of the schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are determined by the Board to be qualified to speak on subjects of pertinent value to the profession.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(2) and (3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

**CERTIFIED VETERINARY TECHNICIANS AND VETERINARY ASSISTANTS**

**§ 31.40. Continuing education provider approval.**

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers so long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) Major regional veterinary organizations approved by the AVMA.
- (5) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (6) Other states' veterinary medical associations.
- (7) The Veterinary Technicians and Assistants Association of Pennsylvania (VTAAP).
- (8) Specialty boards of the AVMA.
- (9) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified veterinary technicians.

(10) The Department of Veterinary and Biomedical Sciences, College of Agricultural Sciences, Pennsylvania State University.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certification of attendance to the certified veterinary technician which includes the name of the sponsor, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

- (1) Members of the faculties of approved schools.
- (2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of those schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are recognized by the Board as qualified to speak on subjects of pertinent value to veterinary technicians.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

**FEES**

**§ 31.41. Schedule of fees.**

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

*Veterinarian fees for services:*

Application to original, reactivated, reissued or reciprocal license .....	\$35
Application for continuing education program approval .....	\$35
Verification of licensure .....	\$15
Certification of scores or hours .....	\$25
Duplicate license .....	\$5
Late renewal fee per month or part of month .....	\$5

*Veterinarian biennial renewal:*

Biennial renewal fee for biennial period	
December 1, 2010—November 30, 2012 .....	\$345
Biennial renewal fee for biennial period	
December 1, 2012—November 30, 2014 .....	\$360

*Veterinary technician fees for services:*

Application for certification .....	\$35
Application for continuing education program approval .....	\$35
Verification of certification .....	\$15
Certification of scores or hours .....	\$25
Late renewal fee per month or part of month .....	\$5
Duplicate license .....	\$5

*Veterinarian technician biennial renewal:*

Biennial renewal fee for biennial period	
December 1, 2010—November 30, 2012 .....	\$85
Biennial renewal fee for biennial period	
December 1, 2012—November 30, 2014 .....	\$100

[Pa.B. Doc. No. 11-2108. Filed for public inspection December 9, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 4300 ]

#### Department-Established Fees for the Ineligible Portion of Payment for Respite Services Provided at Waiver Service Locations

##### Scope

This statement of policy applies to Administrative Entity (AE) administrators or directors, County Mental Health and Mental Retardation (MH/MR) Program administrators or directors, Supports Coordination Organization directors and providers of services.

##### Purpose

The purpose of this statement of policy is to provide the Department of Public Welfare (Department) established fees for the ineligible portion of payment for respite services. For waiver funding, only a portion of payment for specific respite services is eligible for Federal reim-

bursement. Therefore, the Department-established fees cover the ineligible portion of these respite services. These Department-established fees are for service locations that serve both waiver individuals under the Consolidated and Person/Family Directed Support (P/FDS) waivers and based-funded individuals. The Department-established fees are effective July 1, 2011.

##### Discussion

This statement of policy interprets § 4300.115(a) (relating to Department established fees) to apply to fees for reimbursement of the ineligible portion of payment for respite services. These services are funded from State-only funds for individuals enrolled in the Consolidated and P/FDS waivers.

In addition, these Department-established fees for the ineligible portion of payment for services apply to an individual receiving a base-funded service in a waiver-funded service location as the ineligible portion of the total rate.

The Department-established fees for the ineligible portion of payment for respite services in a waiver service location are as follows:

Service	Procedure Code	Provider Type	Specialty	Unit	Area 1	Area 2	Area 3	Area 4	
Respite— Unlicensed Out of Home, 24 hours— Ineligible	W6060	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
	W6061	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
	W6062	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
		54	540 or 541						
	W6063	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
		54	540 or 541						
	W6064	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
		54	540 or 541						
	W6065	51	513	day	\$12.00	\$12.00	\$12.00	\$12.00	
		54	540 or 541						
	Respite— Unlicensed Out of Home, 15 minutes— Ineligible Ineligible units depend on number of eligible units	W6066	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
		W6067	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
0-4 hours eligible = 1 ineligible unit		W6068	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
			54	540 or 541					
4-8 hour eligible = 2 ineligible units		W6069	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
			54	540 or 541					
More than 8 hours eligible = 3 eligible units		W6070	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
			54	540 or 541					
		W6071	51	513	15 min	\$4.00	\$4.00	\$4.00	\$4.00
			54	540 or 541					



<i>Service</i>	<i>Procedure Code</i>	<i>Provider Type</i>	<i>Specialty</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
<i>Respite Camp—Ineligible</i>	W8400	55	555	15 min	\$4.00	\$4.00	\$4.00	\$4.00
		54	540 or 541					
	W8401	55	554	day	\$12.00	\$12.00	\$12.00	\$12.00

These fees are also available through a link titled “Respite Ineligible Fees” at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/developmentalprograms/index.htm>

*Effective Date*

This statement of policy is effective July 1, 2011.

*Contact Person*

Questions about this statement of policy should be directed to the Regional Program Manager at the following appropriate regional office. Copies of this statement of policy may be obtained at the local MH/MR County Program, AE or regional office 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

GARY D. ALEXANDER,  
*Secretary*

*(Editor’s Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 4300.115a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-96. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART VI. MENTAL HEALTH/MENTAL RETARDATION MANUAL**

**Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT**

**CHAPTER 4300. COUNTY MENTAL HEALTH AND MENTAL RETARDATION FISCAL MANUAL**

**UNIT OF SERVICE FUNDING**

**§ 4300.115a. Department-established fees for the ineligible portion of payment for respite services provided at waiver service locations—statement of policy.**

(a) Section 4300.115(a) (relating to Department established fees) applies to fees for reimbursement of the ineligible portion of payment for respite services funded with State-only funds for participants enrolled in the Consolidated and Person/Family Directed Support waivers.

(b) The Department-established fees under subsection (a) also apply to an individual receiving a base-funded service in a waiver-funded service location as the ineligible portion of a provider’s total rate.

(c) The Department-established fees for the ineligible portion of payment for respite services are available on the Department’s web site.

[Pa.B. Doc. No. 11-2109. Filed for public inspection December 9, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 22, 2011.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>												
11-19-2011	<p><i>From:</i> Riverview National Bank Marysville Perry County</p> <p><i>To:</i> Riverview Bank Marysville Perry County</p> <p>Conversion from a national banking association to a Pennsylvania state-chartered bank. Riverview Bank is a wholly-owned subsidiary of Riverview Financial Corporation (5028521), Halifax, an existing bank holding company.</p> <p>Branch offices operated by Riverview Bank:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                 2040 Good Hope Road Enola Cumberland County             </td> <td style="width: 50%; vertical-align: top;">                 34 South Market Street Elizabethville Dauphin County             </td> </tr> <tr> <td style="vertical-align: top;">                 Third and Market Streets Halifax Dauphin County             </td> <td style="vertical-align: top;">                 1288 North Mountain Road Harrisburg Dauphin County             </td> </tr> <tr> <td style="vertical-align: top;">                 311 South Market Street Millersburg Dauphin County             </td> <td style="vertical-align: top;">                 55 South Main Street Duncannon Perry County             </td> </tr> <tr> <td style="vertical-align: top;">                 500 South State Road Marysville Perry County             </td> <td style="vertical-align: top;">                 920 East Wiconisco Avenue Tower City Schuylkill County             </td> </tr> <tr> <td style="vertical-align: top;">                 57 South Sillyman Street Cressona Schuylkill County (Limited Purpose Office)             </td> <td style="vertical-align: top;">                 1021 Centre Turnpike Orwigsburg Schuylkill County (Approved/Unopened)             </td> </tr> <tr> <td style="vertical-align: top;">                 121 Progress Avenue Pottsville Schuylkill County (Approved/Unopened)             </td> <td></td> </tr> </table>	2040 Good Hope Road Enola Cumberland County	34 South Market Street Elizabethville Dauphin County	Third and Market Streets Halifax Dauphin County	1288 North Mountain Road Harrisburg Dauphin County	311 South Market Street Millersburg Dauphin County	55 South Main Street Duncannon Perry County	500 South State Road Marysville Perry County	920 East Wiconisco Avenue Tower City Schuylkill County	57 South Sillyman Street Cressona Schuylkill County (Limited Purpose Office)	1021 Centre Turnpike Orwigsburg Schuylkill County (Approved/Unopened)	121 Progress Avenue Pottsville Schuylkill County (Approved/Unopened)		Effective
2040 Good Hope Road Enola Cumberland County	34 South Market Street Elizabethville Dauphin County													
Third and Market Streets Halifax Dauphin County	1288 North Mountain Road Harrisburg Dauphin County													
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121 Progress Avenue Pottsville Schuylkill County (Approved/Unopened)														

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-21-2011	<p>David Joseph Bursic Valerie Lee Bursic</p> <p>Application for approval to collectively acquire up to 24.9% of the common stock of WVS Financial Corp, Pittsburgh.</p>	Filed

## NOTICES

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-31-2011	Somerset Trust Company Somerset Somerset County	228 West Main Street Ligonier Westmoreland County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-8-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia	<i>To:</i> 101 West Main Street Norristown Montgomery County  <i>From:</i> 2 West Lafayette Street Norristown Montgomery County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-18-2011	Luzerne Bank Luzerne Luzerne County	1492 Highway 315 Plains Luzerne County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-15-2011	Quaint Oak Bank Southampton Bucks County	Filed

Amendment to Article II of the institution's Articles of Incorporation provides for changes to the principal place of business of the institution from 607 Lakeside Drive, Southampton, Bucks County, Pennsylvania 18966 to 501 and 503 Knowles Avenue, Southampton, Bucks County, Pennsylvania 18966.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-2110. Filed for public inspection December 9, 2011, 9:00 a.m.]

**Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law**

The Department of Banking (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2012. The Department has determined that the current base figure

of \$221,540 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$230,110. This new base figure will be effective January 1, 2012, for the calendar year 2012.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-2111. Filed for public inspection December 9, 2011, 9:00 a.m.]



# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Consolidated Plan Public Meeting and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing a draft of the Action Plan for Federal Fiscal Year (FFY) 2012 for the Program Year that begins January 1, 2012, as well as a Substantial Amendment to the Fiscal Year 2011 Action Plan. The Substantial Amendment includes revisions to activities that were listed in the 2011 Action Plan that were to be funded and carried out in 2011 with the use of Federal funds. These Action Plans are an update of the Commonwealth's Consolidated Plan for FFY 2009-2013. Both documents must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

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

### *Public Meeting*

A public meeting will be conducted electronically by means of the Internet. The format will be more accessible than an in-person meeting because those who wish to make a comment or discuss policy may participate directly from their personal computer or from a computer location at their public library on Monday, December 19, 2011. Access to the discussion by means of the Internet will occur between 1:30 p.m. and 3 p.m. This more widely available personal computer access will replace the usual public meeting.

Any individual or organization may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, plans for the content of the Commonwealth's Action Plans for FFY 2012 and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

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

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

needs. Text telephone calls can be placed through the Pennsylvania AT&T Relay Service at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

### *Written Comments*

Written testimony, in lieu of Internet testimony, must be submitted by 5 p.m. on Friday, December 27, 2011. Submit comments to Daniel Fox, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225.

### *Regional Housing Advisory Committee Meetings*

The Commonwealth has five Regional Housing Advisory Committees across this Commonwealth comprised of appointed members. Meetings of these committees are open to the public under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act). These committees advise the Department regarding housing and community development needs, as well as assist in fair housing planning. These meetings will be held as Internet-based public forums on the following dates:

#### *December 12, 2011*

Southeast Regional Housing Advisory Committee Meeting  
1:30 p.m. to 3 p.m.

#### *December 13, 2011*

Central Regional Housing Advisory Committee Meeting  
1:30 p.m. to 3 p.m.

#### *December 14, 2011*

Northeast Regional Housing Advisory Committee Meeting  
1:30 p.m. to 3 p.m.

#### *December 15, 2011*

Northwest Regional Housing Advisory Committee Meeting  
1:30 p.m. to 3 p.m.

#### *December 16, 2011*

Southwest Regional Housing Advisory Committee Meeting  
1:30 p.m. to 3 p.m.

Anyone who wants to participate in the Regional Housing Advisory Committee meetings must register in advance. Contact Daniel Fox at (717) 720-7412 to receive registration instructions for these Internet-based meetings at least 24 hours prior to the meeting date. During the meeting if support is required call (717) 720-7404.

Persons with a disability who wish to participate in any of the Regional Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate, should contact Daniel Fox, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7412, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania AT&T Relay Service at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 11-2112. Filed for public inspection December 9, 2011, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**Application of Liberatoscioli, Inc., d/b/a The Restaurant School at Walnut Hill College and Walnut Hill College for Approval of an Amendment of the Articles of Incorporation to Change the Corporate Name to Walnut Hill College, Inc.**

### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Liberatoscioli, Inc., doing business in this Commonwealth under the names Walnut Hill College and The Restaurant School at Walnut Hill College, for a Certificate of Authority approving an amendment to the Articles of Incorporation to change the name of the corporation from Liberatoscioli, Inc. to Walnut Hill College, Inc.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, before 4 p.m. within 30 days after date of publication of this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previously listed address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol

M. D. Gisselquist at (717) 783-8228 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 11-2113. Filed for public inspection December 9, 2011, 9:00 a.m.]

**Application of Mercyhurst College for Approval of a Certificate of Authority to Operate as a University Under the Name of Mercyhurst University**

### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Mercyhurst College for approval of a Certificate of Authority to operate as a university under the legal name of Mercyhurst University.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, before 4 p.m. within 30 days after date of publication of this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previously listed address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol M. D. Gisselquist at (717) 783-8228 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 11-2114. Filed for public inspection December 9, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

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### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in

accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

## I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060763 (Sewage)	Middle Smithfield Township (Winona Lakes WWTP) 25 Municipal Drive East Stroudsburg, PA 18302	Monroe County Middle Smithfield Township	Bush Kill (1-D)	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>
PA0248215 (SEW)	Hurley/Morrison Lot 4 50 Frytown Rd Newville, PA 17241	Cumberland County / Upper Frankford Township	UNT to Conodoguinet Creek / 7B	Y
PA0248321 (SEW)	Hurly/Morrison Lot 2 50 Frytown Rd Newville, PA 17241	Cumberland County / Upper Frankford Township	UNT to Conodoguinet Creek / 7B	Y
PA0085014 (SEW)	Conestoga Township PO Box 98 Conestoga, PA 17516	Lancaster County / Conestoga Township	Pequea Creek / 7-K	Y
PA0088251 (SEW)	Upper Bern Township 25 North 5th Street Shartlesville, PA 19554	Berks County / Upper Bern Township	Wolf Creek / 3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0239879 (Sewage)	Michael D. Wahlenmayer SFTF 7012 Bargain Road Erie, PA 16509	Erie County McKean Township	Unnamed tributary to Thomas Run HQ-CWF; MF 15	Y
PA0046337 (Sewage)	Colonial Village Subdivision 7655 Bridgewood Drive McKean, PA 16426	Erie Count McKean Township	Thomas Run 15	Y
PA0221619 (Sewage)	Otto Township STP Bakers Trestle Road Rixford, PA 16745	McKean County Otto Township	Knapp Creek 16-C	Y

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

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

**PA0051926**, SIC Code 4911, **Exelon Generation Co. LLC**, 3146 Sanatoga Road, Pottstown, PA 19464-3418. Facility Name: Exelon Generation LLC Limerick. This existing facility is located in Limerick Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of various industrial wastewaters from Limerick Generating Station.

The receiving stream(s), Possum Hollow Run, Schuylkill River, and Sanatoga Creek, is located in State Water Plan watershed 3-D and 3-E and is classified for Warm Water Fishes, Migratory Fishes, Warm Water Fishes, 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 14.19 MGD are as follows

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Oxidants	XXX	XXX	XXX	XXX	0.2	0.5
Temperature (°F)	XXX	XXX	XXX	Report	Report	110
Total Suspended Solids (Influent)*	XXX	XXX	XXX	Report	Report	Report
Total Suspended Solids (Effluent Net)*	XXX	XXX	XXX	30	60	75
Total Suspended Solids (Effluent)*	XXX	XXX	XXX	Report	Report	Report
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	Report
Total Aluminum	XXX	XXX	XXX	Report	Report	Report
Total Cadmium	XXX	XXX	XXX	Report	Report	Report
Acute toxicity (Ceriodaphnia) (TUa)	XXX	XXX	XXX	Report	Report	XXX
Acute toxicity (Pimephales) (TUa)	XXX	XXX	XXX	Report	Report	XXX

\*These limits applied during period of chemical additional.

The proposed effluent limits for Outfalls 002, 004 and 022 are based storm water event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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 Outfalls 003 and 005 are based on a maximum discharge flow of 1.1 MGD are as follows:

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



<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Residual Oxidants	XXX	XXX	XXX	XXX	0.2	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	Report	Report	Report

The proposed effluent limits for Outfalls 010 and 011 are based on intake screen backwash event are as follows:

No monitoring Required.

The proposed effluent limits for Outfalls 006, 007, 008 and 009 are based on storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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 012 are based on a design flow of 0.01 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	100	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfalls 013, 014, 015, 016, 017, 018, and 019 are based storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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 020 are based on a design flow of 1.5 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	100	XXX

The proposed effluent limits for Outfall 021 are based on a storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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 023 are based on a design flow of 0.1 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Oxidants	XXX	XXX	XXX	XXX	0.2	0.5
Total Suspended Solids	XXX	XXX	XXX	Report	100	Report

The proposed effluent limits for Outfall 030 are based on a storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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 201 are based on a design flow of 0.01 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 301 are based on a design flow of 0.001 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 401 are based on a design flow of 0.05 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	Report

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

- Applicable BAT/BCT Standards
- Remedial Measure if Create Public Nuisance
- Change in Ownership
- Watershed TMDL/WLA analysis
- Proper Sludge Disposal
- TSS limitations and Monitoring Requirements
- PCBs Monitoring Requirements
- PPC Plan Requirements
- Cooling Water Intake Structure Requirements
- In stream Monitoring
- Compliance of US NRC and DRBC approval.
- Approved Chemical Usage Rates
- Whole Effluent Toxicity Testing Requirements
- Storm Water discharge 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 not in effect.



**PA0035769**, SIC Code 2011, **JBS Souderton Inc.**, PO Box 395, Souderton, PA 18964. Facility Name: JBS Souderton Facility. This existing facility is located in Franconia Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater and storm water.

The receiving stream(s), Skippack Creek and Unnamed Tributary to Skippack 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 are based on a design flow of 0.832 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Inst. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	110
CBOD <sub>5</sub>						
(May 1 - Oct 31)	69	138	XXX	10	20	25
(Nov 1 - Apr 30)	138	276	XXX	20	40	50
Total Suspended Solids	208	416	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	3,100	6,200	7,750
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	XXX	95	XXX
Oil and Grease	104	173	XXX	15	25	30
Fecal Coliform (CFU/100 ml)						
(May 1 - Sep 30)	XXX	XXX	XXX	200	XXX	1000
(Oct 1 - Apr 30)	XXX	XXX	XXX	Geo Mean 200	XXX	1000**
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Ammonia-Nitrogen						
(May 1 - Oct 31)	8.3	16.4	XXX	1.2	2.4	3.0
(Nov 1 - Apr 30)	25.0	50.0	XXX	3.6	7.2	9.0
Total Phosphorus						
(Apr 1 - Oct 31)	5.5	11.0	XXX	0.80	1.60	2.0
(Nov 1 - Mar 31)	11.0	22.0	XXX	1.6	3.2	4.0

The proposed effluent limits for Outfalls 002, 003, 004 and 101 are based on a storm water event.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Inst. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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
Fecal Coliform (CFU/100 ml)	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

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

- Notification of Designated Operator
- Fecal Coliform Requirements per DRBC and PADEP regulations
- Wastewater Operator Certification Requirements
- Operation and Maintenance plan
- PPC Plan Requirements
- Daily Inspection of Outfall area and downstream of discharge
- In stream and effluent monitoring for Temperature
- Storm water Requirements to Applicable Outfalls.

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 not in effect.

**PA0035769**, SIC Code 2011, **JBS Souderton Inc.**, PO Box 395, Souderton, PA 18964. Facility Name: JBS Souderton Facility. This existing facility is located in Franconia Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater and storm water.

The receiving stream(s), Skippack Creek and Unnamed Tributary to Skippack 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 are based on a design flow of 0.832 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	110
CBOD <sub>5</sub>						
(May 1 - Oct 31)	69	138	XXX	10	20	25
(Nov 1 - Apr 30)	138	276	XXX	20	40	50
Total Suspended Solids	208	416	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	3,100	6,200	7,750
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	XXX	95	XXX
Oil and Grease	104	173	XXX	15	25	30
Fecal Coliform (CFU/100 ml)						
(May 1 - Sep 30)	XXX	XXX	XXX	200	XXX	1000
(Oct 1 - Apr 30)	XXX	XXX	XXX	Geo Mean 200	XXX	1000**
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	Report
Ammonia-Nitrogen						
(May 1 - Oct 31)	8.3	16.4	XXX	1.2	2.4	3.0
(Nov 1 - Apr 30)	25.0	50.0	XXX	3.6	7.2	9.0
Total Phosphorus						
(Apr 1 - Oct 31)	5.5	11.0	XXX	0.80	1.60	2.0
(Nov 1 - Mar 31)	11.0	22.0	XXX	1.6	3.2	4.0

The proposed effluent limits for Outfalls 002, 003, 004 and 101 are based on a storm water event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <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
Fecal Coliform (CFU/100 ml)	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

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

- Notification of Designated Operator
- Fecal Coliform Requirements per DRBC and PADEP regulations
- Wastewater Operator Certification Requirements
- Operation and Maintenance plan
- PPC Plan Requirements
- Daily Inspection of Outfall area and downstream of discharge
- In stream and effluent monitoring for Temperature
- Storm water Requirements to Applicable Outfalls.

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 not in effect.

**PA0057061**, Sewage, SIC Code 4952, **Upper Frederick Township Montgomery County**, P. O. Box 597, Frederick, PA 19435-0597. Facility Name: Ivy Ridge STP. This existing facility is located in Upper Frederick 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), Scioto Creek, is located in State Water Plan watershed 3-E and is classified for Trout stocking Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0215 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Inst. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.45
CBOD <sub>5</sub>						
(May 1 - Oct 31)	3.6	5.4	XXX	20	30	40
(Nov 1 - Apr 30)	4.5	7.2	XXX	25	40	50
Total Suspended Solids	3.6	5.4	XXX	20	30	40
Fecal Coliform (CFU/100 ml)						
(10/01 to 04/30)	XXX	XXX	XXX	200	XXX	1,000*
(05/01 to 09/30)	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
(May 1 - Oct 31)	0.54	XXX	XXX	3.0	XXX	6.0
(Nov 1 - Apr 30)	0.72	XXX	XXX	4.0	XXX	8.0
Total Phosphorus	0.3	XXX	XXX	1.5	XXX	3.0

\*Shall not exceed in more than ten percent of the samples.

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

- Operation and Maintenance Plan
- Certified Operator
- Small Stream Discharge
- Applicable TMDL/WLA Analysis.

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.

**PA0244091**, SIC Code 3823, **Patriot Sensors & Controls Corporation Ametek Drexelbrook Division**, 205 Keith Valley Road, Horsham, PA 19044-1499. Facility Name: Ametek Drexelbrook Division. This existing facility is located in Horsham Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a discharge of treated groundwater from a foundation groundwater trench to a stormsewer discharging to Park Creek. Groundwater is treated through a single activated carbon treatment unit prior to discharge.

The receiving stream, Park Creek, is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Average Monthly</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Monthly</i>		<i>Average Monthly</i>	<i>Average Monthly</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
1,1,1-Trichloroethane	XXX	XXX	0.0103	XXX	XXX	0.0258
1,1-Dichloroethylene	XXX	XXX	0.002	XXX	XXX	0.005
Influent 1,1,1-Trichloroethane	XXX	XXX	Report	XXX	XXX	XXX
Influent 1,1-Dichloroethylene	XXX	XXX	Report	XXX	XXX	XXX

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

- Remedial measures if public nuisance
- Change of Ownership
- Proper Sludge Disposal
- Monitor System
- Specification of Test Method

- Development of PPC Plan
- 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.

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

**PA0261742**, SIC Code 6514, **Samuel J. Smith**, 2307 Mount Joy Road, Manheim, PA 17545. Facility Name: Smith Residence. This proposed facility is located in Fannett Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary of Doylestown Stream, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

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

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

The EPA Waiver is in effect.

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

**(B.) PA0228338**, Sewage, SIC Code 4952, **Union & Chapman Township Region Authority Snyder County**, 1510 Mcness Road, Port Trevorton, PA 17864-9422. Facility Name: Union Chapman Region Authority Sewer System STP. This existing facility is located in Union Township, **Snyder 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), Silver Creek, is located in State Water Plan watershed 6-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.077 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	16	26	XXX	25	40	50
Total Suspended Solids	19	29	XXX	30	45	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
UV Intensity (µw/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA0020656**, Sewage, **Newell Municipal Authority**, 413 Second Street, PO Box 356, Newell, PA 15466-0356. Facility Name: Newell Sewage Treatment Plant. This existing facility is located in Newell Borough, **Fayette County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	20.9	Wkly Avg	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	25.0	Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	10,000

The EPA Waiver is in effect.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0103446**, Industrial Waste, SIC Code 4953, **Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846-1033. Facility Name: Veolia ES Greentree Landfill. This existing facility is located in Fox Township, **Elk County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste. This is a second draft due to significant changes to the proposed effluent limitations due to a change in the calculated stream flow.

The receiving streams, Sawmill Run, Little Toby Creek, an Unnamed Tributary to Bear Run, an Unnamed Tributary to Little Toby Creek, and an Unnamed Tributary to Sawmill Run, are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	10
Color (Pt-Co Units)	XXX	XXX	XXX	1,001	2,002	2,502
BOD <sub>5</sub>	110	165	XXX	53	163	163
Total Suspended Solids	64	128	XXX	31	60	77
Total Dissolved Solids	28,456	56,912	XXX	13,648	27,296	34,120
Osmotic Pressure	XXX	XXX	XXX	1,170	2,340	2,925
Oil and Grease	XXX	XXX	XXX	50.2	205	205
Fecal Coliform (CFU/100 ml)				200		1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	Geo Mean
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	Geo Mean
Ammonia-Nitrogen	52	104	XXX	25	50	62
Total Antimony	0.075	0.150	XXX	0.036	0.072	0.090
Total Arsenic	Report	Report	XXX	0.104	0.162	0.260
Total Cadmium	0.037	0.075	XXX	0.018	0.036	0.045
Total Chromium	Report	Report	XXX	3.07	15.5	15.5



<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Cobalt	Report	Report	XXX	0.124	0.192	0.310
Total Copper	1.555	3.110	XXX	0.746	1.492	1.865
Free Available Cyanide	0.252	0.504	XXX	0.121	0.242	0.302
Total Lead	Report	Report	XXX	0.283	1.32	1.32
Total Mercury	0.0012	0.0024	XXX	0.0006	0.0012	0.0015
Total Nickel	Report	Report	XXX	1.45	3.95	3.95
Total Selenium	0.241	0.483	XXX	0.116	0.232	0.290
Total Silver	Report	Report	XXX	0.0351	0.120	0.120
Total Tin	Report	Report	XXX	0.12	0.409	0.409
Total Titanium	Report	Report	XXX	0.0618	0.0947	0.1545
Total Vanadium	Report	Report	XXX	0.0662	0.218	0.218
Total Zinc	Report	Report	XXX	0.42	0.497	1.05
o-Cresol	Report	Report	XXX	0.561	1.92	1.92
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.265
Phenol	Report	Report	XXX	1.08	3.65	3.65
Acetone	Report	Report	XXX	7.97	30.2	30.2
Acetophenone	Report	Report	XXX	0.0562	0.114	0.140
2-Butanone	Report	Report	XXX	1.85	4.81	4.81
p-Cresol	Report	Report	XXX	0.205	0.698	0.698
Pyridine	Report	Report	XXX	0.182	0.370	0.455

The proposed effluent limits for Stormwater Outfalls 002 through 017 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
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
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirement to Use eDMR System
- Equivalent Treatment Determination
- Management of Leachate Discharge Rates
- Requirements Applicable to Stormwater Outfalls
- Receipt of Residual Waste
- Future Acceptance of Natural Gas-Related Wastewaters

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

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

**WQM Permit No. 3685404 11-1**, Sewerage, **Quarryville Borough Authority**, 300 Saint Catherine Street, Quarryville, PA 17566-1236.

This proposed facility is located in Providence Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade and expansion to the wastewater treatment plant to address the nutrient reduction requirements imposed by the Chesapeake Bay Tributary Strategy and to provide additional capacity for projected future growth.

**WQM Permit No. 0611404**, Sewerage, **Hamburg Municipal Authority**, 61 North 3rd Street, Hamburg, PA 19526.

This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the Upgrades to the Ridge Lawn pump station—control building and wet well.

**WQM Permit No. 3691410 Amendment 11-1**, Industrial Waste, **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516-9630.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the replacement of the existing sand filtration system with a disk filter at the existing wastewater treatment facility.

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

**WQM Permit No. 5611404**, Sewerage, **Ursina Borough**, 418 Park Street, Confluence, PA 15424

This proposed facility is located in Ursina Borough, **Somerset County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

**WQM Permit No. 6308403-A1**, Sewerage, **Independence-Cross Creek Joint Sewer Authority**, PO Box 156, 34 Campbell Street, Avella, PA 15312

This existing facility is located in Independence and Cross Creek Townships, **Washington County**

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506026-R	Phillips Mushroom Farms, LP 1011 Kaolin Road PO Box 190 Kennett Square, PA 19348	Chester	Lower Oxford Township	West Branch Big Elk Creek (HQ-TSF-MF)
PAI01 151131	Southdown Properties, Inc. 55 Country Club Dr, Ste 200 Downingtown, PA 19335	Chester	Caln Township	Valley Run (CWF)

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

*Northampton County Conservation District: Greystone Building, 14 Gracedale Ave., 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>
PAI024811006	Charles Tuskes Stone Creek Development 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Upper Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, 570-253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026411004	Modern Gas Sales, Inc. P. O. Box 5001 Avoca, PA 18641	Wayne	Texas Twp.	Lackawaxen River, HQ-CWF, MF

*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>
PAI024511013	Thomas & Colby L. Shafer RR 3, Box 3863 E. Stroudsburg, PA 18301	Monroe	Jackson Twp.	Reeders Run, HQ-CWF

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2030611008	Rick Greenly East Penn Manufacturing Deka Road, PO Box 147 Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek/ HQ, CWF

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

*Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501*

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI061011002	Chicora DPP V, LLC 201 Summit View Drive Brentwood TN 37027	Butler	Donegal Township	Buffalo Creek
PAI063311003	Graystone Court Punxsutawney LLC 1916 Hileman Road Tyrone PA 16686	Jefferson	Punxsutawney Borough	Mahoning Creek WWF
PAI063311004	DuBois Regional Airport 377 Aviation Way Reynoldsville PA 15851	Jefferson	Washington Township	UNT Keys Run CWF UNT Kyle Run HQ, CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

### STATE CONSERVATION COMMISSION

#### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Unites	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal / New
Rocky Knoll / Joe Sweeney 1166 Gypsy Hill Road Lancaster, PA 17602	Lancaster	146	505.34	Swine	NA	Renewal
Wolgemuth Farview Farms Doug Wolgemuth 2914 Orchard Road Mount Joy, PA 17552	Lancaster	878.2	1229.05	Swine/ Layers	NA	Renewal
Lamar Horst 11599 Koons Rd. Waynesboro, PA 17268	Franklin	244	288.51	Layers	NA	Renewal
Jason Fox 15629 Trough Creek Valley Pike Huntingdon, PA 16652	Huntingdon	447.4 acres for nutrient application	563.59 AEU's  1.26 AEU's/ac	Swine	Not Applicable	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Unites</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Pleasant View Farms Inc 261 Pleasant View Farms Lane Martinsburg, PA 16652	Blair	3417	2797	Dairy	Clover Creek, Piney Creek, Yellow Creek, Potter Creek Plum Creek	New
Sloat/Crane Farm Rose Crane 170 Daugherty Road York, PA 17404	Lancaster	166.3	340.1	Swine/ Steers Heifers	NA	R

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 6411503**, Public Water Supply.

Applicant	<b>Fox Ledge Inc.</b> 1432 Bethany Turnpike Honesdale, Pa
[Township or Borough]	Mt Pleasant Twp, Wayne County
Responsible Official	Dominic Panza
Type of Facility	Bottling Plant

Consulting Engineer	Keystone Consulting & Associates 34 Brown St Honesdale, Pa
Application Received Date	11/9/11
Description of Action	The addition of treatment at the bottling plant to create a fluoridated and mineral water product.

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

**Permit No. 1111511**, Public Water Supply.

Applicant	<b>Ebensburg Municipal Authority,</b> 300 West High Street, Ebensburg, PA 15931
[Township or Borough]	Ebensburg Borough and Cambria Township
Responsible Official	Jerry McMullen, Chairman Ebensburg Municipal Authority, 300 West High Street, Ebensburg, PA 15931
Type of Facility	Water system
Consulting Engineer	L.R. Kimball, 615 West Highland Avenue, Ebensburg, PA 15931
Application Received Date	November 23, 2011
Description of Action	Construction of a clarifier and backwash tank; waterline replacement; pump station emergency generators, water meter replacement and SCADA system installation.

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

**Permit No. 4311504**, Public Water Supply.

Applicant	<b>Borough of Fredonia</b>
Township or Borough	Fairview Township
County	<b>Mercer</b>
Responsible Official	Ronald Boyd, President of Council
Type of Facility	Public Water Supply



Consulting Engineer Joseph A. Kurtanich, P.E.  
Kurtanich Engineers & Associates, Inc.  
6124 East State Street  
Heritage, PA 16148

Application Received Date November 21, 2011

Description of Action Provide capacity to meet 4-log treatment of viruses.

**Permit No. 4211503**, Public Water Supply

Applicant **Allegheny Crossroad**

Township or Borough Hamlin Township

County **McKean**

Responsible Official Wilbur W. Antrim, Owner

Type of Facility Public Water Supply

Consulting Engineer Roy P. Pedersen, P.E.  
E&M Engineers and Surveyors, P.C.  
24 Derrick Road  
Bradford, PA 16701

Application Received Date November 23, 2011

Description of Action The operation of granular activated carbon filters for water treatment of benzene.

**Permit No. 2011504**, Public Water Supply

Applicant **Denny Ridge Mobile Home Park**

Township or Borough Hayfield Township

County **Crawford**

Responsible Official John C. Nickelson

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date November 28, 2011

Description of Action Addition of a finished water storage tank.

**Permit No. 2011505**, Public Water Supply

Applicant **Fountain House Mobile Home Park**

Township or Borough Woodcock Township

County **Crawford**

Responsible Official Gregory A. Kasemer

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date November 28, 2011

Description of Action Construction of a pipe loop at each well house for chlorine contact time.

## MINOR AMENDMENT

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

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

**Application No. 5211508MA, Minor Amendment.**

Applicant **Aqua Pennsylvania, Inc Woodledge Village System**

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

Responsible Official Mr. Steve Clark  
1775 North Main Street  
Honesdale, PA. 18431

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
4 South Fourth Street  
PO Box 32  
Reading, PA. 19603

Application Received Date October 31, 2011

Description of Action This project is an amendment to permit 5211503 that provided for changes to the well house at Woodledge Village. In this amendment the 5,000 gallon hydropneumatic tank will be replaced by a contact chamber consisting of 36 LF of 24 inch pipe and (3) 422 gallon smaller pressure vessels.

**Application No. 6411502MA, Minor Amendment.**

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

[Township or Borough] Lehigh Twp, **Wayne County**

Responsible Official Roswell McMullen

Type of Facility Public Water System

Consulting Engineer Entech Engineering, Inc  
4 South Fourth St  
Reading, Pa

Application Received Date 11/7/11

Description of Action The addition of pH adjustment for corrosion control treatment.

**Application No. 3911508MA, Minor Amendment.**

Applicant **Nestle Waters North America Inc.**  
305 Nestle Way  
Breinigsville, Pa

[Township or Borough] Washington Twp,  
**Northampton County**

Responsible Official Eric Andreus

Type of Facility Bottling Plant

Consulting Engineer Forino Co. LP  
Edward Davis, P.E.  
555 Mountain Home Rd  
Sinking Spring, Pa



Application Received 11/7/11  
Date  
Description of Action A change in the apportioning of the withdrawals from boreholes 1 and 2 for Green Waltz Spring.

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

**Application No. 5611523MA, Minor Amendment.**

Applicant **Somerset Township Municipal Authority,**  
PO Box 247,  
Somerset, PA 15501

[Township or Borough] Somerset Township  
Responsible Official Nancy Aultz, Manager  
Somerset Township  
Municipal Authority,  
PO Box 247,  
Somerset, PA 15501

Type of Facility Water system  
Consulting Engineer CME Engineering,  
165 East Union Street,  
Suite 100,  
Somerset, PA 15501

Application Received November 9, 2011  
Date

Description of Action Installation of waterline to serve existing homes and businesses and the proposed Somerset Regional Water Resources Wastewater Facility

**Application No. 0211514MA, Minor Amendment.**

Applicant **The Municipal Authority of the Borough of Oakmont,**  
PO Box 73,  
721 Allegheny Avenue,  
Oakmont, PA 15139

[Township or Borough] Oakmont Borough  
Responsible Official John Dunlap, General Manager  
The Municipal Authority of  
the Borough of Oakmont,  
PO Box 73,  
721 Allegheny Avenue,  
Oakmont, PA 15139

Type of Facility Water system  
Consulting Engineer NIRA Consulting  
Engineers, Inc.,  
950 Fifth Avenue,  
Coraopolis, PA 15108

Application Received November 22, 2011  
Date

Description of Action Renovations to the Hulton Purification plant's raw water clarifiers including concrete and steel repairs and protective coatings.

**Application No. 2611506MA, Minor Amendment.**

Applicant **Pennsylvania American Water Company,**  
800 West Hersheypark Drive,  
Hershey, PA 17033

[Township or Borough] West Brownsville Borough  
Responsible Official David Kaufman, P.E.,  
Vice President-Engineering,  
Pennsylvania American  
Water Company,  
800 West Hersheypark Drive,  
Hershey, PA 17033  
Type of Facility Water system  
Consulting Engineer AECOM, Four Gateway Center,  
20th Floor, Pittsburgh, PA 15222  
Application Received November 22, 2011  
Date  
Description of Action Construction of the 500,000  
gallon Route 88 water storage  
tank and waterlines.

**Application No. 6311501MA, Minor Amendment.**

Applicant **The Authority of the Borough of Charleroi,**  
3 McKean Avenue,  
Charleroi, PA 15022

[Township or Borough] Fallowfield Township  
Responsible Official Edward Golanka,  
General Manager  
The Authority of the  
Borough of Charleroi,  
3 McKean Avenue,  
Charleroi, PA 15022

Type of Facility Water system  
Consulting Engineer Chester Engineers,  
501 McKean Avenue,  
Charleroi, PA 15301

Application Received November 22, 2011  
Date

Description of Action Installation of waterline along Kennedy Road in Fallowfield Township (Middle Monongahela Industrial Development Association/Kennedy Road waterline project).

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief

description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Marsha Mellott Residence**, 155 Little Egypt Road, Harrisonville, PA 17228, Licking Creek Township, **Fulton County**. Chambersburg Environmental, Incorporated, 2402 Philadelphia, Avenue, Chambersburg, PA 17201, on behalf of Marsha Mellott, 155 Little Egypt Road, Harrisonville, PA 17228, submitted a Notice of Intent to Remediate site soils, surface water and groundwater contaminated with fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is residential.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Ridgway Substation**, Ridgway Borough, **Elk County**. West Penn Power Company, 800 Cabin Hill Drive, Greensburg, PA 15601 has submitted a Notice of Intent to Remediate. The site is currently used as an electrical substation. A limited environmental investigation has identified one Area of Concern. During historical facility operations, polychlorinated biphenols were released into the environment. The intended future use of the property will be a substation. The proposed cleanup standard for the site is Site-Specific. The Notice of Intent to Remediate was published in *The Ridgway Record* on October 26-28, 2011.

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

**Williams Residence**, Smithton Borough, **Westmoreland County**. BBJ Group, 1641 Saw Mill Run Blvd, Pittsburgh, PA 15210 on behalf of Mr. Scott Taylor, Sear Holdings, 3333 Beverly Road, B5-335A, Hoffman Estates, IL 60179 has submitted a Notice of Intent to Remediate. Home heating oil from a residential boiler system was released from a leaking valve for approximately two months. The fuel oil impacted soil under the residence, a down-gradient spring and an adjacent unnamed creek. Remedial measures included removal of the concrete basement and soil disposal. Additional remedial measures are currently being evaluated.

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

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

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

**Permit Application No. 300852. Pottstown Industrial Investment, LLC**, 1751 Easton Road, Willow Grove, PA 19090. This application is for permit transfer (reissuance) form Flagg Brass Industrial, LLC to Pottstown Industrial Investments, LLC pertaining to the Amcast/Flagg Brass Landfill, a closed residual waste landfill located at 1020 West High Street, Stowe, PA 19464 in the Borough of Pottstown, **Montgomery County**. The application was received by the Southeast Regional Office on November 23, 2011.

#### AIR QUALITY

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication

in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to 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.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-025S: General Electric Transportation—Erie Plant** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for construction of a new paint booth in building 6 in Lawrence Park Township, **Erie County**. This is a Title V facility.

**62-032I: Ellwood National Steel** (3 Front Street, Irvine, PA 16329) for construction of a new vacuum oxygen decarburization (VOD) unit and seventh annealing furnace in Brokenstraw Township, **Warren County**. This is a Title V facility.

**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.**

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

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

**23-0108D: Barry Callebaut USA, LLC** (903 Industrial Highway, Eddystone, PA 19022) for installation of a second cocoa nib roaster and a third nib grinder at their cocoa processing facility in Eddystone Borough, **Delaware County**. This facility is a non-Title V facility. Most of the emissions of VOC from the new sources will be controlled by an existing regenerative thermal oxidizer. Site-wide emissions of VOC will remain below 24.9 TPY. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility

operating within the allowable emissions and all applicable air quality requirements.

**23-0003V: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) for a project to increase ultra-low sulfur diesel production at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. The project will result in minor emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**24-120C: Dominion Transmission, Inc.—Ardell Station** (389 Crissman Road, Weedville, PA 15865) for construction of a 10,310 hp compressor turbine, removal of three existing microturbines (0.842 mmbtu/hr each—Source 104), construction of one Capstone C-800 microturbine (which consists of four 2.28 mmbtu/hr Capstone C-200 microturbines), removal of the existing 1.5 mmbtu/hr Ajax boiler (Source 031), construction of a new 2.1 mmbtu/hr Ajax boiler, and construction of four 0.075 mmbtu/hr natural gas space heaters in Benezette Township, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or 127.505, be incorporated into the Title V operating permit at a later date.

This construction will result in emissions of ~ 2.97 tpy PM/PM10/PM2.5, 2.5 tpy SO<sub>x</sub>, 9.2 tpy CO, 24.3 tpy NO<sub>x</sub>, 2.68 tpy VOC, 0.19 tpy H<sub>2</sub>SO<sub>4</sub>, 0.284 tpy formaldehyde, 0.449 tpy HAPs, and 49,521.85 tpy CO<sub>2</sub>. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Emission Reduction Credit Requirements
  - The permittee shall not operate the source(s) until the required emission reduction credits are provided to and processed through the ERC registry in accordance with 25 Pa. Code § 127.206(d)(1) and the Department certifies the required emissions reductions.
  - The permittee shall secure 55.75 tons of NO<sub>x</sub> ERCs. ERCs shall be properly generated and certified by the Department.
  - Upon transfer, the permittee shall provide the Department with documentation clearly specifying the details of the ERC transaction. The 55.75 tons of ERCs was determined by the facility NO<sub>x</sub> net emission increase of 48.47 tons times the offset of 1.15.
  - If the amount of required emission reduction credits increases, the company shall secure emission offsets according to a schedule determined by the Department.
- Ajax Boiler (Source 034)
  - Subject to 123.22
  - The emissions from the source shall not exceed the following:
    - NO<sub>x</sub>: 0.81 tpy based on a 12-month rolling total



- PM/PM10/PM2.5: 0.07 tpy based on a 12-month rolling total
- The source shall only burn natural gas as a fuel.
- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Space Heaters (Source 033)
  - Subject to 123.13 and 123.21
  - The emissions from the source shall not exceed the following:
    - NOx: 0.13 tpy based on a 12-month rolling total
  - The source shall only burn natural gas as a fuel.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Combustion Turbine (Source 107)
  - The emissions shall not exceed the following when operating during SoLoNOx operation:
    - NOx: 0.0541 #/mmbtu (15.0 ppm)
    - CO: 0.0110 #/mmbtu (5.0 ppm)
    - VOC: 0.0057 #/mmbtu (4.5 ppm)
    - SOx: 0.0056 #/mmbtu [Compliance with this requirement shows compliance with 40 CFR 60.4330]
    - PM/PM10/PM2.5: 0.0066 #/mmbtu
    - H2SO4: 0.0004 #/mmbtu
  - The emissions shall not exceed the following when operating during Non-SoLoNOx operation:
    - NOx: 13.8 #/hr (42.0 ppm)
    - CO: 4.0 #/hr (20.0 ppm)
    - VOC: 1.03 #/hr (9.0 ppm)
    - SOx: 0.51 #/hr [Compliance with this requirement shows compliance with 40 CFR 60.4330]
    - PM/PM10/PM2.5: 0.60 #/hr
    - H2SO4: 0.04 #/hr
  - The emissions shall not exceed the following:
    - NOx: 21.9 tpy based on a 12-month rolling total
    - CO: 4.49 tpy based on a 12-month rolling total
    - VOC: 2.27 tpy based on a 12-month rolling total
    - SOx: 2.23 tpy based on a 12-month rolling total
    - PM/PM10/PM2.5: 2.63 tpy based on a 12-month rolling total
    - H2SO4: 0.17 tpy based on a 12-month rolling total
  - Subject to 40 CFR 60 Subpart KKKK
  - Subject to 40 CFR 63 Subpart YYYY
  - The hours of operation in non-SoLoNOx mode shall not exceed 70 hours per year based on a 12-month rolling total. The definition of Non-SoLoNOx mode is all times when ambient temperature is below 0F or when the turbine operates below the minimum operating load (50%) and includes time for startups and shutdowns (typically 10 minutes).
  - All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.
- The company shall maintain records of the hours of operation during non-SoLoNOx operation.
- The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
- The company shall maintain a log of the following, at a minimum, from the operational inspections:
  - Completion of inspection—daily defined as at least once per calendar day, while the source is operating
- The company shall maintain records of the following:
  - Inlet and outlet temperature to the control device continuously—defined as at least once every 15 minutes
- The permittee shall perform a daily operational inspection of the source and control device.
- The permittee shall operate and maintain the inlet and outlet temperature probes in accordance with the manufacturer's requirements.
- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
  - Inlet temperature
  - Outlet temperature
- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new inlet & outlet temperature. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by-case basis.
- The permittee shall operate the control device at all times when the source when is in operation, except for initial unit start-up and for limited periods during start-up after maintenance is conducted on the source. Operation without the control device will be considered to be non-SoLoNOx operation.
- The permittee shall maintain and operate the source and the control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- Capstone C-800 Microturbine (Source 109)
  - Each microturbine shall not emit into the outdoor atmosphere pollutants in excess of the following:
    - NO<sub>x</sub>: 0.14 g/hp-hr
    - CO: 0.37 g/hp-hr
    - VOC: 0.034 g/hp-hr
    - PM/PM10/PM2.5: 0.0066 #/mmbtu
    - SO<sub>x</sub>: 0.0056 #/mmbtu
    - H<sub>2</sub>SO<sub>4</sub>: 0.000429 #/mmbtu
  - The total from the 4 microturbines shall not emit into the outdoor atmosphere pollutants in excess of the following:
    - NO<sub>x</sub>: 1.45 tpy based on a 12-month rolling total
    - CO: 3.83 tpy based on a 12-month rolling total
    - VOC: 0.35 tpy based on a 12-month rolling total
    - PM/PM10/PM2.5: 0.26 tpy based on a 12-month rolling total
    - SO<sub>x</sub>: 0.22 tpy based on a 12-month rolling total
    - H<sub>2</sub>SO<sub>4</sub>: 0.0171 tpy based on a 12-month rolling total
  - The source shall only burn natural gas as a fuel.
  - All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.
  - The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
  - The company shall maintain a log of the following, at a minimum, from the operational inspections:
    - Completion of inspection—daily defined as at least once per calendar day
  - The permittee shall perform a daily operational inspection of the source.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

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

- Identification of the proposed plan approval [24-120C]

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

**33-140B: Dominion Transmission, Inc.—Punxsutawney Station** (88 Laska Road, Punxsutawney, PA 15767), for the construction of a 6,130 hp compressor turbine and one new 2.76 mmbtu/hr line heater for a measurement and regulation facility in Perry Township, **Jefferson County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This construction will result in emissions of ~ 1.76 tpy PM/PM10/PM2.5, 1.5 tpy SO<sub>x</sub>, 14.77 tpy CO, 13.97 tpy NO<sub>x</sub>, 8.69 tpy VOC, 0.12 tpy H<sub>2</sub>SO<sub>4</sub>, 2.59 tpy formaldehyde, 3.3 tpy HAPs, and 29,217.31 tpy CO<sub>2</sub>. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Emission Reduction Credit Requirements

- The permittee shall not operate the source(s) until the required emission reduction credits are provided to and processed through the ERC registry in accordance with 25 Pa. Code § 127.206(d)(1) and the Department certifies the required emissions reductions.

- The permittee shall secure 58.16 tons of NO<sub>x</sub> ERCs. ERCs shall be properly generated and certified by the Department.

- Upon transfer, the permittee shall provide the Department with documentation clearly specifying the details of the ERC transaction. The 58.16 tons of ERCs was determined by the facility NO<sub>x</sub> net emission increase of 50.57 tons times the offset of 1.15.

- If the amount of required emission reduction credits increases, the company shall secure emission offsets according to a schedule determined by the Department.

- Compressor Turbine (Source 137)

- The emissions shall not exceed the following when operating during SoLoNO<sub>x</sub> operation:



- NO<sub>x</sub>: 0.0541 #/mmbtu (15.0 ppm)
- CO: 0.011 #/mmbtu (5.0 ppm)
- VOC: 0.0057 #/mmbtu (4.5 ppm)
- SO<sub>x</sub>: 0.0056 #/mmbtu [Compliance with this requirement shows compliance with 40 CFR 60.4330]
- PM/PM10/PM2.5: 0.0066 #/mmbtu
- H<sub>2</sub>SO<sub>4</sub>: 0.0004 #/mmbtu
  - The emissions shall not exceed the following when operating during Non-SoLoNO<sub>x</sub> operation:
- NO<sub>x</sub>: 0.1515 #/mmbtu (42.0 ppm)
- CO: 0.044 #/mmbtu (20.0 ppm)
- VOC: 0.0113 #/mmbtu (9.0 ppm)
- SO<sub>x</sub>: 0.0056 #/mmbtu [Compliance with this requirement shows compliance with 40 CFR 60.4330]
- PM/PM10/PM2.5: 0.0066 #/mmbtu
- H<sub>2</sub>SO<sub>4</sub>: 0.0004 #/mmbtu
  - The emissions shall not exceed the following:
- NO<sub>x</sub>: 13.86 tpy based on a 12-month rolling total
- CO: 2.84 tpy based on a 12-month rolling total
- VOC: 1.44 tpy based on a 12-month rolling total
- SO<sub>x</sub>: 1.42 tpy based on a 12-month rolling total
- PM/PM10/PM2.5: 1.67 tpy based on a 12-month rolling total
- H<sub>2</sub>SO<sub>4</sub>: 0.11 tpy based on a 12-month rolling total
  - Subject to 40 CFR 60 Subpart KKKK
  - Subject to 40 CFR 63 Subpart YYYYY
  - The hours of operation in non-SoLoNO<sub>x</sub> mode shall not exceed 70 hours per year based on a 12-month rolling total. The definition of Non-SoLoNO<sub>x</sub> mode is all times when ambient temperature is below 0F or when the turbine operates below the minimum operating load (50%) and includes time for startups and shutdowns (typically 10 minutes).
  - All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.
  - The company shall maintain records of the hours of operation during non-SoLoNO<sub>x</sub> operation.
  - The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
  - The company shall maintain a log of the following, at a minimum, from the operational inspections:
- Completion of inspection—daily defined as at least once per calendar day, while the source is operating
  - The company shall maintain records of the following:
- Inlet and outlet temperature to the control device continuously—defined as at least once every 15 minutes
- The permittee shall perform a daily operational inspection of the source and control device.
- The permittee shall operate and maintain the inlet and outlet temperature probes in accordance with the manufacturer's requirements.
- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
- Inlet temperature
- Outlet temperature
  - The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new inlet & outlet temperature. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.
- The permittee shall operate the control device at all times when the source when is in operation, except for initial unit start-up and for limited periods during start-up after maintenance is conducted on the source. Operation without the control device will be considered to be non-SoLoNO<sub>x</sub> operation.
- The permittee shall maintain and operate the source and the control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- Line Heater (Source 139)
  - Subject to 25 Pa. Code §§ 123.13 and 123.21
  - The emissions shall not exceed the following:
  - NO<sub>x</sub>: 0.11 tpy based on a 12-month rolling total
  - CO: 11.93 tpy based on a 12-month rolling total
  - VOC: 7.25 tpy based on a 12-month rolling total
  - PM/PM10/PM2.5: 0.09 tpy based on a 12-month rolling total
  - SO<sub>x</sub>: 0.07 tpy based on a 12-month rolling total
  - H<sub>2</sub>SO<sub>4</sub>: 0.01 tpy based on a 12-month rolling total
    - The source shall only burn natural gas as a fuel.

- All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.
- The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
- The company shall maintain a log of the following, at a minimum, from the operational inspections:
  - Completion of inspection—daily defined as at least once per calendar day
  - The permittee shall perform a daily operational inspection of the source.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [33-140B]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

## OPERATING PERMITS

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00059: IPSCO Koppel Tubulars, LLC** (PO Box 750, Beaver Falls, PA 15010-0750) for manufacturing blast furnaces and steel mills at IPSCO Koppel Works in Koppel Borough, **Beaver County**. This is a Title V Operating Permit Application submittal.

**11-00034: Johnstown Specialty Casting** (545 Central Avenue, Johnstown, PA 15902) for manufacturing steel foundries at the Johnstown Plant in Johnstown, **Cambria County**. This is a Title V Operating Permit Application submittal.

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

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

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

**39-00052: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of a batch asphalt plant and crushing operation and associated air cleaning devices at their Ormrod facility in North Whitehall Township, **Lehigh County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility.

**48-00051: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of a batch asphalt plant and associated air cleaning device at their Bath facility in East Allen Township, **Northampton County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility.

**48-00052: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of a batch asphalt plant and associated air cleaning device in the City of Bethlehem, **Northampton County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility.

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

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

**01-03010: Dal-Tile Corp.** (211 North 4th Street, Gettysburg, PA 17325) for their ceramic tile manufacturing facility in Gettysburg Borough, **Adams County**.

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

The subject facility has minimal annual potential emissions. 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 regula-

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

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

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

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

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

**01-03016: Dal-Tile Corp.** (2938 York Road, Gettysburg, PA 17325) for their ceramic tile manufacturing facility in Straban Township, **Adams County**.

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

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

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

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

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

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

**06-05005: New Enterprise Stone & Lime Co., Inc.—Eastern Industries, Inc. Division** (59 Beiber Mill Road, Oley, PA 19547) for their stone crushing and batch asphalt plants in Oley 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 actual emissions of 1.48 tpy of PM-10, 8.36 tpy of CO, 2.51 tpy of NOx, and 1.84 tpy of SOx. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants and 40 CFR Part 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

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

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

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00206: AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) for coal mining services at Clymer Tipple in Cherryhill Township, **Indiana County**. This is a State Only Operating Permit Application submittal.

**32-00348: AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) for coal mining services at Nolo Deep Mine in Buffington Township, **Indiana County**. This is a State Only Operating Permit Application submittal.

**11-00510: AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) for coal mining services at Madison Mine in Jackson Township, **Cambria County**. This is a State Only Operating Permit Application submittal.



**04-00687: Penn State Special Metals, LLC** (PO Box Q, Koppel, PA 16136) for manufacturing tube/bar from purchased steel at Koppel Plant in Big Beaver Borough, **Beaver County**. This is a State Only Operating Permit Application submittal.

**30-00089: Dominion Transmission, Inc.** (1875 Grange Road, Charleroi, PA 15022) for pipeline transportation of natural gas at Crayne Station in Franklin Township, **Greene County**. This is a State Only Operating Permit Application submittal.

**30-00097: Pennsylvania Department of Corrections** (169 Progress Drive, Waynesburg, PA 15370) for correctional institutions at State Correctional Institution at Greene in Franklin Township, **Greene County**. This is a State Only Operating Permit Application submittal.

**63-00064: North Central Processing** (PO Box 93941, Cleveland, OH 44101) for manufacturing—petroleum and coal products at Donora Site in Carroll Township, **Washington County**. This is a State Only Operating Permit Application submittal.

**26-00472: Assad Iron and Metal, Inc.** (PO Box 76 Albany Road, Brownsville, PA 15417) for wholesale trade—scrap and waste materials at Metalico Assad in Jefferson Township, **Fayette County**. This is a State Only Operating Permit application submittal.

**04-00222: A Tops Corporation** (PO Box 808, 1060 24th Street Ext, Beaver Falls, PA 15010) for ground or treated mineral and earth manufacturing at A Tops Vermiculite Plant in Beaver Falls, **Beaver County**. This is a State Only Operating Permit application submittal.

**32-00148: MDS Energy, LTD** (409 Butler Road, Suite A, Kittanning, PA 16201) for pipeline transportation of natural gas at Cookport Station in Green Township, **Indiana County**. This is a State Only Operating Permit application submittal.

**26-00475: Amerikohl Aggregates, Inc.** (1384 State Route 711, Stahlstown, PA 15687) for mining crushed and broken limestone at Jim Mountain Quarry in Springfield Township, **Fayette County**. This is a State Only Operating Permit application submittal.

**32-00335: Superior Well Services, LTD / Black Lick Facility** (Route 19 South, Black Lick, PA 15716) for the operation of a limestone processing facility located in Black Lick Township, **Indiana 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 above mentioned facility.

The subject facility consists of one cement silo, two sand silos, one blend tank, one scale tanks and an hydrochloric storage tank used to store materials used for oil and gas well isolation. The facility has the potential to emit 52.11 tpy PM. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the daily survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to

exceed 0.04 gr/dscf. The permit includes additional operation requirements, monitoring requirements, and record-keeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Operating Permit (32-00335).
- Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

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

**N11-025: The Bellevue.** (200 South Broad Street, Philadelphia, PA 19102) for the operation of a hotel and shops in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 12.5 MMBTU/hr boilers firing natural gas or No.2 oil.

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

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

**S10-003: South Eastern Pennsylvania Transportation Authority,—Berridge/Courtland Maintenance Shop** (200 West Wyoming Avenue, Philadelphia, PA 19140) for operation of a public transportation in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two each 12.553 MMBTU/hr boilers, two each 5.021 MMBTU/hr boilers, one 2.95 MMBTU/hr and one 3.95MMBTu/hr heaters, and one 1MMBTU/hr, two each 0.5 MMBTU/hr and nine each 1.21MMBTU/hr hot water heaters, six pressure washers, two space heaters, one Catalyst Regeneration Unit, Stage 2 Vapor Recovery Units, Spray Booths, Printing Presses and a 200 KW emergency generator.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection

at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

#### 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*

**40-399-075 Eastern Metal Recycling Terminal LLC** (143 Harding Avenue, Bellmawr, NJ 08031) for construction of a metal shredding operation with cyclone for their facility in Hazle Township, **Luzerne 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 Eastern Metal Recycling Terminal LLC (143 Harding Avenue, Bellmawr, NJ 08031) for their facility to be located in Hazle Twp., Luzerne County. This Plan Approval No. 40-399-075 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-399-075 is for the construction of a metal shredding operation with cyclone. Particulate emissions will not exceed 0.02 grains/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Emissions will be controlled by the use cyclone and water injection. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit No. 40-399-075.

- 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 18711, Phone # 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (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*

**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.

**30841316 and NPDES No. PA 0213535, Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** and related NPDES permit to install the 1L bleeder shaft, six boreholes, and add NPDES outfall 031, Surface Acres Proposed 10.0. Receiving Streams: Jacob's Run, classified for the following use(s): HQ-WWF. The application was considered administratively complete on November 21, 2011. Application received: November 5, 2010.

**32733709 and NPDES No. PA 02114159, Robindale Energy Services, Inc.**, (224 Grange Hall Road, P. O. box 228, Armagh, PA 15920), to renew the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 23, 2011. Application received: February 28, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32990109 and NPDES No. PA0235148. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 59.9 acres. Receiving stream(s): UTS to/and Sugarcamp Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 16, 2011.

**56960107 and NPDES No. PA0234231. PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, revision of an existing bituminous surface mine to add 9.6 acres to the permit boundary for the area affected for construction of an AMD sump collection system in Jenner Township, **Somerset County**, affecting 129.9 acres. Receiving stream(s): UTS to/and Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: November 17, 2011.

**56060107. Coal Loaders, Inc.**, 210 East Main Street, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 26.4 acres. Receiving stream(s): Higgins Run, a tributary to Quemahoning Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority and Johnstown Water Authority. Application received: November 17, 2011.

**56860104 and NPDES No. PA0597061. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 507.0 acres. Receiving stream(s): UTS to/and Bluelick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 16, 2011.

**56060108 and NPDES No. PA0249921. Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): UTS to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 17, 2011.

**05753004. NPDES No. PA0124869 and General Permit GP-12-05753004, Heritage Coal & Natural Resources, LLC**, 208 West Mud Pike Road, Rockwood, PA 15557, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving stream(s): Unnamed Tributary to Coal Bank Run and to Coal Bank Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 15, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**65110101 and NPDES Permit No. PA0252140. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Application for commencement, operation and reclamation of a bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 188.2 acres. Receiving stream: unnamed tributary to Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 9, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61110103 and NPDES Permit No. PA0259209. K & A Mining** (P. O. Box 288, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine in Irwin Township, **Venango County** affecting 73.9 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 21, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17000109 and NPDES No. PA0242985. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 38.0 acres. Receiving streams: unnamed tributary to Orrs Run and Orrs Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 14, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49851603R5. Mid-Valley Coal Sales, Inc.,** (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 21.6 acres, receiving stream: Benny's Run, classified for the following use: cold water fishes and migratory fishes. Application received: November 14, 2011.

**40663024R5 and NPDES Permit No. PA0225177. Coal Contractors** (1991), Inc., (P. O. Box 39, Hazleton, PA 18201), NPDES Permit for discharge of treated mine drainage from an anthracite surface mine in Hazle Township, **Luzerne County**, receiving stream: Hazle Creek, classified for the following use: HQ-cold water fishes. Application received: November 16, 2011.

**54111302. S & J Coal Company,** (15 Motter Drive, Pine Grove, PA 17963), commencement, operation and restoration of an anthracite underground mine operation in Cass Township, **Schuylkill County** affecting 5.9 acres, receiving stream: Wagner Run, classified for the following use: cold water fishes. Application received: November 17, 2011.

#### *Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49960301C and NPDES Permit No. PA0225169. Central Builders Supply Co.,** (125 Bridge Avenue, Sunbury, PA 17801), incidental boundary correction of an existing quarry operation to add 13.8 acres for a total of 217.9 total acres and include an NPDES Permit for

discharge of treated mine drainage in West Chillisquaque Township, **Northumberland County**, receiving stream: unnamed tributary to West Branch Susquehanna River, classified for the following use: warm water fishes. Application received: November 9, 2011.

## MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
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*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259152 (GFCC No. 33-11-16). P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a Government Financed Construction Contract in Winslow Township, **Jefferson County**, affecting 32.2 acres. Receiving streams: Fehley Run, classified for the following uses: CWF. TMDL: None. 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.

The outfall(s) listed below discharge to Fehley Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Y

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. 0257427 (Mining permit no. 17100110), Allegheny Enterprises, Inc.**, 3885 Roller Coaster Road, Corsica, PA 15829, new NPDES permit for bituminous coal surface mining in Brady Township, **Clearfield County**, affecting 28 acres. Receiving streams: Stump Creek classified for the following use: Cold Water Fishery (Stump Creek Watershed TMDL). Application received: July 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.

The outfall listed below discharges to: Stump Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-B	Y
SP-A	Y

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES No. PA224928 on Surface Mining Permit No. 40100201. Susquehanna Haul & Drilling, LLC**, (249 Harland Street, Exeter, PA 18643), new NPDES Permit for an anthracite coal refuse reprocessing operation in Salem Township and Shickshinny Borough, **Luzerne County**, affecting 25.0 acres. Receiving stream: Paddy Run, classified for the following use: cold water fishes. Application received: March 3, 2011.

This permit is issued as a “Non-Discharge” permit with applicable BMP’s.

Unless otherwise noted, the proposed effluent limits in this permit are BAT limits described above for coal mining activities.



*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0612464 (Mining permit no. 6476SM12), N.L. Minich & Sons, Inc.**, 730 North College Street, Carlisle, PA 17013, renewal of an NPDES permit for surface mining in North Middleton Township, **Cumberland County**, affecting 95.6 acres. Receiving stream(s): Meetinghouse Run, classified for the following use(s): warm water fisheries. This receiving stream is not the subject of a TMDL. Application received: September 9, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Meetinghouse Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 & 002	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>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			

\*Discharges of surface runoff (not subject to mechanical control), from major erosion and sediment pollution controls (i.e. sediment basins), that are the result of a precipitation event and occur within 24 hours of said precipitation event shall not be subject to the total suspended solids limitations listed above. Discharges meeting this description shall meet a maximum total Settleable solids limit of 0.5 ml/l (milliliters per liter).

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES No. PA0612308 on Surface Mining Permit No. 7475SM3C3. Keystone Cement Company**, (PO Box A, Route 329, Bath, PA 18014), renewal of an NPDES Permit for a Large Noncoal Quarry operation in East Allen Township, **Northampton County**, affecting 549.7 acres. Receiving stream: Monocacy Creek, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: May 19, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Monocacy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	O.D.
002	N	O.D.
004	N	O.D.

**NPDES No. PA0611964 on Surface Mining Permit No. 6575SM4C7. Haines & Kibblehouse, Inc.** (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a Large Noncoal Quarry operation in Eldred & Ross Townships, **Monroe County**, affecting 56.03 acres. Receiving streams: Buckwha Creek and Aquashicola Creek, classified for the following uses: cold water fishes and HQ—cold water fishes. Application received: July 29, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Buckwa Creek and Aquashicola Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	E&S (inactive)
002	N	E&S
003	N	O.D. (inactive)
004	N	O.D. (inactive)
005	N	O.D. (inactive)
006	N	E&S
007	N	O.D./E&S
008	N	E&S

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E54-341 Reopen. Michelle Mattera**, 1032 Ridgeview Drive, Orwigsburg, PA 17961, in West Brunswick Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximately 150-foot long stream enclosure in a tributary to Mahannon Creek (CWF) with a 55-foot upstream extension of an existing 97-foot long, 5-foot diameter HDPE pipe and the construction of concrete wingwalls and placement of riprap on both the upstream and downstream ends. The extension consists of a 6-foot diameter corrugated metal pipe. The project is located at 1038 Centre Turnpike in West Brunswick Township, Schuylkill County (Orwigsburg, PA Quadrangle, Latitude: 40°38'27.7"; Longitude: -76°06'3.9").

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

**E06-673: Pa. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, Pennsylvania 18101, in Washington Township, **Berks County**, ACOE Philadelphia District

To remove the existing structure and construct and maintain a two-span prestressed concrete spread box beam bridge skewed 90° having two clear spans of 54.5 feet, 3.0-foot-wide pier, underclearance of 6.0 feet, and out to out width of 41.37 feet to improve traffic safety. The project also includes the construction of a temporary bridge, downstream of the existing bridge, having a clear span of 96.00 feet and an underclearance of 6.0 feet. Both bridges are constructed across the West Branch of the Perkiomen Creek, a Cold Water Fishery (MF). The project is located along SR 0100 in Washington Township, Berks County (East Greenville, PA Quadrangle; Latitude: 40°23'16"N, Longitude -75°35'57"W). The impacts to wetlands are de minimis.

**E07-441: Robert Franks, C.S.P. Investments (Sheetz Store #100)**, 5700 South Sixth Avenue, Altoona, Pennsylvania 16602, in Logan Township, **Blair County**, ACOE Baltimore District

To place approximately 1,086.0 cubic yards of fill and to install a 8.0-inch stormwater outfall structure with an R-5 riprap apron, a 8.0-inch stormwater outfall structure with an R-4 riprap apron, and a 15.0-inch stormwater outfall structure with an R-5 riprap apron in the floodway of and discharging to an unnamed tributary to Sandy Run (CWF, MF) in Logan Township, Blair County (Bellwood, PA Quadrangle; N: 7.37 inches, W: 14.5 inches; Latitude: 40°32'26.13", Longitude: -78°21'15.775"), for the purpose of building a larger convenience store, a one-bay carwash, an associated parking lot, and six fuel pump islands.

**E28-372: Larry E. Harshman**, 1227 Clay Hill Road, Chambersburg, Pennsylvania 17202-9334, in Antrim Township, **Franklin County**, ACOE Baltimore District

To construct and maintain an 8.0-foot high by 108.0-foot diameter concrete agricultural waste storage facility on the floodway of an unnamed tributary to Muddy Run (WWF, MF). The project is located at 1227 Clay Hill Road (Greencastle, PA Quadrangle; N: 12.61 inches, W: 6.08 inches; Latitude: 39°49'10", Longitude: -77°40'06") in Antrim Township, Franklin County. The purpose of the project is to control and prevent barnyard runoff and manure from flowing into the stream.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-018: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line impacting 80 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'25"N 76°13'33"W);

2) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line impacting 90 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'11"N 76°13'57"W);

3) an 8 inch diameter natural gas gathering line impacting 4 linear feet of an unnamed tributary to Sciota Brook (CWF) (Jenningsville, PA Quadrangle 41°32'06"N 76°13'53"W);

4) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line impacting 8,213 square feet of an exceptional value, 10 acre palustrine emergent, scrub shrub, and forested (PEM/PSS/PFO) wetland (Jenningsville, PA Quadrangle 41°32'18"N 76°13'48"W);

5) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line impacting 3,792 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°32'13"N 76°13'56"W).

6) an 8 inch diameter natural gas gathering line impacting 602 square feet of an exceptional value, 10 acre palustrine emergent, scrub shrub, and forested (PEM/PSS/PFO) wetland (Jenningsville, PA Quadrangle 41°31'56"N 76°13'47"W).

The project will result in 174 linear feet of temporary stream impacts, a total of 8,483 square feet (0.19 acres) of temporary wetland impacts, and 4,124 square feet (0.09



acres) of permanent wetland impacts all for the purpose of installing natural gas gathering line and associated access roadways.

**E0829-029 Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line impacting 80 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°32'45"N 76°13'24"W);

2) an 8 inch diameter natural gas gathering line impacting 290 square feet of an exceptional value palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'40"N 76°13'52"W).

The project will result in 80 linear feet of temporary stream impacts, a total of 290 square feet (0.01 acres) of temporary wetland impacts all for the purpose of installing natural gas gathering line and associated access roadways.

**E6629-004: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, North Branch Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 1 linear foot of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'33"N 76°12'54"W);

2) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'36"N 76°12'32"W);

3) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'36"N 76°12'29"W);

4) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 4 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'50"N 76°12'02"W);

5) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 17 linear feet of an unnamed tributary to Sugar Run Creek (CWF) (Jenningsville, PA Quadrangle 41°33'52"N 76°11'51"W);

6) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 2 linear feet of an unnamed tributary to Miller Brook (CWF) (Jenningsville, PA Quadrangle 41°33'52"N 76°11'48"W);

7) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 22 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°33'55"N 76°11'19"W);

8) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 28 linear feet of an unnamed tributary to Mehoopany Creek (CWF) and 2,587 square feet of a 10 acre palustrine emergent/palustrine forested (PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°33'58"N 76°11'11"W);

9) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 47 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°33'58"N 76°11'09"W);

10) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 26 linear feet of an unnamed tributary to Mehoopany Creek (CWF) (Jenningsville, PA Quadrangle 41°34'06"N 76°11'03"W);

11) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 135 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'49"N 76°12'10"W);

12) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 324 square feet of a palustrine emergent (PEM) wetland (Jenningsville, PA Quadrangle 41°33'50"N 76°12'01"W);

13) a temporary road crossing using a mat bridge, two 16 inch diameter water line impacting 431 square feet of a palustrine emergent/palustrine forested (PEM/PFO) wetland (Jenningsville, PA Quadrangle 41°33'59"N 76°11'15"W).

The project will result in 151 linear feet of temporary stream impacts, a total of 3,477 square feet (0.08 acres) of temporary wetland impacts all for the purpose of installing a fresh waterline for Marcellus well development.

**E0829-020: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 203 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'14", Longitude: -76°29'26");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 64 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°29'30");

3. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'23", Longitude: -76°30'02");

4. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");

5. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");

6. a 16 inch diameter natural gas line across Black Creek (EV-MF) impacting 15 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'53");

7. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 64 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'00", Longitude: -76°31'52");

8. a 16 inch diameter natural gas line across Millstone Creek (HQ-CWF,MF) impacting 4 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");

9. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF)

impacting 7 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'24", Longitude: -76°32'39");

10. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 107 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'41");

11. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'42");

12. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 13 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'45", Longitude: -76°33'21");

13. a 16 inch diameter natural gas line across Chilson Run (HQ-CWF,MF) impacting 21 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°37'27", Longitude: -76°33'40");

14. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 151 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'27");

15. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Black Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'23");

16. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");

17. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'00", Longitude: -76°31'35");

18. a 16 inch diameter natural gas line across an unnamed tributary to Level Branch (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");

19. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 33 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'36");

20. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'38");

21. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'07", Longitude: -76°32'31");

22. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Lick Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°32'42");

23. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'13", Longitude: -76°32'46");

24. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 8,851 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°29'57");

25. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 2,050 square feet; (Overton, PA Quadrangle, Latitude: 41°35'22", Longitude: -76°30'02");

26. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

27. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 18 square feet; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");

28. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 51 square feet; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");

29. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 1,400 square feet; (Overton, PA Quadrangle, Latitude: 41°35'36", Longitude: -76°30'12");

30. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 9,013 square feet; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'56");

31. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub (PSS) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");

32. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 624 square feet; (Overton, PA Quadrangle, Latitude: 41°36'15", Longitude: -76°32'16");

33. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 273 square feet; (Overton, PA Quadrangle, Latitude: 41°36'18", Longitude: -76°32'23");

34. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 177 square feet; (Overton, PA Quadrangle, Latitude: 41°36'19", Longitude: -76°32'27");

35. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 69 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

36. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Forested Wetland (PFO) impacting 460 square feet; (Overton, PA Quadrangle, Latitude: 41°36'23", Longitude: -76°32'36");

37. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 123 square feet; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'40");

38. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 658 square feet; (Overton, PA Quadrangle, Latitude: 41°36'35", Longitude: -76°33'08");

39. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 260 square feet; (Overton, PA Quadrangle, Latitude: 41°37'11", Longitude: -76°33'47");

40. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) impacting 81 square feet; (Overton, PA Quadrangle, Latitude: 41°37'26", Longitude: -76°33'39");

41. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 162 square feet; (Overton, PA Quadrangle, Latitude: 41°37'28", Longitude: -76°33'40");

42. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 54 square feet; (Powell, PA Quadrangle, Latitude: 41°37'43", Longitude: -76°33'32");

43. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 6,972 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'26");

44. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 1,187 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

45. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PFO) impacting 63 square feet; (Overton, PA Quadrangle, Latitude: 41°34'30", Longitude: -76°30'23");

46. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 565 square feet; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'24");

47. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,815 square feet; (Overton, PA Quadrangle, Latitude: 41°34'35", Longitude: -76°30'38");

48. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,455 square feet; (Overton, PA Quadrangle, Latitude: 41°34'38", Longitude: -76°30'46");

49. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 775 square feet; (Overton, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°32'47");

The project will result in 1,710 linear feet and 13,783 square feet of temporary stream impacts, 41,354 square feet (0.95 acres) of PEM/PSS/PFO temporary wetland impacts and 460 square feet (0.01 acres) of PEM/PSS/PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

**E0829-021: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 293 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°29'05");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Ladds Creek (CWF,MF) impacting 80 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'25");

3. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 184 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'23");

4. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 619 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'11", Longitude: -76°28'20");

5. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 2,474 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'10", Longitude: -76°28'17");

6. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 434 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°27'51");

7. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,821 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'11", Longitude: -76°26'23");

8. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 594 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°27'19");

9. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,771 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°28'23");

10. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 195 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°26'54");

11. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 4,429 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'17", Longitude: -76°26'46");



12. a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,536 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'16", Longitude: -76°26'40");

13. a 16 inch diameter natural gas line across Beaver Run (CWF,MF) impacting 13 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°26'38");

14. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 7,196 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'17", Longitude: -76°26'09");

15. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 837 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'18", Longitude: -76°26'08");

16. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 5,105 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'21", Longitude: -76°26'05");

17. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 213 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°26'00");

18. a 16 inch diameter natural gas line across South Branch Towanda Creek (CWF,MF) impacting 28 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°25'59");

19. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 99 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'28", Longitude: -76°25'57");

20. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 24 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'29", Longitude: -76°25'57");

21. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 168 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'29", Longitude: -76°25'56");

22. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PEM) impacting 252 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°25'31");

23. a permanent access road crossing a Palustrine Emergent Wetland (PEM) impacting 894 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°28'23");

24. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,829 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°25'16");

25. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to French Creek (CWF,MF) impacting 90 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°24'54");

26. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,892 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'43", Longitude: -76°24'52");

27. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of French Creek (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Forested Wetland (PFO) impacting 11,281 square feet (Dushore, PA, Latitude: 41°35'14", Longitude: -76°23'51");

28. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 2,244 square feet (Dushore, PA, Latitude: 41°35'14", Longitude: -76°23'51");

29. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PF) impacting 9,800 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'17", Longitude: -76°23'42");

30. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 2,477 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'21", Longitude: -76°23'36");

31. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,961 square feet; (Dushore, PA Quadrangle, Latitude: 41°36'28", Longitude: -76°23'19");

32. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 81 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 2,230 square feet (Dushore, PA, Latitude: 41°36'33", Longitude: -76°23'13");

33. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 152 linear feet of Sugar Run (CWF, MF) (Dushore, PA, Latitude: 41°36'47", Longitude: -76°22'59");

34. a 16 inch diameter natural gas line and a 12 foot wide equipment mat impacting 404 linear feet of Sugar Run (CWF, MF) and adjacent Palustrine Emergent Wetland (PEM) impacting 25,589 square feet (Dushore, PA, Latitude: 41°36'47", Longitude: -76°23'57");

The project will result in 1,010 linear feet and 10,644 square feet of temporary stream impacts, 95,547 square feet (2.19 acres) of PEM/PSS/PFO temporary wetland impacts and 894 square feet (0.02 acres) of PEM permanent wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways.

**E0829-022: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District. To construct, operate and maintain:

1. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 68 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°41'4", Longitude: -76°18'57").

2. One 10 inch diameter waterline impacting 42 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°41'1", Longitude: -76°18'58").



3. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 44 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°40'57", Longitude: -76°18'59").

4. One 10 inch diameter waterline and a 16 foot wide equipment mat across a Palustrine Emergent Wetland and a Palustrine Emergent Wetland. Impacted Area: 71 square feet; (Wyalusing, PA Quadrangle, Latitude: 41°40'48", Longitude: -76°18'54").

5. One 10 inch diameter waterline impacting 9 linear feet of an unnamed tributary to Susquehanna River (WWF, MF); (Wyalusing, PA Quadrangle, Latitude: 41°40'49", Longitude: -76°18'53").

6. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 28 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) and an adjacent Palustrine Emergent Wetland impacting 13 square feet (Wyalusing, PA, Latitude: 41°40'48", Longitude: -76°18'53").

7. One 10 inch diameter waterline across a Palustrine Emergent Wetland, Palustrine Forested Wetland and a Palustrine Scrub-Shrub Wetland. Impacted Area: 744 square feet; (Wyalusing, PA Quadrangle, Latitude: 41°39'48", Longitude: -76°18'22").

8. One 10 inch diameter waterline and a 16 foot wide equipment mat impacting 54 linear feet of North Branch Sugar Run (CWF, MF) and an adjacent Palustrine Emergent Wetland impacting 5,799 square feet (Wyalusing, PA, Latitude: 41°39'24", Longitude: -76°18'20").

The project will result in 245 linear feet and 1,190 square feet of temporary stream impacts and 6,627 square feet (0.15 acres) of temporary PEM, PSS and PFO wetland impacts from temporary waterlines and temporary equipment mat crossings all for the purpose of establishing a temporary water supply for Marcellus well development. This application was published under the permit number of E0829-019 in a previous *Bulletin* post, which was incorrect. This is the corrected publication.

**E5829-011: Williams Production Appalachia, LLC**, 1000 Town Center, Suite 130, Canonsburg, PA 15317-5834, Liberty Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12.0-inch diameter freshwater line impacting 120 square feet of unnamed tributary to Silver Creek (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 55' 58", Longitude: 75° 52' 05").

The project will result in 20 lineal feet of temporary stream impacts for the purpose of installing a freshwater line for Marcellus gas well development.

**E5829-013: Laser Northeast Gathering Company, LLC**, 1212 South Abington Road, Clarks Summit, PA 18411, Bridgewater, Forest Lake, and Silver Lake Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 16.0-inch diameter natural gas gathering line impacting 1,840 square feet of Palustrine Scrub Shrub Wetland (PSS) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 36"),

2. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 36"),

3. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 29", Longitude: 75° 54' 54"),

4. a 16.0-inch diameter natural gas gathering line impacting 2,840 square feet of Palustrine Emergent Wetland (PEM) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 28", Longitude: 75° 54' 58"),

5. a 16.0-inch diameter natural gas gathering line impacting 40 lineal feet crossing an unnamed tributary to Fall Brook (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 53' 20", Longitude: 75° 55' 17"),

The project will result in the impact of 120 lineal feet of temporary stream impacts and 4,680 square feet of wetlands impacts for the purpose of installing a natural gas gathering line for Marcellus gas well development. Wetland mitigation will be reviewed by the Department.

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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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<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>
PA0041424 (Sewage)	Bushkill Inn and Conference Center 1 Bushkill Falls Road Bushkill, PA 18324	Pike County Lehman Township	Unnamed Tributary to Little Bush Kill (1-D)	Y

*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>
PA0010375 (IW)	Lehigh Cement Co., LLC— York PA Plant 200 Hokes Mill Road York, PA 17404-5540	York County / West Manchester Township	UNT Codorus Creek / 7-H	Y
PA0083704 (IW)	Earl Parshall Shippensburg Borough Authority (Gunter Valley WTP) 111 N. Fayette Street PO Box 129 Shippensburg, PA 17257-0129	Franklin County / Lurgan Township	Trout Run / 7-B	Y
PA0081525 (Sew)	Mohammad N Dowlet—Blair Chalet 1598 Reservoir Road Hollidaysburg, PA 16648-9516	Blair County / Blair Township	Frankstown Branch / Juniata River / 11-A	Y
PA0083712 (Sew)	Richard Nowell Bear Valley Franklin County PA Joint Authority PO Box 308 Saint Thomas, PA 17252-0294	Franklin County / St. Thomas Township	Broad Run / 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096571 Sew	Beth Ctr Elem, Jr & Sr High Sch STP Fredericktown, PA 15333-2012	Washington Cnty Deemston Boro	UNT to Tenmile Crk	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>
PA0096725 Sew	Belmar-Marion Sch STP Rd #2 Crest Ave Belle Vernon, PA 15012	Fayette Cnty Washington Twp	Downers Run	Y
PA0252727 Sew	Tharp SR STP 18 Cherry Vly Ln McDonald, PA 15057	Washington Cnty Mt Pleasant Twp	Cherry Run	Y
PA0037940 Sew	Elkhorn Run STP 224 Ctr Grange Rd Aliquippa, PA 15001	Beaver Cnty Ctr Twp	Ohio River	N

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## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0065307**, SIC Code 4953, **Commonwealth Environmental Systems LP**, 99 Commonwealth Road, Hegins, PA 17938.

This proposed facility is located in Foster Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated municipal landfill leachate.

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## III. QM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**QM Permit No. 3494402, Amendment 11-1**, Sewerage, **Twin Boroughs Sanitary Authority**, PO Box 118, 17 River Drive, Mifflin, PA 17058-0118.

This proposed facility is located in Milford Township, **Juniata County**.

Description of Proposed Action/Activity: Approval for the installation of chemical feed system to remove phosphorus to meet proposed nutrient limits specified in NPDES permit issued on April 10, 2010.

**QM Permit No. 2888407, Amendment 11-1**, Sewerage, **Greencastle Borough Authority**, 60 N. Washington Street, Greencastle, PA 17225.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of an alum feed system and a supplemental carbon feed system at their existing treatment plant.

**QM Permit No. 2292407, Amendment 11-1**, Sewerage, **Lykens Borough Authority**, 200 Main St-Ste C, Lykens, PA 17048.

This proposed facility is located in Lykens Borough, **Dauphin County**.

Description of Proposed Action/Activity: Approval for construction of sewerage facilities consist of new chemical addition facilities for phosphorus removal and SBR control systems to modify and control the air and anoxic timing in the existing SBR tanks to facilitate the removal of nitrogen.

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

**QM Permit No. 01491101**, SIC Code 4952, **Service Electric Cablevision Inc.**, 500 Grant Street, Sunbury, PA 17801.

This proposed facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of a new small flow treatment system for Service Electric Cablevision, Inc. A new small flow treatment system consists of 5,000 gallon septic tank, 2,620 gallon dose tank, accessible sand filter, UV disinfection system, and the discharge point

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151112	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Chester	East Brandywine Township	Indian Run Creek (HQ-CWF-MF)
PAI01 151113	Philips Brothers Electrical Contractors, Inc. 235 Sweet Spring Road Glenmoore, PA 19343	Chester	East Nantmeal Township	Lyons Run (HQ-TSF-MF)
PAI01 151123	Remo Toto PO Box 870 Avondale, PA 19311	Chester	Upper Oxford Township	Unnamed Tributary East Branch Big Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025410001	Avere, LLC Post Office Box 265 Orwigsburg, PA 17961	Schuylkill	Norwegian Twp.	UNT to West Branch of Schuylkill River, CWF, MF
PAI024509014	Coleman Kennedy Partners, LP P. O. Box 527 Stroudsburg, PA 18360	Monroe	Middle Smithfield Twp.	Tributary to Bushkill Creek, HQ-CWF, MF
PAI025811001	Elk Mountain Ski Resort, Inc. RR2, Box 3328 Union Dale, PA 18470	Susquehanna	Herrick Twp.	East Branch Tunkhannock Creek, CWF, MF
PAI024010004(3)	PPL Electric Utilities Co. 2 North Ninth St. Allentown, PA 18101	Wayne	South Canaan Twp., Lake Twp., Paupack Twp. and Palmyra Twp.	Wallenpaupack Creek, HQ-CWF; Middle Creek, HQ-CWF; Wallenpaupack Creek, HQ-WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2030608012	Gary McEwen Oak Grove Partners, LLC 380 South Twin Valley Road Elverson, PA 19520	Berks	Robeson Township	Hay Creek/EV
PAI032111001	Borough of Shippensburg 111 North Fayette Street Shippensburg, PA 17257	Cumberland	Shippensburg Boro. & Shippensburg Twp.	Middle Spring Creek/ HQ-CWF
PAI036711001	Joseph Myers 160 Ram Drive Hanover, PA 17331	York	Hopewell Township	UNT to Leib's Creek/HQ-CWF

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

*Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041910003	PA Dept of Conservation & Natural Resources PO Box 8552 Harrisburg PA 17105	Columbia	Conyngham Township	South Branch Roaring Creek HQ-CWF



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

Butler County Conservation District, 122 McCune Drive, Butler Pa 16001-6501

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI061010003	Neupert Raceway Park 210 Neupert Park Road Cabot PA 16023	Butler	Jefferson Township	Sarver Run HQ-TSF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

#### General Permit Type—PAG-02

##### Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Springfield Township Bucks County	PAG0200 0911055	PPL Electric Utilities Corporation 2 North Ninth Street, GENN3 Allentown, PA 18101	Unnamed Tributary Tohickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0911056	Guidi Homes, Inc. 925 Harvest Drive, Suite 220 Blue Bell, PA 19422	Unnamed Tributary North Branch Neshaminy Creek/ Deep Run to Tohickon Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0909105-1	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19067	Pidcock-Mill Creeks (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4611035	Madlyn & Leonard Abramson 1425 Horsham Road North Wales, PA 19454	Park Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

6725

<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 Salford Township Montgomery County	PAG0200 4611058	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	East Branch Perkiomen Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4606152-R	Upper Perkiomen Ambulance 719 Main Street Red Hill, PA 18076	Macoby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Washington Twp., Schuylkill County	PAG02005411012	Eric T. Wolfe 181 Wolfes Road Pine Grove, PA 17963	UNT to Upper Little Swatara Creek	Schuylkill Co. Cons. Dist. 570-622-3742
Stroudsburg Borough, Monroe County	PAG02004510001R	Brodhead Creek Regional Authority c/o Kenneth R. Brown 410 Stokes Ave. East Stroudsburg, PA 18301	Brodhead Creek, McMichael's Creek, TSF, MF	Monroe Co. Cons. Dist. 570-629-3060
		Co-permittee: Allan A. Myers, LP c/o Donald C. Wagoner 1805 Berks Rd. P. O. Box 98 Worcester, PA 19490		
Kingston Borough, Luzerne County	PAG02004011017	Municipality of Kingston Paul Keating 500 Wyoming Ave. Kingston, PA 18704	Susquehanna River, WWF	Luzerne Co. Cons. Dist. 570-674-7991
Lower Saucon Twp., Northampton County	PAG02004811010	Saucon Valley School District 2097 Polk Valley Road Hellertown, PA 18055	Saucon Creek Unnamed Tributary, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Forks Twp., Northampton County	PAG02004810015	Richard Schnaedter Forks Township 1606 Sullivan Trail Easton, PA 18040	Unnamed Tributary to the Delaware River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Nanticoke City, Luzerne County	PAG02004011007	Earth Conservancy Michael Dziak 101 S. Main St. Ashley, PA 18706	Espy Run, CWF	Luzerne Co. Cons. Dist. 570-674-7991
Spring Township Berks County	PAG02000608048	David Rick Tulpehocken, Ltd. 2650 Westview Drive Wyomissing, PA 19610	UNT to Tulpehocken Creek / CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Maxatawny Twp. Berks County	PAG02000611045	Terry Brown Kutztown University PO Box 730 Kutztown, PA 19530	Sacony Creek/ TSF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

*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>
Logan Township Blair County	PAG02000705002RR	Douglas Endler Kettle Creek Partners, LP PO Box 34 Roaring Spring, PA 16673	Brush Run/ WWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
East Hanover Township Lebanon County	PAG02003811017	James Metcalfe Dept. of Veterans Affairs Indiantown Gap Nationally Cemetery RR 2, Box 484 Indiantown Gap Road Annville, PA 17003-9618	Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union Township Lebanon County	PAG02003809011(5)	LTC William Yearwood PANG-DMVA FTIG Building T-0-1 Annville, PA 17003	Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Newberry Twp. York County	PAG02006711048	Neil Brennan / Fulton Bank One Penn Square PO Box 4887 Lancaster, PA 17604	Susquehanna River / WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402 717.840.7430

*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701*

*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>
Athens Township Bradford County	PAG02000811018	Wal-Mart Real Estate Business Trust 2001 SE 10th St Mail Stop 5570 Bentonville AR 72716	Chemung River WWF, MF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Sandy Township City of DuBois Clearfield County	PAG02001710004(1)	Fort Worth Pipe Services LP PO Box 388 Falls Creek PA 15840	Clear Run CWF Sandy Lick TSF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Borough of Selinsgrove Snyder County	PAG02005511003	James Lisa Susquehanna Real Estate Investors LP 116 Quarry Rd Coatesville PA 19320	Penns Creek WWF	Snyder County Conservation District 10541 Route 522 Middleburg PA 17842 (570) 837-3000

NOTICES

6727

*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>
Buffalo Township Union County	PAG02006011014	Michael Noll 2018 Hoffa Mill Rd Mifflinburg PA 17844	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Cranberry Township Butler County	PAG02001011014(1)	American Transmission Systems Inc. (ATSI) 76 South Main Street Akron OH 44308	UNT Brush Creek WWF	Butler Conservation District 724-284-5270
Cambria County, Susquehanna Township and Northern Cambria Borough	PAG02-0911-11-007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed tributary to Fox Run to West Branch Susquehanna River/CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-03*

*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>
Falls Township Bucks County	PAR800165	Rite Aid Corporation 30 Hunter Lane Camp Hill, PA 17011	Rock Run—2E	Southeast Region Water Management 484.250.5970
Bristol Township Bucks	PAR900003	Exelon Generation Company, LLC 3901 North Delaware Avenue Philadelphia, PA 19137	Delaware River—2E	Southeast Region Water Management 484.250.5970
York County / Penn Township	PAR113541	SKF USA, Inc. 20 Industrial Drive Hanover, PA 17331	Oil Creek / WWF / 7-H	DEP—Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
City of Dubois Clearfield County	PAR804886	C & S Wholesale Grocers, Inc. 7 Corporate Drive Keene, NH 03431-5042	Sandy Lick Creek—17-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Upper Augusta Township Northumberland County	PAR704808	Anthracite Industries, Inc. P. O. Box 112 Sunbury, PA 17801-0112	Shamokin Creek and Unnamed Tributary to Shamokin Creek—6-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Shamokin Township Northumberland County	PAR704818	Anthracite Industries, Inc. P. O. Box 112 Sunbury, PA 17801	Shamokin Creek—6-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664



<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>
Confluence Borough Somerset County	PAR806278	Luther P. Miller, Inc. 641 South Edgewood Avenue PO Box 714 Somerset, PA 15501	UNT to Casselman River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Summit Township Erie County	PAR508301	Waste Management of PA, Inc. 851 Robison Road East Erie, PA 16509-5339	Unnamed Tributaries to Walnut Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Erie Erie County	PAR208353	Accuride Corporation 1015 East 12th St. Erie, PA 16503	Erie municipal sewers to Presque Isle Bay and Outer Erie Harbor— Lake Erie 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Titusville Crawford County	PAR228340	HomerWood Hardwood Flooring, Inc. 1026 Industrial Drive Titusville, PA 16354	Unnamed tributary to Oil Creek 16-E	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Conewango Township Warren County	PAR708313	IA Construction Corp. 158 Lindsay Road Zelienople, PA 16063	Allegheny River (Outfall 001) and Unnamed Tributary to Allegheny River (Outfall 002) 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Point Township Northumberland County	PAG045276	Service Electric Cablevision Inc. 500 Grant Street Sunbury, PA 17801	Raups Run—5-E	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Peach Bottom Twp.  
York CountyPAG080002,  
PAG080003,  
PAG080004,  
PAG080006,  
PAG080018,  
PAG082201,  
PAG082203,  
PAG082211,  
PAG083501,  
PAG083502,  
PAG083506,  
PAG083510,  
PAG083515,  
PAG083517,  
PAG083518,  
PAG083522,  
PAG083535,  
PAG083540,  
PAG083542,  
PAG083547,  
PAG083551,  
PAG083556,  
PAG083565,  
PAG083567,  
PAG083573,  
PAG083596,  
PAG083600,  
PAG083825,  
PAG089903,  
PAG089904,  
PAG089905,  
PABIG9903Synagro  
1605 Dooley Rd  
PO Box B  
Whiteford, MD 21160Edwin Grimmel  
Farm #2DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Antis Township  
Blair CountyPAG083511  
PAG083512Altoona Water Authority  
144 Westerly Treatment  
Plant Road  
Duncansville, PA 16635

Bernard Smith Farm

DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Little Britain Twp.  
Lancaster CountyPAG080002  
PAG080005  
PAG080007  
PAG080011  
PAG080013  
PAG080017  
PAG080018  
PAG080020  
PAG082203  
PAG083518  
PAG083522  
PAG083533  
PAG083551  
PAG083605  
PAG089910Jesse Baro, Inc.  
157 Quarry Road  
Douglassville, PA 19518Wabank Farm  
Springhill Road  
Quarryville, PA  
17566DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

General Permit Type—PAG-10

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water / Use	Contact Office & Phone No.
Dallas Twp. Luzerne County, Tunkhannock Twp., Wyoming County Springville Twp. Susquehanna County	PAG102221	Williams Field Service Co. LLC Westpoint Center 3 1605 Coraopolis Heights Road Moon Township, PA 15108	UNT of Mill Run CWF, MF: Thomas Creek CWF, MF; UNT of Trout Brook TSF, MF; Moneypenny Creek, CWF, MF; Tunkhannock Creek TSF, MF; Unnamed Tributary of Tunkhannock Creek CWF, MF and Unnamed Tributary to Martin Creek CWF,—4-F, 4-G and 5-B	DEP Northeast Regional Office Water Management 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 1511514** Public Water Supply  
Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township West Brandywine  
County **Chester**  
Type of Facility PWS  
Consulting Engineer Gannett Fleming, Inc.  
P. O. Box 80791  
Valley Forge, PA 19494  
Permit to Construct Issued November 22, 2011

**Operations Permit No. 1511540** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID#1460073), Honey Brook Township, **Chester County** on November 18, 2011 for the operation of a Grandstaff Tank 180,000 gallons approved under construction permit #1510521.

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

**Permit No. 4411504 MA, Minor Amendment**, Public Water Supply.

Applicant **Granville Township Sewer/Water Department**  
Municipality Granville Township  
County **Mifflin**  
Responsible Official Mark M. Ellinger, Chairman  
100 Helen Street  
Lewistown, PA 17044  
Type of Facility Installation of approximately 31' of 24" piping to provide more choline contact time.  
Demonstration of 4-Log Treatment of Viruses for GWR.  
Consulting Engineer N Peter Fleszar, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011  
Permit to Construct Issued: 11/17/2011

**Permit No. 3411503 MA, Minor Amendment, Public Water Supply.**

Applicant **Locust Grove Retirement Home**  
 Municipality Milford Township  
 County **Juniata**  
 Responsible Official Jerry Noviello, Executive Director  
 69 Cottage Street  
 Mifflin, PA 17058  
 Type of Facility Installation of two (2) 120 gallon storage tanks and approximately 26' of 24" contact pipe to increase chlorine contact time. Demonstration of 4-Log Treatment of Viruses for GWR.  
 Consulting Engineer Harry E Bingaman, P.E.  
 Glace Assoc., Inc.  
 3705 Trindle Rd.  
 Camp Hill, PA 17011  
 Permit to Construct Issued: 11/17/2011

**Permit No. 0511503 MA, Minor Amendment, Public Water Supply.**

Applicant **Fishertown Water Association**  
 Municipality East St. Clair Township  
 County **Bedford**  
 Responsible Official John Comp, Operator  
 PO Box 149  
 Fishertown, PA 15539  
 Type of Facility Installation of a static mixer and replace 4" pipe with 2" pipe to the plant headworks.  
 Consulting Engineer 1—Not Available  
 Permit to Construct Issued: 11/15/2011

**Operations Permit issued to: Maxatawny Township Municipal Authority, 3060013, Maxatawny Township, Berks County on 11/17/2011 for the operation of facilities submitted under Application No. 0611523 MA.**

**Operations Permit issued to: Fredericksburg Water Association, 4070031, North Woodbury Township, Blair County on 11/17/2011 for the operation of facilities submitted under Application No. 0793504.**

**Operations Permit issued to: Borough of Boyertown, 3060081, Berks, Berks County on 11/15/2011 for the operation of facilities submitted under Application No. 0611519 MA.**

**Operations Permit issued to: Buck's Campground, 4310870, Hopwell Township, Huntingdon County on 11/2/2011 for the operation of facilities submitted under Application No. 3111505 MA.**

**Operations Permit issued to: Three Springs Borough, 4310030, Three Springs Borough, Huntingdon County on 10/24/2011 for the operation of facilities submitted under Application No. 3111503 MA.**

**Operations Permit issued to: Village of Laurel Run, 7010007, Franklin Township, Adams County on 10/7/2011 for the operation of facilities submitted under Application No. 0111509 MA.**

**Operations Permit issued to: Castle Hill MHP, 7010014, Straban Township, Adams County on 10/31/2011 for the operation of facilities submitted under Application No. 0111511 MA.**

**Operations Permit issued to: Sunrise Trailer Court, 7380014, Bethel Township, Lebanon County on 11/17/2011 for the operation of facilities submitted under Application No. 3811505 MA.**

**Operations Permit issued to: Myerstown Water Authority, 7380025, Jackson Township, Lebanon County on 10/13/2011 for the operation of facilities approved under Construction Permit No. 3811503.**

**Operations Permit issued to: Palm City MHP, 7380005, South Annville Township, Lebanon County on 11/15/2011 for the operation of facilities submitted under Application No. 3811504 MA.**

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

**Permit No. MA (1471502-T1)—Construction Public Water Supply.**

Applicant **Mountaintop Regional Water Authority**  
 [Township or Borough] Snow Shoe Township  
 County **Centre**  
 Responsible Official Scott Cingle, Chairman  
 Mountaintop Regional Water Authority  
 P. O. Box 294  
 Snow Shoe, PA 16874  
 Type of Facility Public Water Supply  
 Consulting Engineer Joshua T. James, P.E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit Issued November 22, 2011  
 Description of Action Authorizes repainting and making improvements to the 200,000 gallon Fire Tower water storage tank.

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

**Permit No. 3010502MA—Reissuance, Minor Amendment. Public Water Supply.**

Applicant **Southwestern Pennsylvania Water Authority,**  
 PO Box 187,  
 1442 Jefferson Road,  
 Jefferson, PA 15344  
 [Borough or Township] Richhill Township  
 County **Greene**  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.



Permit to Construct Issued On July 28, 2011 the Department issued the permit under the PA Safe Drinking Water Act to SPWA authorizing construction of a waterline. The Department conditioned the permit on delivery of water to 40 homes along the line and the Authority appealed to the Environmental Hearing Board. In resolution of the appeal, the Department has amended the permit to remove the limiting condition and to impose three new conditions. The conditions require the submission of an application for a permit to construct Phase I of the filtration plant expansion, accomplishment of substantial construction within two years of issuance of that permit and completion of the construction project.

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

**Permit No. 6179501-T1-MA1** Public Water Supply

Applicant **Sugar Creek Station**

Township or Borough Sugarcreek Borough

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Raymond H. Antonelli, Sr., P.E.  
NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Permit to Construct Issued November 21, 2011

**Operations Permit** issued to **Guys Mills Mutual Water Association**, PWSID #6200062, Randolph Township, **Crawford County**. Permit Number 2093502-MA1, issued November 18, 2011 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

**Operations Permit** issued to **Aqua Pennsylvania Incorporated**, PWSID #6270008, Jenks Township, **Forest County**. Permit Number 2703502-MA2 issued November 18, 2011 for the operation of the 0.5 Million Gallon welded steel clearwell storage tank. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on October 28, 2011.

**Transfer of Operations Permit** issued to **Thomas E. Barrows, Barbara A. Stafford d/b/a Grandview Acres Mobile Home Park**, PWSID #6430042, Perry Township, **Mercer County** on September 8, 2011. Action is for change in ownership; the potable water supplier will do business as Grandview Acres Mobile Home Park. The new permit number is 4388503-T1.

**Permit No. 2498502-MA5** Public Water Supply

Applicant **St. Marys Area Water Authority**

Township or Borough Fox Township

County **Elk**

Type of Facility Public Water Supply

Consulting Engineer Craig J. Bauer, P.E.  
KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued June 28, 2011

**Operations Permit** issued to **St. Marys Area Water Authority**, PWSID #6240016, Fox Township, **Elk County**. Permit Number 2498502-MA5 issued November 22, 2011 for the operation of the newly renovated 400,000 gallon welded-steel water storage tank known as the "Fox Township Tank". This permit is issued in response to documentation provided to the Department on November 3, 2011 indicating the renovated storage tank is completed per the construction permit specifications and meets all obligations established in the special conditions accompanying the construction permit.

**Cancellation of Operation Permit** issued to **South Western Alpha Housing and Health Care, Inc.**, PWSID #6430060, Coolsprings Township, **Mercer County** on November 29, 2011. This action represents the cancellation of Permit Number 4386502-T2 issued November 19, 2010. This action is a result of Avalon Springs Nursing Center no longer being a Public Water Supply.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in

the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Pickelner—Woodland Bank**, Loyalsock Township, **Lycoming County**. Letterle & Associates, LLC, 629 Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Woodlands Bank, 2450 East Third Street, Williamsport, Pa 17701 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with methyl tert-butyl ether (MTBE), benzene, toluene, ethylbenzene, total xylenes, cumene naphthalene, 1,2-dibromoethane (EDB), 1,2-dichloroethane (EDC), fluorene, phenanthrene, and dissolved lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Campus Theatre**, Lewisburg Borough, **Union County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 on behalf of Bucknell Real Estate, Bucknell University, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with Trimethylbenzene, 1,3,4, Trimethylbenzene, 1,2,4, Trimethylbenzene, 1,3,5, Naphthalene, Benzene, Toluene, Ethylbenzene, Cumene, MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NLMK Pennsylvania Corporation (Duferco Farrell Corporation Facility)**, Keating Township, **McKean County**. Cummings Riter Consultants, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of NLMK Pennsylvania Corporation, 15 Roemer Boulevard, Farrell, PA 16121 has submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil contaminated with PCBs and inorganics. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental

media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Edward Weiler Residence**, 115 North Lime Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Edward Weiler, 603 Rockland Street, Lancaster, PA 17602, submitted a Final Report concerning the remediation of site soils contaminated with fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 22, 2011.

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

**Exxon Mobil Irwin Terminal (Former)**, North Huntingdon Township, **Westmoreland County**. Groundwater and Environmental Services, Inc. 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Exxon Mobil Environmental Services Company, 1545 Route 22 East, Room CCM09E, Annandale, NJ 08801 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline constituents. The Final Report was approved on November 23, 2011.

## RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR066. Enviro Waste Oil Recovery, LLC.** PO Box 747, 279 Route 6, Mahopac, NY 10541. This permit is for processing of waste oil, virgin fuel oil tank bottoms, spent antifreeze, and waste oil/water mixtures via operation of a transfer facility. The permit was issued by Central Office on November 23, 2011.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### REGISTRATION FOR GENERAL PERMIT-RESIDUAL WASTE

**Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC004A. Chesapeake Appalachia, LLC,** 238 Sollicks Road, Towanda, PA 18848. Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on November 15, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Withdrawn Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 100148. Waste Management Disposal Service of Pennsylvania, Inc.,** 1000 New Ford Mill Road, Morrisville, PA 19067, the GROWS

Landfill, located in Falls Township, **Bucks County**. The subject minor permit modification application was originally submitted on August 4, 2009 to integrate a new Leachate Treatment Plant into the site's solid waste permit. The application has now been withdrawn by the applicant. The Department review was terminated on November 18, 2011.

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

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

**Permit No. 301220. Clean Earth Of Philadelphia Inc.,** 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This solid waste permit is being issued to allow for the short-term, continued operation under previously permitted terms and conditions at the Clean Earth of Philadelphia, Inc., facility, an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on November 22, 2011.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP13-67-05079B: York Building Products Co., Inc.** (950 Smile Way, York, PA 17404) on November 22, 2011, for relocation of a batch asphalt plant under GP13 to the company's Thomasville site in Jackson Township, **York County**.

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

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

**GP3-17-511: HRI, Inc.** (1750 West College Avenue, State College, PA 16801) on October 4, 2011, to construct and operate a portable non-metallic mineral screening plant with an associated water spray dust suppression systems pursuant to the General Plan Approval/General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Hepburnia Coal Company's Bean Mine in Bell Township, **Clearfield County**.

**GP3-08-336B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2011, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Carter Bronson Facility in North Towanda Township, **Bradford County**.



**GP9-08-336B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2011, to construct and operate one 480 brake horsepower, CAT model C-9 DITA diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at their Carter Bronson Facility in North Towanda Township, **Bradford County**.

**GP3-17-494D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on October 24, 2011, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Pottersdale Facility in Karthaus Township, **Clearfield County**.

**GP11-17-494D: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on October 24, 2011, to construct and operate one 305 brake horsepower, Cummins model QSC CPL 8539 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at their Pottersdale Facility in Karthaus Township, **Clearfield County**.

**GP5-17-514: Caiman Penn Midstream, LLC** (5949 Sherry Lane, Suite 1300, Dallas, TX 75225-8036) on November 9, 2011, to construct and operate a 630 brake horsepower, Caterpillar model G3508 LE natural gas-fired engine with an oxidation catalyst and a 10 MMscf/day KW International 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 their Hutton Compressor Station in Chest Township, **Clearfield County**.

**GP5-12-059: Seneca Resources Corp.** (5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237) on November 9, 2011, to construct and operate a 840 brake horsepower, Waukesha model VHP-F3524GSI natural gas-fired engine with an oxidation catalyst and a 10 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 their Beechwood Compressor Station in Shippen Township, **Cameron County**.

**GP5-08-358: Angelina Gathering Co., LLC** (2350 North Sam Houston Parkway E, Suite 125, Houston, TX 77032) on November 10, 2011, to construct and operate three (3) 90 MMscf/day Exterran dehydrators 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 their Stagecoach Connector Station in Herrick Township, **Bradford 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*

**GP5-30-00209: M3 Appalachia Gathering, LLC.** (600 Travis Street, Houston, TX 77002) on November 17, 2011, to install and operate five (5) TEG dehydrators, rated at 125 MMBtu/hr with five (5) reboilers, rated at 2.0 MMBtu/hr, controlled by Promax Fire Tube. One (1) EG dehydrator, rated at 2.0 Scfm with a reboiler, rated at 6.0 MMBtu/hr, and eight (8) condensate storage tanks, rated at 400 bbl at their Momentum Highnoon Compressor Station in Whiteley Township, **Greene County, PA**.

**GP13-65-00657: Tresco Paving Co.** (P. O. Box 14004, Pittsburgh, PA 15239) on November 22, 2011, to construct and operate one batch mix hot mix asphalt plant, rated at 400 tph, containing a burner, rated at 123.8 MMBtu/hr, and controlled by a suction design fabric collector, rated at 89,204 ACFM at 275°F, in Salem Township, **Westmoreland County, PA**.

**GP5-30-00155B: Energy Corporation of America** (1380 Route 286 Hwy E, Suite 221, Indiana, PA 15701) on November 29, 2011, for the installation and operation of two new and one replacement oxidation catalysts controlling lean burn compressor engines rated at 1,265 and 1,340 bhp, and two thermal oxidizers controlling triethylene glycol dehydrators at the Cumberland/Henderson Compressor Station, located in Cumberland Township, **Greene County**. Additionally, this authorization includes voluntary federally enforceable restrictions on potential to emit, and combines authorizations for what were the previously separately authorized Cumberland and Henderson Compressor Stations. A total of four compressor engines are authorized for operation at this site.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-43-320B: Vista Resources, Inc.—Deer Creek Compressor Station** (Grange Road, Mercer, PA 16137) on November 18, 2011, to operate two (2) natural gas fired compressor engines, one (1) natural gas dehydrator, and four (4) storage tanks (BAG-GPA/GP-5) in Deer Creek Township, **Mercer County**. This general permit replaces permit no. GP5-43-320A.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**09-0186C: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on November 23, 2011, to modify a Bulk Material Handling System (Source ID 101) and Self-unloading Vessels (Source ID 103), to: 1) operate without a material moisture content limit; 2) increase the allowable stockpile acreage from 20 to 60 acres; 3) increase allowed vehicle miles traveled (VMT) from unpaved roads from 5,063 miles to 7,595 miles per 12-month rolling period; and 4) increase allowed VMT from paved roads from 16,657 miles to 24,986 miles per 12-month rolling period in Falls Township, **Bucks County**. The only pollutants of concern from this operation are PM and HAP emissions. The facility will not exceed its site-wide limits of: 1) 99.0 tons of PM-10 per 12-month rolling period; 2) 24.9 tons of total HAP per 12-month rolling period; and 3) 9.9 tons of any individual HAP per 12-month rolling period. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers, and barriers, as needed, and good management practices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.



**09-0186D: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on November 23, 2011, for installation of a coal and coke import/export process, to be designated Source ID 104 in Falls Township, **Bucks County**. The only pollutants of concern from this operation are PM and HAP emissions. The facility will not exceed its site-wide limits of: 1) 99.0 tons of PM-10 per 12-month rolling period; 2) 24.9 tons of total HAP per 12-month rolling period; and 3) 9.9 tons of any individual HAP per 12-month rolling period. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers, and barriers, as needed, and good management practices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0186E: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on November 23, 2011, for expansion of a Fertilizer Transfer and Storage process (Source ID 102), to add two (2) new domes and increase the throughput by 300,000 tons per year in Falls Township, **Bucks County**. The only pollutants of concern from this operation are PM. The facility will not exceed its site-wide limit of 99.0 tons of PM-10 per 12-month rolling period. This facility will continue to be a non-Title V facility. PM emissions will at a minimum be controlled by covers, enclosures, and good management practices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**52-303-003: Eureka Stone Quarry, Inc.** (PO Box 249, Chalfont, PA 18914) on November 17, 2011, to use rap at their existing asphalt plant in Milford Borough, **Pike County**.

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

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

**36-03186A: Kline's Services, Inc.** (5 Holland Street, Salunga, PA 17538) for installation of an anaerobic waste digester process to produce electricity at their facility in East Hempfield Township, **Lancaster County**. The process will include the construction of one (1) digester, one (1) 1,057 bhp biogas fired IC engine and one (1) 852 kwe generator. The air contaminant emissions from the operation of the biogas fired engine will be controlled by an H<sub>2</sub>S biogas scrubber.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**15-00271: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on November 18, 2011, to operate diesel catalyst production lines in Treddyfrin Township, **Chester County**.

**46-0200C: John Middleton Co.** (P. O. Box 85108, Richmond, VA 23285) on November 18, 2011, to operate a natural gas boiler in Upper Merion Township, **Montgomery County**.

**23-0003P: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) on November 18, 2011, to operate petroleum refineries in Trainer Borough, **Delaware County**.

**46-0020G: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on November 18, 2011, to operate a pickling and passivate tanks stack in Lower Providence Township, **Montgomery County**.

**15-0054B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on November 18, 2011, to operate a new burner in East Whiteland Township, **Chester County**.

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

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

**44-05001C: Standard Steel** (500 North Walnut Street, Burnham, PA 17009-1644) on November 21, 2011, to construct a baghouse and modify an existing fume control system for existing electric arc furnaces at their steel manufacturing facility in Burnham Borough, **Mifflin 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*

**59-00002C: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on November 22, 2011, to extend the authorization to install oxidation catalysts (Control Devices C101 and C102) to control the carbon monoxide and non-methane hydrocarbon emissions from the two (2) existing natural gas-fired compressor engines (Source ID P101 and P102) and to modify the volatile organic compounds emission limitations for Source IDs P101 and P102 at the Dominion Transmission, Inc. Tioga Compressor Station located in Farmington Township, **Tioga County** to June 2, 2012. The plan approval has been extended.

**59-00005J: Dominion Transmission, Inc.** (445 West Main St., Clarksburg, WV 26301) on November 22, 2011, to extend the authorization to construct a 12.07 million Btu per hour ETI model THE-1207 natural-gas fired salt bath heater (Source ID 044) and a 3.0 million Btu per hour Ajax model WRFG-3000 natural-gas fired boiler (Source ID 045) at their Sabinsville Compressor Station in Clymer Township, **Tioga County** to June 2, 2012. The plan approval has been extended.

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

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

**03-00246A: Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) on November 18, 2011, for a Plan Approval extension for their Keystone East Mine in West Plumcreek Township, **Armstrong County**.

**32-00393B: Prime Metals & Alloys, Inc.** (101 Innovation Drive, P. O. Box 194, Lucernemines, PA 15754) on November 22, 2011, to extend the period of temporary operation of four electric induction furnaces, one argon-

oxygen decarburization (AOD) vessel, four natural gas-fired annealing boxes, two natural gas-fired ladle preheaters, ingot and pig pouring, slag handling, and a parts washer at their Lucernemines Plant in Center 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*

**10-001N: AK Steel Butler Works** (P. O. Box 832, Butler, PA 16003) on November 30, 2011, to modify the No. 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and install new low NOx burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

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

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

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

**01-05035: Tucker Industrial Liquid Coatings, Inc.** (407 North Avenue, East Berlin, PA 17316) on November 23, 2011, for their surface coating facility at 407 North Avenue, East Berlin Borough, **Adams County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**67-05117: York Building Products Co., Inc.** (PO Box 1708, York, PA 17405) on November 21, 2011, for the fluidized bed dryer for sand and pea gravel at their facility in Jackson Township, **York County**.

**22-03005: Harsco Metals—Americas Division of Harsco Corp.** (PO Box 5003, Cranberry Township, PA 16066-5003) on November 18, 2011, for their slag processing plant in Steelton Borough, **Dauphin County**. The State-only permit was renewed.

**38-03055: Always Bagels, Inc.** (10 Keyland Ct, Bohemia, NY 11716-2620) on November 18, 2011, for their bagel bakery in North Lebanon Township, **Lebanon County**.

**06-05128: Reading Truck Body LLC** (PO Box 650, Reading, PA 19607-0650) on November 16, 2011, for their truck body manufacturing facility Reading City, **Berks County**.

**06-03134: SEPS Reading, LLC** (136 Fox Run Drive, Defiance, OH 43512) on November 16, 2011, for their milk spray drying operation in Exeter 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*

**60-00005: Elkay Wood Products Co.** (100 Industrial Park, Mifflinburg PA 17844) on November 18, 2011, to issue a State Only Operating Permit for their facility in Mifflinburg, **Union County**. State Only Operating Permit 60-00005 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00185: Vista Metals, Inc.** (1024 East Smithfield St., McKeesport, PA 15135) on November 18, 2011, for a State Only Operating Permit (SOOP) renewal to Vista Metals to authorize the continued operation of a carbide facility located in Kittanning, E. Franklin Township, **Armstrong County**.

**56-00155: Somerset Area School District** (645 S Columbia Ave, Somerset, PA 15501-2513) on November 18, 2011 for an Operating Permit renewal for the Somerset Area Junior/Senior High School in Somerset Borough, **Somerset County**. The permit is for the operation of two 14.9 mmbtu/hr tri-fuel boilers and a 55 kW natural gas-fired emergency generator. The permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00034: Valspar Coatings—Rochester Plant** (372 Cleveland Street, Rochester, PA 15074-1624) on November 22, 2011, to administratively amend the State Only Operating Permit to incorporate the change of responsible official into the Operating Permit in Rochester Township, **Beaver County**. All permitted sources, control devices and conditions remain the same as in the previously issued operating permit.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-00095: LORD Corp.** (1635 West 12th Street Erie, PA 16505) for their West 12th Street site in the City of Erie, **Erie County**. The De minimis emission increases are for a replacement parts washer and two rubber preheat ovens. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.449.

The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on November 6th 2009.

Date	Source	PM <sub>10</sub> (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
11-23-2011	Replacement Parts Washer	-	-	-	0.61	-
11-23-2011	Replacement Rubber Preheat Oven	0.0026	-	-	-	-
Total Reported Increases		0.0026	-	-	0.61	-
Allowable		0.6 tpy per source / 3 tpy per facility	1.6 tpy per source / 8 tpy per facility	1 t tpy per source / 5 tpy per facility	1 t tpy per source / 5 tpy per facility	4 t tpy per source / 20 tpy per facility

If you should have any questions regarding this matter, please do not hesitate to contact Edward Orris at (814) 332-6636 or Jacob Chemsak at (814) 332-6638.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30031301, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to renew the permit for the 4-West Mine in Dunkard Township, **Greene County**. No additional discharges. The application was considered administratively complete on November 30, 2009. Application received: October 23, 2009. Permit issued: November 2, 2011. Note: The November 19, 2011 publication of this issuance erroneously indicated that NPDES Permit PA 0235610 was issued; NPDES Permit PA 0235610 has not been renewed or reissued.

**30031301, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4-West Mine in Perry Township, **Greene County** for installation of two boreholes and pipeline for the Calvin Run Site, Surface Acres Proposed 11.9, no additional discharges. The application was considered administratively complete on February 23, 2011. Application received: January 24, 2011. Permit issued: November 2, 2011. Note: The November 19, 2011 publication of this issuance erroneously indicated that NPDES Permit PA 0235610 was issued; NPDES Permit PA 0235610 has not been renewed or reissued.

**32991301, AMFIRE Mining Company, LLC**, (One Energy Place Latrobe, PA 15650), to revise the permit for the Nolo Deep Mine in Buffington, Pine, Cherryhill and Brush Valley Township, **Indiana County** to add underground and subsidence control plan acres to the permit areas, Underground Acres Proposed 1490.0, Subsidence Control Plan Acres Proposed 1490.0. No additional discharges. The application was considered administratively complete on February 10, 2008. Application received: December 30, 2008. Permit issued November 9, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**26060108 and NPDES Permit No. PA0251003. David L. Patterson, Jr.** (12 Shortcut Road, Smithfield, PA 15478). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 41 acres. Receiving streams: unnamed tributary to Cats Run and Jacobs Creek. Renewal application received: September 13, 2011. Renewal permit issued: November 23, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**4777SM7 and NPDES No. PA0257567. Warner Company** (c/o Waste Management, 4 Liberty Lane West, Hampton, NH 03842). Application for an NPDES permit to cover treatment facility discharges from a surface mine located in Snow Shoe Township, **Centre County** affecting 238.1 acres. Receiving stream: unnamed tributary of Beech Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 22, 2011. Permit issued: November 18, 2011.

**17050109 and NPDES No. PA0256293. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Renewal of an existing bituminous surface mine for reclamation activities only located in Bloom Township, **Clearfield County** affecting 119.9 acres. Receiving streams: unnamed tributary to Little Anderson Creek and unnamed tributary to Bell Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 1, 2011. Permit issued: November 17, 2011.

**17010102 and NPDES No. PA0243043. Compass Coal Co., Inc.** (P. O. Box 169, Punxsutawney, PA 15767). Renewal of an existing bituminous surface mining operation located in Chest Township, **Clearfield County** affecting 117.0 acres. Receiving streams: unnamed tributaries to North Camp Run and North Camp Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 15, 2011. Permit issued: November 17, 2011.



*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54900103R4. EOJ, Inc.** (2401 Summer Valley Road, New Ringgold, PA 17960), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County** affecting 192.6 acres, receiving stream: Schuylkill River. Application received: November 1, 2010. Renewal issued: November 16, 2011.

**54900103GP104. EOJ, Inc.** (2401 Summer Valley Road, New Ringgold, PA 17960), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54900103 in East Norwegian Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: May 9, 2011. Permit issued: November 16, 2011.

**49840103R4. Reading Anthracite Company,** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in East Cameron Township, **Northumberland County** affecting 127.0 acres, receiving stream: Mahanoy Creek. Application received: March 26, 2009. Renewal issued: November 21, 2011.

**49840103GP104 General NPDES Permit** for stormwater discharges associated with mining activities on Surface Mining Permit No. 49840103 in East Cameron Township, **Northumberland County**, receiving stream: Mahanoy Creek. Application received: September 13, 2011. Permit issued: November 21, 2011.

#### *Noncoal Applications Returned*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26050401 and NPDES Permit No. PA0250643. Laurel Aggregates, Inc.** (300 Dents Run Road, Morgantown, WV 26501). Returned revision application for an increase of 29.76 acres to an existing large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 151.20 acres. Receiving stream: Rubles Run. Application received: November 3, 2011. Revision application returned: November 18, 2011.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37910303. ESSROC Cement Corp.** (P. O. Box 779, Bessemer, PA 16112) Renewal of NPDES Permit No. PA0208442 in North Beaver Township, **Lawrence County**. Receiving streams: Unnamed tributary to Mahoning River; unnamed tributary to Hickory Run and Hickory Run. Application received: June 13, 2011. Permit Issued: November 23, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**41110301 and NPDES No. PA0257591. E & J Construction, LLC** (1842 Masten Road, Canton, PA 17724-9317). Commencement, operation and restoration of a large non-coal surface mine (sandstone, shale and bluestone) located in McNett Township, **Lycoming County** affecting 25.0 acres. Receiving streams: unnamed tributary to North Pleasant Stream to North Pleasant Stream classified for high quality cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2011. Permit issued: November 17, 2011.

**08112505 Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614), authorization to extract bluestone in Windham Township, **Bradford**

**County**. Receiving stream(s): Unnamed Tributary to Wappasening Creek. Application received: June 17, 2011. Permit issued: November 1, 2011.

**08112505GP-104 Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface waters in Windham Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Wappasening Creek. Application received: June 17, 2011. Permit issued: November 1, 2011.

**08112503 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853), authorization to extract bluestone in Pike Township, **Bradford County**. Receiving streams: Unnamed Tributary to Williams Creek. Application received: March 4, 2011. Authorization approved: November 1, 2011.

**08112503GP-104 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water in Pike Township, **Bradford County**. Receiving streams: Unnamed Tributary to Williams Creek. Application received: March 4, 2011. Authorization approved: November 1, 2011.

**08030805 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853). Bond release for a small non coal mining operation in Pike Township, **Bradford County**. Receiving stream(s): Johnson Creek. Bond release approved: November 1, 2011.

**59111002 Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804), authorization to extract sandstone in Sullivan Township, **Tioga County** in order to provide fill material to the Talisman Energy USA Inc. construction project. Receiving streams: Gaffers Creek. Authorization approved: November 1, 2011.

**59111002GP-104 Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface waters in Sullivan Township, **Tioga County**. Receiving streams: Gaffers Creek, Tributary to Elk Run, which is a Tributary to Mill Creek. Application received: September 8, 2011. Permit Issued: November 1, 2011.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**30114005. Del-Rick Corp.** (P. O. Box 693, Tazewell, VA 24651). Blasting activity permit for the construction of the Mor-17 reserve pit, located in Morris Township, **Greene County**. The duration of blasting is expected to last 5 days. Blasting permit issued: November 21, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*



**45114129. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2012. Permit issued: November 18, 2011.

**46114111. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Pottstown Center Walmart in Pottstown Borough, **Montgomery County** with an expiration date of February 1, 2012. Permit issued: November 18, 2011.

**58114138. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Valentine Compressor Station in Lenox Township, **Susquehanna County** with an expiration date of November 10, 2012. Permit issued: November 18, 2011.

**58114038. Doug Wathen LLC**, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the A. Ellsworth Gas Pad in Bridgewater Township, **Susquehanna County** with an expiration date of August 15, 2012. Permit issued: November 21, 2011.

**58114039. Doug Wathen LLC**, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the F. Lippencott Gas Pad & Tank Farm in Brooklyn Township, **Susquehanna County** with an expiration date of August 31, 2012. Permit issued: November 21, 2011.

**58114040. Doug Wathen LLC**, (11934 Fairway Lakes Road, Suite 1, Fort Myers, FL 33913), construction blasting for the P. Wells Gas Pad in Bridgewater Township, **Susquehanna County** with an expiration date of November 23, 2012. Permit issued: November 21, 2011.

**58114041. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit 33 Gas Pad in New Milford Township, **Susquehanna County** with an expiration date of June 30, 2012. Permit issued: November 21, 2011.

**58114042. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Deriance Tank Farm/Well in Bridgewater Township, **Susquehanna County** with an expiration date of June 30, 2012. Permit issued: November 21, 2011.

**38114001. John Koehler**, (5400 Crestwood Drive, Knoxville, TN 37914) and VRHabilis LLC, (11130 Kingston Pike, Knoxville, TN 37934-8425), demolition of 2 Steel Stacks in Millcreek Township, **Lebanon County** with an expiration date of December 28, 2011. Permit issued: November 22, 2011.

**06114108. J Roy's, Inc.**, (PO Box 125, Bowmansville, PA 17507), construction blasting for Corporate Boulevard Lots 9 & 10 in South Heidelberg Township, **Berks County** with an expiration date of November 20, 2012. Permit issued: November 22, 2011.

**36114170. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Ben King chicken house in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: November 23, 2011.

**46114112. American Infrastructure, Inc.**, (P. O. Box 98, Worcester, PA 19490), construction blasting for Szlavik Home in Upper Salford Township, **Montgomery County** with an expiration date of December 31, 2012. Permit issued: November 23, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**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

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-471. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002-5089. Water Obstruction and Encroachment Joint Application, 300 Line Project-315 Loop, in Armenia, Troy Townships, **Bradford County**, ACOE Baltimore District (Roseville, PA Quad-range N: 41°44' 51"; W: 76° 51' 28").

To construct, operate and maintain 4.99 miles of 30" natural gas pipeline within the North Branch of the Susquehanna River watershed (Warm Water Fishery).

Construction of the pipeline loop will require fifteen (15) stream and sixteen (16) wetland crossings associated with the pipeline right-of-way (ROW) and access roads. The project is centered approximately 5 miles southwest of the village of Troy in Bradford County. The 315 Loop will start N 41° 44' 59.8"; W 76° 53' 38.6"—terminate N 41° 44' 17.9"; W 76° 47' 57.4".

**WATER QUALITY CERTIFICATIONS**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19428*

401 Water Quality Certification Request Initiated By Department of the Army, Philadelphia District, Corps of

Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

*Project Description/Location:* This project involves the discharge of 7.5 MGD for 15-20 days of supernatant from the Fort Mifflin confined disposal facility (CDF) resulting from the routine maintenance dredging at three berths collectively called the McFarland Berths. Approximately 58,000 cubic yards of sediment will be removed by hydraulic cutterhead dredging and placed in the CDF located at the confluence of the Schuylkill and Delaware Rivers. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary. The following effluent limits in mg/l based on a flow of 7.5 MGD apply:

<i>Parameter</i>	<i>Average Monthly Limit (mg/l)</i>	<i>Maximum Daily Limit (mg/l)</i>	<i>Instantaneous Maximum Limit (mg/l)</i>	<i>Monitoring Frequency</i>
Flow (MGD)	Monitor/Report	Monitor/Report	Monitor/Report	Daily
Total Suspended Solids	3,000		4,500	Daily
pH		6-9 units at all times		Daily
Aluminum, Total	2.37	3.55		1/Week
Selenium, Total	0.015	0.00225		1/Week
Copper, Total	0.028	0.042		1/Week
Chromium, Hexavalent	0.032	0.048		1/Week
Nickel, Total	0.164	0.246		1/Week
Lead, Total	0.008	0.012		1/Week
Mercury Total	0.0016	0.0024		1/Week
Zinc, Total	0.38	0.57		1/Week
4, 4' DDT	Not Detectable	Using EPA Method 608 (GC/ECD)		1/Week
4, 4' DDD	Not Detectable	Using EPA Method 608 (GC/ECD)		1/Week
4, 4' DDE	Not Detectable	Using EPA Method 608 (GC/ECD)		1/Week
Heptachlor	Not Detectable	Using EPA Method 608 (GC/ECD)		1/Week
PCBs, Total	Not Detectable	Using EPA Method 608 (GC/ECD)		1/Week
PCBs—209 Congeners		Monitor/Report Using EPA Method 1668A		2/month

Final Action on Request: Certification granted.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-015-0247  
 Applicant Name Angelina Gathering Company LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Pkwy, E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford  
 Township(s) Herrick  
 Receiving Stream(s) and Classification(s) UNT to Cold Creek (WWF, MF)

ESCGP-1 # ESX1-015-0259  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext., Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Ridgebury  
 Receiving Stream(s) and Classification(s) UNT to Stone Lick Creek (WWF, MF) and Stone Lick Creek (WWF, MF);  
 Secondary: Chemung River (WWF, MF)

ESCGP-1 # ESX11-069-0001  
 Applicant Name Southwestern Energy Production Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657

County Lackawanna  
Township(s) Benton  
Receiving Stream(s) and Classification(s) UNT to the  
South Branch of the Tunkhannock Creek (CWF);  
Secondary: Tunkhannock Creek (TSF)

ESCGP-1 # ESX11-115-0145  
Applicant Name Bluestone Pipeline Company of  
Pennsylvania, LLC  
Contact Person Bruce Nieman  
Address 1708 WCB, Second Avenue  
City, State, Zip Detroit, MI 48266  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Tributary 29153  
to Nine Partners Creek/Upper Susquehanna-Tunkhan-  
nock

ESCGP-1 # ESX11-115-0141  
Applicant Name Southwestern Energy Production  
Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) Tunkhannock  
Creek;  
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-015-0258  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Litchfield  
Receiving Stream(s) and Classification(s) Tributary 30834  
to Spaulding Creek; Spaulding Creek (WWF, MF)

ESCGP-1 # ESX11-117-0111  
Applicant Name Seneca Resources  
Contact Person Michael Clinger  
Address 51 Zents Boulevard  
City, State, Zip Brookville, PA 15825  
County Tioga  
Township(s) Bloss  
Receiving Stream(s) and Classification(s) Red Run;  
Secondary: Landrus Creek

ESCGP-1 # ESX11-081-0151  
Applicant Name Anadarko Marcellus Midstream  
Contact Person Nathan Bennett  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cogan House  
Receiving Stream(s) and Classification(s) Big Sandy  
(HQ-CWF)

ESCGP-1 # ESX11-015-0264  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Warren  
Receiving Stream(s) and Classification(s) Wappasening  
Creek (CWF-MF)

ESCGP-1 # ESX11-117-0104  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Deerfield  
Receiving Stream(s) and Classification(s) Boatman Brook/  
Susquehanna River Basin in PA (WWF)

ESCGP-1 # ESX11-115-0156  
Applicant Name Williams Marcellus Gathering LLC  
Contact Person David Freudenrich  
Address 1000 Town Center Way, Suite 130  
City, State, Zip Canonsburg, PA 15317  
County Susquehanna  
Township(s) Liberty  
Receiving Stream(s) and Classification(s) Tributary  
31975/Dubois Creek, Tributary 31846/Snake Creek/  
Snake Creek;  
Secondary: Snake Creek (CWF, MF), Dubois Creek  
(CWF, MF)

ESCGP-1 # ESX11-115-0137  
Applicant Name Williams Field Services Company, LLC  
Contact Person Clayton Roesler  
Address 1605 Coraopolis Heights Road  
City, State, Zip Moon Township, PA 15108-4310  
County Susquehanna  
Township(s) Auburn and Springville  
Receiving Stream(s) and Classification(s) Dority, Nick,  
Riley, and Tributary of White Creeks; Upper Susque-  
hanna-Tunkhannock Watershed

ESCGP-1 # ESX11-015-0255  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Litchfield  
Receiving Stream(s) and Classification(s) UNT to Browns  
Run (WWF), UNT to Sackett Creek (WWF);  
Secondary: Parks Creek (WWF) from Browns Run;  
Little Wapessening Creek (WWF)

ESCGP-1 # ESX11-035-0024  
Applicant Name XTO Energy, Inc.  
Contact Person Bernhardt Kissel  
Address 395 Airport Road  
City, State, Zip Indiana, PA 15701  
County Clinton  
Township(s) Chapman  
Receiving Stream(s) and Classification(s) UNT to West  
Branch Susquehanna River (HQ, CWF, MF);  
Secondary: West Branch Susquehanna River (HQ, CWF,  
MF)

ESCGP-1 # ESX11-023-0001 (01)  
Applicant Name EQT Production Company  
Contact Person Carl Trexler  
Address 455 Racetrack Road  
City, State, Zip Washington, PA 15301  
County Cameron County  
Township(s) Shippen Township  
Receiving Stream(s) and Classification(s) East Branch  
Hicks Run (HQ-CWF), Whippoowill Hollow Run (HQ-  
CWF) and Bigger Run (HQ-CWF);  
Secondary: Bennett Branch Sinnemahoning Creek

*Southwest Region: Oil & Gas Program Manager, 400  
Waterfront Drive, Pittsburgh, PA*

11/14/2011  
ESCGP-1 No: ESX11-129-0004 Minor Revision  
Applicant Name: XTO Energy Inc  
Contact Person Dewey Chalos  
Address: 810 Houston St



City: Fort Worth State: TX Zip Code: 76102-6298  
 County: Westmoreland Township: Fairfield  
 Receiving Stream(s) And Classifications: Hypocrite  
 Creek, Other

10/31/2011

ESCGP-1 No.: ESX10-059-0085 Major Revision  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Clayton Roesler  
 Address: 1605 Corapolis Heights Road  
 City: Moon Township State: Pa Zip Code: 15108  
 County: Greene Township(s): Monongahela & Greene  
 Receiving Stream(s) and Classifications: Whiteley Creek  
 WWF & UNT to Whiteley Creek WWF Monongahela  
 River, Other

11/04/11

ESCGP-1 No.: ESX10-051-0050 Major Revision  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Clayton Roesler  
 Address: 1605 Corapolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Fayette Township(s): Menallen  
 Receiving Stream(s) and Classifications: UNTs to Fans  
 Run WWF & Fans Run WWF /Lower Youghiogheny  
 River Watershed

10/31/11

ESCGP-1 No.: ESX10-059-0085 Major Revision  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Clayton Roesler  
 Address: 1605 Corapolis Heights Road  
 City: Mon Township State: PA Zip Code: 15108  
 County: Greene Township(s): Monongahela & Greene  
 Receiving Stream(s) and Classifications: Whiteley Creek  
 WWF & UNT to Whiteley Creek WWF Monongahela  
 River, Other

10/18/2011

ESCGP-1 No.: ESX11-059-0062  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Rhonda Crawford  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370-6002  
 COUNTY Greene Township(s): Morris and Washington  
 Receiving Stream(s) and Classifications: Browns Creek  
 and Ruff Creek, HQ and Other

October 31, 2011

ESCGP-1 No.: ESX11-125-0100  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 Contact Person: Rick Lowry  
 Address: 824 Morganzo Road  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: UNTs to Redd  
 Run TSF and Red Run TSF, Other

October 12, 2011

ESCGP-1 No.: ESX11-125-0094  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources, LLC  
 Contact Person: Robert McHale  
 Address: 601 Technology Drive Suite 130

City: Canonsburg State: PA Zip Code 15137  
 County: Washington Township(s): Mount Pleasant  
 Receiving Stream(s) and Classifications: UNTs to Raccoon  
 Creek and Raccoon Creek WWF, Other

October 18, 2011

ESCGP-1 No.: ESX11-059-0061  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: Tributary 40620  
 to Rush Run—HQ WWF Rush Run HQ—WWF Tribu-  
 tary 40625 to Lightner Run—HQ WWF Lightner Run—  
 HQ—WWF South Fork Tenmile Creek Watershed HQ—  
 WWF, HQ

10/21/11

ESCGP-1 No.: ESX11-125-0017 3rd Major Revision  
 Applicant Name: MarkWest Liberty Midstream & Re-  
 sources LLC  
 Contact Person: Rick Lowry  
 Address: 824 Morganza Road  
 City: Caononsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Blaine, Buffalo,  
 Hopewell  
 Receiving Stream(s) and Classifications: UNTs to Brush  
 Run HQ-WWF, Brush Run HQ-WWF, UNTs to Buffalo  
 Creek HQ-WWF, UNTs to Cross Creek HQ-WWF.  
 Brush Run and Buffalo Creek Watershed, HQ

10/17/11

ESCGP-1 NO.: ESX11-005-0020  
 Applicant Name: Appalachia Midstream LLC  
 CONTACT PERSON: Larry Sanders  
 ADDRESS 3000 Ericsson Drive Suite 200  
 City: Warrendale State: PA Zip Code: 15086-6501  
 County: Armstrong Township(s): East and West Franklin  
 Receiving Stream(s) and Classifications: UNTs to Buffalo  
 Creek/Buffalo Creek HQ-TSF UNTs to Glad Run TSF  
 HQ, Other

10/14/11

ESCGP-1 NO.: ESX11-051-0036  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNT to Crab-  
 apple Creek, Other

10/31/2011

ESCGP-1 NO.: ESX11-125-0087 Major Revision  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 CONTACT: Rick Lowry  
 ADDRESS: 824 Morganza Road  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Mount Pleasant  
 Receiving Stream(s) and Classifications: South Fork Cross  
 Creek HQ-WWF

*Northwest Region: Water Management Program Man-  
 ager, 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>
10 11 801	Mountain Gathering, LLC Attn: Dewey M. Chalos 810 Houston Street Fort Worth TX 76102	Butler	Penn Township	Thorn Creek CWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0097—Albert F. Fritz et al,  
et ux No. 1H, 2H  
Applicant XTO Energy, Inc  
Contact Ms. Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Adams & Middlesex(s)  
Receiving Stream(s) and Classification(s) UNT of Glade Run—WWF; Glade Run—WWF

ESCGP-1 #ESX11-019-0104—Albert F. Fritz et al, Fresh Water Impoundments  
Applicant XTO Energy, Inc  
Contact Ms. Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Adams & Middlesex(s)  
Receiving Stream(s) and Classification(s) UNT of Glade Run—WWF; Glade Run—WWF

ESCGP-1 #ESX11-053-0022—Jocelyn Oil Lease  
Applicant Devonian Resources, Inc  
Contact Stan Thompson  
Address P. O. Box 329  
City Pleasantville State PA Zip Code 16341  
County Forest Township(s) Harmony(s)  
Receiving Stream(s) and Classification(s) Stewart Run (CWF)/Allegheny River;  
Secondary Water Allegheny River—WWF

ESCGP-1 #ESX11-121-0008—Say A Unit #1HWell Pad  
Applicant Range Resources Appalachia, LLC  
Contact Mary Patton  
Address 100 Throckmorton Street, Suite 1200  
City Fort Worth State TX Zip Code 76102  
County Venango Township(s) Oakland(s)  
Receiving Stream(s) and Classification(s) Prather Creek (CWF), and two UNT to Parther Creek (CWF), Little Sugar Creek—Other

ESCGP-1 #ESX11-073-0006—Kephart Unit 2019  
Applicant SWEPI LP  
Contact H. James Sewell  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Lawrence Township(s) North Beaver(s)  
Receiving Stream(s) and Classification(s) Hickory Run, UNT to Sugar Creek, Mahoning River and Honey Creek—TSF

ESCGP-1 #Seneca Resources Ridgway Production Pad B—ESX11-047-0036  
Applicant Seneca Resources  
Contact Mr. Mike Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825  
County Elk Township(s) Ridgway(s)  
Receiving Stream(s) and Classification(s) Windfall Run & Big Mill Creek High Quality;  
Secondary Water Clarion River

ESCGP-1 #ESX11-019-0108 / Paul Smith Freshwater Impoundment

Applicant XTO Energy, Inc  
Contact Ms. Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn Creek—CWF

## SPECIAL NOTICES

### Notice of Plan Revision Approval under the Municipal Waste Planning Recycling and Waste Reduction Act Of 1988, Act 101

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

The Department of Environmental Protection (DEP) approved a revision to the Northampton County Municipal Waste Management Plan on November 21, 2011.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this appeal form and the Board's rules of practiced 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 itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

The plan revision is a public document and may be viewed at the DEP Regional Office noted above.

Questions concerning this approval should be directed William Tomayko, Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

### Notice of Plan Revision Approval under the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

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

The Department of Environmental Protection (DEP) approved a revision to the Luzerne County Municipal Waste Management Plan on November 22, 2011.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this 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 itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

The plan revision is a public document and may be viewed at the DEP Regional Office noted above.

Questions concerning this approval should be directed William Tomayko, Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

**Notice of Plan Revision Approval under the  
Municipal Waste Planning Recycling and Waste  
Reduction Act of 1988, Act 101**

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

The Department of Environmental Protection (DEP) approved a revision to the Wayne County Municipal Waste Management Plan on November 23, 2011.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this 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 itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

The plan revision is a public document and may be viewed at the DEP Regional Office noted above.

Questions concerning this approval should be directed William Tomayko, Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

**Categorical Exclusion**

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

*Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Middleburg	13 North Main Street, Middleburg, PA 17842	Snyder

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Middleburg Municipal Authority proposes an upgrade of the existing wastewater treatment facility to treat for nutrient removal and the rehabilitation/lining of approximately 8,400 lineal feet of existing sewer mains. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

[Pa.B. Doc. No. 11-2115. Filed for public inspection December 9, 2011, 9:00 a.m.]

**Addendum to Storm Relief Advantage Grant Program Projects Regarding Rebates and Incentives Provided by Others**

The Department of Environmental Protection (Department) announces an addendum to the Storm Relief Advantage Grant Program (grant program) currently described in the program guidelines located on the Department web site as described as follows. The subject addendum pertains to utility rebates or incentives made available to grantees. Revisions have been made to the application and guidance.

The grant program provides up to 50% reimbursement grants, to a maximum of \$9,500, to assist small businesses in this Commonwealth to recover from the effects of hurricane Irene or tropical storm Lee through the acquisition of energy efficient or pollution prevention equipment or processes.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. All Commonwealth small businesses are eligible, including but not limited to manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the following Commonwealth counties (as of November 18, 2011): Adams, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Montgomery, Monroe, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

For a copy of the application and addendum contact the Department's Small Business Ombudsman at (717) 772-

8909. To ask a specific question concerning a project type, write to [epadventuregrant@state.pa.us](mailto:epadventuregrant@state.pa.us) before submitting an application. The Department will continue accepting applications until December 31, 2011.

Applications and addenda are most quickly obtained from the Department's web site at <http://www.depweb.state.pa.us> (DEP Keyword: SBAdvantage). Applications and addenda are also available by contacting the Department's Small Business Ombudsman, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8909.

Applications must be postmarked or hand delivered by 4 p.m. on December 31, 2011. Faxes or other electronic submissions will not be accepted.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-2116. Filed for public inspection December 9, 2011, 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).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

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 these actions or the Trading Program, contact Ann Roda, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, [aroda@pa.gov](mailto:aroda@pa.gov) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**Lycoming County Conservation District** (542 County Farm Road, Suite 202, Montoursville, PA 17754). This approval is applicable to nitrogen reduction credits to be generated by Client GrLoT0001 from the pollutant reduction activities of 61.7 acres of precision grazing, 18 acres of continuous no-till and the installation of off-stream watering with fencing on 17.4 acres of pasture. This approval includes a verification plan, and authorizes the generation of 289 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 3940 (July 16, 2011).

**Red Barn Trading Company** (1383 Arcadia Road, Lancaster, PA 17601). This approval is applicable to nitrogen reduction credits to be generated by Daniel Smucker from the pollutant reduction activities of 28.5 acres of continuous no-till and cover crops. This approval includes a verification plan, and authorizes the generation of 851 nitrogen reduction credits and 5 phosphorus reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 4167 (July 30, 2011).

**CET Engineering Services** (321 Washington Street, Huntingdon, PA 16652). This approval is applicable to nitrogen reduction credits to be generated from the pollutant reduction activity of the Borough of Tyrone Wastewater Treatment Facility's installed treatment process. This approval includes a verification plan, and authorizes the generation of 48,260 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 4167.

**Herbert Rowland & Grubic, Inc.** (130 Buffalo Road, Suite 103, Lewisburg, PA 17837). This approval is appli-



cable to nitrogen reduction credits to be generated from the pollutant reduction activity of Kelly Township Municipal Authority's installed treatment process. This approval includes a verification plan, and authorizes the generation of 38,300 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 40 Pa.B. 7159 (December 11, 2010).

**Buchart Horn, Inc.** (The Russell E. Horn Building, 445 West Philadelphia Street, York, PA 17401). This approval is applicable to nitrogen and phosphorus reduction credits to be generated from the pollutant reduction activity of East Berlin Area Joint Authority's installed treatment process. This approval includes a verification plan, and authorizes the generation of 2,571 nitrogen reduction credits and 170 phosphorus reduction credits. This certification of annual credits is valid only for compliance year 2011 (October 1, 2010, through September 30, 2011). After September 30, 2011, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 5229 (October 1, 2011).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-2117. Filed for public inspection December 9, 2011, 9:00 a.m.]

**Nutrient Credit Trading Program; Notice of Certification Requests**

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 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).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests from September 19, 2011, through November 21, 2011.

*Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

*Certification Requests*

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Red Barn Trading Company on behalf of Lancaster Farmland Trust and John Dougherty	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Charles and Elaine Craig	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Dennis Eby	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Steve Groff	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.



<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Red Barn Trading Company on behalf of Lancaster Farmland Trust and A. Dale Herr	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Jay Hess	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of riparian buffers, continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Matthew Martin	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Daniel Petersheim	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Tobin Shank	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Gerald Zimmerman	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Dwight Brubaker	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops.
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Roman Stoltzfoos	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of precision grazing and off-stream watering with stream fencing (pasture).
Red Barn Trading Company on behalf of Lancaster Farmland Trust and Townsend Moore	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of precision grazing and off-stream watering with stream fencing (pasture).
Buchart Horn, Inc. on behalf of Springettsbury Township Wastewater Treatment Facility (NPDES Permit No. PA0026808)	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of Springettsbury Township Wastewater Treatment Facility's installed treatment process.

#### *Written Comments*

Interested persons may submit written comments on this proposed pollutant reduction activity by January 9, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Ann Roda, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@pa.gov.

For further information about this certification request or the Trading Program contact Ann Roda, at the previously listed address or phone number or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-2118. Filed for public inspection December 9, 2011, 9:00 a.m.]

### **Nutrient Credit Trading Program; Notice of Registration**

The Department of Environmental Protection (Department) provides notice of the following credit registration recorded under the Nutrient Credit Trading Program (Trading Program). The request for registration was submitted 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).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or

voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

This notice relates to the registration of credits through November 21, 2011. For background information related to these credits, see the Department's certifications published at:

- 38 Pa.B. 1887 (April 19, 2008)—Chesapeake Nutrient Management
- 40 Pa.B. 5021 (August 28, 2010)—ElectroCell Technologies, Inc.

- 41 Pa.B. 661 (January 29, 2011)—Berwick Area Joint Authority
- 41 Pa.B. 6449 (December 3, 2011)—Lancaster Area Sewer Authority

The Department has registered the following credits.

<i>Seller/Generator</i>	<i>Location of Use</i>	<i>Credits Registered</i>	<i>Credit Generating Activity / Generator</i>	<i>Compliance Year</i>
Lancaster Area Sewer Authority	City of Harrisburg, Harrisburg, PA	5,260 Nitrogen	Lancaster Area Sewer Authority's installed treatment process.	October 2010—September 2011
ElectroCell Technologies, Inc.	Borough of Westfield	429 Nitrogen	The operation of the Patz® OZy™ unit on a farm located in Lancaster County and the land applied nutrients.	October 2010—September 2011
Chesapeake Nutrient Management, LLC	Williamstown Borough Authority, Williamstown, PA	523 Phosphorus	Poultry manure export out of Chesapeake Bay Watershed.	October 2010—September 2011
Berwick Area Joint Authority	Mountaintop Area Joint Sanitary Authority, Mountain Top, PA	389 Phosphorous	Berwick Area Joint Authority's installed treatment process.	October 2010—September 2011
Lancaster Area Sewer Authority	City of Lancaster, Lancaster, PA	18,283 Nitrogen	Lancaster Area Sewer Authority's installed treatment process.	October 2010—September 2011

For further information about this registration or the Trading Program, contact Ann Roda, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@pa.gov or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-2119. Filed for public inspection December 9, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Rates of Tax on Aviation Gasoline and Jet Fuel for 2012; Oil Company Franchise Tax Rate for 2012; Alternative Fuels Tax Rates for 2012

#### Aviation Gasoline and Jet Fuels

##### *Aviation Gasoline Rate for 2012*

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2012 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines increases to the new rate of 5.9¢<sup>1</sup> per gallon or fractional part thereof.

##### *Jet Fuel Rate for 2012*

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2012 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for

use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines increases to the new rate of 2.0¢ per gallon or fractional part thereof.

##### *Calculating the 2012 Aviation Gasoline and Jet Fuel Rates*

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter. The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b), the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On November 1, 2011, the most recently available 12-month period was September 2010 to September 2011, as reported in Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2011, USDL 11-1497, released October 18, 2011, for which the percentage change was +40.9%. Accordingly, the aviation gasoline tax rate increases from the 2011 rate of 5.5¢ per gallon to the new 2012 rate of 5.9¢ per gallon; the jet fuel tax rate also increases, from the 2011 rate of 1.7¢ per gallon to the new 2012 rate of 2.0¢ per gallon.

<sup>1</sup> The rate of 5.9¢ per gallon consists of the 1.5¢ per gallon tax imposed by 75 Pa.C.S. § 9004(c)(1), and the 4.4¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

**Oil Company Franchise Tax**

*Oil Company Franchise Tax Rate for 2012*

The Secretary announces that for the calendar year 2012, the rate of the oil company franchise tax remains at the current rate of 19.2¢ per gallon on all liquid fuels and 26.1¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions).

*Calculating the 2012 Oil Company Franchise Tax Rate*

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 (relating to definitions) as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as previously used is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending September 30, 2011, the Department has determined that the average wholesale price of liquid fuels and fuels was \$2.826 per gallon,

which exceeds the statutory maximum of \$1.25; therefore, an average wholesale price of \$1.25 is used to compute the tax rate for 2012.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	<u>00.0</u>	<u>55.0</u>
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	<u>× \$1.25</u>	<u>× \$1.25</u>
Product:	19.188¢	26.063¢
Oil Company Franchise Tax per Gallon (Rounded Up to Next Highest Tenth):	19.2¢	26.1¢

*Collection of Oil Company Franchise Tax*

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as previously computed is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2012, the combined rate of tax for liquid fuels (primarily gasoline) is 31.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 38.1¢ per gallon.

**Alternative Fuels Tax Rates For 2012**

Under 75 Pa.C.S. § 9004(d), the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002, “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTUs.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the liquid fuels and oil company franchise taxes currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of gasoline during the period of this notice is 12.0¢ for the liquid fuels tax and 19.2¢ for the oil company franchise tax for a total tax of 31.2¢ per gallon of gasoline.

The Secretary announces that the 2012 tax rates for alternative fuels are as follows:

<i>Alternative Fuel</i>	<i>Rate of Conversion (BTU/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Compressed Natural Gas	29,000 @ 3,000 PSI	3.948	\$.079

<i>Alternative Fuel</i>	<i>Rate of Conversion (BTU/gal of alternative fuel)</i>	<i>Amount Equivalent to One Gallon of Gasoline @ 114,500 BTU per gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Liquefied Natural Gas	66,640	1.718	\$.182
Electricity	3,412 Btu/KWH	33.558 KWH	\$.0093/KWH

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-2120. Filed for public inspection December 9, 2011, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The December 20, 2011, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, January 17, 2012, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the January 17, 2012, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@pa.gov](mailto:mtate@pa.gov).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-2121. Filed for public inspection December 9, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Nursery Water Designation; Shenango River, Crawford County

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties in 30 Pa.C.S.

§ 2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

The Commission previously designated the sanctuary and the spillway area of Pymatuning Lake, Crawford County, as nursery waters. This designation is effective year-round. To protect hatchery stock of walleye from the sanctuary, the Commission now proposes to extend the nursery waters designation to a portion of the Shenango River on a seasonal basis. At the next Commission meeting on January 30 and 31, 2012, the Commission will consider designating the Shenango River, from the Pymatuning Lake sanctuary boundary at the Route 285 Bridge, locally known as the Blair Bridge, upstream 100 yards. The Commission proposes that this designation be effective from March 1 to the first Saturday in May.

At this time, the Commission is soliciting public input concerning the previous designation. Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-2122. Filed for public inspection December 9, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, Commission will provide a copy or a copy can be obtained from the Commission's web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-138	Pennsylvania Gaming Control Board Table Game Devices	11/22/11	1/12/11



*Final-Form*

125-142	Pennsylvania Gaming Control Board General Table Games Provisions; Credit; Table Game Minimum Training Standards	11/22/11	1/12/11
125-148	Pennsylvania Gaming Control Board Table Game Rules for Roulette, Big Six Wheel and Casino War	11/22/11	1/12/11
125-149	Pennsylvania Gaming Control Board Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo	11/22/11	1/12/11
125-151	Pennsylvania Gaming Control Board Table Game Rules for Minibaccarat, Midibaccarat and Baccarat	11/22/11	1/12/11

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
54-67	Pennsylvania Liquor Control Board Connection With Other Business	11/29/11	12/15/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-2123. Filed for public inspection December 9, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by FCNRC, LP

FCNRC, LP has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Forest City Nursing and Rehab Center in Forest City, PA. The initial filing was received on November 14, 2011, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2124. Filed for public inspection December 9, 2011, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Green Ridge Healthcare Group, LLC

Green Ridge Healthcare Group, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Green Ridge Village of

Scranton in Scranton, PA. The initial filing was received on November 28, 2011, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 21 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2125. Filed for public inspection December 9, 2011, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 29, 2011, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests an overall 5.66% decrease in collectible loss costs, effective April 1, 2012, on a new and renewal basis. Also, the PCRB has calculated the Employer Assessment Factor effective April 1, 2012, to be 2.25%, as compared to the currently approved provision of 1.88%. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval.

The entire April 1, 2012, loss cost filing is available for review on the PCRB's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, 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. 11-2126. Filed for public inspection December 9, 2011, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert Bolus; file no. 11-216-109251; Nationwide Property and Casualty Insurance Company; Doc. No. P11-11-019; January 12, 2012, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2127. Filed for public inspection December 9, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2011-2275595. Leatherstocking Gas Company, LLC.** Application of Leatherstocking Gas Company, LLC, for approval to supply natural gas service to the public in northern Susquehanna County, in the Townships of Bridgewater, Forest Lake, Great Bend, Harmony, New Milford and Oakland and in the Boroughs of Great Bend, Hallstead, Lanesboro, Montrose, New Milford, Oakland and Susquehanna.

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 27, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Leatherstocking Gas Company, LLC

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Todd S. Stewart, Esquire, Janet L. Miller, Esquire, Hawke, McKeon & Sniscak, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2128. Filed for public inspection December 9, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 27, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2011-2265607. Howell L. Crockett, Jr., t/a Jr. Crockett** (5421 Old Philadelphia Pike, Intercourse, Lancaster County, PA 17534)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-2011-2266067. James T. St. John and Christie A. St. John, Tenants By Entirety** (17 Hedgewood Avenue, Ronks, Lancaster County, PA 17572)—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.

**A-2011-2268700. Visit Vans, LLC** (325 North 8th Street, Allentown, Lehigh County, PA 18102)—persons, in paratransit service, from points in the Counties of Lehigh and Northampton, to any state correctional facility in Pennsylvania, and return.

**A-2011-2268719. Aegis Ambulette Service, LLC** (9 Chestnut Drive, Richboro, Bucks County, PA 18954)—a limited liability corporation of the Commonwealth of Pennsylvania—in paratransit service, between points in the Counties of Bucks, Chester, Delaware and Montgomery; and the City and County of Philadelphia.

**A-2011-2270247. Bonnie Arthur** (58 Peach Lane, Ronks, Lancaster County, PA 17572)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-2011-2272110. Nick A. Cillo** (2600 Lincoln Drive, Montoursville, Lycoming County, PA 17754)—persons in paratransit service, between points in Pennsylvania.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2270367. Regency Transportation Group, Ltd.** (1411 Beaver Avenue, Pittsburgh, PA 15233)—a corporation of the Commonwealth of Pennsylvania—persons, in Group and Party service, in vehicles seating between 11 and 15 passengers, including the driver, between points in Pennsylvania. *Attorney:* William A. Gray, Esq., Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2011-2267142. Brothers Movers, LLC** (264 Surrey Road, Southampton, Bucks County, PA 18966)—household goods in use, between points in the Counties of Philadelphia, Bucks, Montgomery, Chester and Delaware.

**A-2011-2267220. Brujus, Inc.** (106 Sycamore Avenue, Folsom, Delaware County, PA 19033)—household goods in use, from points in the Counties of Berks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Montgomery, York and the City and County of Philadelphia.

**A-2011-2271979. Fresh Start Herbs, Inc., t/a Rising Star Moving & Storage** (1250 Bethlehem Pike, Unit 323, Hatfield, Montgomery County, PA 19440)—household goods in use, from points in the County of Bucks to points in Pennsylvania, and vice versa.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods by transfer of rights as described under the application.**

**A-2011-2272932. Mckean & Burt, Inc., t/a All Ways Moving & Storage** (326 West Maiden Street, Washing-

ton, Washington County, PA 15301)—a corporation of the Commonwealth of Pennsylvania—household goods in use, from points in Allegheny and Washington Counties, as more thoroughly described in the order granting authority: *So As To Permit* the transport, as a common carrier, by motor vehicle, household goods in use, from points in Greene County, to points in Pennsylvania, and vice versa.

—  
*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Paul Cab Co.;*  
*Doc. No. C-2011-2263782; A-00113415*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. 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 Paul Cab Co., Respondent, maintains a principal place of business at 223 Pine Street, Turnersville, NJ 08012.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 18, 1997, at A-00113415.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC. Respondent was also told that, if it chose to retain the authority under the jurisdiction of this Commission, an acceptable tariff must be filed showing the rates for the transportation service. Respondent failed to file an acceptable tariff.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11(a). Respondent was given an additional 60 days to file an acceptable tariff. Again, Respondent failed to file an acceptable tariff.

5. That, on April 12, 2010, a Complaint was instituted against Respondent at C-2010-2132461 for failure to file an acceptable tariff. Respondent was given 30 days to file an answer to the complaint or to file a tariff and pay a \$250 penalty. No response was received; therefore, the Complaint was adjudicated by Secretarial Letter dated July 8, 2011.

6. That, to date, Respondent has failed to file an acceptable tariff showing the rates for the transportation service provided. This is a violation of 52 Pa. Code § 23.11(a) and § 29.314(b)(6). The Bureau of Investigation and Enforcement's penalty for this violation is cancellation of the Certificate of Public Convenience.



Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission cancel Paul Cab Co.'s Certificate of Public Convenience at A-00113415 for the illegal activity described in the 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  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Manager 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 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: 10/19/2011 \_\_\_\_\_ Michael E. Hoffman, Manager  
Bureau of Investigation & Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the cancellation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty proposed in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in the Complaint.

E. If you would like an alternative format to this Complaint (for persons with disabilities) or if you have questions regarding this Complaint, please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2129. Filed for public inspection December 9, 2011, 9:00 a.m.]

#### Telecommunications

**A-2011-2274979. Verizon North, LLC and BCN Telecom, Inc.** Joint petition of Verizon North, LLC and BCN Telecom, Inc. for approval of an amended, extended and restated interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon North, LLC and BCN Telecom, Inc., by its counsel, filed on November 23, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amended, extended and restated 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 Verizon North, LLC and BCN 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. 11-2130. Filed for public inspection December 9, 2011, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 11-089.P, Design of Fire Suppression System, Pier 84, until 2 p.m. on Thursday, January 5, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-2131. Filed for public inspection December 9, 2011, 9:00 a.m.]



## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Kevin Gaskins; Doc. No. 1801-45-2011

On October 13, 2011, Kevin Gaskins, license nos. CO234027L and CT177176, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated September 16, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 11-2132. Filed for public inspection December 9, 2011, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. Chris Van Ly and Kieu Trinh Duong, t/d/b/a Pink Nails and Spa; Doc. No. 1755-45-11

On October 14, 2011, Chris Van Ly and Kieu Trinh Duong, t/d/b/a Pink Nails and Spa, license no. CY194973 of Folsom, Delaware County, had their license suspended for nonpayment of a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 11-2133. Filed for public inspection December 9, 2011, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Melissa A. Nieves; Doc. No. 1803-51-2011

On October 13, 2011, Melissa A. Nieves, Pennsylvania license no. RN519898L, of Las Vegas, NV, was suspended under the Order of the Court of Common Pleas of Berks County dated September 14, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-2134. Filed for public inspection December 9, 2011, 9:00 a.m.]

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## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Robert Maurice Bouknight; Doc. No. 1805-56- 2011

On October 13, 2011, Robert Maurice Bouknight, license no. RS309742, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated September 15, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 11-2135. Filed for public inspection December 9, 2011, 9:00 a.m.]