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# PENNSYLVANIA BULLETIN

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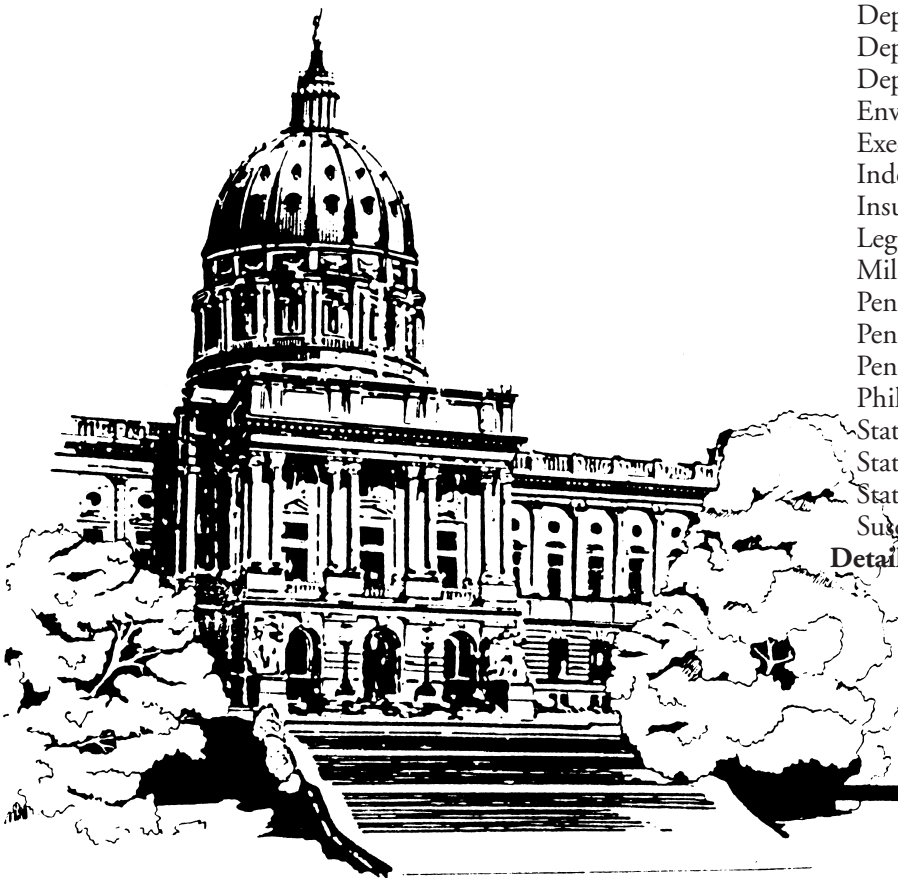
Saturday, July 20, 2013 • Harrisburg, PA

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**Latest Pennsylvania Code Reporters  
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**No. 464, July 2013**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

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

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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

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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

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

**Order Revising the Comment to Rule 519 of the Rules of Criminal Procedure; No. 435 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 1st day of July, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 519 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2013.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B(3). Arrest Procedures in Court Cases**

**(b) Arrests Without Warrant**

**Rule 519. Procedure in Court Cases Initiated by Arrest Without Warrant.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

By statute, a defendant may not be released but must be brought before the issuing authority for a preliminary arraignment when a police officer has arrested the defendant for failure to comply with the registration requirements for sexual offenders, see 18 Pa.C.S. § [ 4915(E)(2) ] 4915.1(e)(2), or when a police officer has arrested the defendant in a domestic violence case, see 18 Pa.C.S. § 2711. *See also* 23 Pa.C.S. § 6113(c) of the Protection from Abuse Act.

With reference to the provisions of paragraph (B)(2) relating to the issuance of a summons, see also Part B(2) of this Chapter, Summons Procedures.

For procedures in summary cases initiated by an arrest without warrant, see Rule 441.

**Official Note:** Original Rule 118 and 118(a) adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 118 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 130 September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986;

January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 102 and amended August 9, 1994, effective January 1, 1995; Comment revised September 26, 1996, effective immediately; renumbered Rule 518 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 519 and amended May 10, 2002, effective September 1, 2002; amended June 30, 2005, effective August 1, 2006; **Comment revised July 1, 2013, effective August 1, 2013.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the July 1, 2013 revision of the Comment adding a cross-reference to 18 Pa.C.S. § 4915.1 published with the Court’s Order at 43 Pa.B. 4062 (July 20, 2013).**

**FINAL REPORT<sup>1</sup>**

**Revision to the Comment to Pa.R.Crim.P. 519**

**Correction to Statutory Cross-Reference**

On July 1, 2013, effective August 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted the revision to the Comment to Rule of Criminal Procedure 519, adding a cross-reference to 18 Pa.C.S. 4915.1(e)(2).

On December 20, 2011, Governor Corbett signed into law Act 111 of 2011 that brings the state into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006. Included in this statute is new section of Title 18, Section 4915.1(e)(2), governing arrest without warrant procedures when a sexually violent defendant fails to register. This new section is identical to former 18 Pa.C.S. § 4915(e)(2).<sup>2</sup> The Rule 519 Comment had been revised in 2005 to add a cross-reference to this statute because the section, contrary to the release provisions in Rule 519, prohibits the release of a defendant following an arrest without a warrant on charges of failing to register. After reviewing the new statutory provisions, the Committee agreed that, to avoid any confusion that the new section might not be an exception to the release provisions in Rule 519, a reference to the new statutory provision has been added to the Rule 519 Comment and the previous reference to 18 Pa.C.S. § 4915(e)(2) has been removed.

[Pa.B. Doc. No. 13-1298. Filed for public inspection July 19, 2013, 9:00 a.m.]

[ 234 PA. CODE CH. 10 ]

**Order Revising the Comment to Rule 1013 of the Rules of Criminal Procedure; No. 434 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 1st day of July, 2013, upon the recommendation of the Criminal Procedural Rules Committee;

<sup>1</sup> The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

<sup>2</sup> Former 18 Pa.C.S. § 4915, relating to failure to comply with registration of sexual offenders requirements, was derived from 2004, Nov. 24, P.L. 1243, No. 152, § 1; 2006, Nov. 29, P.L. 1567, No. 178, § 3; 2011, Dec. 20, P.L. 446, No. 111, § 1; 2012, July 5, P.L. 880, No. 91, § 1; and expired according to its own terms on December 20, 2012.

the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 1013 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2013.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 10. RULES OF CRIMINAL PROCEDURE  
FOR THE PHILADELPHIA MUNICIPAL COURT  
AND THE PHILADELPHIA TRAFFIC COURT**

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1013. Prompt Trial—Municipal Court.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (A)(4) is intended to provide a minimum 60-day period for trial of those cases which become Municipal Court cases when, at the preliminary hearing, in court, or otherwise after preliminary arraignment, all offenses punishable by more than five years imprisonment are discharged.

**The time for trial in cases that originate as Court of Common Pleas cases and are transferred to the Municipal Court but are subsequently transferred back to the Court of Common Pleas are governed by Rule 600. See *Commonwealth v. Far*, Pa. , 46 A.3d 709 (2012).**

“Order requiring the retrial,” as used in paragraph (H) is intended to include, for example, the declaration of a mistrial, or the withdrawal, rejection of, or successful challenge to a guilty plea.

**Official Note:** Rule 6013 adopted June 28, 1974, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; the amendment to paragraph (D) as it regards exclusion of defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982, and paragraph (H), which provides the time for retrials, was specifically made effective as to retrials required by orders entered on or after January 1, 1982; amended September 3, 1993, effective January 1, 1994; renumbered Rule 1013 and amended March 1, 2000, effective April 1, 2001; amended August 8, 2002, effective January 1, 2003; amended June 26, 2003, effective July 1, 2003; **Comment revised July 1, 2013, effective August 1, 2013.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

\* \* \* \* \*

**Final Report explaining the July 1, 2013 Comment revision cross-referencing *Commonwealth v. Far* published with the Court’s Order at 43 Pa.B. 4063 (July 20, 2013).**

**FINAL REPORT<sup>1</sup>**

***Revision to the Comment to Pa.Rs.Crim.P. 1013  
The Time for Trial in Cases Transferred from the  
Court of Common Pleas to the Municipal Court  
but are Subsequently Transferred Back  
to the Court of Common Pleas***

On July 1, 2013, effective August 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision to the Comment to Rule of Criminal Procedure 1013, adding a cross-reference to *Commonwealth v. Far*, \_\_\_ Pa. \_\_\_, 46 A.3d 709 (2012).

On June 18, 2012, the Court issued its opinion in the case of *Commonwealth v. Far*, \_\_\_ Pa. \_\_\_, 46 A.3d 709 (2012), addressing whether the Rule 600 or Rule 1013 speedy trial provisions should be applied when a case is originally brought in the Philadelphia Court of Common Pleas, remanded to the Municipal Court, and subsequently transferred back to the Court of Common Pleas for a Commonwealth-requested jury trial.

Rule 600 provides that a case in which the defendant is free on bail must be brought to trial within 365 days from the filing of the complaint. Rule 1013 contains the speedy trial provisions applicable to the Philadelphia Municipal Court, specifically paragraph (A)(4) that states that a case that originates in the Philadelphia Court of Common Pleas but is then ordered to be tried in the Philadelphia Municipal Court must commence no later than 180 days from the date on which the preliminary arraignment is held or 60 days from the date on which the order is made, whichever is greater.

In *Commonwealth v. Far*, the defendants were originally charged with felony drug distribution on February 6, 2007. After several continuances of the preliminary hearing due to the Commonwealth’s inability to obtain a chemical laboratory report, the felony charges were withdrawn on July 13, 2007 and the case, which consisted only of misdemeanor charges, was remanded to the Municipal Court. On October 1, 2007, the Commonwealth indicated it would exercise its right to jury trial and petitioned to transfer the case back to the Court of Common Pleas. A preliminary hearing was held on December 7, 2007 and the case was held for trial at the Court of Common Pleas. In February 2008, the defendants moved for dismissal of the charges on speedy trial grounds under Rule 1013(A)(4). The Commonwealth argued that Rule 600 should be applied. The trial court and Superior Court agreed with the defendants’ positions and found a speedy trial violation.

This Court reversed, finding that Rule 1013 did not address the situation in which a case is subsequently transferred back to the Court of Common Pleas. Rule 1000 provides, where there is a procedure that is governed by a statewide procedural rule that is not covered by a Chapter 10 rule or Philadelphia local rule, the statewide rule will govern. Furthermore, Rule 1000 defines the Chapter 10 rules as governing “all proceedings in the Philadelphia Municipal Court” and, because the case was no longer in the Municipal Court, it was no longer a proceeding encompassed by Chapter 10.

<sup>1</sup> The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

The Committee concluded that it would be helpful to refer the bench and bar to this analysis. Therefore, the Comment to Rule 1013 has been revised to add a cross-reference to the opinion in *Far*.

[Pa.B. Doc. No. 13-1299. Filed for public inspection July 19, 2013, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Distribution of Reports of Behavioral Health Evaluations; Family Court Administrative Order No. 2013-01

##### Order

*And Now*, this 15th day of May, 2013, considering the objectives and purposes of the Juvenile Act and recognizing the risk of disruption of courtroom operation when confronted by a shifting protocol concerning the management of attorneys of record and Guardians ad litem in delinquent and dependency matters attorneys upon recommendation and approval of the First Judicial District of Pennsylvania Administrative Governing Board, subject to the limitations set forth, and in accordance with the directive entered by the Pennsylvania Supreme Court April 11, 1986, at No. 55 Judicial Administration Docket No. 1, Eastern District defining the duties of administrative judges and the authority provided by Pa.R.J.C.P. Nos. 121, and 1121 for good cause shown:

*It Is Hereby Ordered and Decreed* that:

1. In delinquency matters, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- Juvenile Probation Department;
- Defense counsel of record;
- Office of the Philadelphia District Attorney;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health

2. In dependency matters, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- City of Philadelphia Law Department;
- Assigned child advocate/Guardian ad litem;
- Parents; caregivers' attorney(s) of record;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health

3. In crossover cases involving delinquency and dependency determinations, the report of a behavioral health evaluation shall be maintained by the Court. A copy of the report shall be furnished to each of the following:

- Assigned Judge;
- Juvenile Probation Department;
- Defense counsel of record;
- Office of the Philadelphia District Attorney;
- City of Philadelphia Law Department;
- Assigned child advocate/Guardian ad litem;
- Parents; caregivers' attorney(s) of record;
- Philadelphia Mental Health Care Corporation;
- Community Behavioral Health;

4. In the event that one of the above recipients requires additional copies of any report, that party shall direct a written request to the assigned Judge of the Court of Common Pleas, Family Division state the reason why the additional copy is needed. Recipients shall not request copies from other recipients, and recipients shall not produce copies to other recipients.

5. Recipients may only copy reports for ease of communication and review within their respective organizations/offices. All copies shall be maintained securely and shall not be published or distributed outside of the recipient's organization/office.

As required by Pa.R.J.C.P. 121 and 1121, this Order has been submitted to the Juvenile Court Procedural Rules Committee for review and written notification has been received from the Committee certifying that the terms set forth in this order are not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Prothonotary and Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, as required by Pa.R.J.C.P. 121(H) and 1121(H). Two certified copies of this Order and a copy on a CD-RPM shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. A copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure shall also be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.C.P. 121(G) and 1121(G), one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE KEVIN M. DOUGHERTY,  
*Administrative Judge  
Family Court Division*

[Pa.B. Doc. No. 13-1300. Filed for public inspection July 19, 2013, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## BUCKS COUNTY

### Order Rescinding Rule of Criminal Procedure No. 101A\*1 and Promulgating Rule of Criminal Procedure No. 507A\*1; No. AD 3-13

#### Order

*And Now*, this 31st day of May, 2013, Bucks County Rule of Criminal Procedure No. 101A \*1, promulgated on June 4, 1982, and amended May 27, 1992, is hereby rescinded and Bucks County Rule of Criminal Procedure 507A\*1 is hereby promulgated as follows:

#### **Rule 507A\*1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Options.**

The District Attorney of Bucks County having filed a certification pursuant to Pa.R.Crim.P. 507(B), criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following classes of offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

Criminal Homicide, 18 Pa.C.S.A. § 2501  
 Murder, 18 Pa.C.S.A. § 2502  
 Voluntary Manslaughter, 18 Pa.C.S.A. § 2503  
 Involuntary Manslaughter, 18 Pa.C.S.A. § 2504  
 Drug Delivery resulting in Death, 18 Pa.C.S.A. § 2506  
 Murder of Unborn Child, 18 Pa.C.S.A. § 2604  
 Voluntary Manslaughter Unborn Child, 18 Pa.C.S.A. § 2605  
 Aggravated Assault of Unborn Child, 18 Pa.C.S.A. § 2606  
 Homicide by Vehicle, 75 Pa.C.S.A. § 3732  
 Homicide by Vehicle While DUI, 75 Pa.C.S.A. § 3735  
 Drug Delivery resulting in Death, 18 Pa.C.S.A. § 2506  
 Murder of Unborn Child, 18 Pa.C.S.A. § 2604  
 Voluntary Manslaughter Unborn Child, 18 Pa.C.S.A. § 2605  
 Aggravated Assault of Unborn Child, 18 Pa.C.S.A. § 2606  
 Election Code Violations, 18 Pa.C.S.A. 25 Pa.C.S.A. [all offenses]  
 Corrupt Organizations, 18 Pa.C.S.A. § 911  
 Neglect of Care—Dependent person, 18 Pa.C.S.A. § 2713  
 Threat to Use weapons of Mass Destruction, 18 Pa.C.S.A. § 2715  
 Weapons of Mass Destruction, 18 Pa.C.S.A. § 2716  
 Terrorism, 18 Pa.C.S.A. § 2717  
 Kidnapping, 18 Pa.C.S.A. § 2901  
 Interference with Custody of Children, 18 Pa.C.S.A. § 2904

Concealment of Whereabouts of Child, 18 Pa.C.S.A. § 2909  
 Luring a Child into a Motor vehicle, 18 Pa.C.S.A. § 2910  
 Criminal Coercion, 18 Pa.C.S.A. § 2906  
 Trafficking of Persons, 18 Pa.C.S.A. § 3002  
 Rape, 18 Pa.C.S.A. § 3121  
 Statutory Sexual Assault, 18 Pa.C.S.A. § 3122.1  
 Involuntary Deviate Sexual Intercourse, 18 Pa.C.S.A. § 3123  
 Sexual Assault, 18 Pa.C.S.A. § 3124.1  
 Institutional Sexual Assault, 18 Pa.C.S.A. § 3124.2  
 Aggravated Indecent Assault, 18 Pa.C.S.A. § 3125  
 Indecent Assault (Child Victim), 18 Pa.C.S. Section 3126  
 Conduct Relating to Sexual Offenders, 18 Pa.C.S.A. § 3130  
 Internet Child Pornography, 18 Pa.C.S.A. § 7624  
 Sexual Abuse of Children, 18 Pa.C.S.A. § 6312  
 Arson, 18 Pa.C.S.A. § 3301  
 Ecoterrorism, 18 Pa.C.S.A. § 3311  
 Causing or Risking a Catastrophe, 18 Pa.C.S.A. § 3302  
 Commercial Bribery, 18 Pa.C.S.A. § 4108  
 Trademark Counterfeiting, 18 Pa.C.S.A. § 4119  
 Bigamy, 18 Pa.C.S.A. § 4301  
 Incest, 18 Pa.C.S.A. § 4302  
 Concealing Death of a Child, 18 Pa.C.S.A. § 4303  
 Threats & Other Improper Influence in Official & Political Matters, 18 Pa.C.S.A. § 4702  
 Bribery in Official and Political Matters, 18 Pa.C.S.A. § 4701  
 Threats and Other Improper Influence in Official and Political Matters, 18 Pa.C.S.A. § 4702  
 Retaliation for Past Official Action, 18 Pa.C.S.A. § 4703  
 Perjury, 18 Pa.C.S.A. § 4902  
 Impersonating a Public Servant, 18 Pa.C.S.A. § 4912  
 Failure to Comply with Registration of Sexual Offenders Requirements, 18 Pa.C.S.A. § 4915  
 Intimidation of a Witness or Victim, 18 Pa.C.S.A. § 4952  
 Retaliation of a Witness or Victim, 18 Pa.C.S.A. § 4953  
 Official Oppression, 18 Pa.C.S.A. § 5301  
 Interception, Disclosure or Use of Wire or Oral Communications, 18 Pa.C.S.A. § 5703  
 Possession, Sale, Distribution, Manufacture or Advertisement of Intercepting Devices, 18 Pa.C.S.A. § 5705  
 Criminal Attempt (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 901  
 Criminal Solicitation (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 902  
 Criminal Conspiracy (to commit any of the above-noted offenses) 18 Pa.C.S.A. § 903

If an attorney for the Commonwealth disapproves a police complaint, arrest warrant affidavit, or both, the attorney shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the attorney shall maintain a record of the written notice.

D.A. File Number \_\_\_\_\_

**COMMONWEALTH OF PENNSYLVANIA—BUCKS COUNTY  
NOTICE AND RECORD OF DISAPPROVAL**

Commonwealth of Pennsylvania : Complaint/Affidavit/Application of:  
v. :  
\_\_\_\_\_: \_\_\_\_\_  
\_\_\_\_\_: \_\_\_\_\_  
\_\_\_\_\_: Charge \_\_\_\_\_  
\_\_\_\_\_: Police Number \_\_\_\_\_  
\_\_\_\_\_: Police Department \_\_\_\_\_  
Occurrence Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_

**SUMMARY OF FACTS AND PROBABLE CAUSE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PCIC/NCIC check reveals no outstanding warrants.

Date: \_\_\_\_\_ Sources of Information \_\_\_\_\_

**REASON(S) FOR DISAPPROVAL**

(Please check appropriate reason)

- IC = Insufficient Corroboration
- IE = Insufficient Evidence
- II = Identification Inconclusive
- IJ = Interest of Justice
- IS = Inadmissible Evidence
- IP = Insufficient Probable Cause
- NS= Insufficient Cause for Nighttime Search
- LJ = Lacks Jurisdiction
- LP = Lacks Prosecutorial Merit
- UW= Unavailable or Uncooperative Witness
- UV = Unavailable or Uncooperative Victim
- WC = Witness Credibility/Contradicted
- ID = Inadequate Description of Persons, Premises, or Property

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disapproved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Attorney for Commonwealth

In accordance with Pa.R.Crim.P. Rule 507(D), no defendant shall have the right to relief based solely upon a violation of this rule.

**BY THE COURT**  
*President Judge*

No defendant shall have the right to relief based solely upon a violation of this rule.

This amendment shall become effective on August 1, 2013, after publication in the *Pennsylvania Bulletin*.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President Judge*

[Pa.B. Doc. No. 13-1301. Filed for public inspection July 19, 2013, 9:00 a.m.]

**DELAWARE COUNTY**  
**Application for Bail Without Hearing**

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4005(d) is rescinded and shall be entirely replaced by New Rule 529(f) in accordance with the following language effective September 1, 2013.

**New Rule 529(f). Application for Bail Without Hearing.**

An application for fixing or reducing bail, without issuance of writ of habeas corpus or requiring the appearance of Commonwealth witnesses, may be made to the assigned judge of the Court of Common Pleas by petition and order addressed to the court provided:

1. A copy of said petition has been presented to the District Attorney and the Bail Agency; and,
2. The District Attorney has no objection thereto, and so certifies on the original Petition.

When determining whether bail should be allowed, or the amount thereof, only the criminal transcript, the police report, or information supplied by the Delaware County Bail Agency need be considered on the application. Defendant is limited to one application, and neither the defendant, nor any prosecuting witness need personally appear before the court on the petition.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1302. Filed for public inspection July 19, 2013, 9:00 a.m.]

**DELAWARE COUNTY**  
**Bail Bonds Posted by Corporate Surety**

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4007(e) is rescinded and shall be entirely replaced by New Rule 531(e) in accordance with the following language effective September 1, 2013.

**Rescinded Rule 4007(e). Corporate Surety.**

Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Office of Judicial Support and provided that no bond shall be executed by any surety company after May 1 of any year unless such a certificate issued after March 31 of the same year shall have been filed with the Office of Judicial Support, and further provided that, with the exception of bonds filed by insurance companies in motor vehicle misdemeanors, any surety company shall be required to post the sum of \$25,000 as security with the Office of Judicial Support.

**New Rule 531(e). Corporate Surety.**

Pennsylvania Rule of Criminal Procedure 528(D)(5) recognizes the surety bond of a surety company authorized to do business in the Commonwealth of Pennsylvania as an acceptable form of security to satisfy the full amount of the monetary condition of a defendant's release

on bail. Rule 531 of the Pennsylvania Rules of Criminal Procedure permits, by local rule of Court, additional requirement to be imposed on surety companies approved by the Court. This Regulation sets forth the additional requirement imposed by this Judicial District on corporate sureties and their agents.

1. *Applicability.* This Regulation applies to any corporate surety and its agents seeking to post a bond in satisfaction of the full amount of the monetary condition of a defendant's release on bail.

2. *Definitions.* For purposes of this Regulation:

A "Corporate Surety" is any corporation, limited liability corporation or partnership which engages in the business of providing bail, providing or soliciting bail undertakings, or providing or soliciting indemnity or court indemnity to others on bail undertakings.

3. *Requirements for Approval.* To become qualified to act as a corporate surety, or agent thereof, with respect to the posting of bail bonds in the Thirty Second Judicial District of Pennsylvania, a corporate surety and its agents must:

a) Present satisfactory proof that the corporate surety is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania and registered with the Department of State.

b) Present satisfactory proof of the agency relationship between the corporate surety and its agent(s). The execution of any bail bond by such agent(s) shall be a valid and binding obligation of the corporate surety;

c) Present satisfactory proof that any agent designated to act on behalf of the corporate surety is duly licensed by the Pennsylvania Department of Insurance;

d) Present satisfactory proof that the corporate surety maintains an office in Delaware County from which its business is conducted, pursuant to 42 Pa.C.S. § 5744, and where service of notices may be made. Every corporate surety shall keep at its office in Delaware County the usual and customary records pertaining to transactions authorized by its license and/or the license of any of its agents, including, but not limited to, such records of bail bonds executed or countersigned by the corporate surety to enable the court to obtain all necessary information concerning such bail bonds for at least 3 years after the liability of the surety has been terminated. Such records must be open at all times to examination, inspection, and copying by the court or its representative, and the court may at any time require the corporate surety to furnish it, in such manner or form as the court requires, any information concerning the bail bond business of the corporate surety;

e) Certify that neither the corporate surety, nor its employees or agents, have been convicted of any criminal offense. The certification must be based on a criminal history search conducted by the Pennsylvania State Police for each employee or agent, and a copy of the search results must be attached to the list of employees or agents and certification submitted with the petition required by Section 5 of this Regulation. The on-line quick search/background check is not acceptable. Conviction of a corporate surety, or any of its employees or agents, will render the corporate surety ineligible to conduct business in the 32nd Judicial District.

f) Post with the Office of Judicial Support as security the minimum sum of \$50,000 in United States currency or unencumbered securities of the United States Government, which will entitle the corporate surety to post bond



in the aggregate sum of \$500,000 or post \$75,000 in US currency or unencumbered securities of the US Government, which will entitle the corporate surety to post bond in the amount of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the corporate surety must post additional security with the Office of Judicial Support in the event the corporate surety intends to post bond in excess of \$1,000,000. The additional security to be posted with the Office of Judicial Support must be in units of \$50,000 which will entitle the corporate surety to post bond in the additional sum of \$1,000,000 per unit. No interest will be paid on any deposits;

g) Provide a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the corporate surety in the Delaware County and in other jurisdictions in which the corporate surety conducts business. A current certified statement must be filed with the petition required in Section 5 of this Regulations;

h) Certify that only the corporate surety, which is approved by the President Judge of the Delaware County Court of Common Pleas, or his designee, upon petition as provided in this Regulation, may post bail for criminal defendant, in the name exactly as it appears on the surety's license, and not in the name of any agent or other business entity;

i) Certify full compliance with the training and education requirements set forth in Section 7 of this Regulation;

j) Upon approval of the petition required in Section 5 of this Regulation, register with Delaware County and pay to the Office of Judicial Support an initial registration fee of \$400 plus any applicable filing fee, or such amount as may be established from time to time by the 32nd Judicial District, and County Council;

k) Certify that neither the corporate surety nor any agent or employee of such surety, will represent itself, directly or indirectly, as an employee or agent of the Commonwealth of Pennsylvania or Delaware County. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment of the Commonwealth of Pennsylvania, Delaware County or any of its units, including the Pretrial Services Unit or the Warrant Unit of Delaware County;

l) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.

m) Certify that the corporate surety, its agents and employees are in compliance with all applicable laws, regulations, rules of court and procedures and that neither the corporate surety nor any of its agents or employees are under suspension or revocation in any jurisdiction.

4. *Standards of Conduct.* To remain qualified to post bond in Delaware County, the corporate surety and its agents must:

a) Maintain compliance with the requirements specified in Section 3 of this Regulation;

b) Provide quarterly statements certified by the corporate surety that it is in compliance with the security posting requirements specified in Section 3 of this regulation;

c) Provide, on a quarterly basis, or as often as requested by the Common Pleas Court President Judge, or his designee, a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by the corporate surety and all agents acting on its behalf in Delaware County and in other jurisdictions in which the corporate surety conducts business;

d) Satisfy in full any judgment entered against a defendant, or the corporate surety, for a defendant's violation of a bail bond, within thirty (30) days of the issuance of the judgment. In the event the corporate surety fails to satisfy such judgment, the judgment will be satisfied from the funds posted with the Office of Judicial Support pursuant to Section 3 of this Regulation. In that event, the corporate surety will be prohibited from posting additional bail until such time as all judgments entered against the corporate surety are satisfied in full;

e) Immediately notify, in writing, the Common Pleas President Judge, or his designee, and the Office of Judicial Support, if the corporate surety, or any of its employees or agents, has been charged with any criminal offense, or if its license or the license of any of its agents has been revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;

f) Certify continued full compliance with the training and education requirements set forth in Section 7 of this Regulation;

g) Annually renew their registration with Delaware County, provide all certifications required by this Regulation and pay to the Office of Judicial Support an annual renewal registration fee of \$200, on or before the anniversary date of the initial authorization to post bail, or such amount as may be established from time to time by the 32nd Judicial District and County Council.

h) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.

i) Fully comply with all laws, regulations, rules of court and procedures as may be established from time to time.

5. *Prohibited Conduct.* A corporate surety and its agents may not engage in prohibited conduct, which includes the violation of any applicable statute, rule, order or regulation, or the commission of any of the following acts by corporate sureties and/or their agents:

a) Having a license as a corporate surety, or agent thereof, revoked in this or any other state;

b) Being involved in any transaction which shows unfitness to act in a fiduciary capacity or a failure to maintain the standards of fairness and honesty required of a fiduciary;

c) Having any judgment entered which would reduce the surety's net worth below the minimum required for licensure;

d) Being convicted of any criminal offense;

e) Failing to promptly advise the President Judge of any change in circumstances which would materially affect any of the statements, information or certifications required by this Regulation;

f) Using an unregistered agent to post bail or provide any bail undertaking on behalf of the corporate surety;

g) Using an individual or entity not contracted and appointed by the corporate surety to post bail or provide bail undertaking on behalf of the corporate surety;

h) Signing, executing or issuing bonds by a person or entity which is not registered as an agent of the corporate surety and/or for which there is no satisfactory proof of an agency relationship with the corporate surety;

i) Executing a bond without the appropriate counter signature by a licensed and/or authorized agent at time of issue;

j) Failing to account for or pay any premiums held in a fiduciary capacity;

k) Misstating or misrepresenting any material fact in the initial petition required by this Regulation, or in any of the statements, information or certifications required by this Regulation;

l) Failing to preserve, and to retain separately, any collateral obtained as security on any bond;

m) Failing to return collateral taken as security on any bond to the depositor of such collateral, or the depositor's designee, within ten (10) business days of having been notified of the exoneration of the bond and upon payment of all fees owed to the corporate surety, whichever is later;

n) Offering or providing any consideration or gratuity to any person employed by, or incarcerated in, a jail facility, any person who has the power to arrest or to hold any person in custody, or to any officer of court and attorneys to obtain or secure business;

o) Failing to deliver to the defendant, and any person providing collateral on the defendant's behalf, prior to the time the defendant is released from jail, a one-page disclosure form which, at a minimum, must include:

- i. The amount of the bail;
- ii. The amount of the surety's fee, including bail bond premium, preparation fees, and credit transaction fees;
- iii. The collateral that will be held by the surety;
- iv. The defendant's obligations to the surety and the court;
- v. The conditions upon which the bond may be revoked;
- vi. Any additional charges or interest that may accrue;
- vii. Any co-signors or indemnitors that will be required; and
- viii. The conditions under which the bond may be exonerated and the collateral returned;

p) Failing to provide the Delaware County Bail Agency office the fully executed one-page disclosure form required by Section 9(O) of this Regulation at the time bond is posted;

q) Using a bail enforcement agent who has failed to comply with any of the requirements of this Regulation;

r) Advising, requiring or suggesting that, as a condition of posting a bail bond by a corporate surety, a defendant engage the services of a particular law firm or attorney;

s) Preparing or issuing a fraudulent or forged bail bond, power of attorney or other document;

t) Signing, executing, issuing or posting bail bonds by an unlicensed person;

u) Knowingly violating, advising, encouraging, aiding, abetting, or assisting the violation of any applicable statute, court order, rule or regulation;

v) Soliciting or procuring sexual favors as a condition of obtaining, maintaining or exonerating a bail bond, regardless of the identity of the person who performs such favors; and

w) Providing legal advice or a legal opinion in any form.

x) Shall not post bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Office of Judicial Support, equals or exceeds the authorized amounts calculated as provided above. The Office of Judicial Support shall promptly notify the President Judge, or his designee, Director of Pre-Trial Bail, District Attorney and the applicable bondsman of any corporate surety having reached this maximum limit. Immediately upon notification, no further bonds by the corporate surety are authorized or acceptable for posting. When full financial settlement has been made of the outstanding bail forfeitures, the Office of Judicial Support shall notify the President Judge, or his designee, and the applicable bondsman that posting of bonds by the corporate surety may resume;

y) Shall not represent or identify itself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or Delaware County. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, Delaware County or any of its units, including the Pretrial Services Unit or the Warrant Unit of Delaware County;

#### 6. *Process to be Utilized in Seeking Approval as a Corporate Surety.*

Any corporate surety which is licensed by the Pennsylvania Department of Insurance may seek approval to post bail in Delaware County by filing a petition and paying the filing fee with the Office of Judicial Support. The petition must provide the information, documents and certifications set forth in Section 4 of this Regulation. Upon filing, the petition shall be assigned to the President Judge, or his designee for determination.

#### 7. *Training and Continuing Education*

To register as a corporate surety desiring to post bail in Delaware County, the corporate surety must certify that all employees and agents who will write any bail on its behalf in Delaware County, not less than thirty (30) hours of education in subjects pertinent to the duties and responsibilities of corporate sureties, including, but not limited to, all laws and regulations relating thereto, the criminal justice system, rights of the accused, bail bond industry ethics, prohibited conduct and apprehension of bail fugitives. Additionally, a corporate surety desiring to post bail in Delaware County must certify that all employees and agents who will write any bail on its behalf in Delaware County have satisfactorily completed not less than eight (8) hours of continuing education in these subjects during the year preceding any renewal of its registration in Delaware County.

8. *Bail Piece Procedure.* Whenever a bail piece is used pursuant to Pa.R.Crim.P. 536(B)(2) and the defendant is apprehended by or on behalf of the corporate surety or its agents, the defendant must be brought to the George W. Hill Correctional Facility or such other location as desig-

nated by a Common Pleas Judge of the 32nd Judicial District after the filing of a petition or presentation of a warrant.

9. *Review and Monitoring.* In accordance with 42 Pa.C.S. § 5747, the District Attorney of Delaware County shall be served with a copy of any petition filed pursuant to this Joint General Court Regulation and shall have the continuing power to investigate the qualification, training, character, and integrity of any Corporate Surety that seeks leave of Court to post bail for criminal defendants as provided in this Regulation, as well as the business practices and business methods of any corporate surety and its Agents who have been approved to post bail as Corporate Surety of as an Agent for the Corporate Surety in Delaware County and may, as appropriate, request, for good cause, denial or revocation of permission to post bail for criminal defendants in Delaware County. The Solicitor of Delaware County shall also be served with a copy of the petition.

Failure to comply with any provision of this rule may result in suspension and the freezing of the surety account.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1303. Filed for public inspection July 19, 2013, 9:00 a.m.]

### DELAWARE COUNTY Bail Conditions

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(c) is rescinded and shall be entirely replaced by New Rule 526(d) in accordance with the following language effective September 1, 2013.

#### **New Rule 526(d). Bail Conditions.**

(1) The person for whom bail has been set or a private third party surety shall, with the approval of the court or Magisterial District Judge, execute the bail bond and deliver to the Office of Judicial Support (O.J.S.) for deposit in an account designated by order of the President Judge of the Court of Common Pleas, Delaware County, a sum of money equal to 10 percent of the bail, but in no event shall such deposit be less than \$75. Corporate sureties are expressly prohibited from posting the deposit for bail set under this section.

(2) When the conditions for the bail bond have been performed and the defendant discharged from all obligations in the case for which bail was set, the Office of Judicial Support shall return to the defendant or surety 60 percent of the amount deposited. The balance to be retained by the court shall be applied as an administrative cost for this program and the sum retained shall not in any case be less than \$100. The monies retained shall be considered as earned at the time the bail is set and a sum equal to 10 percent posted by the defendant or third party surety.

(3) In the event that bail is ordered either increased or decreased at any time during the proceedings, the fee set forth under Rule 526(d)(2) shall be computed on the basis of the last bail set and posted in the case. The phrase "last bail set" is intended to include post-conviction and/or post-sentence bail.

(4) If the defendant does not comply with the conditions of the bail, the court shall issue a bench warrant for the defendant and enter an order declaring the bail to be forfeited. Notice of the bail forfeiture shall be sent to the defendant third party surety, if any, advising said individuals of the breach of a condition of bail.

(a) If the defendant appears and surrenders to the court within 48 hours after a breach of the condition of bail and issuance of a bench warrant, a forfeiture fee of \$50 may be imposed as a bail reinstatement fee.

(b) If the defendant appears after 48 hours of the initial bail forfeiture and bench warrant, a \$100 fee may be imposed as a bail reinstatement fee.

(c) The Court of Common Pleas may waive such forfeiture fee if the defendant can satisfy the court that his appearance or surrender was impossible or with good cause.

(d) If the defendant does not appear or surrender to the court within 20 days after the notice of bail forfeiture is sent, the court shall enter a certification order for judgment in favor of the county for the full amount of the bail.

(5) When a defendant has failed to comply with the rules and regulations of the bail bond or any additional conditions of his release, he may be brought before the court to determine if additional bail shall be set in his case, or bail revoked.

(6) The following fee schedule shall be implemented:

(a) The administrative fee for percentage bail shall be forty percent (40%).

(b) The cash bail fee shall be four percent (4%) of the first \$1,000. All amounts above \$1,000 shall be two percent (2%).

(c) An administrative fee of \$75 shall be charged whenever a corporate surety posts a bail piece.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1304. Filed for public inspection July 19, 2013, 9:00 a.m.]

### DELAWARE COUNTY Realty as Bail

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(e) is rescinded and shall be entirely replaced by New Rule 528(f) in accordance with the following language effective September 1, 2013.

#### **New Rule 528(f). Realty as Bail.**

1. If realty is offered to satisfy the bail set for an individual defendant, the following must be provided to the Office of Judicial Support (O.J.S.)—the Bail Agency:

a) A written appraisal by a reputable licensed real estate broker in the county in which the property is situated.

b) Proof of entry of the bail bond as a lien in favor of the County of Delaware in the Prothonotary's Office of the county in which the property is situated.

c) If the property is mortgaged, a letter from the mortgage indicating any unpaid balance due.

d) A current lien and judgment search by a reputable title insurance company.

e) Affidavit of justification of surety as provided in paragraph (4).

2. Upon review of the above documents, a determination must be made by the Office of Judicial Support (O.J.S.)—Bail Agency, that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a determination is made that actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

3. A given piece of realty shall only be used as bail under Section 4006(e) if it has not been posted or is not presently being used for bail for any other charges or defendants, unless allowed by court order.

4. If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

a) Owner's name, address, age and occupation.

b) A general description of the real estate which is offered as surety.

c) A statement of the manner in which title is obtained, including the deed or will book reference of the recording of such instrument of title.

d) A statement for all encumbrances, including taxes, upon said real estate.

e) A statement of any and all other surety undertakings.

f) A statement of the assessed market and rental value of the real estate.

g) A statement that the real estate is not being contemplated or actually negotiated for in any sale.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1305. Filed for public inspection July 19, 2013, 9:00 a.m.]

### DELAWARE COUNTY

#### Release of Defendant on Defendant's Own Recognition or on Bail

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4003(c) is rescinded and shall be entirely replaced by New Rule 524(d) in accordance with the following language effective September 1, 2013.

#### **New Rule 524(d). Release of Defendant.**

When a prisoner/defendant is to be released on bond, unsecured bail, nominal bail, on his/her own recognition, or non-monetary conditions, said prisoner/defendant shall be interviewed by a representative of the Bail Agency of Delaware County to determine whether he/she has counsel and to arrange for counsel if the prisoner does not have an attorney. If not interviewed

prior to release, the defendant shall report to the Bail Agency within 72 hours of release.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1306. Filed for public inspection July 19, 2013, 9:00 a.m.]

### DELAWARE COUNTY

#### Surety for Nominal Bail

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4007(a)(v)(1) is rescinded.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1307. Filed for public inspection July 19, 2013, 9:00 a.m.]

### DELAWARE COUNTY

#### Undesirable Bondsmen

*And Now*, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4006(f)(1) is rescinded.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 13-1308. Filed for public inspection July 19, 2013, 9:00 a.m.]

### FRANKLIN AND FULTON COUNTIES

#### Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2013-2648

#### **Order Pursuant to Pa.R.C.P. 239.8**

June 26th, 2013, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Domestic Relations Division, are amended or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rule of Civil Procedure 39-1910.10 is amended and shall now read as follows.

Local Rule of Civil Procedure 39-1910.12 is adopted and shall read as follows.

*It Is Further Ordered* that The District Court Administrator shall:

1. Transmit a copy of this order and the foregoing rules to the Domestic Relations Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County, the Domestic Relations Section of Franklin County, and the Office of Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary and/or Domestic Relations shall furnish to any person a copy of any local rule.

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

6. Arrange to have the local rule changes published on the Franklin County Government web site at [www.franklincountypa.gov](http://www.franklincountypa.gov).

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### **Rule 39-1910.10. Support Hearing Procedures.**

Actions in support in the **Franklin County Branch** shall proceed as prescribed by Pa.R.C.P. 1910.12 and 39th Jud. Dist. R.C.P. 39-1910.12. The "hearing officer" referred to in Pa.R.C.P. 1910.12 is designated as the Support Master. Actions in support in the **Fulton County Branch** shall proceed as prescribed by Pa.R.C.P. 1910.11 and 39th Jud. Dist. R.C.P. 39-1910.11.

#### **Rule 39-1910.12. Office Conference, Master Hearing, Record, and Exceptions. (Franklin County Branch).**

a. *Procedure, generally:* Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

b. *Procedure following office conference:* The interim order entered following office conference pursuant to Pa.R.C.P. 1910.12(b)(1) shall state that any party may within twenty days after mailing of a copy of the order file a written demand with Domestic Relations Section for a hearing before the Support Master. A demand for hearing before the Support Master shall not stay the order entered under Pa.R.C.P. 1910.12 (b)(1) unless the Court so directs. If no party files a demand for hearing before the Support Master within the 20 day period, the order shall constitute a final order. If a demand for hearing is filed, the Domestic Relations Section shall schedule a de novo hearing before the Support Master and give notice to the parties. Prior to the hearing before the Support Master, the party demanding a hearing may withdraw the demand without the consent of the opposing party. The opposing party may file a separate demand for hearing (cross appeal) to preserve the opposing party's right to a hearing on the opposing party's issues; however said demand must be filed within the original 20 day period as set forth above or it will be deemed untimely.

c. *Demand for hearing; issues:* The demand for hearing shall be in writing on a form to be provided by the Domestic Relations Section and it shall indicate issues that the party wishes the Support Master to address at

the hearing. The party must select the type of hearing being requested, routine hearing or complex hearing.

1. A Routine Hearing is a hearing that is expected to need not more than 60 minutes to complete and which will not involve complex questions of law or fact.

2. A Complex Hearing is one that is expected to require more than 60 minutes to complete and/or will involve complex questions of law or fact. Discovery shall be permitted pursuant to Pa.R.C.P. 1910.12(c)(3). The party requesting a complex hearing must petition the court, using the demand for hearing form (mentioned above), for allowance to schedule a complex hearing.

3. Failure of the party to select either a routine hearing or a complex hearing on the "Demand for Hearing" form will result in the Domestic Relations Section scheduling the matter for a routine hearing lasting not more than 60 minutes.

d. *Filing fee; pauper status:* Except as set forth in subsection (3) below, the party shall pay a \$25.00 filing fee to the Domestic Relations Section at the time of filing the demand for hearing.

1. The demand for hearing shall not be accepted and no hearing shall be scheduled by Domestic Relations if not accompanied by the filing fee.

2. The filing fee is non-refundable.

3. If a party is unable to pay the filing fee, the party must seek leave of court using a form to be provided by the Domestic Relations Section in order to have the fee waived.

e. *Proceedings Before the Master:* Proceedings before the Support Master shall be conducted substantially as follows:

1. *Record de novo hearing before the Master:* All hearings scheduled before the Support Master shall be de novo, on-the-record hearings. All witnesses shall be under oath and a digital or stenographic record of the testimony shall be made. The notes of testimony shall not be transcribed unless:

A. Required by the Support Master to prepare the report and recommendation to the Court, or

B. Ordered and paid for by the party or parties following the filing of Exceptions by a party in accordance with paragraph (h) below.

2. *Pre-Trial Memorandum:* For either a routine or complex hearing, the Support Master may require a pre-trial memorandum to be prepared in advance of the hearing before the Support Master.

A. If required by the Support Master, the Pre-Trial Memorandum shall be filed at Domestic Relations at least 7 days before the hearing. The following shall apply:

1) Failure of the appealing party to file a pre-trial hearing memorandum may be considered an abandonment of claims and a withdrawal of the appeal. The court may impose other sanctions as appropriate.

2) Failure of the opposing/responding party to file a pre-trial hearing memorandum may be treated as not contesting the appellant's claims and may be deemed a waiver of all other issues on appeal. The court may impose other sanctions as appropriate.

3) For a routine hearing, the pre-trial hearing memorandum shall contain the following: an explanation of each issue expected to be raised at the hearing; a description of the facts to be proven related to the support

action; identification of witnesses and the facts to which each witness will testify; a description of exhibits other than those required by the Pennsylvania Rules of Civil Procedure; and the relief being sought.

4) For a complex hearing, the pre-trial hearing memorandum shall contain in addition to all the items listed above, the following information: identification of legal authority (statutes, court cases, or rules) relating to the party's position on each issue raised; and an indication of the length of hearing needed to present all the evidence and witnesses' testimony for both sides of the support action.

B. Upon receiving the parties' Pre-Trial Memorandum, the Domestic Relations Section shall mail copies of the same to each party prior to the hearing before the court.

3. *Rules of Evidence shall apply:* The hearing before the Support Master shall be a formal judicial proceeding and the Pennsylvania Rules of Evidence shall apply. The Support Master shall decide all questions of law including rulings on motions and objections.

4. *Master's Report, Content:* Within 14 days following the conclusion of the Master's hearing, and 30 days in a complex case, the Master shall file and transmit to the assigned judge a report containing a Recommended Order of Court. The Master's Report may be in narrative form, but shall comply with the specific requirements of subsections (A) or (B) below.

A. *Complaint for Support:* In cases where a hearing has been held upon a Complaint for Support, the Support Master's Report shall contain, at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

B. *Petition for Modification:* In cases in which a Hearing has been held upon a Petition for Modification of an Existing Support Order, the Support Master's Report shall contain at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation that the Petition for Modification be granted or denied. In cases in which the Master recommends that the Petition for Modification be granted, the recommendation shall include the recommended modified order of support containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

5. *Service of Report; Exceptions to Report; Final Order:* The Domestic Relations Section shall give notice of the filing of the Support Master's Report and Recommended Order by forwarding a copy of the same to the parties and their counsel, if any, by ordinary mail. In addition, the Domestic Relations Section shall advise counsel and pro se parties of their right to file exceptions to the Report and Recommended Order and that the failure to file exceptions shall result in the Support Master's Recommended Order becoming the Order for Support.

f. *Exceptions to Report; time for filing:* Within 20 days after the date of mailing of the Support Master's Report, any party may file Exceptions to the report or any part thereof. Exceptions shall comply with the specific requirements set forth in sections (j) through (m) below. If exceptions are not filed within 20 days, the Support Master's Recommended Order shall then become a final Order for Support. If exceptions are filed, any other party may file exceptions within 20 days of the date of service of the original exceptions. A form entitled "Exceptions to the Support Master's Recommendation" is available at the Domestic Relations Section.

g. *Interim Order not stayed:* The Order recommended by the Support Master shall continue in effect until the exceptions have been resolved by the Court.

h. *Request for transcript:* The party who first files Exceptions shall obtain an order directing that the notes of testimony be transcribed. The party filing the Exceptions shall bear the cost of producing the transcript. If both parties file Exceptions, the cost of the transcript shall be shared equally. The Court may reallocate the costs of the transcript as part of the final order. A form entitled "Request for Transcript" is available at the Domestic Relations Section.

i. *Pauper status; no cost:* Any party who has been granted pauper status pursuant to section (d)(3) above shall not be assessed any cost for producing the transcript.

j. *Exceptions, specificity:* Each Exception to the Master's Report regarding child support, spousal support, or alimony pendent lite shall be set forth specifically and concisely the ground for each exception based upon factual findings or a claim of error of law.

1. *Finding of Fact:* An exception asserting that the Support Master made a finding of fact unsupported by the evidence of record or failed to find a fact that the evidence supports shall

A. Identify the erroneous finding;

B. State specifically the finding which should have been made by the Support Master; and

C. Identify any documents in evidence which support, or any witnesses whose testimony supports the finding which should have been made by the Support Master.

2. *Error of Law:* An exception asserting that the Support Master made an error of law shall identify the statute, rule, regulation, judicial decision or appellate case law not applied or improperly applied by the Support Master.

k. *Exceptions; incomes and support amount:* All Exceptions shall include a statement of:

1. The excepting party's claim as to the obligor's income available for support, together with a statement of the record evidence of the obligor's income;

2. The excepting party's claim as to the obligee's income available for support, together with a statement of the record evidence of the obligee's income; and

3. The amount of support which should have been ordered.

l. *Assignment of Judge:* A party shall, at the time exceptions are filed, also file with the Domestic Relations Section a request for decision on the party's exceptions. The Domestic Relations Section shall assign a judge and transmit the paperwork to the judge through Court Administration. The assigned judge, as necessary, may

issue an order requiring a response to the exceptions, or schedule oral argument or may issue an order setting a briefing schedule. A form entitled "Request for Decision on the Exceptions" is available at the Domestic Relations Section.

m. *Sanctions for Non-compliance*: Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived. The Court may impose other sanctions for non-compliance as appropriate in the Court's discretion.

[Pa.B. Doc. No. 13-1309. Filed for public inspection July 19, 2013, 9:00 a.m.]

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## SUPREME COURT

### Reestablishment of the Magisterial Districts within the 7th Judicial District; No. 352 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated April 24, 2013 that Reestablished the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Dublin Township, listed as included in Magisterial District 07-3-03, shall be listed as Dublin Borough. The Order of April 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1310. Filed for public inspection July 19, 2013, 9:00 a.m.]

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### Reestablishment of the Magisterial Districts within the 8th Judicial District; No. 350 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated April 23, 2013 that Reestablished the Magisterial Districts of the 8th Judicial District (Northumberland County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Turbotville Township, listed as included in Magisterial District 08-3-02, shall be listed as Turbotville Borough. The Order of April 23, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1311. Filed for public inspection July 19, 2013, 9:00 a.m.]

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### Reestablishment of the Magisterial Districts within the 10th Judicial District; No. 356 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated May 9, 2013 that Reestablished the Magisterial Districts of the 10th Judicial District (Westmoreland County) of the Commonwealth of Pennsylvania, is hereby *Amended*

as follows: Magisterial District 10-3-01 shall be realigned effective September 1, 2013. In addition, Magisterial District 10-2-01 shall be realigned as follows: Effective September 1, 2013, Southwest Greensburg Borough shall be added to Magisterial District 10-2-01 and Hunker Borough, New Stanton Borough, and Hempfield Township (New Stanton Voting District) shall be removed from the Magisterial District. Effective January 1, 2018, Unity Township (Voting Districts Crabtree, Dennison, Kuhns, Marguerite, and Mutual) shall be added to the Magisterial District. The Order of May 9, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1312. Filed for public inspection July 19, 2013, 9:00 a.m.]

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### Reestablishment of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated January 24, 2013 that Reestablished the Magisterial Districts of the 15th Judicial District (Chester County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 15-2-05, shall be effective January 6, 2014. The Order of January 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1313. Filed for public inspection July 19, 2013, 9:00 a.m.]

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### Reestablishment of the Magisterial Districts within the 16th Judicial District; No. 331 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 16th Judicial District (Somerset County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Shanksville Borough shall be included in Magisterial District 16-3-01. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1314. Filed for public inspection July 19, 2013, 9:00 a.m.]

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### Reestablishment of the Magisterial Districts within the 18th Judicial District; No. 304 Magisterial Rules Doc.

#### Amended Order

*And Now*, this 3rd day of July, 2013, the Order dated January 31, 2013 that Reestablished the Magisterial Districts of the 18th Judicial District (Clarion County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: West Highland Township, included in Magiste-

rial District 18-3-02 shall be listed as Highland Township. In addition, Emlenton Borough included in Magisterial District 18-3-03, is hereby removed. The Order of January 31, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1315. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 19th Judicial District; No. 320 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated February 27, 2013 that Reestablished the Magisterial Districts of the 19th Judicial District (York County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: York Borough, listed as included in Magisterial District 19-2-02, shall be listed as York Township. The Order of February 27, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1316. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 25th Judicial District; No. 322 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated March 7, 2013 that Reestablished the Magisterial Districts of the 25th Judicial District (Clinton County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The municipalities of Avis Borough, Dunnstable Township, Gallagher Township, Pine Creek Township, and Wayne Township shall be included in Magisterial District 25-3-01 instead of 25-3-03. This amended order is effective immediately. The Order of March 7, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1317. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 28th Judicial District; No. 340 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated April 23, 2013 that Reestablished the Magisterial Dis-

tricts of the 28th Judicial District (Venango County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 28-2-04, shall be effective January 6, 2014. The Order of April 23, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1318. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 36th Judicial District; No. 315 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated February 25, 2013 that Reestablished the Magisterial Districts of the 36th Judicial District (Beaver County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Ellwood City Borough shall be included in Magisterial District 36-3-01. The Order of February 25, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1319. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 39th Judicial District; No. 308 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated February 11, 2013 that Reestablished the Magisterial Districts of the 39th Judicial District (Franklin and Fulton Counties) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Orrstown Borough and Shippensburg Borough shall be in Magisterial District 45-3-04, instead of Magisterial District 45-3-03. The Order of February 11, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1320. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 45th Judicial District; No. 353 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated April 24, 2013 that Reestablished the Magisterial Districts of the 45th Judicial District (Lackawanna County)



of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Scott Township shall be in Magisterial District 45-3-03, instead of Magisterial District 45-3-04. In addition, Abington Township, included in Magisterial District 45-3-01, should instead be listed as Waverly Township. The Order of April 24, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1321. Filed for public inspection July 19, 2013, 9:00 a.m.]

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**Reestablishment of the Magisterial Districts within the 47th Judicial District; No. 300 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated January 18, 2013 that Reestablished the Magisterial Districts of the 47th Judicial District (Cambria County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 47-3-04, shall be effective January 6, 2014. The Order of January 18, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1322. Filed for public inspection July 19, 2013, 9:00 a.m.]

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**Reestablishment of the Magisterial Districts within the 53rd Judicial District; No. 327 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 53rd Judicial District (Lawrence County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: South New Castle Borough shall be included in Magisterial District 53-3-04. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1323. Filed for public inspection July 19, 2013, 9:00 a.m.]

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**Reestablishment of the Magisterial Districts within the 55th Judicial District; No. 329 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 3rd day of July, 2013, the Order dated March 12, 2013 that Reestablished the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Oswayo Township is added to Magisterial District 55-4-01, effective immediately. The Order of March 12, 2013 shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 13-1324. Filed for public inspection July 19, 2013, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 17—CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[ 17 PA. CODE CH. 45 ]

#### Conservation of Pennsylvania Native Wild Plants

The Department of Conservation and Natural Resources (Department) adopts amendments to Chapter 45 (relating to conservation of Pennsylvania native wild plants). The final-form rulemaking moves the beginning of the ginseng harvest season from August 1 to September 1 in § 45.69 (relating to vulnerable plant harvest seasons and conditions). In addition, in describing mature ginseng plants, the final-form rulemaking corrects reference to “seeds” by replacing this term with “berries.”

##### A. *Effective Date*

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

##### B. *Contact Persons*

For further information, contact Rebecca H. Bowen, Chief, Ecological Services Section, Bureau of Forestry, Department of Conservation and Natural Resources, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-3444. Persons with a disability may use (800) 654-5984 (TTY).

This final-form rulemaking is posted on the Department's web site at <http://www.dcnr.state.pa.us/forestry/plants/vulnerableplants/ginseng/index.htm>.

##### C. *Statutory Authority*

This final-form rulemaking is made under the authority of section 7 of the Wild Resource Conservation Act (WRCA) (32 P. S. § 5307) and sections 305 and 313 of the Conservation and Natural Resources Act (CNRA) (71 P. S. §§ 1340.305 and 1340.313).

It should be noted that the Department of Environmental Resources was assigned to administer the WRCA. Subsequently, section 305(a)(9) of the CNRA transferred this authority to the Department.

##### D. *Background and Purpose*

###### *Statutory and regulatory framework*

The WRCA was enacted in 1982 to enhance the protection of native wild plants and nongame animals in this Commonwealth. Under the WRCA, the Department established a classification system for native wild plants in Chapter 45. The classifications, such as extirpated, endangered, rare, threatened and vulnerable, are defined in § 45.2 (relating to definitions). The lists of species within each classification are in Subchapter B (relating to classified plants).

Vulnerable plants are defined in § 45.2 as plant species “which are in danger of population decline within this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.” Ginseng (*Panax quinquefolius*) is one of the three species listed in § 45.15 (relating to Pennsylva-

nia Vulnerable) as a vulnerable plant. Ginseng is a forest plant that is native to the eastern half of the United States and Canada. Parts of the ginseng plant, particularly its root, are valued for their therapeutic qualities and have been traded commercially, both domestically and internationally, for centuries.

Under the WRCA, the Department is responsible for the protection and management of native wild plants. With respect to vulnerable plants, section 9 of the WRCA (32 P. S. § 5309) provides as follows:

(a) Species classified as vulnerable shall be subject to the following restrictions:

(1) The [Department] upon designation of vulnerable species shall establish regulations over the digging, harvesting, sale and exploitation of said species.

(2) The regulations shall:

(i) consider the distribution, abundance, economic value, growing and reproduction cycle;

(ii) establish seasons for the digging and harvesting of plants or plant parts; and

(iii) provide for the commercial licensing of persons who buy with the intent to sell vulnerable plants within the Commonwealth or export said plants therefrom and to require the licensees to maintain records of their transactions.

(3) The [Department] shall establish the license fee.

Under section 9(a)(1) of the WRCA, the Department has promulgated regulations “over the digging, harvesting, sale and exploitation” of vulnerable plants. These regulations in Subchapter E (relating to vulnerable plants) require persons who buy, trade or barter vulnerable plants with the intent to sell them in, or export them from, this Commonwealth to obtain a commercial license from the Department. The regulations require licensees to submit to the Department records of transactions including information about the licensee's purchase of the plants, sale of the plants, county of origin of the plants, form of plants (for example, whole plant, root or seeds), year of harvest, weight of the plants, destination and date of export and whether the plants are wild or cultivated.

In addition to covering vulnerable plants in general, the Department's regulations establish special requirements for ginseng plants. These are a result of an international trade agreement known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973 (CITES) signed by the United States and many other countries, administered in the United States by the United States Fish and Wildlife Service (USFWS). See <http://www.cites.org/> and <http://www.fws.gov/international/plants/american-ginseng.html>. The relationship between the Department's ginseng harvesting regulation and CITES is discussed as follows.

###### *Purposes of this Final-Form Rulemaking*

Section 45.69 addresses certain activities regarding the harvest of vulnerable plants in general and ginseng in particular. This section establishes a harvest season for ginseng that runs from September 1 to November 30 and prohibits the possession of harvested green ginseng roots between April 1 and the start of harvest season. This final-form rulemaking moves the start of harvest season forward by 1 month to September 1 and, consistent with this change, prohibits possessing harvested green roots

between April 1 and September 1. The amendments also correct the terminology in § 45.69(a)(2) for the ginseng berry.

#### *Harvest date*

The intent of § 45.69(a) is to ensure the sustainability of ginseng. It takes a ginseng plant at least 5 years to mature. Ginseng seeds have the best chance of producing new plants if they come from a mature plant and are planted near the site of the harvested plant. Section 45.69(a), therefore, allows only mature plants to be harvested and requires that the seeds of these plants be planted in the immediate vicinity of the collection site. To ensure that only mature plants are harvested, § 45.69(a) puts collectors on notice of the physical characteristics of a mature ginseng plant—it has at least three leaves of five leaflets each and red berries. In addition, this section prohibits collection of the plant before the start of the harvest season as defined in the section. Therefore, to comply with the Department's ginseng harvesting requirements, a collector may harvest ginseng plants only if: 1) they have at least three leaves of five leaflets each; 2) they have red seeds (berries); 3) they are collected during harvest season; and 4) their seeds are planted in the immediate vicinity of the collection site.

The purpose of this final-form rulemaking is to move the start date of the ginseng harvest season from August 1 to September 1. There is general agreement within both the scientific community and the ginseng industry that an August 1 start date is too early to ensure that ginseng plants that meet the description of mature plants in terms of their leaves and berries are fully mature and can safely be harvested without threatening the survival of the ginseng population.

The harvesting of ginseng plants in ginseng-exporting states, such as this Commonwealth, is subject to special restrictions imposed by the USFWS. The USFWS's involvement is due to the regulation of the export of ginseng from the United States by CITES. The purpose of CITES is to monitor and regulate the international trade of certain plant and animal species to prevent detrimental impacts to their populations so as to ensure the continued existence of the species in their native habitat. The CITES authority in the United States is the USFWS.

CITES requirements, as administered by the USFWS, for permitting the export of species subject to CITES are codified in 50 CFR Part 23 (relating to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)). Section 23.68 of 50 CFR (relating to how can I trade internationally in roots of American ginseng) contains the specific requirements for the export of ginseng. The USFWS has established an export program for states that export ginseng. Under this program, on an annual basis, before the USFWS will allow export from a state, it must determine that ginseng harvested in that state is legally acquired and that export will not be detrimental to the survival of the species in that state. See 50 CFR 23.68. The USFWS will make a “non-detriment” finding for export of ginseng plants from a state only if it is satisfied that the state has taken measures to ensure the plants were mature when harvested. See <http://www.fws.gov/international/pdf/archive/workshop-american-ginseng-cites-non-detriment-findings.pdf>. The USFWS determined that the survival of ginseng plant populations could be detrimentally affected if a state allows harvesting to begin as early as August 1. Therefore, the USFWS urged the Commonwealth and the Department to adopt a later harvest season and it is specifically recommending September 1 as the start date.

The USFWS made it clear to the Department that unless the change in harvest season is adopted soon, the USFWS will be unable to make a “non-detriment” finding under CITES with regard to the harvesting of ginseng in this Commonwealth. Copies of correspondence from the USFWS are available from the Bureau of Forestry. The absence of a nondetriment finding would mean that the USFWS would cease issuing export permits for ginseng harvested in this Commonwealth. See the USFWS 2012 findings report on ginseng at [http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr\\_20026618.pdf](http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20026618.pdf). Adopting the USFWS's recommendation of a September 1 harvest date brings this Commonwealth in line with nearly all of the ginseng-exporting states surrounding Pennsylvania.

This Commonwealth was the only ginseng-exporting state with a harvest season date as early as August 1. Variations in the yearly growing seasons and growing conditions in different parts of this Commonwealth could cause ginseng berries to turn red slightly before or slightly after September 1. However, as is recognized by harvesters, dealers and botanical researchers in this Commonwealth, the clear trend in Pennsylvania and surrounding states is for berries to be red by September 1.

It should be noted that the export of another species of plant classified in Chapter 45 as vulnerable, Golden-Seal (*Hydrastis Canadensis*), is also subject to regulation by CITES as administered by the USFWS. However, unlike ginseng, specific harvest season dates are not required for this species.

#### *Correction of terminology*

Section 45.69(a)(2) formerly stated as follows regarding the harvesting of ginseng plants: “Only mature ginseng plants with at least three leaves of five leaflets each may be harvested and only when the *seeds* are red.” Emphasis added.

This final-form rulemaking replaces “seeds” with the correct term “berries.” The reason for this amendment is to distinguish between seeds and berries. When a ginseng plant is mature, it has red berries. The red berries contain seeds that are ready to plant.

#### *E. Summary of Comments and Responses*

The proposed rulemaking was published at 43 Pa.B. 1419 (March 16, 2013) with a 30-day public comment period. The Department did not make changes to the proposed rulemaking. One comment was received from the public.

#### *Comment*

“The proposed rulemaking is reasonable and is necessary for this Pennsylvania Vulnerable species to remain part of Pennsylvania's flora. WPC supports DCNR's effort to update the ginseng management program with this change.”

#### *Response*

The Department acknowledges the comment and appreciates the support of this final-form rulemaking.

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

##### *Benefits*

The benefit of moving the beginning date of the ginseng harvest season from August 1 to September 1 is to help sustain the populations of ginseng in this Commonwealth by allowing the plants to mature so that when their seeds are planted, new plants will grow and the ginseng

population will continue to survive. In addition, it would bring this Commonwealth's harvest season in line with those of the other ginseng-exporting states, thereby discouraging poaching across state borders. Finally, and most immediately, it will allow the USFWS, under CITES, to continue to find that the export of ginseng harvested in this Commonwealth will not be detrimental to the survival of the species and thus avoid a ban on the export of ginseng from this Commonwealth.

The correction of terminology to distinguish between "seed" and "berry" will remove confusion caused by the former language in the harvesting provisions of § 45.69 and consequently support compliance with its provisions.

*Compliance costs*

This final-form rulemaking will not impose additional compliance costs on the regulated community.

*Compliance Assistance Plan*

This is not applicable.

*Paperwork requirements*

There will not be an increase in the amount of required paperwork.

*G. Sunset Review*

Chapter 45 will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 5, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1419, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 19, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective June 19, 2013.

*I. Findings*

The Board finds that:

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

(2) The amendments to the Department's regulations in the manner provided in this order are necessary and appropriate for the administration of the authorizing statutes.

*J. Order*

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

(a) The regulations of the Department, 17 Pa. Code Chapter 45, are amended by amending § 45.69 to read as set forth at 43 Pa.B. 1419.

(b) The Department shall submit this order and 43 Pa.B. 1419 to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Department shall submit this order and 43 Pa.B. 1419 to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Department shall certify this order and 43 Pa.B. 1419 and deposit them with the Legislative Reference Bureau, as required by law.

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

ELLEN FERRETTI,  
*Acting Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3857 (July 6, 2013).)*

**Fiscal Note:** Fiscal Note 7B-6 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-1325. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Title 22—EDUCATION**

**STATE BOARD OF EDUCATION**

[ Correction ]

**[ 22 PA. CODE CH. 4 ]**

**Academic Standards and Assessment; Reading, Writing, Speaking and Listening and Mathematics**

The ordering language in the final-omitted rulemaking published at 40 Pa.B. 5903, 5906 (October 16, 2010) was incomplete. The correct version of the ordering language is as follows.

Appendix A of 22 Pa. Code Chapter 4 (relating to academic standards for reading, writing, speaking and listening) was effective through June 30, 2013. This appendix will be reserved in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 467, October 2013). Pages 4-33—4-110 will be removed and the following pages will not be renumbered.

Appendix B of 22 Pa. Code Chapter 4 (relating to Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects), as published at 40 Pa.B. 5907—5999, was renumbered upon codification in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 434, January 2011). This appendix appears as Appendix A-1 in the *Pennsylvania Code*. The following ordering language refers to this appendix as A-1.

*Order*

The Board, acting under the authority of the code, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 4, are amended by amending §§ 4.3, 4.11, 4.12 and by adding Appendix A-1 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order is effective upon publication in the *Pennsylvania Bulletin*. Appendix A-1 will take effect on July 1, 2013. Appendix A will be deleted on June 30, 2013.

[Pa.B. Doc. No. 13-1326. Filed for public inspection July 19, 2013, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

#### Triennial Review of Water Quality Standards

The Environmental Quality Board (Board) is amending Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of April 16, 2013.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. Statutory Authority

The final-form rulemaking is made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (act) (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the act, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and 40 CFR 131.41 (relating to bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A)) sets forth bacteria criteria for coastal recreation waters in the Commonwealth.

#### D. Background and Summary

Section 303(c)(1) of the Clean Water Act requires that states periodically, but at least once every 3 years, review

and revise as necessary their water quality standards. This final-form rulemaking constitutes the Commonwealth's current triennial review of its water quality standards.

The Commonwealth's water quality standards, which are codified in Chapter 93 and portions of Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), are designed to implement the requirements of sections 5 and 402 of the act and section 303 of the Clean Water Act. The water quality standards consist of the designated and existing uses of the surface waters of the Commonwealth, along with the specific numeric and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy. Thus, water quality standards are instream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements, best management practices and effluent limitations, on individual sources of pollution.

This final-form rulemaking clarifies requirements and updates the regulations to be consistent with Federal guidance where indicated. These regulations may affect persons who discharge wastewater into surface waters of the Commonwealth or otherwise conduct activities, which may impact these waters.

Part of the triennial review requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Clean Water Act (33 U.S.C.A. § 1251(a)(2)). The Department evaluated the two Pennsylvania water bodies where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay (§ 93.9x (relating to Drainage List X)), and (2) several zones in the Delaware Estuary (§§ 93.9e and 93.9g (relating to Drainage Lists E and G)).

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because pleasure boating and commercial shipping traffic pose a serious safety hazard in this area. This decision was further supported by a Use Attainability (UAA) study conducted by the Department of Environmental Resources (DER) in 1985. Because the same conditions and hazards exist today, there is not a change to the designated use for Outer Erie Harbor/Presque Isle Bay in this final-form rulemaking.

In April 1989, DER cooperated with the Delaware River Basin Commission (DRBC), the United States Environmental Protection Agency (EPA) and other DRBC signatory states on a comprehensive UAA study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations regarding the swimmable use, which the DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. The appropriate DRBC standards were referenced in §§ 93.9e and 93.9g in 1994. The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows, and hazards associated with commercial shipping and navigation.

The Department discussed the proposed triennial rulemaking with the Water Resources Advisory Committee (WRAC) five times in 2011, including at the April, June, July, October and December meetings. On January 11, 2012, WRAC voted to present the proposed rulemaking

package to the Board. The Agricultural Advisory Board declined the need for their consideration on the proposed triennial review of water quality standards that was scheduled for its regular October 19, 2011, meeting.

The regulations were adopted by the Board as a proposed rulemaking at its April 17, 2012, meeting. The proposed rulemaking was published at 42 Pa.B. 4367 (July 7, 2012) with a 45-day public comment period that ended on August 21, 2012. The Board held a public hearing for the purpose of accepting comments on the proposed rulemaking on August 8, 2012, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board received public comments from 197 commenters including testimony from 2 witnesses at the public hearing. The comments received on the proposed rulemaking are summarized in Section E.

The Board considered the public comments received on the proposed rulemaking in preparing this final-form rulemaking. WRAC, in coordination with the Department, initiated an ad hoc workgroup to discuss two aspects of the triennial review proposed rulemaking. The ad hoc workgroup met on August 27, 2012, to discuss the proposed sulfate aquatic life criterion and on August 29, 2012, to allow for scientific information to be presented on the aquatic life and human health criterion for molybdenum. These publicly noticed ad hoc workgroup meetings were held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and offered presenters the opportunity to participate by conference call.

The draft final regulation was discussed with WRAC at its November 28, 2012, meeting. WRAC approved the final rulemaking and recommended the Department present the final rulemaking to the Board for adoption.

#### *E. Summary of Responses to Comments and Changes to the Proposed Rulemaking*

As a result of the public hearing and public comment period, the Board received comments from 197 commentators including the Independent Regulatory Review Commission (IRRC) and EPA Region 3. The majority of commentators expressed opposition to the proposed water quality criteria for molybdenum, sulfates and chlorides. Specifically, commentators questioned whether the Statewide criteria for these contaminants would impact the economy and the regulated community, and also questioned the scientific studies the Department relied upon in the development of the criteria. Commentators also requested that the Department perform additional instream monitoring and provide further justification on the need for the proposed Statewide criteria for molybdenum, sulfates and chlorides.

A more detailed summary of the comments submitted to the Board, and the Department's responses to those comments are available in the Report to the Environmental Quality Board Comment and Response Document (February 2013).

A detailed description of the revisions to the Chapter 93 follows.

#### *§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use*

The Board received a comment requesting that all property owners affected by a potential stream redesignation be directly notified of the petition and assessment.

While the Department acknowledges that notifying the public of stream redesignation rulemaking activities is important, it would be onerous and costly to require the Department to directly notify all property owners, as

suggested by the commentator. Therefore, the Board is not including direct property owner notification requirements in this final-form rulemaking. The Department believes it has effective measures in place to ensure the public is informed of stream redesignation activities. For example, the Department posts all of its stream redesignation rulemaking activities on its web site at [http://www.portal.state.pa.us/portal/server.pt/community/water\\_quality\\_standards/10556](http://www.portal.state.pa.us/portal/server.pt/community/water_quality_standards/10556) (under "Monitoring," select "Stream Redesignations"). Interested members of the public can visit the Department's web site to get the latest and most up-to-date information regarding the Department's actions pertaining to stream redesignations. The Department will continue to post its stream redesignation rulemaking activities on its web site. As an additional opportunity for notice, the Department is considering the issuance of a press release whenever an activity occurs regarding stream redesignations. Currently, a member of the public who is interested about stream redesignation activities may register on the Department's web site to receive direct electronic notification of press releases issued by the Department. The Department believes these outreach measures will be more effective in notifying the public about stream redesignation rulemaking activities and will increase the effectiveness of the public notification provisions in § 93.4d (relating to processing of petitions, evaluations, and assessments to change a designated use) in comparison to relying on one-time notices published in local newspapers that often go unnoticed by the public. However, the Department may rely on newspaper notices to inform the public of stream redesignation rulemaking activities when it may be more appropriate to do so.

#### *§ 93.7. Specific water quality criteria*

*Chloride*—There were several comments received by the Board in opposition to the chloride aquatic life equation-based criterion. The Board is withdrawing the proposed equation-based aquatic life criteria for chloride, including both the acute and chronic equations.

The overall proportion of ions (ion matrices) in the water affects the toxicity of individual ions such as chloride. There is now more recent and ongoing research, much of it funded by the EPA, examining the relationship between various ion matrices and toxicity. A workshop attended by major researchers in April 2012 titled "Effects of Major Ions on Aquatic Organisms" focused on ion matrices and their effects on sensitive aquatic species. The ion matrices could be most problematic in the Commonwealth's calcium dominated limestone streams or where the source of chlorides is other than sodium chloride.

The Department is now aware of several studies currently being undertaken to determine chloride toxicity. The Canadian Council of Ministers of the Environment released guidelines for chloride criteria development in 2011. The Stroud Water Research Center also prepared an expert report on ambient water quality criteria for chlorides (Stroud Report #2010004, June 14, 2010). The report concluded that the criteria proposed by the Department may not be protective of sensitive species and as a result they recommended other more protective criteria.

The Department recognizes it needs to conduct a review and evaluation of recent data before adopting a standard, but that it must be done in a timely manner. By a majority vote of 13 to 0 with 1 abstention, WRAC passed the following motion at its November 28, 2012, meeting, encouraging the Department to continue working on chloride criteria: "WRAC encourages DEP to continue

evaluating the chloride criteria with the goal of proposing new criteria preferably prior to the next Triennial review.”

*Dissolved Oxygen*—In this final-form rulemaking, the Board is revising the proposed language in DO<sub>1</sub> to provide clarity to when § 93.7(b) (relating to specific water quality criteria) should be applied. Specifically, “applied in accordance with subsection (b)” is moved so that it is clear that both the 7-day average and minimum criteria for naturally reproducing salmonids should be applied in accordance with § 93.7(b).

The Board would like to further clarify that the final regulations for dissolved oxygen criteria apply to flowing, freshwater and the epilimnion of naturally stratified lakes, ponds or impoundments.

Also, in response to a comment received by the Board, “Salmonid” is changed to “salmonid” since the word is no longer a proper noun and does not need to be capitalized.

*Sulfate*—The Board is withdrawing the proposed equation-based aquatic life criteria for sulfate. Dr. David Soucek, Ph.D. with the Illinois Natural History Survey is the primary investigator in the research that led to the development of the proposed equation-based sulfate criteria. Dr. Soucek and other leading researchers cautioned that although the toxicological results supporting the proposed sulfate criterion are valid, the test conditions used in the toxicity tests, which led to the development of the sulfate criterion, may not be applicable to all of the Commonwealth’s waters. The ionic composition of the test water compared to the natural ionic composition of portions of the Commonwealth’s waters differs and that difference is the cause for concern. Sodium (Na<sup>2+</sup>) was the dominant cation associated with the sulfate (SO<sub>4</sub><sup>2-</sup>) anion under the test conditions. In Commonwealth streams, natural sodium (Na<sup>2+</sup>) concentrations are low while calcium (Ca<sup>2+</sup>) and magnesium (Mg<sup>2+</sup>) are more prevalent.

It has been demonstrated that varying the cations affects the toxicity of the sulfate anion in solution. This toxicity difference in response to ionic composition leads to doubts regarding whether the proposed sulfate criteria provides the appropriate level of aquatic life protection from the toxic effects that have been scientifically proven to be associated with elevated sulfate levels. Additionally, Dr. Soucek and other researchers stated that a chronic standard is needed to adequately protect the aquatic life and the proposed standard only included an acute standard.

Although the Board is withdrawing the sulfate proposed criteria, the Department will continue to monitor the quantities of sulfate discharged from various sources and measure stream concentrations while reviewing the developing science on sulfate.

*Temperature*—The Board is removing the rate of temperature change language from this section. A rate of temperature change provision remains applicable in § 96.6 (relating to heated wastewater discharges) to help control adverse impacts that may result from rapid changes in temperature. The Department continues to be interested in evaluating new science that pertains to a rate of temperature change to protect aquatic organisms.

§ 93.8c. *Human health and aquatic life criteria for toxic substances*

*1,4-Dioxane*—Based on comments received that a Statewide criterion is not warranted, the Board is removing the proposed Statewide criterion. The Department will continue to evaluate 1,4-dioxane in this Commonwealth. Additionally, the Department will continue to develop site-specific criteria, as needed, using the best available science.

*Molybdenum*—The Board is removing the proposed Statewide criterion for molybdenum based on comments received that a Statewide criterion for molybdenum is not warranted. The Department will continue to evaluate molybdenum in this Commonwealth. Additionally, the Department will continue to develop site-specific criteria, as needed, using the best available science.

§ 93.8d. *Development of site-specific water quality criteria*

The Board is adding language to subsection (f)(1) to be consistent with the revisions to Chapter 92a. This change merely updates cross references.

§ 93.9k. *Drainage List K*

Staff from the Fish and Boat Commission submitted comments during the public comment period of this triennial review regarding a possible omission of four named streams in § 93.9k: Packers Run, Raups Run, Gaskins Run and Kipps Run.

Gaskins Run, Kipps Run, Raups Run and Packers Run are all currently designated CWF, MF. To be even broader, all tributaries to the (North Branch) Susquehanna River between Mahoning Creek and the West Branch Susquehanna River are CWF, MF. These four tributaries (Gaskins Run, Kipps Run, Raups Run and Packers Run) are included under the current entry for UNTs to Susquehanna River; Basins; Lackawanna River to West Branch Susquehanna River; Luzerne, Columbia, Montour, Northumberland; CWF, MF; None.

After reviewing the history associated with designation in this watershed, all tributaries to the Susquehanna River, both named and unnamed, between Mahoning Creek and West Branch Susquehanna River will be included in a single listing for “Tributaries to Susquehanna River.” This is a new change following the proposed rulemaking published at 42 Pa.B. 4367. A more complete discussion of the designation history can be found in the Report to the Environmental Quality Board: Comment and Response Document (February 2013).

F. *Benefits, Costs and Compliance*

*Benefits*—Overall, the Commonwealth, its citizens and natural resources will benefit from this final-form rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality also provides economic value to present and future generations in the form of clean water for multiple water supply uses, recreational opportunities, and human health and aquatic life protection. It is important to realize all benefits and to ensure that activities that depend on surface water or that may affect its chemical, biological and physical integrity may continue in a manner that is environmentally, socially and economically sound.

*Compliance costs*—The final-form rulemaking may impose additional compliance costs on the regulated community. This final-form rulemaking is necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements regarding designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the more stringent criteria for selected parameters. These increased costs may take the form of higher engineering, construction or operating

costs for facilities. Treatment costs and best management practices are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. Therefore, it is not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs from technologically improved treatments or best management practices may be offset over time by potential savings from and increased value of improved water quality.

*Compliance Assistance Plan*—This final-form rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. The amendments are consistent with and based on existing Department regulations regarding compliance.

This final-form rulemaking will be implemented, in part, through the National Pollutant Discharge Elimination System (NPDES) permitting program. Additional compliance actions are not anticipated. Staff is available to assist regulated entities in complying with the regulatory requirements if questions arise.

*Paperwork requirements*—This final-form rulemaking should not have significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

G. *Pollution Prevention*

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. The final-form rulemaking will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations and best management practices on the water uses of the stream and the water quality criteria necessary to protect and maintain those uses.

H. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 4367, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 19, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 20, 2013, and approved the final-form rulemaking.

J. *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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law. In addition, a Board hearing was held. All comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 4367.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.1, 93.4c, 93.4d, 93.7, 93.8b, 93.8c, 93.8d, 93.9b—93.9i, 93.9k—93.9o, 93.9s, 93.9w and 93.9z to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3857 (July 6, 2013).)*

*(Editor's Note: For a statement of policy relating to this final-form rulemaking, see 43 Pa.B. 4103 (July 20, 2013).)*

**Fiscal Note:** Fiscal Note 7-475 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS  
GENERAL PROVISIONS**

**§ 93.1. Definitions.**

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

\* \* \* \* \*



*Coordinated water quality protective measures—*

(i) Legally binding sound land use water quality protective measures coupled with an interest in real estate which expressly provide long-term water quality protection of a watershed corridor.

(ii) Sound land use water quality protective measures include: surface or groundwater source protection zones, enhanced stormwater management measures, wetland protection zones or other measures which provide extraordinary water quality protection.

(iii) Real estate interests include:

(A) Fee interests.

(B) Conservation easements.

(C) Government owned riparian parks or natural areas.

(D) Other interests in land which enhance water quality in a watershed corridor area.

*Daily average*—The arithmetic average of the samples collected during a continuous 24-hour period.

\* \* \* \* \*

*Point source discharge*—A pollutant source regulated under the National Pollutant Discharge Elimination System (NPDES) as defined in § 92a.2 (relating to definitions).

\* \* \* \* \*

#### ANTIDegradation Requirements

##### § 93.4c. Implementation of antidegradation requirements.

(a) *Existing use protection.*

(1) *Procedures.*

(i) Existing use protection shall be provided when the Department's evaluation of information (including data gathered at the Department's own initiative, data contained in a petition to change a designated use submitted to the EQB under § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use.

(ii) The Department will inform persons who apply for a Department permit or approval which could impact a surface water, during the permit or approval application or review process, of the results of the evaluation of information undertaken under subparagraph (i).

(iii) Interested persons may provide the Department with additional information during the permit or approval application or review process regarding existing use protection for the surface water.

(iv) The Department will make a final determination of existing use protection for the surface water as part of the final permit or approval action.

(2) *Endangered or threatened species.* If the Department has confirmed the presence, critical habitat, or critical dependence of endangered or threatened Federal or Pennsylvania species in or on a surface water, the Department will ensure protection of the species and critical habitat.

(b) *Protection of High Quality and Exceptional Value Waters.*

(1) *Point source discharges.* The following applies to point source discharges to High Quality or Exceptional Value Waters.

(i) *Nondischarge alternatives/use of best technologies.*

(A) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters shall evaluate nondischarge alternatives to the proposed discharge and use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, a new, additional or increased discharge shall use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

(B) A person proposing a new, additional or increased discharge to High Quality or Exceptional Value Waters, who has demonstrated that no environmentally sound and cost-effective nondischarge alternative exists under clause (A), shall demonstrate that the discharge will maintain and protect the existing quality of receiving surface waters, except as provided in subparagraph (iii).

(ii) *Public participation requirements for discharges to High Quality or Exceptional Value Waters.* The following requirements apply to discharges to High Quality or Exceptional Value Waters, as applicable:

(A) The Department will hold a public hearing on a proposed new, additional or increased discharge to Exceptional Value Waters when requested by an interested person on or before the termination of the public comment period on the discharge.

(B) For new or increased point source discharges, in addition to the public participation requirements in §§ 92a.81, 92a.82, 92a.83 and 92a.85, the applicant shall identify the antidegradation classification of the receiving water in the notice of complete application in § 92a.82 (relating to public notice of permit applications and draft permits).

(iii) *Social or economic justification (SEJ) in High Quality Waters.* The Department may allow a reduction of water quality in a High Quality Water if it finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. A reduction in water quality will not be allowed under this subparagraph unless the discharger demonstrates that the High Quality Water will support applicable existing and designated water uses (other than the high quality and exceptional value uses) in § 93.3, Table 1 (relating to protected water uses).

(2) *Nonpoint source control.* The Department will assure that cost-effective and reasonable best management practices for nonpoint source control are achieved.

(c) *Special provisions for sewage facilities in High Quality or Exceptional Value Waters.*

(1) *SEJ approval in sewage facilities planning and approval in High Quality Waters.* A proponent of a new, additional, or increased sewage discharge in High Quality Waters shall include an SEJ impact analysis as part of the proposed revision or update to the official municipal sewage facilities plan under Chapter 71 (relating to administration of sewage facilities planning program). The Department will make a determination regarding the consistency of the SEJ impact analysis with subsection (b)(1)(iii). The determination will constitute the subsection (b)(1)(iii) analysis at the National Pollutant Discharge Elimination System (NPDES) permit review stage

under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), unless there is a material change in the project or law between sewage facilities planning and NPDES permitting, in which case the proponent shall recommence sewage facilities planning and perform a new social or economic justification impact analysis.

(2) *SEJ for sewage facilities in High Quality Waters correcting existing public health or pollution hazards.* A sewage facility, for which no environmentally sound and cost-effective nondischarge alternative is available under subsection (b)(1)(i)(A), proposed to discharge into High Quality Waters, which is designed for the purpose of correcting existing public health or pollution hazards documented by the Department, and approved as part of an official plan or official plan revision under § 71.32 (relating to Department responsibility to review and act upon official plans), satisfies the SEJ requirements in subsection (b)(1)(iii).

(3) *Public participation requirements for official sewage facilities plans or revisions to official plans in High Quality or Exceptional Value Waters.* A proponent of a sewage facility in High Quality or Exceptional Value Waters seeking approval of an official plan or revision shall comply with the public participation requirements in § 71.53(d)(6) (relating to municipal administration of new land development planning requirements for revisions).

**§ 93.4d. Processing of petitions, evaluations and assessments to change a designated use.**

(a) *Public notice of receipt of petition, or assessment of waters, for High Quality or Exceptional Value Waters redesignation.* The Department will publish in the *Pennsylvania Bulletin* and by other means designed to effectively reach a wide audience notice of receipt of a complete petition which has been accepted by the EQB recommending a High Quality or Exceptional Value Waters redesignation, or notice of the Department's intent to assess surface waters for potential redesignation as High Quality or Exceptional Value Waters. The assessments

may be undertaken in response to a petition or on the Department's own initiative. The notice will request submission of information concerning the water quality of the waters subject to the evaluation, or to be assessed, for use by the Department to supplement any studies which have been performed. The Department will send a copy of the notice to all municipalities containing waters subject to the petition or assessment.

(b) *Combined public meeting and fact-finding hearing.* As part of its review of an evaluation or performance of an assessment, the Department may hold a combined public meeting and fact finding hearing to discuss the evaluation or assessment, including the methodology for the evaluation or assessment, and may solicit information, including technical data, to be considered in the Department's evaluation or assessment.

(c) *Submission to EQB to alter designated use.* Upon the completion of its assessment or review of a complete evaluation, and the satisfaction of the other applicable requirements of this section, the Department will submit the results of its assessment or review to the EQB for proposed rulemaking following review and comment by the petitioner, if applicable, in accordance with Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

**WATER QUALITY CRITERIA**

**§ 93.7. Specific water quality criteria.**

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. These exceptions will be indicated on a stream-by-stream or segment-by-segment basis by the words "Add" or "Delete" followed by the appropriate symbols described elsewhere in this chapter. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

**TABLE 3**

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
Dissolved Oxygen		The following specific dissolved oxygen criteria recognize the natural process of stratification in lakes, ponds and impoundments. These criteria apply to flowing freshwater and to the epilimnion of a naturally stratified lake, pond or impoundment. The hypolimnion in a naturally stratified lake, pond or impoundment is protected by the narrative water quality criteria in § 93.6 (relating to general water quality criteria). For nonstratified lakes, ponds or impoundments, the dissolved oxygen criteria apply throughout the lake, pond or impoundment to protect the critical uses.	
	DO <sub>1</sub>	For flowing waters, 7-day average 6.0 mg/l; minimum 5.0 mg/l. For naturally reproducing salmonid early life stages, applied in accordance with subsection (b), 7-day average 9.0 mg/l; minimum 8.0 mg/l. For lakes, ponds and impoundments, minimum 5.0 mg/l.	CWF
	DO <sub>2</sub>	7-day average 5.5 mg/l; minimum 5.0 mg/l.	WWF
	DO <sub>3</sub>	For the period February 15 to July 31 of any year, 7-day average 6.0 mg/l; minimum 5.0 mg/l. For the remainder of the year, 7-day average 5.5 mg/l; minimum 5.0 mg/l.	TSF

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
Fluoride	F	Daily average 2.0 mg/l. * * * * *	PWS
Temperature		Maximum temperatures in the receiving water body resulting from heated waste sources regulated under Chapters 92a, 96 and other sources where temperature limits are necessary to protect designated and existing uses. * * * * *	See the following table.

(b) For naturally reproducing salmonids, protected early life stages include embryonic and larval stages and juvenile forms to 30 days after hatching. The DO<sub>1</sub> standard for naturally reproducing salmonid early life stages applies October 1 through May 31. The DO<sub>1</sub> standard for naturally reproducing salmonid early life stages applies unless it can be demonstrated to the Department's satisfaction, that the following conditions are documented: 1) the absence of young of the year salmonids measuring less than 150 mm in the surface water; and 2) the absence of multiple age classes of salmonids in the surface water. These conditions only apply to salmonids resulting from natural reproduction occurring in the surface waters. Additional biological information may be considered by the Department which evaluates the presence or absence of early life stages.

(c) The list of specific water quality criteria does not include all possible substances that could cause pollution. For substances not listed, the general criterion that these

substances may not be inimical or injurious to the existing or designated water uses applies. The Department will develop a criterion for any substance not listed in Table 3 that is determined to be inimical or injurious to existing or designated water uses using the best available scientific information, as determined by the Department.

(d) If the Department determines that natural quality of a surface water segment is of lower quality than the applicable aquatic life criteria in Table 3 or 5, the natural quality shall constitute the aquatic life criteria for that segment. All draft natural quality determinations will be published in the *Pennsylvania Bulletin* and be subject to a minimum 30-day comment period. The Department will maintain a publicly available list of surface waters and parameters where this subsection applies, and will, from time to time, submit appropriate amendments to §§ 93.9a—93.9z.

**§ 93.8b. Metals criteria.**

Dissolved criteria are footnoted in Table 5, and have been developed by applying the most current EPA conversion factors to the total recoverable criteria. The EPA factors are listed in the following Conversion Factors Table.

*Conversion Factors Table*

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Arsenic	1.000 (As3+)	1.000 (As3+)	1,2
Cadmium	1.101672- (ln[H] × 0.041838)	1.136672- (ln[H] × 0.041838)	2
Chromium III	0.860	0.316	1,2
Chromium VI	0.962	0.982	1,2
Copper	0.960	0.960	1,2
Lead*		1.46203- (ln[H] × 0.145712)	2
Mercury	0.85	0.85	1,2
Nickel	0.997	0.998	1,2
Selenium	0.922	0.922	1
Silver	N/A	0.85	2
Zinc	0.986	0.978	1,2

\* Conversion factor applies to both acute and chronic criteria.

Source 1—Final Water Quality Guidance for the Great Lakes System (60 FR 15366, March 23, 1995)

Source 2—Establishment of Numeric Criteria for Priority Pollutants; Revision of Metals Criteria—Interim Final Rule (60 FR 22229, May 4, 1995)

§ 93.8c. Human health and aquatic life criteria for toxic substances.

\* \* \* \* \*

**TABLE 5**  
**WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES**

*Fish and Aquatic Life Criteria*

PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (ug/L)	Criteria Maximum Concentration (ug/L)	Human Health Criteria (ug/L)	
9A	PENTACHLORO-PHENOL	00087865	Exp(1.005×[pH]-5.134) @pH= 6.5 7.8 9.0 Crit= 4.1 15 50	Exp(1.005×[pH]-4.869) @pH= 6.5 7.8 9.0 Crit= 5.3 19 65	0.27	CRL
10A	PHENOL	00108952	N/A	N/A	10400	H
11A	2,4,6-TRICHLOROPHENOL	00088062	91	460	1.4	CRL
1V	ACROLEIN	00107028	3.0	3.0	6.0	H
2V	ACRYLONITRILE	00107131	130	650	0.051	CRL
			* * * * *			
26V	1,2 trans-DICHLORO-ETHYLENE	00156605	1400	6800	140	H
—	1,2 cis-DICHLORO-ETHYLENE	00156592	N/A	N/A	12	H
27V	1,1,1-TRICHLORO-ETHANE	00071556	610	3000	N/A	-
			* * * * *			
—	ACETONE	00067641	86000	450000	3500	H
—	ACRYLAMIDE	00079061	N/A	N/A	0.07	CRL
—	ALUMINUM	07429905	N/A	750	N/A	-
—	BARIUM	07440393	4100	21000	2400	H
—	BENZENE METADISULFONIC ACID	00098486	1600000	2600000	N/A	-
—	BENZENE MONOSULFONIC ACID	00098113	1200000	2000000	N/A	-
—	BENZYL CHLORIDE	00100447	N/A	N/A	0.2	CRL
—	BORON	07440428	1600	8100	3100	H
—	2-BUTOXY ETHANOL	00111762	N/A	N/A	700	H
—	COBALT	07440484	19	95	N/A	-
—	p-CRESOL	00106445	160	800	N/A	-
—	CYCLOHEXYLAMINE	00108918	N/A	N/A	1000	H
—	DIAZINON	00333415	0.17	0.17	N/A	-
—	FORMALDEHYDE	00050000	440	2200	700	H
—	2-HEXANONE	00591786	4300	21000	N/A	-
—	LITHIUM	07439932	N/A	N/A	N/A	-
—	METHYLETHYL KETONE	00078933	32000	230000	21000	H
—	METHYLISO-BUTYL KETONE	00108101	5000	26000	N/A	-
—	METOLACHLOR	51218452	N/A	N/A	69	H
—	NONYLPHENOL	00104405	6.6	28	N/A	-
—	P-PHENOL SULFONIC ACID	00098679	1400000	3500000	N/A	-
—	I-PROPANOL	00071238	46000	230000	N/A	-
—	2-PROPANOL	00067630	89000	440000	N/A	-
—	RESORCINOL	01084603	7200	28000	2700	H
—	STRONTIUM	07440246	N/A	N/A	4000	H
—	1,2,3-TRICHLORO-PROPANE	00096184	N/A	N/A	210	H

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>	<i>Human Health Criteria (ug/L)</i>	
—	1,2,4-TRIMETHYLBENZENE	00095636	N/A	N/A	72	H
—	1,3,5-TRIMETHYLBENZENE	00108678	N/A	N/A	72	H
—	VANADIUM	07440622	100	510	N/A	-
—	XYLENE	01330207	210	1100	70000	H
		*	*	*	*	*

§ 93.8d. Development of site-specific water quality criteria.

\* \* \* \* \*

(f) If the Department determines that site-specific criteria are appropriate in accordance with subsection (a), the Department will do the following:

(1) Publish the site-specific criterion in the *Pennsylvania Bulletin*, along with other special conditions under § 92a.82(b)(3) (relating to public notice of permit applications and draft permits) and provide for public participation and public hearing in accordance with §§ 92a.81, 92a.82, 92a.83 and 92a.85.

\* \* \* \* \*

**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

§ 93.9b. Drainage List B.

Delaware River Basin in Pennsylvania  
*Lackawaxen River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
1—Delaware River				
2—Lackawaxen River				
3—West Branch Lackawaxen River	Basin, Source to Prompton Reservoir	Wayne	HQ-CWF, MF	None
3—West Branch Lackawaxen River	Main Stem, Prompton Reservoir to Confluence with Lackawaxen River and Van Auken Creek	Wayne	HQ-TSF, MF	None
4—Tributaries to West Branch Lackawaxen River	Basins, Prompton Reservoir to Confluence with Lackawaxen River and Van Auken Creek	Wayne	HQ-CWF, MF	None
3—Van Auken Creek	Basin	Wayne	HQ-TSF, MF	None
2—Lackawaxen River	Mainstem, confluence of West Branch Lackawaxen River and Van Auken Creek to Dyberry Creek	Wayne	HQ-TSF, MF	None
3—Tributaries to Lackawaxen River	Basins, confluence of West Branch Lackawaxen River and Van Auken Creek to Dyberry Creek	Wayne	HQ-CWF, MF	None
3—Dyberry Creek				
4—West Branch Dyberry Creek	Basin	Wayne	HQ-CWF, MF	None
4—East Branch Dyberry Creek	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Confluence of West Branch Dyberry Creek and East Branch Dyberry Creek to Big Brook	Wayne	HQ-CWF, MF	None
4—Big Brook	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Big Brook to Mouth	Wayne	HQ-CWF, MF	None
2—Lackawaxen River	Main Stem, Dyberry Creek to Mouth	Wayne	HQ-TSF, MF	None
3—Tributaries to Lackawaxen River	Basins, Dyberry Creek to Wallenpaupack Creek	Wayne	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
3—Wallenpaupack Creek	Basin, Source to Lake Wallenpaupack Dam	Wayne-Pike	HQ-CWF, MF	None
3—Wallenpaupack Creek	Basin, Lake Wallenpaupack Dam to Mouth	Wayne-Pike	HQ-WWF, MF	None
3—Tributaries to Lackawaxen River	Wallenpaupack Creek to Mouth	Pike	HQ-CWF, MF	None

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania  
*Delaware River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
3—Pine Mountain Run	Basin	Monroe	HQ-CWF, MF	None
3—Leas Run	Basin	Monroe	HQ-CWF, MF	None
3—Paradise Creek	Basin, source to Devils Hole Creek	Monroe	HQ-CWF, MF	None
4—Devils Hole Creek	Basin, Source to South Boundary of State Game Lands No. 221 (about 0.25 mile north of Erie-Lackawanna R. R.)	Monroe	EV, MF	None
4—Devils Hole Creek	Basin, South Boundary of State Game Lands No. 221 to Mouth	Monroe	HQ-CWF, MF	None
3—Paradise Creek	Basin, Devils Hole Creek to Mouth	Monroe	HQ-CWF, MF	None
3—Michael Creek	Basin	Monroe	HQ-CWF, MF	None
	* * * * *			
3—McMichael Creek	Basin, T434 to Pocono Creek	Monroe	HQ-CWF, MF	None
4—Pocono Creek				
5—Dry Sawmill Run	Basin, Source to Sand Spring Run	Monroe	HQ-CWF, MF	None
6—Sand Spring Run	Basin	Monroe	EV, MF	None
5—Dry Sawmill Run	Basin, Sand Spring Run to confluence with Wolf Swamp Run	Monroe	HQ-CWF, MF	None
5—Wolf Swamp Run	Basin, Source to a Confluence Point (41°3'35.2" N; 75°22'2.4"W) approximately 185 meters upstream of the mouth	Monroe	EV, MF	None
5—Wolf Swamp Run	Basin, Point of Confluence (41°3'35.2" N; 75°22'2.4"W) Downstream to Confluence with Dry Sawmill Run	Monroe	HQ-CWF, MF	None
4—Pocono Creek	Basin, Confluence of Dry Sawmill Run and Wolf Swamp Run to Mouth	Monroe	HQ-CWF, MF	None
3—McMichael Creek	Basin, Pocono Creek to Mouth	Monroe	TSF, MF	None
	* * * * *			
2—Slateford Creek	Basin, Source to T 735 Bridge	Northampton	EV, MF	None
2—Slateford Creek	Basin, T 735 Bridge to Mouth	Northampton	CWF, MF	None
	* * * * *			

## § 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania  
*Lehigh River*

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF, MF	None
4—Unnamed Tributaries to Saucon Creek	Basins, Black River to SR 412 Bridge	Northampton	CWF, MF	None
3—Saucon Creek	Basin, SR 412 Bridge to Mouth	Northampton	CWF, MF	None
	* * * * *			

## § 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania  
*Delaware River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Little Neshaminy Creek	Basin	Bucks	WWF, MF	Add Tur <sub>1</sub>
3—Mill Creek				
4—Lahaska Creek	Basin	Bucks	CWF, MF	Add Tur <sub>2</sub>
4—Watson Creek	Basin	Bucks	CWF, MF	Add Tur <sub>2</sub>
3—Mill Creek	Basin, Confluence of Lahaska Creek and Watson Creek to Mouth	Bucks	WWF, MF	Add Tur <sub>1</sub>
	* * * * *			

## § 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania  
*Schuylkill River*

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
3—Little Schuylkill River	Basin, Rattling Run to Mouth	Schuylkill	CWF, MF	None
2—Schuylkill River	Main Stem, Little Schuylkill River to Valley Creek	Montgomery-Chester	WWF, MF	None
3—Unnamed Tributaries to Schuylkill River	Basins, Little Schuylkill River to Berks-Chester-Montgomery County Border	Schuylkill-Berks	WWF, MF	None
	* * * * *			
3—Monocacy Creek	Basin	Berks	WWF, MF	None
3—Leaf Creek	Basin	Berks	WWF, MF	None
3—UNTs Schuylkill River	Basins (all UNTs along Montgomery County shore), Berks-Chester-Montgomery County Border to Valley Creek	Montgomery	WWF, MF	None
	* * * * *			
3—Pickering Creek	Basin, Philadelphia Suburban Water Company Dam to Mouth	Chester	WWF, MF	None
3—Crossmans Run	Basin	Montgomery	WWF, MF	None
3—Perkiomen Creek	Basin, Source to SR 1010 Bridge at Hereford	Berks	HQ-CWF, MF	None
	* * * * *			

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
3—Valley Creek	Basin	Montgomery-Chester	EV, MF	None
2—Schuylkill River	Basin, Valley Creek to Stony Creek	Montgomery	WWF, MF	None
3—Stony Creek	Basin	Montgomery	TSF, MF	None
2—Schuylkill River	Basin, Stony Creek to UNT 00926	Montgomery	WWF, MF	None
3—UNT 00926 at RM 18.9 (locally Spring Mill Run)	Basin	Montgomery	CWF, MF	None
2—Schuylkill River	Basin, UNT 00926 downstream to Mill Creek	Montgomery-Philadelphia	WWF, MF	None
3—Mill Creek	Basin	Montgomery	TSF, MF	None
2—Schuylkill River	Basin, Mill Creek to Wissahickon Creek	Montgomery-Philadelphia	WWF, MF	None
3—Wissahickon Creek	Basin	Philadelphia	TSF, MF	None
2—Schuylkill River	Basin, Wissahickon Creek to Head of Tide	Philadelphia	WWF, MF	None

§ 93.9g. Drainage List G.

Delaware River Basin in Pennsylvania  
*Delaware River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
3—White Clay Creek				
4—East Branch White Clay Creek	Basin, Source to Northern Border of Avondale Borough	Chester	EV, MF	None
4—East Branch White Clay Creek	Basin, Northern Border of Avondale Borough to Confluence with Middle Branch	Chester	CWF, MF	None
	* * * * *			
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, T 437 Bridge to Dam at Valley Station (except those in West Brandywine Township)	Chester	TSF, MF	None
5—Tributaries to West Branch Brandywine Creek	Basins, all portions in West Brandywine Township	Chester	HQ-TSF, MF	None
5—Birch Run	Basin, Source to Hibernia Park Dam	Chester	HQ-CWF, MF	None
	* * * * *			

§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania  
*Tioga River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
2—Tioga River	Basin, Mill Creek to Crooked Creek	Tioga	CWF, MF	None
3—Crooked Creek	Basin, Source to Norris Brook	Tioga	WWF, MF	None
3—Crooked Creek	Main Stem, Norris Brook to Mouth	Tioga	WWF, MF	None
4—Unnamed Tributaries to Crooked Creek	Basins, Norris Brook to Mouth	Tioga	WWF, MF	None
4—Norris Brook	Basin	Tioga	TSF, MF	None



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
4—Sweet Hollow	Basin	Tioga	WWF, MF	None
	* * * * *			

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
3—Alba Creek	Basin	Bradford	CWF, MF	None
3—Beech Flats Creek	Basin	Bradford	CWF, MF	None
3—Wallace Brook	Basin	Bradford	CWF, MF	None
3—Gulf Brook	Basin	Bradford	CWF, MF	None
3—North Branch Towanda Creek	Basin	Bradford	CWF, MF	None
	* * * * *			
3—Schrader Creek	Basin, Coal Run to Mouth	Bradford	HQ-CWF, MF	None
3—French Run	Basin	Bradford	CWF, MF	None
3—South Branch Towanda Creek	Basin	Bradford	CWF, MF	None
	* * * * *			

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
1—Susquehanna River	Main Stem, Lackawanna River to West Branch Susquehanna River	Northumberland	WWF, MF	None
2—Unnamed Tributaries To Susquehanna River	Basins, Lackawanna River to Mahoning Creek	Luzerne-Columbia-Montour-Northumberland	CWF, MF	None
2—Abrahams Creek	Basin	Luzerne	CWF, MF	None
	* * * * *			
2—Toby Run	Basin	Montour	CWF, MF	None
2—Mahoning Creek	Main Stem, Source to PA 54 Bridge	Montour	TSF, MF	None
3—Unnamed Tributaries to Mahoning Creek	Basins, Source to PA 54 Bridge	Montour	CWF, MF	None
3—Kase Run	Basin	Montour	CWF, MF	None
3—Mausies Creek	Basin	Montour	CWF, MF	None
2—Mahoning Creek	Main Stem, PA 54 Bridge to Mouth	Montour	WWF, MF	None
3—Unnamed Tributaries to Mahoning Creek	Basins, PA 54 Bridge to Mouth	Montour	CWF, MF	None
3—Sechler Run	Basin	Montour	CWF, MF	None
2—Tributaries to Susquehanna River	Basins, Mahoning Creek to West Branch Susquehanna River	Montour-Northumberland	CWF, MF	None

§ 93.9l. Drainage List L.

Susquehanna River Basin in Pennsylvania  
West Branch Susquehanna River

Stream	Zone						County	Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*			
4—Commissioners Run	Basin						Clinton	HQ-CWF, MF	None
4—Wistar Run	Basin						Clinton	HQ-CWF, MF	None
4—Moccasin Run (Moccasin Falls Run)	Basin						Clinton	HQ-CWF, MF	None
		*	*	*	*	*			
4—Mill Creek	Basin						Tioga	HQ-CWF, MF	None
4—Roaring Branch	Basin						Tioga	HQ-CWF, MF	None
4—Abbott Run	Basin						Lycoming	HQ-CWF, MF	None
		*	*	*	*	*			
5—Mock Creek	Basin						Lycoming	HQ-CWF, MF	None
5—Noon Branch	Basin, Source to Wolf Run						Lycoming	EV, MF	None
6—Wolf Run	Basin						Lycoming	HQ-CWF, MF	None
5—Noon Branch	Basin, Wolf Run to Mouth						Lycoming	HQ-CWF, MF	None
5—King Run	Basin, Source to Engle Run						Lycoming	HQ-CWF, MF	None
		*	*	*	*	*			

§ 93.9m. Drainage List M.

Susquehanna River Basin in Pennsylvania  
Susquehanna River

Stream	Zone						County	Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*			
2—Penns Creek	Main Stem, Laurel Run to Mouth						Snyder	WWF, MF	None
3—Unnamed Tributaries to Penns Creek	Basins, Laurel Run to RM 26.50						Union	CWF, MF	None
		*	*	*	*	*			
3—Crab Run	Basin						Schuylkill	CWF, MF	None
3—Zerbe Run	Basin						Northumberland	CWF, MF	None
3—Schwaben Creek	Basin						Northumberland	TSF, MF	None
		*	*	*	*	*			

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania  
Juniata River

Stream	Zone						County	Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*			
5—Stone Creek	Basin, UNT 14908 to Mouth						Bedford	CWF, MF	None
5—Bobs Creek	Basin, Source to Pavia Run						Bedford	HQ-CWF, MF	None
6—Pavia Run	Basin						Bedford	HQ-CWF, MF	None
5—Bobs Creek	Basin, Pavia Run to Mouth						Bedford	CWF, MF	None
5—Adams Run	Basin						Bedford	WWF, MF	None
		*	*	*	*	*			

## § 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
3—Unnamed Tributaries to Conodoguinet Creek	Basins, PA 997 at Roxbury to Mouth	Franklin-Cumberland	WWF, MF	None
3—Muddy Run	Basin, Source to Rowe Run	Franklin	WWF, MF	None
4—Rowe Run	Basin	Franklin	CWF, MF	None
3—Muddy Run	Basin, Rowe Run to Mouth	Franklin	WWF, MF	None
3—Middle Spring Creek	Basin	Franklin-Cumberland	CWF, MF	None
	* * * * *			
3—Stoverstown Branch	Basin	York	WWF, MF	None
3—South Branch Codorus Creek	Basin, source to UNT from Glen Rock Valley at RM 16.85	York	WWF, MF	None
4—UNT to South Branch Codorus Creek Through Glen Rock Valley	Basin	York	CWF, MF	None
3—South Branch Codorus Creek	Basin, UNT from Glen Rock Valley to East Branch Codorus Creek	York	WWF, MF	None
4—East Branch Codorus Creek	Basin, Source to PA 214	York	HQ-CWF, MF	None
4—East Branch Codorus Creek	Basin, PA 214 to Inlet of Lake Redman	York	CWF, MF	None
4—East Branch Codorus Creek	Main Stem, Inlet of Lake Redman to Mouth	York	WWF, MF	None
5—UNTs to East Branch Codorus Creek	Basins, Inlet of Lake Redman to Mouth	York	CWF, MF	None
5—Inners Creek	Basin	York	CWF, MF	None
3—South Branch Codorus Creek	Basin, East Branch Codorus Creek to Mouth	York	WWF, MF	None
3—Willis Run	Basin	York	WWF, MF	None
	* * * * *			
2—Pequea Creek	Main Stem, Source to PA 897	Lancaster	HQ-CWF, MF	None
3—Unnamed Tributaries to Pequea Creek	Basins, Source to PA 897	Lancaster	HQ-CWF, MF	None
3—Indian Spring Run	Basin, Source to SR 10 Bridge	Chester	EV, MF	None
3—Indian Spring Run	Basin, SR 10 Bridge to Confluence of UNT 07540 at RM 1.95	Lancaster	CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, Source to SR 10 Bridge	Chester	HQ-CWF, MF	None
4—UNT 07540 at RM 1.95 to Indian Spring Run	Basin, SR 10 Bridge to Mouth	Lancaster	CWF, MF	None
3—Indian Spring Run	Basin, UNT 07540 at RM 1.95 to Mouth	Lancaster	CWF, MF	None
2—Pequea Creek	Main Stem, PA 897 to Mouth	Lancaster	WWF, MF	None
3—Unnamed Tributaries to Pequea Creek	Basins, PA 897 to Eshleman Run	Lancaster	CWF, MF	None
3—White Horse Run	Basin	Lancaster	WWF, MF	None
	* * * * *			
2—Peters Creek	Basin	Lancaster	HQ-WWF, MF	None
2—Haines Branch	Basin	Lancaster	HQ-WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
2—Michael Run	Basin (all sections in PA)	York	WWF, MF	None
	* * * * *			

§ 93.9s. Drainage List S.

Ohio River Basin in Pennsylvania  
*Allegheny River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
5—Reisinger Run	Basin	Clearfield	CWF	None
5—Pentz Run	Basin	Clearfield	CWF	None
5—Beaver Run	Basin	Clearfield	CWF	None
	* * * * *			
4—North Fork Redbank Creek	Basin, Source to South Branch of North Fork Redbank Creek	Jefferson	HQ-CWF	None
5—South Branch of North Fork Redbank Creek	Basin	Jefferson	EV	None
4—North Fork Redbank Creek	Basin, South Branch of North Fork Redbank Creek to Shippen Run	Jefferson	HQ-CWF	None
5—Shippen Run	Basin	Jefferson	EV	None
4—North Fork Redbank Creek	Basin, Shippen Run to Craft Run	Jefferson	HQ-CWF	None
5—Craft Run	Basin	Jefferson	EV	None
4—North Fork Redbank Creek	Basin, Craft Run to Mouth	Jefferson	HQ-CWF	None
3—Redbank Creek	Main Stem, Confluence of Sandy Lick Creek and North Fork to Mouth	Armstrong	TSF	None
	* * * * *			

§ 93.9w. Drainage List W.

Ohio River Basin in Pennsylvania  
*Ohio River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
	* * * * *			
3—Enlow Fork	Main Stem, Source to PA-WV State Border	Washington-Greene	TSF	None
4—Tributaries to Enlow Fork	Basins, Source to Templeton Fork	Washington-Greene	WWF	None
4—Templeton Fork	Basin	Washington	TSF	None
4—Tributaries to Enlow Fork	Basins, Templeton Fork to PA-WV State Border (all sections in PA)	Washington-Greene	WWF	None
3—Enlow Fork (WV)				
	* * * * *			

§ 93.9z. Drainage List Z.

Potomac River Basin in Pennsylvania  
*Potomac River*

Stream	Zone						County	Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*			
2—Antietam Creek (MD)									
3—Unnamed Tributaries to Antietam Creek	Basins (all sections in PA), PA-MD State Border to Mouth					Franklin	WWF, MF	None	
3—Marsh Run	Basin (all sections in PA)					Franklin	WWF, MF	None	
2—Monocacy River (MD)									
3—Marsh Creek	Basin, Source to Willoughby Run					Adams	CWF, MF	None	
4—Willoughby Run	Basin					Adams	WWF, MF	None	
3—Marsh Creek	Basin, Willoughby Run to PA-MD State Border					Adams	CWF, MF	None	
3—Marsh Creek MD									
4—Unnamed Tributaries to Marsh Creek	Basins (all sections in PA) PA-MD State Border to confluence with Marsh Creek and Monocacy River					Adams	CWF, MF	None	
3—Rock Creek	Basin (all sections in PA), source to confluence with Marsh Creek and Monocacy River					Adams	WWF, MF	None	
3—Alloway Creek	Basin (all sections in PA)					Adams	WWF, MF	None	
3—Cattail Branch	Basin (all sections in PA)					Adams	WWF, MF	None	

[Pa.B. Doc. No. 13-1327. Filed for public inspection July 19, 2013, 9:00 a.m.]

# Title 58—RECREATION

## PENNSYLVANIA GAMING CONTROL BOARD

### [ 58 PA. CODE CHS. 401a, 437a AND 441a ]

#### Gaming Service Providers and Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1317.2 and 1321 (relating to gaming service provider; and additional licenses and permits and approval of agreements) amends Chapters 401a, 437a and 441a (relating to preliminary provisions; gaming service provider certification and registration; and slot machine licenses) to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

With this final-form rulemaking, the Board is amending several sections to limit the types of agreements that operators are required to file with the Board, specify which types of agreements require Board approval prior to implementation and exempt professional sports teams from the gaming service provider certification and registration requirements.

#### *Explanation of § 401a.3*

In § 401a.3 (relating to definitions), the definition of “nongaming employee” is amended to reflect that not only certified but also registered gaming service providers as well as manufacturers, designers and suppliers may have

nongaming employees. Additionally, a nongaming employee may now have contact with a slot machine provided that the contact does not affect play of the game. This was added because servers clear food and beverage requests generated from the slot machine, which was not previously allowed.

#### *Explanation of Chapter 437a*

Section 437a.1 (relating to general gaming service provider requirements) is amended to exempt professional sports teams of Major League Baseball, the National Football League, the National Basketball Association and the National Hockey League from the gaming service provider registration and certification requirements. Several licensed facilities have recently contracted with professional teams to purchase tickets for patron use and to provide advertising during sporting events.

After reviewing the agreements and the requirements and exemptions in other gaming jurisdictions, the Board does not believe it is necessary for the protection of the public or the integrity of gaming to require professional sports teams to file for registration or certification as a gaming service provider.

Additionally, § 437a.9(a)(3) (relating to permission to conduct business prior to certification or registration) is amended to reflect that the Bureau of Licensing is informed, but does not determine, that an applicant’s suitability may be at issue.

#### *Explanation of Chapter 441a*

In § 441a.12 (relating to maintaining agreements; filing of agreements), the types of agreements are amended

so that slot machine licensees are now required to file. Specifically, operators are required to maintain written agreements and the records associated with oral agreements with licensed manufacturers, suppliers, franchisees and gaming service providers but are no longer required to file all agreements with the Board. However, the Board may require operators to submit agreements or records upon request.

Section 441a.13 (relating to Board approval of agreements) specifies which agreements require Board approval, such as corporate overhead agreements, shared services agreements and agreements that provide for the management of all or part of the gaming operations of a licensed facility.

Section 441a.14 (relating to master purchasing and disbursement report) is amended for clarity and to reflect Board practice. Operators are versed on the reporting, coding and submission process in this section.

Language added to § 441a.16 (relating to slot machine license term and renewal) specifies that a license is valid for 3 years from the date of issuance of an initial license. This was added because the initial license is not issued immediately after it is approved by the Board but is issued only after the Board's order awarding the license becomes final, binding, nonappealable and not subject to pending legal challenge. See 4 Pa.C.S. § 1103 (relating to definitions).

Section 441a.20 is rescinded as it was inconsistent with or duplicative of §§ 441a.12 and 441a.13.

#### *Comment and Response Summary*

Notice of the proposed rulemaking was published at 42 Pa.B. 2962 (May 26, 2012). The Board did not receive comments from the public during the comment period. On July 25, 2012, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

#### *IRRC comments*

In regard to § 441a.12, IRRC raised a concern that deleting the requirement that licensees submit contracts to the Board, which was required under former § 441a.12(c), would not be consistent with the objectives of 4 Pa.C.S. Part II (relating to gaming).

For clarity and in response to IRRC's comments, language was added in subsection (b), which mirrors the amended language in § 441a.13 regarding approval of agreements, specifying which contracts shall be filed with the Board. Those contracts include the following: agreements regarding slot machines, table games and associated equipment; corporate overhead agreements or shared services agreements whereby a slot machine licensee's holding company or affiliate is acting as a gaming service provider; management contracts whereby another entity is controlling or managing gaming operations; agreements that are tied to profits or earnings of the licensee; and amendments thereto.

Additionally, with respect to the submission of contracts, when slot machine licensees enter into contracts with gaming service providers, gaming related gaming service providers, manufacturers, suppliers or management companies, the gaming service provider, gaming related gaming service provider, manufacturer or supplier submits with its application materials a copy of the tentative agreement. Thereafter, slot machine licensees provide a monthly disbursement report which lists all disbursements to every gaming service provider (and those exempt from gaming service provider require-

ments), gaming related gaming service provider, manufacturer, supplier and management company. If there is a question regarding a disbursement amount that is not associated with a contract that was submitted to the Board, Board staff may request additional information. With these mechanisms in place, and based on the Board's experience to date, the Board believes that the integrity of gaming will be protected.

IRRC also commented that proposed language in subsection (b) (final-form subsection (c)) contains language that states that the Board may require a slot machine licensee to submit a copy of an agreement to the Board. As previously specified, if there is a question regarding a disbursement amount, Board staff may request that the contract or description of the oral agreement be submitted for review.

#### *Additional revisions*

In § 401a.3, the definition of "gaming employee" is amended. The edits were necessary in light of the amendments made to the definition of "nongaming employee" because when read together, both definitions appeared to cover some of the same individuals.

In § 441a.13, the "submit to the Board" language was deleted in subsection (a). That language is unnecessary in this section in light of the amendments to § 441a.12(b), which now requires that the enumerated agreements be submitted to the Board.

Section 441a.13(a)(3) was amended for clarity to reflect that contracts whereby a person has a right to receive payment contingent upon profits or earnings from a slot machine licensee require Board approval.

#### *Affected Parties*

Professional sports teams of Major League Baseball, the National Football League, the National Basketball Association and the National Hockey League are no longer required to file for gaming service provider registration or certification. Additionally, operators are no longer required to file certain agreements with the Board.

#### *Fiscal Impact*

*Commonwealth.* It is not anticipated that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* Professional sports teams will benefit from the exemption as they are no longer required to apply and submit to an investigation as a gaming service provider. Additionally, operators will benefit as they are no longer required to file with the Board every agreement entered into with a licensed manufacturer, supplier, franchisee or gaming service provider.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

This final-form rulemaking eliminates the need to file with the Board every agreement entered into with a licensed manufacturer, supplier, franchisee or gaming service provider unless the agreement is related to: the acquisition of slot machines, table games and associated equipment; corporate overhead agreements or shared services agreements; management contracts; agreements that are tied to profits or earnings of the licensee; or requested by Board staff.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 16, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2962, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 19, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 20, 2013, and approved the final-form rulemaking.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

*Order*

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

(a) The regulations of the Board, 58 Pa. Code Chapters 401a, 437a and 441a, are amended by deleting § 441a.20 and amending §§ 401a.3, 437a.1, 437a.9, 441a.12, 441a.13, 441a.14 and 441a.16 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

*(Editor's Note:* Amendments to § 435a.5 included in the proposed rulemaking published at 42 Pa.B. 2962 have been withdrawn by the Board.)

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3857 (July 6, 2013).)

**Fiscal Note:** Fiscal Note 125-161 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

## Subpart A. GENERAL PROVISIONS

## CHAPTER 401a. PRELIMINARY PROVISIONS

## § 401a.3. Definitions.

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

\* \* \* \* \*

*Gaming employee—*

- (i) An employee of a slot machine licensee, including:
  - (A) Cashiers.
  - (B) Change personnel.
  - (C) Count room personnel.
  - (D) Slot attendants.
  - (E) Dealers of croupiers.
  - (F) Machine mechanics, computer machine technicians or table game device technicians.
  - (G) Security personnel.
  - (H) Surveillance personnel.
  - (I) Personnel with SLOTS Link security administrator access and responsibilities.
  - (J) Hosts or other individuals authorized to extend complimentary services, including employees performing functions similar to those performed by a gaming junket representative.
  - (K) Promotional play supervisors, credit supervisors, pit supervisors, cashier supervisors, shift supervisors, table game managers and assistant managers and other supervisors and managers, except for those specifically identified in this part as key employees.
  - (L) Boxpersons.
  - (M) Floorpersons.
  - (N) Personnel authorized to issue promotional play.
  - (O) Personnel authorized to issue credit.
  - (P) Directors of the following departments:
    - (I) Food and beverage.
    - (II) Facilities.
    - (III) Construction.
  - (ii) Employees of a licensed supplier, manufacturer, manufacturer designee or gaming related gaming service provider whose duties:
    - (A) Are directly involved with the repair, service or distribution of slot machines, table game devices or associated equipment sold or provided to a licensed facility within this Commonwealth.
    - (B) Require the employee's presence on the gaming floor or in a restricted area of a licensed facility.
  - (iii) Employees of a gaming service provider whose duties require:
    - (A) The employee's presence on the gaming floor or in a restricted area of a licensed facility.
    - (B) The employee to access the slot machines, table game devices or associated equipment in a manner that does not affect the play of the game.

(iv) Gaming junket representatives.

(v) Other employees or individuals who the Board determines, after a review of the work being performed, require permits for the protection of the integrity of gaming.

\* \* \* \* \*

*Nongaming employee*—An employee of a slot machine licensee, manufacturer, manufacturer designee, supplier or gaming service provider who is not included within the definition of “principal,” “key employee” or “gaming employee,” and:

(i) Whose job duties require the employee to be:

(A) On the gaming floor but do not require the employee to touch or have contact with slot machines, table game devices or associated equipment other than exterior contact that does not affect the play of the game.

(B) In a restricted area and the employee:

(I) Is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and has appropriate access clearance to be in the restricted area.

(II) Is not required to touch or have contact with slot machines, table game devices or associated equipment other than exterior contact that does not affect the play of the game.

(ii) Who the Board determines, after a review of the work being performed, requires registration for the protection of the integrity of gaming.

\* \* \* \* \*

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 437a. GAMING SERVICE PROVIDER CERTIFICATION AND REGISTRATION**

**§ 437a.1. General gaming service provider requirements.**

\* \* \* \* \*

(d) The following persons are exempt from the gaming service provider registration and the gaming service provider certification requirements of this chapter:

\* \* \* \* \*

(15) Professional sports teams of Major League Baseball, the National Hockey League, the National Football League and the National Basketball Association.

(16) Any person not otherwise exempt under this subsection that is licensed by a Federal or state agency if the agency’s licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.

(e) The Board may request information or assurances from any person listed in subsection (d) to determine the validity of the person’s exempt status.

\* \* \* \* \*

**§ 437a.9. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 437a.1 (relating to general gaming service provider requirements), the Bureau of Licensing may authorize an applicant for a gaming service provider certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the gaming service provider applicant if the following criteria are met:

(1) A completed Gaming Service Provider Registration Form—Un-sponsored has been filed by the gaming service

provider, a completed Gaming Service Provider Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to gaming service provider registration applications; and gaming service provider certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the gaming service provider.

(3) The applicant for gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine applicant or licensee under subsection (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or registration and the slot machine applicant or licensee by registered mail that permission for the applicant for certification or registration to conduct business with the slot machine applicant or licensee under subsection (a) has been rescinded and that the slot machine applicant or licensee shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

**Subpart C. SLOT MACHINE LICENSING**

**CHAPTER 441a. SLOT MACHINE LICENSES**

**§ 441a.12. Maintaining agreements; filing of agreements.**

(a) *Maintaining agreements.* Each approved slot machine licensee shall maintain the following:

(1) A copy of every executed agreement with licensed manufacturers, manufacturer designees, suppliers, tenant businesses or franchises located within the licensed facility, and persons required to file a notification or be registered or certified with the Board in accordance with § 437a.1(a), (b) or (h) (relating to general gaming service provider requirements) or Chapter 613a (relating to gaming related gaming service providers). Agreements relating to slot machines, table games, table game devices and associated equipment must be in writing.

(2) Records associated with an oral agreement with licensed manufacturers, manufacturer designees, suppliers, tenant businesses or franchises located within the licensed facility and persons required to file a notification or other request for authorization with the Board in accordance with § 437a.1(a), (b), (g) or (h) or Chapter 613a.

(3) A copy of all executed land and real estate agreements relating to racing or gaming operations.



(4) A copy of all amendments to agreements listed in paragraphs (1)—(3).

(b) *Filing agreements.* Each approved slot machine licensee shall file with the Board:

(1) Agreements with manufacturers, suppliers, manufacturer designees or gaming related gaming service providers relating to slot machines, table games, table game devices and associated equipment.

(2) Corporate overhead assessment agreements, shared service agreements, centralized service agreements or an agreement under which an affiliate, intermediary, subsidiary or holding company of an approved slot machine licensee provides goods or services to the approved slot machine licensee.

(3) Agreements that provide for the management of all or part of the gaming operations of a licensed facility.

(4) Agreements under which a person's right to receive payment is based or contingent upon a licensee's earnings, profits or receipts from the slot machines, table games or associated equipment.

(5) Amendments to agreements described in paragraphs (1)—(4).

(c) *Content of filings.* In addition to the agreements in subsection (b)(1)—(4), the Board may require an approved slot machine licensee to submit a copy of a written agreement or documents reflecting or relating to any oral agreement. Documentation of an oral agreement submitted to the Board must include the following:

(1) A description of the goods or services to be provided and the person that will provide the goods or services to the approved slot machine licensee.

(2) The name and business address of the parties to the agreement.

(3) The duration of the agreement or the expected date or dates of performance.

(4) The financial terms of the agreement.

#### § 441a.13. Board approval of agreements.

(a) An approved slot machine licensee shall receive Board approval prior to executing, relying upon or taking an action under the following:

(1) Corporate overhead assessment agreements, shared service agreements, centralized service agreements or an agreement under which an affiliate, intermediary, subsidiary or holding company of an approved slot machine licensee provides goods or services to the approved slot machine licensee.

(2) Agreements that provide for the management of all or part of the gaming operations of a licensed facility.

(3) Agreements under which a person's right to receive payment is based or contingent upon a licensee's earnings, profits or receipts from the slot machines, table games or associated equipment.

(4) Amendments to agreements described in paragraphs (1)—(3).

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may deny approval, require the termination of the agreement, the divestiture of any person associated with the agreement, or may pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not promptly terminated in accordance with the Board's order, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) An agreement maintained or filed under § 441a.12 (relating to maintaining agreements; filing of agreements) or this section must include a provision for its termination without liability on the part of the slot machine licensee, or any party to the agreement or any related agreement, if the Board orders the termination of the agreement in accordance with subsection (b).

(d) Each agreement maintained or filed under § 441a.12 or this section must include a provision requiring that the person who has contracted with the slot machine licensee comply with the act and this part, including obtaining required licenses, permits, certifications and registrations.

#### § 441a.14. Master purchasing and disbursement report.

(a) Each approved slot machine licensee shall generate a monthly Master Purchasing and Disbursement Report for expenditures. The report shall be submitted to the Bureau of Licensing no later than the 22nd calendar day of the following month and include the following information:

(1) A register listing alphabetically by payee expenditures paid by the approved slot machine licensee, including transfers of funds or credits to payees, and the following information next to the name of each payee:

(i) The description code as set forth by the Bureau of Licensing.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(2) A register listing alphabetically by payee expenditures paid by any affiliate, intermediary, subsidiary, holding company, management company or agent of the approved slot machine licensee for goods or services that benefit the approved slot machine licensee, including transfers of funds or credits to payees, and the following information next to the name of each payee:

(i) The description code as set forth by the Bureau of Licensing.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(b) The reports shall be transmitted to the Bureau of Licensing by means of electronic data transmission in a format prescribed by the Board.

#### § 441a.16. Slot machine license term and renewal.

(a) The slot machine license will be valid for 3 years from the date on which the initial license is issued or the renewal is approved by the Board.

(b) A Category 1, Category 2 or Category 3 Slot Machine Renewal Application Form shall be submitted to the Board at least 60 days prior to the expiration of a slot machine license.

(c) A slot machine license for which a completed renewal application has been received by the Board will continue in effect until the Board sends written notification to the holder of the slot machine license that the Board has approved or denied the slot machine license renewal application.

#### § 441a.20. (Reserved).

[Pa.B. Doc. No. 13-1328. Filed for public inspection July 19, 2013, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective July 1, 2013.

The organization chart at 43 Pa.B. 4102 (July 20, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

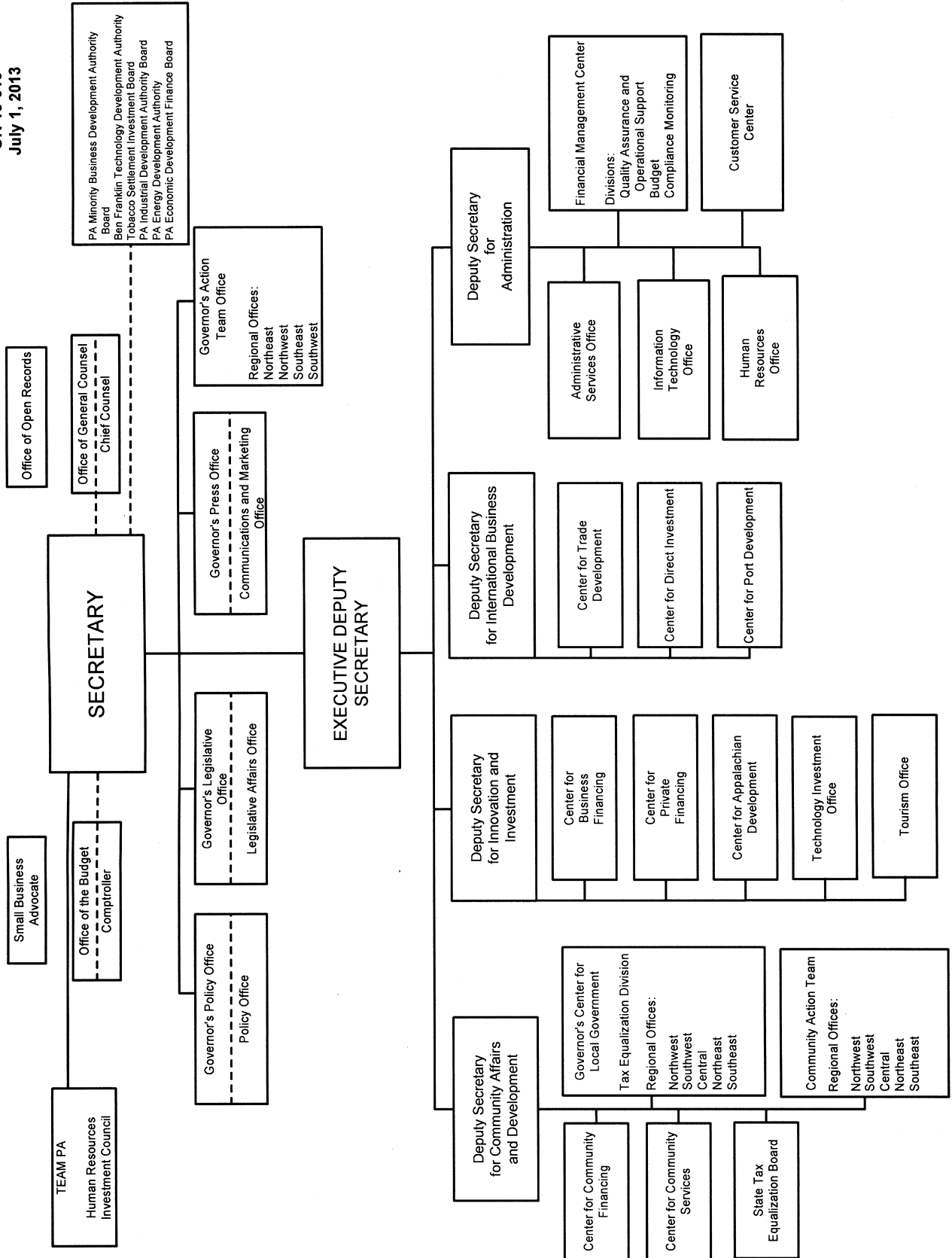
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 13-1329. Filed for public inspection July 19, 2013, 9:00 a.m.]

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OR-13-015  
July 1, 2013

COMMUNITY AND ECONOMIC DEVELOPMENT



# Title 25—ENVIRONMENTAL PROTECTION

## DEPARTMENT OF ENVIRONMENTAL PROTECTION [ 25 PA. CODE CH. 16 ]

### Water Quality Toxics Management Strategy—Statement of Policy

The Department of Environmental Protection (Department) is amending Chapter 16 (relating to water quality toxics management strategy—statement of policy). These amendments complement the triennial review and revision of Chapter 93 (relating to water quality standards). See 43 Pa.B. 4080 (July 20, 2013) for the final-form rulemaking.

#### A. *Effective Date*

This final statement of policy will be effective on July 20, 2013.

#### B. *Contact Persons*

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This statement of policy is available on the Department's web site at <http://www.dep.state.pa.us>.

#### C. *Background and Summary*

The Commonwealth's water quality standards in Chapters 16 and 93 and Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) implement sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the uses of the surface waters of the Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses, and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances and lists site-specific water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulations in §§ 93.8a and 93.8c (relating to toxic substances; and human health and aquatic life criteria for toxic substances).

The amendments update Chapter 16 to be consistent with the amendments to Chapter 93, as related to the Commonwealth's triennial review of water quality standards. The amendments also update and correct approved analytical methods in Tables 2A and 2B (relating to approved EPA and DEP accredited analytical methods and detection limits: inorganics; and approved EPA and

DEP accredited analytical methods and detection limits: organics). The titles of these tables are also corrected to reflect that several analytical methods listed are Department accredited. This statement of policy may affect persons who discharge wastewater into surface waters of the Commonwealth or otherwise conduct activities which may impact these waters.

The Department discussed the triennial review with the Water Resources Advisory Committee (WRAC) five times in 2011, at the April, June, July October and December meetings. On January 11 2012, WRAC voted to have the Department present the rulemaking package to the Environmental Quality Board (EQB). The Agricultural Advisory Board declined the need for their consideration on the triennial review of water quality standards that was scheduled for their regular October 19, 2011, meeting.

The amendments were shared with the EQB as a companion to the triennial review of water quality standards rulemaking, although the EQB is not required to act on the revisions to the Department's statement of policy for toxic substances. The proposed statement of policy was published at 42 Pa.B. 4187 (July 7, 2012) with a 45-day public comment period that ended August 21, 2012. The Department held a public meeting and hearing for the purpose of accepting comments on the proposed statement of policy on August 8, 2012, in Conference Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Department did not receive comments pertaining to the proposed statement of policy.

The draft final statement of policy was discussed with and approved by WRAC at its November 28, 2012, meeting. Comments received on the Chapter 93 rulemaking resulted in related changes to this final statement of policy. The changes to the proposed statement of policy are summarized in Section D.

#### D. *Summary of the Change to the Proposed Amendment Appendix A. Table 1A. Site-specific water quality criteria for toxic substances*

**1,4-Dioxane**—Based on comments to the proposed amendments to Chapter 93 received by the EQB, the proposed Statewide criterion for 1,4-dioxane was withdrawn from this final statement of policy, but retained as a site-specific criterion (3 µg/L) in Table 1A.

A copy of the final amendments is available from the Division of Water Quality Standards at the address provided in Section B.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

*(Editor's Note: Title 25 of the Pennsylvania Code is amended by amending a statement of policy in Chapter 16, Appendix A, Tables 1A, 2A and 2B to read as set forth in Annex A, with ellipses referring to the existing text of the tables.)*

*(Editor's Note: For a final-form rulemaking relating to this statement of policy, see 43 Pa.B. 4080 (July 20, 2013).*

**Fiscal Note:** Fiscal Note 7-514 remains valid for the final adoption of the subject regulations.

STATEMENTS OF POLICY

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart A. PRELIMINARY PROVISIONS

ARTICLE II. STATEMENTS OF POLICY

CHAPTER 16. WATER QUALITY TOXICS MANAGEMENT STRATEGY—STATEMENT OF POLICY

APPENDIX A

TABLE 1A

SITE-SPECIFIC WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

The following table contains water quality criteria that were developed based on a need for a site-specific water quality criterion, and according to the guidelines for criteria development, as contained in this chapter. The sources the Department of Environmental Protection (Department) uses to obtain relevant risk assessment values for these criteria include, but are not limited to, United States Environmental Protection Agency agency-wide supported data systems such as Integrated Risk Information System (IRIS) and ECOTOX; the Great Lakes' Tier II aquatic life criteria guidelines; and other Nationally developed criteria as reviewed and approved by the Department for Statewide use. A criterion placed in this table will remain a site-specific criterion as originally developed and be incorporated into the appropriate portion of §§ 93.9a—93.9z that relates to “exceptions to specific criteria” unless, during rulemaking, it is determined that the same criteria has general Statewide applicability.

<i>Fish and Aquatic Life Criteria</i>									
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	<i>Health Effect</i>	<i>Drainage List</i>	<i>Water Body/ County</i>	
-	1,4 Dioxane	123911	103000	515000	3.0	CRL	F	West Branch Perkiomen Creek, Berks County	

Acronyms and Footnotes to Table 1A

CAS—Chemical Abstract Service number

CRL—Cancer risk level at 1 x 10<sup>-6</sup>

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln [H]—Natural Logarithm of the Hardness of stream as mg/l CaCO<sub>3</sub>

ug/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

TABLE 2A

APPROVED EPA AND DEP ACCREDITED ANALYTICAL METHODS AND DETECTION LIMITS: INORGANICS

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/L)</i>	
11M	SILVER (07440224)	3111 B or C (AA, flame)	10
		3113 B (AA, furnace)	0.2
		200.7 (ICP/AES)	2
		200.8 (ICP/MS)	0.1
		200.9 (STGFAA)	0.6
		—* <sup>3</sup> (DCP)	N/A
—	STRONTIUM (07440246)	200.7 (ICP/AES)	0.01
		200.8 (ICP/MS)	2.0
		6010B (ICP/AES)	0.01
		6020(ICP/MS)	1.0
12M	THALLIUM (07440280)	3111 B (AA, flame)	N/A
		279.2 (AA, furnace)	1
		200.7 (ICP/AES)	1
		200.8 (ICP/MS)	0.3
		200.9 (STGFAA)	0.7

**TABLE 2B**  
**APPROVED EPA AND DEP ACCREDITED ANALYTICAL METHODS AND DETECTION LIMITS: ORGANICS**

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/L)</i>
—	BENZENE METADISULFONIC ACID (00098486) OR 357A Test America, HPLC/UV or LC/MS/MS	50
—	BENZENE MONOSULFONIC ACID (00098113) OR 357A Test America, HPLC/UV or LC/MS/MS	50
1A	2-CHLOROPHENOL (00095578) 604—GC/FID	0.31
	604—GC/ECD	0.58
	625—GC/MS	3.3
	1625B—GC/MS(isotope)	10
	* * * * *	
7A	4-NITROPHENOL (00100027) 604—GC/FID	2.8
	604—GC/ECD	0.70
	625—GC/MS	2.4
	1625B—GC/MS(isotope)	50
—	NONYLPHENOL (00104405) D7065-06M—GC/MS	2.0
	D7485-09—LC/LC/TANDEM MS	.033
8A	p-CHLORO-m-CRESOL (00059507) 604—GC/FID	0.36
	604—GC/ECD	1.8
	625—GC/MS	3.0
	1625B—GC/MS(isotope)	10
9A	PENTACHLOROPHENOL (00087865) 604—GC/FID	7.4
	604—GC/ECD	0.59
	625—GC/MS	3.6
	1625B—GC/MS(isotope)	50
10A	PHENOL (00108952) 604—GC/FID	0.14
	604—GC/ECD	2.2
	625—GC/MS	1.5
	1625B—GC/MS(isotope)	10
—	P-PHENOL SULFONIC ACID (00098679) OR 357A Test America, HPLC/UV or LC/MS/MS	50
—	RESORCINOL (01084603) 8270D—GC/MS	100
11A	2,4,6-TRICHLOROPHENOL (00088062) 604—GC/FID	0.64
	604—GC/ECD	0.58
	625—GC/MS	2.7
	1625B—GC/MS(isotope)	10
1V	ACROLEIN <sup>(1)</sup> (00107028) 603—GC/FID	0.7
	624—GC/MS	N/A
	1624B—GC/MS(isotope)	50
2V	ACRYLONITRILE <sup>(1)</sup> (00107131) 603—GC/FID	0.5
	624—GC/MS	N/A
	1624B—GC/MS(isotope)	50
3V	BENZENE (00071432) 602—GC/PID	0.20
	624—GC/MS	4.4
	1624B—GC/MS(isotope)	10
—	BENZYL CHLORIDE (00100447) 8021B—GC	1.0
	8260B—GC/MS	.005—5.0
5V	BROMOFORM (00075252) 601—GC/Hal.	0.20
	624—GC/MS	4.7
	1624B—GC/MS(isotope)	10
—	2-BUTOXYETHANOL (00111762) EPA R5/6LC—LC/MS/MS (DIRECT INJECT)	125

## STATEMENTS OF POLICY

<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/L)</i>
6V	CARBON TETRACHLORIDE (00056235)	601—GC/Hal. 0.12 624—GC/MS 2.8 1624B—GC/MS(isotope) 10
	* * * * *	
26V	1,2-trans-DICHLOROETHYLENE (00156605)	601—GC/Hal. 0.10 624—GC/MS 1.6 1624B—GC/MS(isotope) 10
—	1,2-cis-DICHLOROETHYLENE (00156592)	601—GC/Hal. 0.10 624—GC/MS 1.6 1624B—GC/MS(isotope) 10
27V	1,1,1-TRICHLOROETHANE (00071556)	601—GC/Hal. 0.03 624—GC/MS 3.8 1624B—GC/MS(isotope) 10
28V	1,1,2-TRICHLOROETHANE (00079005)	601—GC/Hal. 0.02 624—GC/MS 5.0 1624B—GC/MS(isotope) 10
29V	TRICHLOROETHYLENE (00079016)	601—GC/Hal. 0.12 624—GC/MS 1.9 1624B—GC/MS(isotope) 10
—	1,2,4-TRIMETHYLBENZENE (00095636)	524.2—GC/MS 0.5 624—GC/MS 1.0 8021B—GC 1.0 8260B—GC/MS 2.0
—	1,3,5-TRIMETHYLBENZENE (00108678)	524.2—GC/MS 0.5 624—GC/MS 1.0 8021B—GC 1.0 8260B—GC/MS 2.0
31V	VINYL CHLORIDE (00075014)	601—GC/Hal 0.18 624—GC/MS N/A 1624B—GC/MS(isotope) 10
1B	ACENAPHTHENE (00083329)	610—GC/FID N/A 610—HPLC 1.8 625—GC/MS 1.9 1625B—GC/MS(isotope) 10
2B	ACENAPHTHYLENE (00208968)	610—GC/FID N/A 610—HPLC 2.3 625—GC/MS 3.5 1625B—GC/MS(isotope) 10
—	ACRYLAMIDE (00079061)	8032A (GC) .032 8316 (HPLC) 10
3B	ANTHRACENE (00120127)	610—GC/FID N/A 610—HPLC 0.66 625—GC/MS 1.9 1625B—GC/MS(isotope) 10
	* * * * *	
18B	CHRYSENE (00218019)	610—GC/FID N/A 610—HPLC 0.15 625—GC/MS 2.5 1625B—GC/MS(isotope) 10
—	CYCLOHEXYLAMINE (00108918)	8270B—GC/MS .01

STATEMENTS OF POLICY

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<i>Parameter (CAS)</i>	<i>Method Number (Description) *Source</i>	<i>Detection Limit (MDL) (µg/L)</i>
19B	DIBENZO(a,h) ANTHRACENE (00053703)	N/A
	610—GC/FID	0.030
	610—HPLC	2.5
	625—GC/MS	20
	1625B—GC/MS(isotope)	
	* * * * *	
29B	DI-N-OCTYL PHTHALATE (00117840)	3.0
	606—GC/ECD	2.5
	625—GC/MS	10
	1625B—GC/MS(isotope)	
—	1,4-DIOXANE (00123911)	1.0
	624—GC/MS	5.0
	625—GC/MS	0.1
	8260B—GC/MS	0.2
	8270L—GC/MS	
30B	1,2-DIPHENYLHYDRAZINE (00122667)	10
	625—GC/MS	20
	1625B—GC/MS(isotope)	
	* * * * *	

[Pa.B. Doc. No. 13-1330. Filed for public inspection July 19, 2013, 9:00 a.m.]



# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC Project 13.141: Suite 400 Furnishings and Accessories.** Selective removal and salvage of wall trim consisting of base assembly and chair rail sections; fabricate, install and finish new matching base, chair rail and picture rail for selected locations; construction of new wall segments in Room 402; fabrication and installation of new custom wood cabinetry with solid polymer top and wall panels; provision and installation of new appliance; modification of existing carpeting to accommodate new cabinetry and construction array; new electrical connection for conference room food service center; selective removal of wall plaster (channeling) to accommodate new conduit and wiring; grout reconstruction of wall areas removed for utility installation; minor reconstruction of canvas covered plaster walls and refinishing; and fabrication, delivery and installation of new furniture; provision of electrical power and data connections to new video display monitors.

A \$100 deposit is required for issuance of project documents. The issue date of the documents will be July 30, 2013, at 10 a.m. A mandatory preproposal conference and walk through will be held on August 6, 2013, at 10 a.m., convene in Room 630, Main Capitol. The proposal receipt date is August 27, 2013, at 2 p.m. Proposals must remain firm for 60 calendar days following proposal receipt date. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 13-1331. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Gwynedd-Mercy College for Approval of a Certificate of Authority to Operate as a University under the Name of Gwynedd-Mercy 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 Gwynedd-Mercy College for approval of a Certificate of Authority to operate as a university under the legal name of Gwynedd-Mercy University.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without a 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 Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 by 4 p.m. on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previous 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 Dr. Rod Niner at (717) 783-8228 to discuss accommodations.

WILLIAM E. HARNER, Ph.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1332. Filed for public inspection July 19, 2013, 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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### **I. NPDES Renewal Applications**

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

<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>
PA0244384 (Sewage)	Huntzinger SR STP 3947 Geryville Pike Pennsburg, PA 18073-2618	Montgomery County Marlborough Township	Unnamed Tributary to Macoby Creek (3-E)	Y

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062936 (Industrial Waste)	Lehighon Water Authority WTP 100 Maury Road Lehighon, PA 18325	Carbon County Franklin Township	Long Run (02B)	Y
PA0032999 (Sewage)	Hickory Run State Park RR 1, Box 81 White Haven, PA 18661-9712	Carbon County Kidder Township	Hickory Run HQ-CWF (2A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083186 (Sew)	HMS Host—Sideling Hill Service Plaza PO Box 8 Middletown, PA 17057	Fulton County / Taylor Township	Dry Swale Lick Branch / 12-C	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0086550 (Sew)	Jeffrey & Rose Siddens 65 Stonewall Lane Alburtis, PA 18011	Berks County / Longswamp Township	UNT Swabia Creek / 2-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0113298 (Sewage)	Elkland Borough Wastewater Treatment Plant Ellison Road Elkland, PA 16920	Tioga County Elkland Borough	Cowanessque River (4-A)	N
PA0209376 (SFTF)	Linda Geyer Apt 2713 Carson Hill Road Dubois, PA 15801	Clearfield County Brady Township	UNT to Limestone Run Watershed #17D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0036609 Sewage	Conway Boro River Rd Conway, PA 15027	Beaver Cnty Conway Boro	Ohio River	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0239224 (Sewage)	Keystone Charter School 425 South Good Hope Road, Greenville, PA 16125	Mercer County West Salem Township	Big Run (20-A)	Y

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

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

**PA0052035**, Sewage, SIC Code 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940-2818. Facility Name: Heritage Hills WWTP. This existing facility is located in Upper Makefield Township, **Bucks 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), Delaware River and Houghs Creek, is located in State Water Plan watershed 2-E 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 0.172 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maxi- mum
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Geo Mean	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.23	XXX	0.45
CBOD <sub>5</sub>	14.3	XXX	XXX	10	XXX	20
Total Suspended Solids	14.3	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	4.3	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.159 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.23	XXX	0.45
CBOD <sub>5</sub>	13.3	XXX	XXX	10	XXX	20
Total Suspended Solids	13.3	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	4.0	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Designation of Responsible Operator
- No Stormwater
- Change in Ownership
- TRC Minimization
- Sludge Disposal
- Discharge During Emergency Situation
- Discharge to Groundwater Recharge Areas
- Discharge to Special Protection Waters

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.

**PA0058556**, SIC Code 4941, **Downingtown Municipal Water Authority**, 100 Water Plant Way, Downingtown, PA 19335-1951. Facility Name: Downingtown Municipal WFP. This existing facility is located in 100 Water Plant Way, Downingtown, PA 19335, Downingtown Borough, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated filter backwash, clarifier backwash, and sludge drying beds filtrate from sludge thickening/holding tank, from a Water Filtration Plant.

The receiving stream(s), Unnamed Tributary to East Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Cold 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 0.26 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.25
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10.0
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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

Part C Other Requirements:

- A. Necessary Property Rights
- B. Proper Sludge Disposal
- C. BAT/BCT Reopener
- D. Remedial Measures if Public Nuisance
- E. Change in Ownership
- F. TMDL/WLA Analysis
- G. 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: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0248193**, SIC Code 6514, **James K Adams Jr**, 101 Shatto Drive, Carlisle, PA 17013. Facility Name: Adams Res. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream(s), Conodoguinet Creek, is located in State Water Plan watershed 7-B 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 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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.

**PA0087106**, Sewage, SIC Code 8661, **Freedom Valley Worship Center AOG, Inc.**, 3185 York Road, Gettysburg, PA 17325. Facility Name: Freedom Valley Worship Center STP. This existing facility is located in Straban Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Swift Run, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30	XXX	XXX	XXX	18	XXX	36

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.

**PA0247950**, SIC Code 4952, **James K Speed**, 3461 Lower Glades Road, York, PA 17406. Facility Name: Speed Residence SRSTP. This existing facility is located in Springettsbury Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Codorus Creek, is located in State Water Plan watershed 7-H and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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.

**PA0008893**, SIC Code 2621, **Team Ten LLC**, 1600 Pennsylvania Avenue, Tyrone, PA 16686-1758. Facility Name: Team Ten LLC Dba American Eagle Paper Mills. This existing facility is located in Tyrone Borough, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water.

The receiving stream(s), Bald Eagle Creek, is located in State Water Plan watershed 11-A and is classified for Trout Stocking, 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 10.1 MGD.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

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

The EPA Waiver is in effect.

**PA0081825**, Sewage, SIC Code 4952, 6515, **Betty Nelson**, 14 Tip Top Circle, Carlisle, PA 17015. Facility Name: Betty Nelson MHP. This existing facility is located in Lower Frankford Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.023 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg 2.0	XXX	XXX

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.

**PA0044911 A-1**, SIC Code 2023, **Land O Lakes Inc.**, 405 Park Drive, Carlisle, PA 17015-9270. Facility Name: Land O Lakes Carlisle Facility. This existing facility is located in South Middleton Township, **Cumberland County**.

Description of Existing Activity: The application is for amending an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Mountain Creek, is located in State Water Plan watershed 7-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.81 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	Report	93	XXX
Aug 1 - Jun 30	XXX	XXX	XXX	Report	110	XXX
CBOD <sub>5</sub>	67	135	XXX	10	20	25
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	67	135	XXX	10	20	25
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	10	20	XXX	1.5	3.0	3.7
Nov 1 - Apr 30	18.7	32	XXX	4.5	9.0	11
Total Phosphorus	6.7	13.5	XXX	1.0	2.0	2.5

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

The EPA Waiver is in effect.

**PA0036889**, Sewage, SIC Code 4952, **Reading Township Municipal Authority**, 5500 Carlisle Pike, New Oxford, PA 17350. Facility Name: Reading Township WWTP. This existing facility is located in Reading Township, **Adams County**.

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

The receiving stream(s), Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.33 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.23	XXX	0.75
CBOD <sub>5</sub>	68	110	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	82	123	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	19	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30	58	XXX	XXX	21	XXX	42
Total Phosphorus	5.5	XXX	XXX	2.0	XXX	4.0

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

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

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.

**PA0261963**, 312 NAICS Code, **Shinn Spring Water Co.**, 2 East Pointe Drive, Birdsboro, PA 19508. Facility Name: East Pointe Bottling Plant. This proposed facility is located in Cumru Township, **Berks County**.

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

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-C and is classified for Warm Water Fish, Migratory Fish, 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 0.075 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Temperature (°F)	XXX	XXX	XXX	Report	110	XXX
Total Suspended Solids	19	38	XXX	30	60	XXX
Total Dissolved Solids	4,285	8,570	XXX	6,850	13,700	19,600
Oil and Grease	9.4	XXX	XXX	15	XXX	30
Total Aluminum	2.5	5.0	XXX	4.0	8.0	XXX
Total Iron	1.3	2.5	XXX	2.0	4.0	XXX
Total Manganese	0.6	1.3	XXX	1.0	2.0	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Sulfate	XXX	XXX	XXX	Report	XXX	Report
Chloride	XXX	XXX	XXX	Report	XXX	Report
PCBs (Dry Weather) (ng/L)	XXX	XXX	XXX	Report	Report	XXX
PCBs (Wet Weather) (ng/L)	XXX	XXX	XXX	Report	Report	XXX



Other significant conditions in the permit:

-The discharge is subject to Schuylkill River PCBs Total Maximum Daily Load (TMDL) as approved by U.S. EPA.

-The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F, outside of designated mixing zone.

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.

**PA0085600**, SIC Code 3089, **Ono Industries Inc.**, PO Box 150, Ono, PA 17077-0150. Facility Name: Ono Plastic Manufacturing. This existing facility is located in East Hanover Township, **Lebanon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated contact cooling water and stormwater.

The receiving stream(s), Unnamed Tributary to Reeds Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.057 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	87	XXX
CBOD <sub>5</sub>	6.2	12.3	XXX	13	26	32
Total Suspended Solids	4.8	9.0	XXX	10	19	24
Oil and Grease	7.1	13.7	XXX	15	29	30
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

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

- BMPs added to control erosion and sediments

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.

**PA0033391**, Sewage, SIC Code 6515, **Frank T Perano, GSP Management Company**, PO Box 677, Morgantown, PA 19543. Facility Name: Pine Manor MHP. This existing facility is located in Londonderry Township, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary to Lynch Run, is located in State Water Plan watershed 7-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Annual Average	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Annual Average	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Residual Chlorine	XXX	XXX	XXX	.47	XXX	1.55
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Annl Avg Report	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report Avg Mo	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	122 Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

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

**PA0035360**, Sewage, SIC Code 4952, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. Facility Name: Holiday Park STP. This existing facility is located in Plum Borough, **Allegheny County**.

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

The receiving stream(s), Abers Creek, is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	150	225	XXX	10	15	20
Nov 1 - Apr 30	374	Wkly Avg 561	XXX	20	Wkly Avg 30	40
BOD <sub>5</sub>		Wkly Avg			Wkly Avg	
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
May 1 - Oct 31	376	563	XXX	25	38	50
Nov 1 - Apr 30	467	Wkly Avg 701	XXX	25	Wkly Avg 38	50
Fecal Coliform (CFU/100 ml)		Wkly Avg			Wkly Avg	
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	29	XXX	XXX	1.9	XXX	3.8
Nov 1 - Apr 30	56	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper						
May 1 - Oct 31	0.29	0.44	XXX	0.019	0.029	0.048
Nov 1 - Apr 30	0.35	0.54	XXX	0.019	0.029	0.048
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PA0026778**, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Facility Name: Ingleside STP. This existing facility is located in Richland Township, **Cambria County**.

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

The receiving stream(s), Stony Creek is located in State Water Plan watershed 18-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>	835	1,251	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,001	1,502	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	260	390	XXX	7.8	11.7	15.5
Nov 1 - Apr 30	767	1,151	XXX	23	34.5	46
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The EPA Waiver is not in effect.

**PA0023698**, Sewage, SIC Code 4952, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. Facility Name: Vanport Water Pollution Control Plant. This existing facility is located in Vanport Township, **Beaver County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	325.5	488.2	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	390.5	585.8	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	400
Nov 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean XXX	Report Daily Max	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The EPA Waiver is not in effect.

**PA0038181**, Sewage, SIC Code 4952, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601-6416. Facility Name: New Stanton STP. This existing facility is located in Hempfield Township, **Westmoreland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 7.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	1,502	2,402	XXX	25	40	50
BOD <sub>5</sub>		Wkly Avg			Wkly Avg	
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,802	2,703	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg			Wkly Avg	
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	210	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	510	XXX	XXX	8.5	XXX	17.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Antimony						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.46	0.71	XXX	0.0076	0.0118	0.019
Total Selenium						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.40	0.63	XXX	0.0067	0.0105	0.01675

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Bis(2-Ethylhexyl)Phthalate (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.23	0.36	XXX	0.0038	0.0060	0.0095

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PA0204994**, Sewage, SIC Code 4952, **Central Indiana County Joint Sewer Authority**, PO Box 7, 603 South Main Street Ext., Homer City, PA 15748-0007. Facility Name: Homer City STP. This existing facility is located in Center Township, **Indiana 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), Two Lick Creek, is located in State Water Plan watershed 18-D 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 0.65 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	135.5	217	XXX	25	40	50
		Wkly Avg			Wkly Avg	
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	163	244	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	95	XXX	XXX	17.5	XXX	35
Nov 1 - Apr 30	135.5	XXX	XXX	25.0	XXX	50.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PA0025950**, Sewage, SIC Code 4952, **Municipal Authority of the City of Monongahela**, 521 W Main Street, Monongahela, PA 15063-2615. Facility Name: City of Monongahela STP. This existing facility is located in Monongahela City, **Washington County**.

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

The receiving stream(s), 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 1.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	313	469	XXX	25	40	50
		Wkly Avg			Wkly Avg	
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	376	563	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity - Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	100.0	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	100.0	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

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

**PA0020605**, Sewage, SIC Code 4952, **Union City Borough Municipal Authority**, 29 South Main Street, Union City, PA 16438-1331. Facility Name: Union City STP. This existing facility is located in Union Township, **Erie County**.

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

The receiving stream(s), South Branch French Creek, is located in State Water Plan watershed 16-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 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
		Daily Max				
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	0.4	XXX	1.3
CBOD <sub>5</sub>						
May 1 - Oct 31	233	350	XXX	20	30	40
Nov 1 - Apr 30	292	467	XXX	25	40	50
Total Suspended Solids	350	525	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	52.5	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	158	XXX	XXX	13.5	XXX	27
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	Report

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

- Solids Management
- Whole Effluent Toxicity
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 1513405**, Sewage, **Utilities Inc. of PA**, P. O. Box 379, Dunkirk, MD 20754.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station to service proposed 64 lot residential subdivision to discharge to ex gravity manhole.

**WQM Permit No. 4613404**, Sewage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766.

This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to serve assisted living community building.

**WQM Permit No. 4605410**, Sewage, **Amendment, East Norriton Plymouth Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Modifications and improvements to the treatment plant.

**WQM Permit No. 4613405**, Sewage, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376.

This proposed facility Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a groundwater seep passive treatment system.

**WQM Permit No. 1513406**, Sewage, **Camphill Soltane**, 224 Nantmeal Road, Glenmoore, PA 19343.

This proposed facility is located in East Nantmeal Township, **Chester County**.

Description of Action/Activity: Construction of a conveyance and community sewer treatment system.

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

**WQM Permit No. 2895201, Transfer #1**, Sewerage, **AE Sauce, Inc. dba Gibble Foods**, 357 West Main Avenue, Myerstown, PA 17067.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for transfer of permit.

**WQM Permit No. 3693401, Amendment 13-1**, Sewerage, **Millersville Borough**, 100 Municipal Drive, Millersville, PA 17551.

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

Description of Proposed Action/Activity: Seeking permit approval for the improvements / replacement of blowers.

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

**WQM Permit No. 3013401**, Sewerage, **Morris Twp**, 1317 Browns Crk Rd., Sycamore, PA 15364

This proposed facility is located in Morris Twp, **Greene Cnty**

Description of Proposed Action/Activity: Application for the construction and operation of an STP.

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

**WQM Permit No. WQG01371301**, Sewage, **Nathaniel D. Hunter**, 620 Wilson Mill Road, New Castle, PA 16105.

This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018709**, Sewage, **Ronald W. Sevin**, 7775 Route 6N, Edinboro, PA 16412.

This existing facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of an existing Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018768**, Sewage, **Brian M. & Christine L. Turner**, 15303 Ridge Road, Meadville, PA 16335.

This existing facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Transfer of an existing Single Residence Sewage Treatment Plant.

**WQM Permit No. 2513402**, Sewage, **Young Men's Christian Association of Youngstown Ohio**, 17 North Champion Street, P.O. Box 1287, Youngstown, OH 44501-1287.

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

Description of Proposed Action/Activity: Application to replace existing wastewater treatment facility with new, high capacity plant.

**WQM Permit No. 2013201**, Industrial Waste, **Apple Shamrock Dairy Farms, LLC**, 32821 Guys Mills Road, Townville, PA 16360.

This proposed facility is located in Steuben Township, **Crawford County**.

Description of Proposed Action/Activity: Application for construction of dairy facilities and manure storage ponds.

**WQM Permit No. 2578404**, Sewage, **Albion Assembly of God**, P.O. Box 55, Albion, PA 16401.

This existing facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of an existing permit for a small flow treatment facility.

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

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

**PAI130542**, MS4, **Upper Providence Township Delaware County**, 935 N. Providence Road, Media, PA 19063. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Upper Providence Township, **Delaware County**. The receiving stream(s), Unnamed Tributary of Crum Creek, Unnamed Tributary of Ridley Creek, are located in State Water Plan watershed 3G and are classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Trout Stocking, Trout Stocking, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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.

**PAI130021**, MS4, **Marple Township Delaware County**, 227 S Sproul Road, Broomall, PA 19008. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Marple Township, **Delaware County**. The receiving stream(s), Crum Creek, Darby Creek, Hotland Run, Langford Run, Trout Run, Unnamed Tributary to Crum Creek and Whetstone Run, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, Migratory Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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.

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

**PAI133513**, MS4, **Hampden Township Cumberland County**, 230 S Sporting Hill Road, Mechanicsburg, PA 17050-3097. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Hampden Township, **Cumberland County**. The receiving stream(s), Conodoguinet Creek, Pine Run, Sears Run, Trindle Spring Run, Unnamed Tributary to Cedar Run, Unnamed Tributary to Conodoguinet Creek and Unnamed Tributary to Trindle Spring Run, is located in State Water Plan watershed 7-B and 7-E and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAG133514	Marion Township 420 Water Street Womelsdorf, PA 19567	Berks	Marion Township	Tulpehocken Creek/ TSF, MF



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


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

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813003	Michael Gamzon Riverbend Hanover Properties LLC 1 Rockefeller Plaza Suite 2301 New York, NY 10020	Northampton	Hanover Twp. And East Allen Twp.	Monocacy Creek, (HQ-CWF, MF)

*Susquehanna County Conservation District: 88 Chenango Street, Montrose, Pa 18801, 570-278-4600, x 280*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025813001	Leatherstocking Gas Company, Inc. 49 Court Street Binghamton, NY 13902	Susquehanna	Bridgewater Township	Meshoppen Creek, CWF, MF Snake Creek CWF, MF Lake Montrose CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032113003	Rostan Associates 415 Fallowfield Road Camp Hill, PA 17011	Cumberland	Middlesex Township	Letort Spring Run (HQ-CWF)
PAI032113004	RE Invest Tire and Wheel Renewal, LLC 1855 New Highway, Suite C Farmingdal, NY 11735	Cumberland	Carlisle Borough	Letort Spring Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041413002	Logistics Group Inc	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045313003	Gold Church 35 PA Route 44A Genesee PA	Potter	Ulysess Township	Middle Branch Genesee HQ-CWF

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


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PAG-12      CAFOs

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**CAFO Notices of Intent Received**


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

**PAG123608**, CAFO, **Irvin G. Weaver**, 6 Witman Road, Womelsdorf, PA 19567.

This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: PAG-12 renewal application for an existing poultry operation.

The receiving stream, Little Swatara Creek, is in watershed 7-D, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no

other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123607**, CAFO, **Randall J. Weaver**, 8 Witman Road, Womelsdorf, PA 19567.

This proposed facility is located in Marion Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: PAG-12 renewal application for an existing poultry operation.

The receiving stream, UNT Tulpehocken Creek, is in watershed 3-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

**NPDES Permit No. PAG124846**, CAFO, **Country View Family Farms, LLC**, 1301 Fulling Mill Road, Middletown, PA 17057.

This existing facility is located in Sullivan Township, **Tioga County**.

Description of size and scope of proposed operation/activity: The facility is comprised of approximately 5,000 Sows, 960 Sows with litters, 12 Boars, and 2,000 Gilts. There are a total of 2,746.60 AEU's.

The receiving stream, Unnamed Tributary to Corey Creek, is in watershed 4-A and classified for: Cold Water Fishes, Cold Water Fishes and Migratory Fishes. The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**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 (35 P. S. §§ 721.1—721.17)**

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

**Permit No. 2613503**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
[Township or Borough]	City of Connellsville
Responsible Official	Jay Lucas, Senior Project Engineer Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Water system
Consulting Engineer	
Application Received Date	July 3, 2013
Description of Action	Installation of an above ground water booster station.

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

**Permit No. 2013504**, Public Water Supply

Applicant	<b>U.S. Bronze Foundry &amp; Machine, Inc.</b>
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Township or Borough	Woodcock Township	Description of Action	Application for modification of the Stanton community water system. Modifications will include the demolition of the well station at Well No. 1, extension of the Well No. 1 discharge line to the Well No. 2 station for treatment and replacement of chemical feed system and hydro-pneumatic tank within the Well No. 2 station.
County	<b>Crawford</b>		
Responsible Official	Daniel E. Higham		
Type of Facility	Public Water Supply		
Consulting Engineer	Chad W. Yuriscic, P.E. Deiss & Halmi Engineering, Inc. 109 Meadville Street Edinboro, PA 16412		
Application Received Date	July 1, 2013		
Description of Action	Add disinfection, caustic soda, and phosphate based corrosion inhibitor.	<b>Application No. 3513505</b>	
		Applicant	<b>Aqua Pennsylvania, Inc.</b>
		[Township or Borough]	Thornhurst Township <b>Lackawanna County</b>
		Responsible Official	Steve Clark, Honesdale Division Mgr. Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431
<b>Permit No. 4313506</b>	Public Water Supply	Type of Facility	Community Water System
Applicant	<b>Aqua Pennsylvania, Inc.</b>	Consulting Engineer	Douglas Berg, PE Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603 610-373-6667
Township or Borough	City of Sharon	Application Received Date	July 1, 2013
County	<b>Mercer</b>	Description of Action	Application for replacing the existing water storage tank and booster pump station serving Laurel and Thornhurst Country Club Estates.
Responsible Official	Marc A. Lucca		
Type of Facility	Public Water Supply	<b>Application No. 6413502, Minor Amendment.</b>	
Consulting Engineer	Mark A. Tompeck, P.E. Hatch Mott MacDonald 27 Bleeker Street Millburn, NJ 07041	Applicant	<b>Wallenpaupack Lake Estates POA</b> 100 Wallenpaupack Lake Estates Lake Ariel, PA. 18436
Application Received Date	July 1, 2013	[Township or Borough]	Paupack Township <b>Wayne County</b>
Description of Action	Installation of a chlorine dioxide system including, a chlorine dioxide generator skid; two sodium chlorite storage tanks; and chlorine gas, sodium chlorite and chlorine dioxide piping and appurtenances.	Responsible Official	Mr. Brian Schan
		Type of Facility	Public Water Supply
		Consulting Engineer	Mr. Bryon Killian, PE. Entec Engineering, Inc. 4 South 4th Street Reading, PA. 19603
		Application Received Date	May 16, 2013
		Description of Action	This project provides for the construction of a 3,000 gallon steel tank at the Beaver Well to increase chlorine contact time and reduce the chlorine residual needed under the Ground Water Rule.
		<b>Application No. 4013508, Minor Amendment.</b>	
		Applicant	<b>Ezy Water Development Company, Inc</b> 410 West Mine Street Hazleton, PA. 18201

#### MINOR AMENDMENT

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

#### Application No. 3513506MA Minor Amendment

Applicant **Aqua Pennsylvania, Inc.**  
[Township or Borough] South Abington Township  
**Lackawanna County**  
Responsible Official Patrick R. Burke, Regional Manager  
Northeast & Central Operations  
Aqua Pennsylvania, Inc.  
1 Aqua Way  
White Haven, PA 18661  
Type of Facility Community Water System  
Consulting Engineer William A. LaDiue, PE  
CET Engineering Services—GHD  
1240 North Mountain Road  
Harrisburg, PA 17112  
717-541-0622  
Application Received Date July 1, 2013

[Township or Borough] Foster Township  
**Luzerne County**

Responsible Official Mr. Dominic Yannuzzi

Type of Facility Public Water Supply

Consulting Engineer Mr. James P. Palumbo, PE.  
Quad Three Group, Inc.  
72 Glenmaura National  
Boulevard  
Moosic, PA. 18507

Application Received Date June 27, 2013

Description of Action This project provides for the construction of (2) 10,500 gallon HDPE finished water storage tanks at the White Haven Mountain Springs site.

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

**Application No. 5613504E, Minor Amendment.**

Applicant **H Manor, LLC**  
1379 Peninsula Drive  
Central City, PA 15926

[Township or Borough] Somerset Township

Responsible Official Jeffrey N. Griffith, Owner  
H Manor, LLC  
1379 Peninsula Drive  
Central City, PA 15926

Type of Facility Water system

Consulting Engineer G Force Engineering  
Services, LLC  
1630 Philadelphia Street  
Unit 10  
Indiana, PA 15701

Application Received Date July 8, 2013

Description of Action Interconnection between Hillcrest Manor MHP and Somerset Township Municipal Authority.

**Application No. 6513502MA, Minor Amendment.**

Applicant **Municipal Authority of the City of New Kensington**  
920 Barnes Street  
PO Box 577  
New Kensington, PA 15068

[Township or Borough] New Kensington

Responsible Official James Matta, General Manager  
Municipal Authority of the City of New Kensington  
920 Barnes Street  
PO Box 577  
New Kensington, PA 15068

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Box 853  
Latrobe, PA 15650

Application Received Date July 2, 2013

Description of Action Installation of approximately 48,450 feet of waterline.

**Application No. 0313506MA, Minor Amendment.**

Applicant **Parks Township Municipal Authority**  
1106 Highland Avenue  
Vandergrift, PA 15690

[Township or Borough] Parks Township

Responsible Official David E. Geltz, Chairman  
Parks Township Municipal Authority  
1106 Highland Avenue  
Vandergrift, PA 15690

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date July 3, 2013

Description of Action Installation of the Industrial Park Road bulk water station.

**Application No. 1113511MA, Minor Amendment.**

Applicant **Carrolltown Borough Municipal Authority**  
PO Box 307  
140 East Carroll Street  
Carrolltown, PA 15722

[Township or Borough] Carrolltown Borough

Responsible Official Ronald Johnson,  
Secretary/Treasurer  
Carrolltown Borough Municipal Authority  
PO Box 307  
140 East Carroll Street  
Carrolltown, PA 15722

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.  
420 Allegheny Street  
Hollidaysburg, PA 16648

Application Received Date June 26, 2013

Description of Action Rehabilitation of the water storage tank.

**WATER MANAGEMENT BIOSOLIDS**

**Biosolids Individual Permits (PABIG and PABIS)**

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are invited to submit statements to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an

application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 30-day comment period, the water management regional manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**PABIG 4801. Robinson Septic Service, Walker Township, Centre County.** Robinson Septic Service 306 Runville Road has applied to use their biosolids for beneficial use by land applications.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**7-Eleven Store #23787, City of Philadelphia, Philadelphia County.** Jose Rios, 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221 on behalf of Richard Firley, AECOM, Four Neshaminy Interplex, Suite 300, Trevoise, PA 19053, Timothy Jenesky, AECOM, Four Neshaminy Interplex, Suite 300, Trevoise, PA 19053 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The anticipated future use of the site is commercial usage.

**(REVISED) Toners Beef & Ale Restaurant, Upper Dublin Township, Montgomery County.** Mr. John Toner, Jr., Toner's Beef & Ale, 101 East Pennsylvania Avenue, Fort Washington, PA 19454 on behalf of Phil Gray, Jr. Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the leaded and unleaded gasoline. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on June 2, 2013.

**1940 West Allegheny Avenue, City of Philadelphia, Philadelphia County.** William F. Schmidt, PE Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, R. Max Kent, NewCourtland at Allegheny, Inc. 6950 Germantown Avenue, Philadelphia, PA 19119 on behalf of Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of Pahs, pp metals. The future use of the site will remain the same.

**Cedarbrook Hill County Club, Cheltenham Township, Montgomery County.** Donald M. Epstein, Fairway at Cedarbrook Hill, LP c/o Matrix Development Group, Forsgate Drive, CN4000, Cranbury, NJ 08512 on behalf of Michael Potts, ENVIRO International Corporation, 214 Carnegie Center, Princeton, NJ 08540 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic. The future use of the site will remain the same.

**Crossing at Ambler**, Borough of Ambler, **Montgomery County**. Robert Bast, Maple Avenue Park Partner, LLP, 110 Spruce Lane, Ambler, PA 19002 on behalf of Ken S. Eden, RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406, John Zaharchuk, Ambler Crossing Development Partners, LP, 201 South Maple Avenue, Suite 100, Ambler, PA 19002 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic and asbestos. The site will be redeveloped as a multi-family residential development. A Notice of Intent to Remediate was to have been reported in the *Ambler Gazette*, on Sunday, March 10, 2013.

**Wissahickon Charter School**, City of Philadelphia, **Philadelphia County**. Brad Copeland, Mt Airy Transit Village, 6703 Germantown Avenue, Suite 200, Philadelphia, PA 19119 on behalf of Charlene Drake, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Stephanie Hernandez, Wissahickon Charter School, 4700 Wissahickon Avenue, Philadelphia, PA 19144, James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics.

**1900 & 1820 West Allegheny Avenue**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, PE, Pennoni Associates, Inc., 3001 Markets Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of R. Max Kent, NewCourtland Elder Services, 6950 Germantown Avenue, Philadelphia, PA 19119 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of ppvoc's, pabs and metals. The future use of the site will remain the same.

**Bally Fitness Center**, Upper Merion Township, **Montgomery County**. Bruce Goodman, Provoco Pinegord York, LP, c/o Goodman properties, 636 Old York Road, Jenkintown, PA 19046 on behalf of Phil Gray, Jr., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded/leaded gasoline. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been reported in the *Willow Grove Guide* on May 19, 2013.

**Maggio Residence**, Lower Pottstown Township, **Montgomery County**. Paul and Jean Maggio, 1248 Crestwood Drive, Pottstown, PA 19464 on behalf of John Bernhardt, State Farm Insurance, PA Fires, Claims, P.O. Box 106110, Atlanta GA 30348-6110, Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been reported in the *Mercury* on May 05, 2013.

**Sandmeyer Steel Company**, City of Philadelphia, **Philadelphia County**. Christopher W. Duffy, Sandmeyer Steel Company, One Sandmeyer Lane, Philadelphia, PA 19116-3598 on behalf of Eric C. Lindult, P.E., 312 Summit Avenue, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

**Pine Road/Red Lion Road**, Lower Moreland Township, **Montgomery County**. Gregory T. Rogerson, JERC

Partners XIII, LP. 171 State Route 173, Suite 201, Asbury, NJ 08802-1365 on behalf of Gary Emmanuel, O'Brien & Gere Engineers, Inc. 301 East Germantown Pike, 3rd Floor, East Norriton, PA 19401 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The property has been used as a golf course since 200 and the proposed future use of the site is residential on a 29-acre portion of the property. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on June 10, 2013.

**CMJ Investments LLC**, Tinicum Township, **Delaware County**. Lou Cicconi, CMJ Investment, LLC, 300 South Governor Printz Boulevard, Lester, PA 19029 on behalf of Jim Taylor, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, Michael Napolitan, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline and leaded gasoline. The intended future use of the site is for commercial use and the property is zoned as commercial.

**901 West Girard Avenue**, City of Philadelphia, **Philadelphia County**. Richard L. Soloff, 9th Street Marketplace Associates, LLC, One Presidential Boulevard, Suite 202, Bala Cynwyd, PA 19004 on behalf of Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of btex, naphthalene, benzo. The developer proposes to construct a retail shopping center with parking lots and property designed landscaped areas. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* May 3, 2013.

**Evans Residence**, Horsham Township, **Montgomery County**. Henry Evans, 724 Lower State Road, North Wales, PA 19454 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Gene Noce, Harleysville Insurance, 355 Maple Avenue, Harleysville, PA 19438 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on April 21, 2013.

**500 East Washington Street**, Norristown Borough, **Montgomery County**. John Nugent, III, Redevelopment Authority of Montgomery County, 104 West Main Street, Suite 2, Norristown, PA 19401 on behalf of Ose Carr, ARCADIS U.S. Inc., 824 N. Market Street, Suite 820, Wilmington, DE 19801, Matthew Lesley, ARCADIS U.S. Inc., 824 N. Market Street, Suite 820, Wilmington, DE 19801 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of metals. Presently, the site is clear and secured by a perimeter fence.

**National Heat & Power**, City of Philadelphia, **Philadelphia County**. Elizabeth Gabor, Philadelphia Authority of Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 on behalf of Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The intended future use of the site is for non-residential commercial/industrial purposes. A sum-

mary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Tribune* on April 4, 2013.

**49th Street Terminal Site**, City of Philadelphia, **Philadelphia County**. Gabor, Philadelphia Authority of Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 on behalf of Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. The intended future use of the site is for non-residential commercial/industrial purposes. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Tribune* on April 4, 2013.

**Village at Valley Forge**, Upper Merion Township, **Montgomery County**. Paul Fry, Realen Valley Forge Greens Associates, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312 on behalf of Donald Bowman, Maser Consulting P.A., 190 Brodhead Road, Suite 210, Bethlehem, PA 18017, Brian Bennett, Northwestern Mutual, 720 East Wisconsin Avenue, N16SW, Milwaukee, WI 19312 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with release of battery acid. The future use of the site will remain the same.

**William Residence**, City of Philadelphia, **Philadelphia County**. Tracy William, 2123 Passyunk Avenue, Philadelphia, PA 19145 on behalf of Andy meadows, J&J Spill Services & Supplies, Inc., PO Box 370, Blue Bell, PA 19422, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate. Soil the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application for General Permit Renewal Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM015D002. Clinton County Solid Waste Authority**, Wayne Township Landfill, 264 Landfill Lane, McElhattan PA 17748-0209. This permit is for the processing and beneficial use of wood and timber waste, tree stumps, limbs, clean wood, untreated and unpainted wood and pallets and leaf and yard waste as mulch and compost. The application further requests minor modifications to increase the size of the permitted facility by 2.4 acres and to sell wood chips as a solidification agent for the gas drilling industry. The application for renewal was found to be administratively complete by the Bureau of Waste Management on July 2, 2013.

Persons with questions may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability for General Permit Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1916*

**General Permit Application No. WMGM027. Program I.D. WMGM027-NE002. Renewable Fuel, Inc.**, 3 Bala Plaza East, Suite 117, Bala Cynwyd, PA 19004. A General Permit Determination of Applicability (DOA) for the processing of paper, cardboard, wood and plastic into an alternative fuel for the cement industry at a site located on Horwith Drive in Northampton Borough, **Northampton County**. The application for DOA was received by the Regional Office on June 24, 2013 and deemed administratively complete on July 3, 2013.

Persons interested in obtaining more information about the general permit application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit Application No. WMGR038, Program I.D. WMGR038-NE006, Earth First Recycling, LLC**, 4323 Richmond Road, Easton, PA 18040. A General Permit Determination of Applicability (DOA) for the processing of waste tires into a beneficial fuel or use in construction projects at the Island Park Tire Recycling site in Glendon Borough, **Northampton County**. The DOA application was approved on June 21, 2013.

Persons interested in reviewing the general permit application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**Application(s) Issued 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 101590-A121. Waste Management of Pennsylvania, Inc., Beach Lake Transfer Station**, 165 Rosencranse Road, Beach Lake, PA 18405. A permit renewal for the continued operation of this municipal solid waste transfer station located in Berlin Township, **Wayne County**. The renewed permit was issued on July 2, 2013.

Persons interested in viewing the permit should contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the

Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**66-00001B: Proctor and Gamble Paper Products Co.** (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) for installation of one new converting line (MC3) and the modification of two (2) existing converting lines (MC1 and MC2) at their facility in Washington Township, **Wyoming County**.

**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.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05027D5: R. R. Donnelley & Sons, Co.** (216 Greenfield Road, Lancaster, PA 17601) for incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD for their Lancaster East printing facility located in Lancaster City, **Lancaster County**.

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

Plan Approval No. 36-05027D5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements. No emission increases are expected as a result of this plan approval. The implementation of Subpart DDDDD is intended to decrease emissions.

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

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



number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

**31-05005D5: Containment Solutions, Inc.** (14489 Croghan Pike, Mount Union, PA 17066) for their fiberglass reinforced underground storage tank manufacturing plant located in Shirley Township, **Huntingdon County**.

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

Plan Approval No. 36-5001JD5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters). The Plan Approval will contain testing, monitoring, recordkeeping and work practice standards designed to keep the facility operating within all applicable air quality requirements. No emission increases are expected as a result of this plan approval. The implementation of Subpart DDDDD is intended to decrease emissions.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Thomas Hanlon, Chief, Air Quality Permitting 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.

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

**28-05002D5: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) for incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD, into the air quality permit for the facility in Greene—Letterkenny Townships, **Franklin County**.

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

Plan Approval No. 28-05002D5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters). The Plan Approval will contain testing, monitoring, recordkeeping and work practice standards designed to keep the facility operating within all applicable air quality requirements. No emission increases are expected as a result of this plan approval. The implementation of Subpart DDDDD is intended to decrease emissions.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

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

**34-05001D5: AC Products, Inc.** (12393 William Penn Highway, PA 17094) for the incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD at the Thompsontown facility in Delaware Township, **Juniata County**.

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

Plan Approval No. 34-05001D5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements. No emission increases are expected as a result of this plan approval. The implementation of Subpart DDDDD is intended to decrease emissions.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

**36-05017D5: Conestoga Wood Specialties, Inc.** (245 Reading Road, East Earl, PA 17519) for the incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD at the facility in East Earl Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incor-

porated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 36-05017D5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements. No emission increases are expected as a result of this plan approval. The implementation of Subpart DDDDD is intended to decrease emissions.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

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

**08-00010H: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) for a plan approval to construct a Bionomic Industries Series 5000 Model 60 Counterflow Packed Tower Scrubber in **Bradford County**. The proposed scrubber will replace an existing scrubber and reduce emissions of hydrogen chloride, a hazardous air pollutant, from the facility's cobalt chemical process vessels from approximately 0.55 ton/year to 0.044 ton/year. There are no emissions increases associated with the proposed scrubber replacement.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. The Bionomic Industries scrubber shall be equipped with instrumentation to continuously monitor the pressure drop across the scrubber. The pressure drop across the scrubber shall be recorded at least once per operating shift.

2. The Bionomic Industries scrubber shall be equipped with instrumentation to continuously monitor the scrubbing solution flow rate. The scrubbing solution flow rate shall be recorded at least once per operating shift.

3. The scrubbing solution used in the Bionomic Industries scrubber shall be a mixture of water and sodium hydroxide, which shall be maintained in a pH range of 6.0–8.0. A pH alarm shall be installed which will notify the permittee in the event that the pH of the scrubbing solution falls below 6.0.

4. The Bionomic Industries scrubber shall be equipped with instrumentation to continuously monitor the temperature of the vapors entering the scrubber. The temperature of the inlet vapors shall not exceed 120°F.

5. The Department reserves the right to establish operating ranges for the pressure drop and scrubbing solution flow rate upon issuance of an operating permit.

6. The permittee shall create and maintain records of the observed scrubber pressure drop and scrubbing solution flow rate. These records shall be maintained for a minimum of five years and be made available to the Department upon request.

7. The permittee shall continue to comply with all existing requirements for the cobalt chemical process vessels established in Synthetic Minor Operating Permit 08-00010.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 08-00010H) and concise statements regarding the relevancy of the information or objections to 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 information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

*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*

**63-00982A: Arrow Material Services** (2605 Nicholson Road, Building 2, Suite 302, Pittsburgh, PA 15143) to

allow the construction and temporary operation of a (railcar to truck) transloading facility for the transfer of up to 6.3 million gallons of hydrochloric acid to be named the Allenport, PA Terminal in Allenport Borough, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44–127.46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00982A to allow the construction and temporary operation of a (railcar to truck) transloading facility for the transfer of up to 6.3 million gallons of hydrochloric acid to be named the Allenport, PA Terminal located in Allenport Borough, Washington County.

Potential to emit from the facility is estimated to be 0.87 ton of nitrogen oxides (NO<sub>x</sub>), 1.08 tons of carbon monoxide (CO), 0.13 ton of particulate matter (PM), 0.08 ton of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 0.10 ton of Hydrochloric acid (HCl), 0.29 ton of volatile organic compounds (VOC), 0.27 ton of sulfur dioxide (SO<sub>2</sub>), and 171 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Best available technology (BAT) for the transfer of hydrochloric acid is closed-loop transfer with vapor recovery and control by an acid scrubber. BAT for tanker truck traffic on facility roadways is optimization of traffic routing within the facility, delineation of facility roadways by paving or periodic chipping, and periodic watering as necessary. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31. It is also subject to Federal New Source Performance Standards (NSPS) from 40 CFR Part 60 Subpart IIII and National Emissions Standards for Hazardous Air Pollutants (NESHAPS) from 40 CFR Part 63 Subpart ZZZZ. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes monitoring, recordkeeping, reporting, and work practice conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00982A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Alan Binder at 412-442-4168.

## OPERATING PERMITS

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05024: GenOn REMA, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) for their electric generating plant in Cumru 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.

In 2012 the subject facility had actual emissions of 12 tons of carbon monoxide, 190 tons of nitrogen oxides, 45 tons of PM-10 particulate matter, 15 tons of PM-2.5 particulate matter, 1,078 tons of sulfur oxides, 1 ton of VOC and 58 tons of HAP. 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 25 Pa. Code § 129.63 for degreasers, 40 CFR 64 Compliance Assurance Monitoring (CAM), Continuous Emission Monitoring (State rules), 40 CFR 97 Clean Air Interstate Rule (CAIR) and 40 CFR 63 Subpart ZZZZ National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**33-00140: Dominion Transmission, Inc.** (501 Martindale Street, Suite 400, Pittsburgh, PA 15212) to modify a Title V Operating Permit for the Punxsutawney Compressor Station in Perry Township, **Jefferson County**.

The modification is in accordance with 25 Pa. Code § 127.463. The permit expires October 31, 2017. The Punxsutawney Compressor Station is a major facility and is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapters F and G. The facility is subject to multiple State and Federal Regulations. The modification involves the incorporation of the requirements of 40 CFR 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. These requirements became effective April 1, 2013. The Department is required to revise the permit because the expiration date of the current permit is more than 3 years from the effective date of Subpart DDDDD. The facility has an Ajax boiler rated 5.5 mmtu/hr and a Line Heater rated 2.8 mmbtu/hr. Both units are fired with natural gas. These units are subject to the tune-up and energy assessment work practice standards of Subpart DDDDD.

Minor changes were also made to the permit to reflect the amended language of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines.

Copies of the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 33-00140) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

Written comments should be directed to Mr. John F. Guth, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6131.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00104: Daniel C. Tanney, Inc.** (3268 Clive Avenue, Bensalem, PA 19020) for operation of a fabricated metal products manufacturing plant in Bensalem Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The facility does not have the potential to exceed major facility threshold levels; therefore the facility is a Natural Minor. This action is a renewal of the State Only Operating Permit. There are no new sources at the facility and there are no new applicable regulations for the facility. The renewal permit will include monitor-

ing, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**29-03008: Lafarge Mid-Atlantic LLC** (1954 Greenspring Drive, Suite 250, Timonium, MD 21093) for their limestone crushing plant in Bethel Township, **Fulton 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 employs wet suppression and a baghouse to control particulate matter (PM) emissions from limestone crushing and handling. The crushing plant includes equipment subject to 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The facility has the potential to emit an estimated 24 tons per year of particulate matter 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 application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. William Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

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

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

**41-00042: Eastern Wood Products Co.** (P.O. Box 1056, Williamsport, PA 17703-1056) for renewal of the State Only (Natural Minor) Operating Permit for the Williamsport Lumber Mill in Old Lycoming Township, **Lycoming County**. The subject facility has the following potential emissions: 8.8 TPY of CO; 7.2 TPY of NO<sub>x</sub>; 0.37 TPY of SO<sub>x</sub>; 78 TPY of PM; 28.3 TPY PM<sub>10</sub>; 0.78 TPY of VOCs; 0.78 TPY of HAPs and 2,927 TPY of CO<sub>2e</sub>. The

facility's sources include one (1) wood waste-fired boiler, various woodworking equipment (planers, molders, sanders and saws), eight (8) dry kilns and various insignificant sources.

The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Part 63 and 25 Pa. Code Chapters 121—145.

The renewal State Only (Natural Minor) operating permit contains applicable MACT requirements to the sources at the facility. The proposed State Only (Natural Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 41-00042) and concise statements regarding the relevancy of the information or objections to 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 information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

**63-00626: Washington Penn Plastics Co.—V-BAT Division** (1500 Weirich Avenue, Washington, PA 15301) for the manufacturing of pelletized thermoplastics in Canton Township, **Washington 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 three extrusion lines, including two mixers and associated baghouses. The facility has the potential to emit 18.0 tpy PM; 2.0 tpy VOC, and less than 1 ton per year of NO<sub>x</sub>, CO, and SO<sub>x</sub>.

The facility is required to conduct a weekly 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 weekly survey performed must be recorded. Routine maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping 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 name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00626) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**63-00880: Washington Penn Plastics Co.—Performance Production Division** (1604 State Route 136, Eighty-Four, PA 15330) for the manufacturing of pelletized thermoplastics in South Strabane Township, **Washington 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 four extrusion twin screw lines, three blenders, and 15 storage silos for raw and finished material. The extrusion lines are controlled by baghouses rated at 10,000 and 8,000 ACFM. The facility has the potential to emit 25.0 tpy PM; 4.0 tpy VOC and less than 1 ton per year of NO<sub>x</sub>, CO and SO<sub>x</sub>. The facility is required to conduct a weekly 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 weekly survey performed must be recorded. Routine preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf and a 10 percent opacity limit except for Line A is subject to 25 Pa. Code § 123.41. The proposed authorization is subject to State and Federal Regulations. The

permit includes operation requirements, monitoring requirements, and recordkeeping 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 name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00880) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**11-00325: Maple Coal Company** (254 Interpower Drive, Colver, PA 15927) for a Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Colver Coal Refuse Processing Plant, located in Barr and Blacklick Townships, **Cambria County**.

The facility contains air contamination sources consisting of screens, conveyer, storage piles, and plant roads. Processed coal throughput of the facility is limited to 1,300,000 tons per year. Facility emissions are 36.7 tons per year of PM<sub>10</sub>. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation, Processing Plants, as well as state requirements. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-11-00325) and 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. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testi-

mony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

**63-00565: Washington Penn Plastics Co. / Arden Division** (2080 North Main Street, Washington, PA 15301) for the manufacturing of pelletized thermoplastics in South Strabane Township, **Washington 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 twelve extrusion lines, three blenders, two mixers and three storage silos for raw and finished material. The extrusion lines are controlled by baghouses. The facility has the potential to emit 75.0 tpy PM; 2.0 tpy VOC and less than 1 ton per year of NO<sub>x</sub>, CO and SO<sub>x</sub>. The facility is required to conduct a weekly 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 weekly survey performed must be recorded. Routine preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping 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 name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00565) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

**32-00013: Indiana Regional Medical Center** (835 Hospital Road, Indiana, PA 15701-3629) for services for general medical and surgical hospitals in White Township, **Indiana County**. This is a Synthetic Minor Operating Permit renewal application submittal.

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**16-00122: Northwestern PA Crematory** (330 Wood Street, Clarion, PA 16214-1341) to issue a renewal of the Natural Minor Operating Permit to operate a human cremator in Clarion Borough, **Clarion County**. The facility's primary emission source is a cremator installed in June 1982. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit.

## 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*

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

**Permit No. 32980101 and NPDES No. PA0234656, M.B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, commencement, operation and restoration of a bituminous surface mine to change land use from forestland to unmanaged natural habitat in Brushvalley Township, **Indiana County**, affecting 140.0 acres. Receiving streams: unnamed tributaries to Yellow Creek and Brush Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 25, 2013.

**Permit No. 56980101 and NPDES No. PA234664, Heritage Mining Co.**, P.O. Box 126, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade and Paint Townships, **Somerset County**, affecting 58.7 acres. Receiving stream: unnamed tributary to and Shade Creek classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received June 7, 2013.

**Permit No. 11070202 and NPDES No. PA0262439, Ebensburg Power Company**, 2840 New Germany Road, P.O. Box 845, Ebensburg, PA 15931, permit renewal for the continued operation and restoration of a bituminous surface mine in Nanty Glo Borough, **Cambria County**, affecting 83.1 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 18, 2013.

**Permit No. 56813005 and NPDES No. PA0605697, Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 121.9 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 21, 2013.

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

**54930101R4 and NPDES Permit No. PA0595934, Char-Pac Coal Company**, (PO Box 81, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received: June 12, 2013.

*Noncoal Applications Returned*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30081301 and NPDES No. PA0235741, Foundation Mining, LLC**, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370), To operate the Foundation Mine in Center, Jackson, and Richhill Townships, **Greene County** a new underground longwall mine and related NPDES permit. Surface Acres Proposed 642.0, Underground Acres Proposed 9,438.0, Subsidence Control Plan Acres Proposed 6,768.0. Application also included a request for a Section 401 Water Quality Certification. Receiving streams: Hoge Run, Unnamed Tributary to House Run, House Run, McCourtney Run, and Garner Run, all classified for the following use: HQ-WWF. The application was considered administratively complete on

November 17, 2010. Application received July 2, 2010. Application returned July 2, 2013.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-845. Jason Hupp, Buckeye Partners, L.P.**, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, East Pikeland and Upper Providence Townships, **Chester and Montgomery Counties**, ACOE Philadelphia District.

To maintain a partially exposed 8-inch liquid petroleum pipeline measuring approximately 304 feet in length across the bottom of the Schuylkill River (WWF, MF) between East Pikeland Township and Upper Providence Township. The exposed pipeline will be protected with a 24-foot wide cable-concrete mat which spans across the river. Approximately 0.084 acre of wetland will be impacted.

The site is located at 1,100 feet north of the Norfolk Southern Railroad bridge over the Schuylkill River (Phoenixville- PA USGS Quadrangle N: 6.86 inches W:



3.88 inches) in East Pikeland and Upper Providence Townships, Chester and Montgomery Counties.

**E09-972. Kevin DiPaolo**, 3026 Century Lane, Bensalem Township, **Bucks County**, ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated with the Construction of a two story structure in the floodway of Poquessing Creek (CWF):

1. To construct and maintain a two story building approximately 2,100 square feet within the FEMA detail floodway of the stream

2. To conduct grading activities around the proposed structure to accommodate the finish driveway and walkway landscape areas to facilitate the overall project layout.

The project will permanently impact approximately 0.048 acre of the floodway. The site is located approximately 150 feet from the intersection of Century Lane and Murray Avenue in Bensalem Township, Bucks County, (Beverly PA-NJ USGS Quadrangle Latitude 40°06'23.09"; Longitude 74°57'42").

**E51-224. Sugarhouse HSP Gaming LP**, 1080 N. Delaware Avenue, Philadelphia, PA 19125, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities along the Delaware River (WWF) waterfront to accommodate the next phase of the Sugarhouse Casino Project (A.K.A the Phase 1A Expansion):

1. To relocate and maintain a combined sewer overflow (CSO) outfall to a point approximately 180 feet upriver at the northern border of the Sugarhouse Casino property, which will include approximately 5 cubic yards of new fill along the shore of the Delaware River to accommodate public access in this area.

2. To place approximately 1,700 cubic yards of fill within the CSO channel at the terminus of Shackamaxon Street.

3. To construct and maintain Phase 1A Expansion amenities including a parking structure with additional casino facilities on the ground floor, a pedestrian promenade and bicycle path.

4. To remove approximately 2,900 cubic yards of fill material from the Delaware River at Piers 41 North and Pier 42/43 North.

This project is located approximately 500 feet northwest of the intersection Frankford Avenue and North Columbus Boulevard (Philadelphia, PA USGS Quadrangle N: 16.4 inches, W: 1.2 inches).

**E51-226. Philadelphia Water Department**, Aramark Tower, 2nd Floor, 1101 Market Street, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District

To amend the existing Venice Island Storage Tank permit by performing the following water obstructions and encroachments activities:

1. To replace the existing four span continuous composite Steel I-beam Lock Street Bridge over the Manayunk

Canal, and construct and maintain in its place a single 36 feet 8 inches span, 40 feet wide, concrete bridge with approximately 4 feet 2 inches underclearance.

2. To construct and maintain an 8-inch water main under the Manayunk canal using the jacking and boring installation method placing the proposed 8-inch diameter pipe in a 16-inch diameter sleeve.

The project is located approximately 1,000 feet east of the intersection of Main Street and Shurs Avenue (Delaware Avenue) in the City and County of Philadelphia (Germantown -PA USGS Quadrangle N: 4.51 inches; W: 13.40 inches).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E40-745. Buckeye Partners, L.P.**, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, in Pittston Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To maintain an existing 24-inch diameter liquid petroleum pipeline crossing of Lidy Creek (CWF) with concrete matting and to construct and maintain a 1,100-L.F. channel change of Lidy Creek consisting of R-5 riprap and geotextile fabric. The purpose of the project is to restore Lidy Creek's former channel alignment and to armor the existing pipeline. The project is located directly northwest of the intersection of Tariff Road and Freeport Road, approximately 1.1 mile east of the intersection of I-81 and U.S. Route 315 (Avoca, PA Quadrangle, Latitude: 41°19'32.6"; Longitude: -75°43'14.8") in Pittston Township, Luzerne County.

**E58-299. Buckeye Partners, L.P.**, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, in Bridgewater Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To maintain an existing 8-inch diameter liquid petroleum pipeline crossing of Beebe Creek (CWF, MF) with concrete matting and geotextile fabric and to reduce the existing side slopes of the channel of Beebe Creek over a distance of 30-L.F. The purpose of the project is to armor the existing pipeline and to avoid additional scouring along Beebe Creek adjacent to the crossing. The project several hundred feet east of the intersection of Fraser Road and Lamphere Road, approximately 1.13 miles east of the intersection of U.S. Route 4007 and U.S. Route 167 (Montrose West, PA Quadrangle, Latitude: 41°51'34.9"; Longitude: -75°54'58.3") in Bridgewater Township, Susquehanna County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**F67-907: Fairview Township Floodplain Mitigation**, Fairview Township, 599 Lewisberry Road, New Cumberland, Pennsylvania, 17070 in Fairview Township, **York County**, ACOE Baltimore.

The applicant proposes to remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 0.092 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
1	2 Ross Ave. New Cumberland, PA 17070	Yellow Breaches Creek	CWF	Steelton, PA	40° 13' 28.2"	-76° 51' 36.35"

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**F49-001. City of Shamokin**, 47 East Lincoln Street, P.O. Q, Shamokin, PA 17818. Floodplain encroachment demolitions in City of Shamokin, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle, Latitude: 40° 47' 14"; Longitude: -76° 33' 10").

City of Shamokin is seeking authorization to demolish existing floodplain encroachments (flood-damaged structures) and to re-grade the floodplain. The properties are located at: 10, 12, 14, 22, 44, and 48, South Rock Street, Shamokin, PA 17818 and 606 North 3rd Street, Shamokin PA 17818. All work will be conducted within the floodplain of Shamokin Creek.

**F57-001. Cherry Township**, 11961 Route 87, Dushore, PA 18614. Floodplain encroachment demolitions in Cherry Township, **Sullivan County**, ACOE Baltimore District (Laporte, PA Quadrangle, Latitude: 41° 28' 37.43"; Longitude: -76° 22' 41.35").

Cherry Township is seeking authorization to demolish existing floodplain encroachments (flood-damaged structures) and to re-grade the floodplain. The property is located at: 7473 Route 487, Mildred, Pa 18632. All work will be conducted within the floodplain of Birch Creek.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-042. Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, McCandless Corporate Center, Pittsburgh, PA 15327, Bloss Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge, and two 12 inch diameter natural gas gathering lines, impacting 27 linear feet of an unnamed tributary to Johnson Creek (CWF) and 1,043 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°40'08"N, 77°06'53"W);

2) A temporary access road using a timber mat bridge, and two 12 inch diameter natural gas gathering lines, impacting 58 linear feet of an unnamed tributary to Johnson Creek (CWF) and 45 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°40'17"N, 77°06'55"W);

3) A temporary access road using a timber mat bridge, and two 12 inch diameter natural gas gathering lines, impacting 34 linear feet of an unnamed tributary to Boone Run (CWF) (Blossburg, PA Quadrangle 41°41'03"N, 77°07'15"W);

The project will result in 119 linear feet of temporary stream impacts and 1,088 square feet (0.02 acre) of temporary wetland impacts all for the purpose of installing a gathering lines for Marcellus well development in Bloss Township, Tioga County.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**D10-119EA. Donald Pepe**, Borough Manager, Borough of Zelenople, 111 West New Castle Street, Zelenople, PA 16063, Jackson Township, **Butler County**, USACOE Pittsburgh District.

Project proposes to remove Scholars Run Diversion Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed project will remove "Jersey Barrier" stream embankment walls and restore approximately 200 feet of stream channel. The project is located across Scholars Run (WWF) (Zelenople, PA Quadrangle, Latitude: 40.8073; Longitude: -80.1344).

**D20-078EA. Jeff Cross**, 19395 Jamie Road, Saegertown, PA 16433, Hayfield Township, **Crawford County**, USACOE Pittsburgh District.

Project proposes to breach Cross Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The project is located across Brookhouser Creek (CWF) (Meadville, PA Quadrangle, Latitude: 41.7393; Longitude: -80.1843).

**D28-128EA. Bill Timmons**, 12901 Mountain Road, Orrstown, PA 17244, Letterkenny Township, **Franklin County**, USACOE Baltimore District.

Project proposes to remove approximately 2.0 acres of accumulated silts and sediments from the reservoir impounded by the Timmons Farm Pond Dam located across a tributary to Conodoguinet Creek (WWF) (Roxbury, PA Quadrangle, Latitude: 40.1009; Longitude: -77.6738).

**D31-066EA. Ms. Stephanie Livelsberger**, Bureau of State Parks, Pennsylvania Department of Conservation of Natural Resources, 400 Market Street, 8th Floor, Harrisburg, PA 17101, Todd Township, **Huntingdon County**, USACOE Baltimore District.

Project proposes to remove Trough Creek Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed restoration project includes the removal of 100 feet of abandoned waterline and rough grading of the streambed in the dam area. Stone masonry abutments will remain intact. The project is located across Great Trough Creek (TSF) (Cassville, PA Quadrangle, Latitude: 40.3323; Longitude: -78.1247).

**D36-194EA. Scott Hershey**, Borough Manager, Borough of Mount Joy, 21 East Main Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove SICO Dam across Little Chiques Creek (TSF) for the purpose of eliminating a threat to public safety and restore the stream to a free-flowing condition. The proposed restoration project involves the clearing of trees, filling of sinkholes and voids, and stream bank reinforcement. The dam is located approximately 300 feet northeast of the location where Little Chiques Creek flows under Route 230, just west of the intersection of Route 230 and Lefever Road (Columbia East, PA Quadrangle, Latitude: 40.1083; Longitude: -76.4891).

## ACTIONS

## THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

## I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS902202 (Storm Water)	Lehigh County Pretrmt Plant 7676 Industrial Boulevard Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y
PA0035891 (Sewage)	Escape PO Box 282 Greentown, PA 18426	Pike County Palmyra Township	Unnamed Tributary to Wallenpaupack Creek (1-C) High Quality Cold Water Fishes	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>
PA0093475 Sewage	Findlay Twp Muni Auth PO Box 409 271 Rte 30 Clinton, PA 15026	Allegheny Cnty Findlay Twp	Potato Garden Run	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>
PA0028177 Sewage	McCandless Twp Sani Auth 418 Arcadia Dr PGH, PA 15237-5597	Allegheny Cnty McCandless Twp	UNT of Pine Creek	Y
PA0204854 Sewage	D'Atri, Inc. 320 Sunset Dr. Baden, PA 15005	Beaver Cnty New Sewickley Twp	UNT of Pine Run	Y
PA0001228 Industrial Waste	Curtiss-Wright Electro- Mechanical Corp 1000 Wright Way Cheswick, PA 15024-1300	Allegheny Cnty Harmar Twp	Tawney Run & UNT to Allegheny river	Y
PA0000558 Industrial Waste	Hertz Gateway Ctr Two Gateway Ctr PGH, PA 15222	Allegheny Cnty City of PGH	Allegheny River	Y
PA0219266 Sewage	Grindstone STP 924 Grindstone Rd Grindstone, PA 15442	Fayette Cnty Jefferson Twp	Redstone Creek	Y
PA0253324 Sewage	Scenery Hill Manor PO Box 680 Brockway, PA 15824	Indiana Cnty Armstrong Twp	Cheese Run	Y
PA0041114 Sewage	The Kiski School 1888 Brett Lane Saltsburg, PA 15681-8951	Westmoreland Cnty Loyalhanna Twp	Kiskiminetas River	Y
PA0254622 Sewage	TME Property Holding 373 Sunshine Hollow Rd McClellandtown, PA 15458	Fayette Cnty German Twp	N Branch Browns Run	Y
PA0042749 Sewage	Jenner Area Jt Sew Auth 176 Yula Blvd Boswell, PA 15531	Somerset Cnty Boswell Boro	Quemahoning Creek	Y
PA0035483 Sewage	Camp Albryoca 2801 Greenville Rd Meyersdale, PA 15552	Somerset Cnty Greenville Twp	UNT to Little Piney Creek	Y
PA0092801 Sewage	CCAC W Hills Ctr 8701 Perry Hwy PGH, PA 15237	Allegheny Cnty N Fayette Twp	UNT of Robinson Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210781 (Sewage)	Hazel Hurst WWTP 22 Park Road Hazel Hurst, PA 16733	McKean County Hamlin Township	Marvin Creek (16-C)	Y
PA0221945 (Sewage)	Eagle Crest Manor MHP 7064 Perry Highway Meadville, PA 16335	Crawford County Union Township	Unnamed Tributary to Conneaut Outlet (16-D)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**NPDES Permit No. PA0065439**, Storm Water, SIC Code 3471, **Belyea Company Inc.**, 2200 Northwood Avenue, Easton, PA 18045.

This existing facility is located in Palmer Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of Storm Water.

**NPDES Permit No. PAS232214**, Storm Water, SIC Code 5169, **American Rock Salt Co. LLC**, PO Box 190, Mt Morris, NY 14510.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of Storm Water runoff from a rock salt storage pile facility. An impoundment will capture stormwater runoff from the rack salt storage pad and rail car unloading area. The impoundment will have a controlled discharge.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**NPDES Permit No. PAS404803**, Stormwater, SIC Code 1389, **Headwaters Water Reclamation LLC**, 4 Windham Hill, Mendon, NY 14506.

This proposed facility will be located in Ulysses Township, **Potter County**.

Description of Proposed Action/Activity: Issuance of an NPDES permit for a new discharge of uncontaminated stormwater.

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

**NPDES Permit No. PA0027464** Sewage, **Pleasant Hills Auth**, 610 Old Clairton Rd, PGH, PA 15236

This proposed facility is located in S Park Twp, **Allegheny Cnty**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

**NPDES Permit No. PA0022241**, Sewage, **California Boro**, 225 3rd St, California, PA 15419-1131

This proposed facility is located in California Boro, **Washington Cnty**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

**NPDES Permit No. PA0032611**, Sewage, **Portage Area Sew Auth**, 606 Cambria St, Portage, PA 15946-1516

This proposed facility is located in Portage Twp, **Cambria Cnty**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

**NPDES Permit No. PA0254681**, Sewage, **Morris Twp**, 1317 Browns Cr Rd, Sycamore, PA 15364

This proposed facility is located in Morris Twp, **Greene Cnty**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

**NPDES Permit No. PA0027618**, Sewage, **Bethel Park Muni Auth**, 5100 W Library Ave, Bethel Park, PA 15102-2787

This proposed facility is located in Bethel Park Boro, **Allegheny Cnty**

Description of Existing Action/Activity: Permit issuance to discharge treated sewage.

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

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 3513403**, Industrial Waste, **American Rock Salt Co. LLC**, Po Box 190, Mt Morris, NY 14510.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Construction of a dual membrane stormwater impoundment to capture runoff from a rock salt storage pile. The impoundment will capture stormwater runoff from the rack salt storage pad and rail car unloading area. The impoundment will have a controlled discharge.

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

**WQM Permit No. 3608408, Amendment #2**, Sewerage, **Manheim Borough Authority**, 18 East High Street, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Permit approval for the construction of a new influent mechanical screen.

**WQM Permit No. WQG01071101, Transfer**, Sewerage, **Bret D. Bomboy**, 1249 Decker Hollow Road, Tyrone, PA 16686.

This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Permit Transfer.

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

**WQM Permit No. 6384422-A2**, Sewerage, **N Strabane Twp Muni Auth**, 1929 Rte 519 S, Canonsburg, PA 15317

This existing facility is located in N Strabane Twp, **Washington Cnty**

Description of proposed Action/Activity: Permit amendment issuance.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAG133665	Goldsboro Borough PO Box 14 Etters, PA 17319	York	Goldsboro Borough	Fishing Creek & UNT to Susquehanna River / TSF, MF, WWF & MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG133691	Franklintown Borough 116 S. Baltimore Street Franklintown, PA 17323	York	Franklintown Borough	UNT North Branch Bermudian Creek / WWF & MF
PAG133580	Oley Township PO Box 19 Oley, PA 19547	Berks	Oley Township	Monocacy Creek / WWF & MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136344 Waiver	N Bethlehem Twp PO Box 112 2178 Nat Pike Scenery Hill, PA 15360	Washington	N Bethlehem Twp	UNT to S Branch Pigeon Creek	N
PAG136318 Waiver	Penn Boro PO Box 352 Penn, PA 15675	Westmoreland	Penn Boro	Brush Creek	N
PAG136170 Waiver	Darlington Twp 3590 Darlington Rd Darlington, PA 16115	Beaver	Darlington Twp	N Fork of Little Beaver Creek	N
PAG136237 Waiver	Ben Avon Hts Boro 6 Lynton Ln PGH, PA 15202	Allegheny	Ben Avon Hts Boro	Ohio River	N
PAI136114 Waiver	Somerset Twp 615 Vanceville Rd Eighty Four, PA 15330	Washington	Somerset Twp	N Branch Pigion Creek & Little Chartiers Creek	N
PAI136117 Waiver	W Taylor Twp 712 Cooper Ave Johnstown, PA 15906	Cambria	W Taylor Twp	Wildcat Run, Red Run, Laurel Run, UNT to Conemaugh River, Conemaugh River	

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513002	Pocono International Raceway, Inc. P.O. Box 500 Long Pond, PA 18334	Monroe	Tunkhannock Township	UNT to Tunkhannock Creek (HQ-CWF, MF)
PAI024807014R	Traditions of America, L.P. 1 Saucon View Drive Bethlehem, PA 18015	Northampton	Hanover Township	Monocacy Creek (HQ-CWF, MF)
PAI025213001	LP Cylinder Service, Inc. 627 Route 434 Shohola, PA 18458	Pike	Shohola Township	Shohola Creek (EV, MF)
PAI024513007	PPL Electric Utilities Two North Ninth Street, GENN-3 Allentown, PA 18101	Monroe	Hamilton Township, Ross Township	Aquashicola Creek (HQ-CWF, MF), Cherry Creek (HQ-CWF, MF)
PAI026413001	The Hideout Property Owners Association 640 The Hideout Lake Ariel, PA 18436	Wayne	Lake Township	Unnamed Tributary to Ariel Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG02006013004	David R Kaufman PA American Water Co 800 W Hershey Park Dr Hershey PA 17033	Union	E Buffalo Township	Limestone Run WWF

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

*Jefferson County Conservation District, 1514 Route 26, Brookville PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063313001	PADOT District 10 2550 Oakland Avenue, PO Box 429 Indiana PA 15701	Jefferson	Washington Township Pine Creek Township Falls Creek Borough	Fivemile Run CWF; Horn Run CWF; UNT Horn Run CWF; UNT Falls Creek HQ-CWF; Kyle Lake HQ-CWF; Kyle Run HQ-CWF; UNT Beaverdam Run HQ-CWF; Beaverdam Run HQ-CWF; Wolf Run CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dickson City Borough Lackawanna County	PAG02003513 005	Millett Real Estate 100 Old Lackawanna Trail Clarks Summit, PA 18411	Unnamed tributary to Lackawanna River CWF, MF	Lackawanna County Conservation District 570-392-3086

<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>
South Abington Township Lackawanna County	PAG02003507013(1)R	Richard Florey 1170 Winola Road Clarks Summit, PA 18411	South Branch Tunkhannock Creek CWF, MF	Lackawanna County Conservation District 570-392-3086
Sugarloaf Township Luzerne County	PAG02004012025	Red Truck, LLC Mark Novich 107 Monahan Avenue Dunmore, PA 18512	UNT to Nescopeck Creek CWF, MF	Luzerne County Conservation District 570-674-7991
St. Clair Borough Schuylkill County	PAG02005412008	Coal Creek Commerce Center—Aspen Dental 200 Mahantongo Street Pottsville, PA 17901	Mill Creek CWF, MF	Schuylkill County Conservation District 570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Southampton Township, Cumberland County	PAG02002105023R	First Commonwealth Bank PO Box 400 Indiana PA 15701	Burd Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Silver Spring Township, Cumberland County	PAG02002110025R	William Kollas 1104 Fernwood Avenue Suite 104 Camp Hill, PA 17011	Potteiger Run to Hogestown Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Hampden Township, Cumberland County	PAG02002106039R1	Pinnacle Health Hospitals PO Box 8700 Harrisburg, PA 17105	Pine Run (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
North Middleton Township, Cumberland County	PAG02002107028	Fred A. Gettys 1950 Chestnut Court Camp Hill, PA 17011	Cornman Run (WWF), Wertz Run (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Lower Allen Township, Cumberland County	PAG02002111031R	CH&N Construction 1190 Dillerville Road Lancaster, PA 17601	Cedar Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Monroe Township, Cumberland County	PAG02002105057R	Eastern Communities, LTD John Kerschner The Meadows of Ashcombe 7300 Derry Street Harrisburg, PA 17111	Yellow Breeches (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
South Middleton Township, Cumberland County	PAG02002113027	Exel (Royer Tract) Steve Hess 570 Polaris Parkway Westerville, OH 43082	Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
South Londonderry Township, Lebanon County	PAG02003808007R	Scott Galbraith 20 West Market Street Campbelltown, Pa 17010-003	Killinger Creek (TSF, MF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Heidelberg Township, Lebanon County	PAG02003813003	Eugene Martin East Side of Locust Street Schaefferstown, Pa 17088	Tulpehocken Creek (TSF), Hammer Creek (CWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
South Lebanon Township, Lebanon County	PAG02003808003R	Clair N. Zimmerman 85 Furnace Road Denver, PA 17517	Quittapahilla Creek via Hazel Dyke (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Windsor Township, York County	PAG02006706030R	Perry L. Cisney Perry L. Cisney, Inc. 1721 Paulson Drive York, PA 17402	UNT to Fishing Creek (TSF, MF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Penn Township, York County	PAG02006703088R	Joseph A. Myers 160 Ram Drive Hanover, PA 17331	Plum Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Township, York County	PAG020067040401R	Joe Nadu AFW Development, Inc. 1730 Columbia Avenue Lancaster, PA 17603	UNT to Fox Run (TSF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Windsor Township, York County	PAG02006712053	Dale Hervesy 2205-A Commerce Road Forest Hill, MD 21050	UNT to Kreutz Creek (WWF, MF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
North Codorus Township / Seven Valleys Borough, York County	PAG02006711012R	Gary Knisley 2191 Seven Valleys Road Seven Valleys, PA 17360	South Branch Codorus Creek (WWF, MF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Lower Windsor Township / East Prospect Borough, York County	PAG020067060161R	Fields of East Prospect Real Estate Investment Holding Co. LLC PO Box 291 Lititz, PA 17543	Cabin Creek - Canadochly Creek / Susquehanna River (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township, Dauphin County	PAG02002213015	Clifford Zimmerman 2993 Mill Road Elizabethtown, PA 17022	Brills Run (TSF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lykens Township, Dauphin County	PAG02002213022	Todd Schadel PO Box 70 Gratz, Pa 17030	Pine Creek (CWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
South Hanover Township, Dauphin County	PAG02002211018R	Lester Weaver 474 Mt. Sidney Road Lancaster, PA 17602	Manada Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township, Dauphin County	PAG02002213012	Morgan Brothers Construction 306 Linn Street, Suite 300 Harrisburg, PA 17109	Susquehanna River (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
South Londonderry Township, Lebanon County	PAG02003813012	James E & Elizabeth W. Mark 568A East Baltimore Pike Avondale, PA 19311	Killinger Creek (TSF), Spring Creek (WWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Woodbury Township, Blair County	PAG02000711002	Martinsburg Municipal Authority 110 South Walnut Street Martinsburg, PA 16662	Plum Creek (CWF)	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Lower Paxton Township, Dauphin County	PAG02002208026R	Deaven Woods 6518 Plowman Ridge Harrisburg, PA 17112	Beaver Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Swatara Township, Dauphin County	PAG02002211011R	The McNaughton Co. 4400 Deer Path Road, Suite 102 Harrisburg, PA 17110	Swatara Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Swatara Township, Dauphin County	PAG020022120141	Norfolk Southern Railway Co. 1200 Peachtree Street NE Atlanta, GA 30309	Beaver Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Greenwich Township, Berks County	PAG02000613015	Stephen Richart 455 Normal Avenue Kutztown, PA 19530	Maiden Creek (TSF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Ontelaunee Township, Berks County	PAG02000609058R	Linda King 425 Kindt Corner Road Shoemakersville, PA 19555	Maiden Creek (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Amity Township, Berks County	PAG02000610015R	Ralph Yocum JLR Partnership, LLC 50 West Third Avenue Collegeville, PA 19426	Manatawny Creek & Schuylkill River	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Wernersville Borough, Berks County	PAG02000613011	Troy Tranquillo Caron Treatment Centers PO Box 150 Wernersville, PA 19565	Little Cacoosing Creek (WWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Union Township, Berks County	PAG02000612046	David Bronson TD Bank 333 State Street Portsmouth, NH 03801	Schuylkill River (WWF)	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>
Mount Joy Township, Adams County	PAG02000112026	Keith L. Yingling 287 Cold Springs Road Gettysburg, PA 17325	White Run/Rock Creek (WWF, MF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Carroll Valley Borough, Adams County	PAG02000113011	Eric Flynn Liberty Mountain Resorts 78 Country Club Trail Carroll Valley, PA 17320	Toms Creek (CWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Berwick Township, Adams County	PAG02000113014	Susan M. Saylor Adams County National Bank PO Box 3129 Gettysburg, PA 17325	UNT to Beaver Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

*Northcentral Region: Watershed Management Program Manager, 208 West 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>
Herrick Township Orwell Township Bradford County	PAG02000813007	Michael J Zentz West Penn Pipeline LLC 865 State Route 210 Shelocta PA 15774	UNT to Cold Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
City of Lock Haven Castanea Township Clinton County	PAG02001810002R	City of Lock Haven 20 E Church St Lock Haven PA 17745	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Nippenose Township Jersey Shore Borough Lycoming County	PAG02004111025(1)	Shawn Larson Tiadaghton Valley Municipal Authority 290 Rice Rd PO Box 5039 Jersey Shore PA 17740	UNT Susquehanna River CWF W.B. Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*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>
Butler Township & Butler City Butler County	PAG02001008028(2)	Buffalo Township 109 Bear Creek Road Sarver PA 16055	Coal Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012051	Cranberry Woods Apartments Inc 600 Grant Street, Suite 1410 Pittsburgh PA 15219	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
Vernon Township Crawford County	PAG02002013001	Meadville Medical Center 751 Liberty Street Meadville PA 16335	French Creek WWF	Crawford County Conservation District 814-763-5269

*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Canton Borough Bradford County	PAR314845	Cudd Energy Service 2897 Route 414 Canton, PA 17724-7223	Towanda Creek—4-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Plum Boro Allegheny Cnty	PAR236118	Ind Term Sys Inc PO Box 4127 New Kensington, PA 15068	Pucketa Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Springfield Twp Fayette Cnty	PAR606159	Robert Platt Auto Wreckers 213 Foxburg Rd Normalville, PA 15469	UNT to Indian Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
New Sewickley Twp Beaver Cnty	PAR506116	Joseph J Brunner Inc 211 Brunner Rd Zelienople, PA 16063	UNT to Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Neville Twp Allegheny Cnty	PAR706126	Lindy Paving Inc 2340 2nd Ave PGH, PA 15219	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Canonsburg Boro Washington Cnty	PAR206103	All Clad Metalcrafters LLC 424 Morganza Rd Canonsburg, PA 15317-5716	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
N Union Twp Fayette Cnty	PAR806103	BAE Sys Land & Armaments LP 300 University Dr Lemont Furnace, PA 15456	Gist Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Neville Twp Allegheny Cnty	PAR806269	Dist Tech Inc 14841 Sperry Rd Newbury, OH 44065	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Blair County / Snyder Township	PAG043913, Transfer	Bret D. Bomboy 1249 Decker Hollow Road Tyrone, PA 16686	UNT Decker Run / 11-A	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
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*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harborcreek Township Erie County	PAG041111	John F. Harvey 6170 Clark Road, Erie, PA 16510	Unnamed Tributary to the Sixmile Creek 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Porter Township Clarion County	PAG041102	Tammy Kellogg 911 Bus Road, New Bethlehem, PA 16242	Unnamy Tributary to the Leatherwood Creek 17-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Sand Lake Township Mercer County	PAG041103	Gary A. & Virginia P. Zimmer 111 Creek Road Sandy Lake, PA 16145	Unnamed Tributary to the Sandy Creek 16-G	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Forward Township Butler County	PAG041104	James F. McCosby 117 Lily Mar Lane Evans City, PA 16033	Unnamed Tributary to the Breakneck Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-6*

<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>
E Rochester Boro Beaver Cnty	PAG066132	E Rochester Boro 760 Spruce Ave E Rochester, PA 15074	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Arnold City Westmoreland Cnty	PAG066121	Arnold City 1829 5th Ave Arnold, PA 15068	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lower Nazareth Township Northampton County	PAG082205	Dean Minnich P. O. Box A Nazareth, PA 18064	872 Tatamy Road Nazareth, PA 18064	NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511

*General Permit Type—Site Suitability Notice*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit Number</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
Jenners Township Somerset County	764576	Synagro 171 Pittsburgh Street Derry, PA 15627	Rhoads Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
PAG092212	Steve Rogers 1398 SR 29 Hunlock Creek, PA 18621	Rogers Farm 1050 Loyalville Outlet Road Lake Township, PA 18618	NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511
PAG092212	Steve Rogers 1398 SR 29 Hunlock Creek, PA 18621	Meshoppen Farm RR 2, Box 154 Meshoppen, PA 18630	NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511
PAG092211	Henry Yeska 821 Georgetown Road Nazareth, PA 18064	Yeska Farm 2880 Blossom Hill Road Nazareth, PA 18064	NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511

*General Permit Type—PAG-13*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG133636	PA State System of Higher Ed Millersville University	Lancaster	Millersville Borough	Conestoga River & UNT Conestoga River / WWF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133504	Heidelberg Township PO Box 121 Robesonia, PA 19551	Berks	Heidelberg Township	Furnace Creek, UNT Furnace Creek & UNT Tulpehocken Creek / CWF, MF, TSF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133704	Chambersburg Borough 100 S. 2nd Street Chambersburg, PA 17201	Franklin	Chambersburg Borough	Falling Spring Branch, UNT Beaver Run & UNT Conococheague Creek	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133528	Colebrookdale Township 765 West Philadelphia Pike Boyertown, PA 19512	Berks	Colebrookdale Township	Ironstone Creek, Minister Creek, Swamp Creek & UNT Ironstone Creek	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133672	York Haven Borough 2 North Pennsylvania Avenue PO Box 169 York Haven, PA 17370	York	York Haven Borough	Conewago Creek & UNT Susquehanna River / WWF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133562	Monaghan Township 202 South York Road Dillsburg, PA 17019	York	Monaghan Township	Stony Run, Yellow Breeches Creek, Fishers Run & Pippins Run / CWF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 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>	<i>Contact Office &amp; Phone No.</i>
PAG133655	West Manchester Township 380 East Berlin Road York, PA 17404	York	West Manchester Township	Codorus Creek, Honey Run, Little Conewago Creek & Willis Run / TSF, MF, WWF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133670	Windsor Township 1480 Windsor Road Red Lion, PA 17356	York	Windsor Township	Cabin Creek, Fishing Creek, Kreutz Creek, Pine Run & UNT Otter Creek / CWF, MF, TSF, & WWF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133508	Saint Lawrence Borough 3540 Saint Lawrence Avenue Reading, PA 19606	Berks	Saint Lawrence Borough	Antietam Creek & UNT Antietam Creek / CWF & MF	DEP—SCRO Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707

*Facility Location:  
Municipality & County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG136154	Freedom Boro 901 Third Ave Freedom, PA 15042	Dutchman Run	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
PAG136197	Wildinsburg Boro 605 Ross Ave PGH, PA 15221	Nine Mile Run	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act

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

<b>Permit No. 0110504</b> , Public Water Supply.	
Applicant	<b>New Oxford Municipal Authority</b>
Municipality	Oxford Township
County	<b>Adams</b>
Responsible Official	H J Spalding, Authority Chairman 409 Water Works Road New Oxford, PA 17350-1511

Type of Facility Installation of the Oxen Country Meadows Well No. 1, treatment building, 370,000-gallon storage tanks and chlorine contact piping to meet GWR 4-log inactivation of viruses.

Consulting Engineer Timothy E Debes, P.E.  
Nutec Design Associates Inc.  
3687 Concord Road  
York, PA 17402

Permit to Construct Issued: 7/1/2013

**Permit No. 2113502**, Public Water Supply.  
Applicant **Borough of Carlisle**  
Municipality Carlisle Borough  
County **Cumberland**

Responsible Official Peter Selan, Treatments Plants Manager  
Municipal Building  
53 W. South Street  
Carlisle, PA 17013

Type of Facility West End Tank Booster Pump Station and Spray Aeration

Consulting Engineer Timothy J Glessner, P.E.  
Gannett Fleming, Inc.  
PO Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued: 7/1/2013

**Operations Permit** issued to: **Welsh Mountain Home**, 7360047, Sadsbury Township, **Lancaster County** on 7/3/2013 for the operation of facilities approved under Construction Permit No. 3612548 MA.

**Operations Permit** issued to: **Shover Investments Group, LLC**, 7280060, Letterkenny Township, **Franklin County** on 7/1/2013 for the operation of facilities approved under Construction Permit No. 2813503 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. 4113502—Construction** Public Water Supply.

Applicant **Hughesville Borough Authority**  
Township/Borough Wolf Township  
County **Centre**  
Responsible Official Mr. Clifford Hoffman  
Water System Supervisor  
Hughesville Borough Authority  
P. O. Box 185  
Hughesville, PA 17737

Type of Facility Public Water Supply  
Consulting Engineer David M. Wieller, P.E.  
Borton-Lawson Engineers  
3897 Adler Place  
Bethlehem, PA 18017

Permit Issued July 2, 2013

Description of Action Replacement of the existing chlorine gas disinfection systems for Well Nos. 101 and 102 with sodium hypochlorite disinfection systems.

**Pennsylvania American Water Company—Philipsburg (Public Water Supply), Centre County:** On July 3, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Pennsylvania American Water Company—Philipsburg. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327.3650).

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

**Operations Permit** issued to: **Municipal Authority of the Borough of Oakmont**, PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139, (PWSID #5020036) Penn Hills Township, **Allegheny County** on July 3, 2013 for the operation of facilities approved under Construction Permit # 0211516.

**Permit No. 0213509MA, Minor Amendment.** Public Water Supply.

Applicant **Borough of Sewickley Water Authority**  
601 Thorn Street  
Sewickley, PA 15143

[Borough or Township] Sewickley Heights Borough  
County **Allegheny**

Type of Facility Backbone and Persimmon Road waterlines

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued: July 2, 2013

**Permit No. 0213511MA, Minor Amendment.** Public Water Supply.

Applicant **Borough of Sewickley Water Authority**  
601 Thorn Street  
Sewickley, PA 15143

[Borough or Township] Sewickley Heights Borough  
County **Allegheny**

Type of Facility Scaife Road waterline

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Construct Issued: July 3, 2013

**Permit No. 0213510MA, Minor Amendment.** Public Water Supply.

Applicant **Borough of Sewickley Water Authority**  
601 Thorn Street  
Sewickley, PA 15143

[Borough or Township] Sewickley Heights Borough



County Allegheny  
 Type of Facility Blackburn Road waterline  
 Consulting Engineer KLH Engineers, Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Permit to Construct July 3, 2013  
 Issued

**Permit No. 0213507MA, Minor Amendment.** Public Water Supply.

Applicant **Borough of Sharpsburg**  
 1611 South Sixth Street  
 Sharpsburg, PA 15215  
 [Borough or Township] Sharpsburg Borough  
 County **Allegheny**  
 Type of Facility Water system  
 Consulting Engineer Glenn Engineering and  
 Associates, Limited  
 14920 Route 30  
 North Huntingdon, PA 15642  
 Permit to Operate July 3, 2013  
 Issued

#### STORMWATER MANAGEMENT

##### Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19140*

The Act 167 Countywide Stormwater Management Plan for Chester County, submitted by Chester County, was approved on July 2, 2013. This plan applies to all watersheds and all areas within Chester County.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

##### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Mount Joy Township	902 Hoffman Home Rd Gettysburg, PA 17325	Adams

*Plan Description:* Approval of a revision to the official plan of Mount Joy Township, Adams County. The project is known as Ponderosa Trailer Park. The plan provides for a sewage system repair of an existing mobile home park with a small flow treatment facility. Wastewater flows are estimated at approximately 1600 gpd and will be tributary to an intermittent stream with final discharge to White Run. The proposed development is located on Low Dutch Road.

The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-01924-238-3s and the APS Id is 806204. Any permits must be obtained in the name of the property owner.

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

### Public Notice of Proposed Consent Order and Agreement

#### Ernest and Despina Smalis HSCA Site Pittsburgh, Allegheny County

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), notice is hereby given that the Department of Environmental Protection ("Department") has entered into a proposed Consent Order and Agreement ("CO&A") with Ernest Smalis, Despina Smalis, Michael Smalis, and Maria Sfanos concerning the Department's investigating and remediating a release of hazardous substances at property located at 2908 Penn Avenue, Pittsburgh, Pennsylvania ("Site") and reimbursement of the Department's response costs.

The terms of the settlement are set forth in the CO&A, which is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. Comments may be submitted, in writing, to Barbara Gunter, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Ms. Gunter at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

The Department has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Evans Resident**, Horsham Township, **Montgomery County**. Henry Evans, 724 Lower State Road, North Wales, PA 19454 on behalf of Gene Noce, Harleysville Insurance, 355 Male Avenue, Harleysville, PA 19438-2297, Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sugarhouse Casino**, City of Philadelphia, **Philadelphia County**. Terry McKenna, HSP Gaming L.P. c/o Keating Consulting, LLC, 1600 Arch Street, Suite 201, Philadelphia, PA 19103, Terrance McKenna, HSP Gaming L.P. c/o Keating Consulting, LLC, 1600 Arch Street, Suite 201, Philadelphia, PA 19103 on behalf of Christopher Orzechowski, Keating Environmental Management, 835 Springdale Drive, Suite 200, Exton, PA 19341 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Conshohocken Rail LLC**, Plymouth Township, **Montgomery County**. Robert Parker, Conshohocken Recycling and Rail Transfer, LLC, 505 South Broad Street, Kennett Square, PA 19348 on behalf of Craig Herr, P.G., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site groundwater sand soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific and Statewide Health Standard.

**901 West Girard Avenue**, City of Philadelphia, **Philadelphia County**. Richard L. Soloff, 9th Street Marketplace Associates, LLC, One Presidential Boulevard, Suite 202, Bala Cynwyd, PA 19004 on behalf of Angelo Waters, PE, Urban Engineers, Inc. 530 Walnut Street, Philadelphia, PA 19106 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with naphthalene, benzo and btex. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Gutknecht Property**, Falls Township, **Bucks County**. Kurt Gutknecht, 75 Vermillion Drive, Levittown, PA

19054 on behalf of Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlick State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020-8061 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Widdoes Property**, Oxford Township, **Chester County**. Mike Widdoes, BreadNButter Catering, 520 Lincoln Street, Oxford, PA 19363 on behalf of Nick Santella, Brownfield Science & Technology, 3157 Lime-stone Road, Cochranville, PA 19330, Andrew Riggs, Brownfield Associates, Inc. 500 Coatesville Road, West Chester, PA 19390 has submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Carzo Residence**, Thornton Township, **Montgomery County**. Chris Carzo, 487 Thornton Road, Thornton, PA 19373 on behalf of David J. Carlson, EnviroTrac Ltd., 3 Terri Lane, Suite #8, Burlington, NJ 08016, Patricia Nicotera, 1307 Covert Court, Glen Mills, PA 19342-2241 has submitted a 90 day Final Report concerning remediation of site soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Maggio Residence**, Lower Pottstown Township, **Montgomery County**. Vincent Maggio, 35 Signal Hill, Holland, PA 18966 on behalf of Thomas Hippensteal, P.G., Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Marcus Hook Elementary School**, Marcus Hook Borough, **Delaware County**. Jay Keever, Chichester School District, 401 Cherry Tree Road, Aston, PA 19014 on behalf of Lisa Strobbridge, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with mtbe. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pfizer Great Valley Office and Information System Technology Center**, Whiteland Township, **Chester County**. Elizabeth Bongard, Golder Associates, Inc., Spring Mill Corporation Center, 55 North Lane, Suite 6057, Conshohocken, PA 19428 on behalf of Matthew Basso, Pfizer Inc., 100 Route 206N, Peapack, NJ 07977 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard and Statewide Health Standard.

**Houdry Lab**, Lower Chichester Township, **Delaware County**. James H. Mulry, P.G., Mulry and Crosswell Environmental, 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Martin Liebhardt, P.G., Sunoco, Inc., (R&M) 10 Industrial Highway, MS4, Lester, PA 19029 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

**Salmon Residence**, Lansdale Borough, **Montgomery County**. Matthew Salmon, 425 Columbia Avenue,

Lansdale, PA 19446 on behalf of Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Crossings at Ambler**, Borough of Ambler, **Montgomery County**. Robert Bast, Maple Avenue Park Parents, LLP, 110 Spruce Lane, Ambler, PA 19002 on behalf of Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, K. Eden, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Cleanup Plan concerning remediation of site soil contaminated with asbestos and arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Redmond Property West, LLC**, City of Philadelphia, **Philadelphia County**. Mark Redmond, Redmond Properties, West, LLC, 4225 Main Street, Philadelphia, PA 19127-1602 on behalf of Andrew Meadows, J&J Environmental, Inc. 2949 Felton Road, East Norriton, PA 19401 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**McDannels Residence**, Perkiomen Township, **Montgomery County**. Inge McDannels, 210 Cemetery Road, Schwenksville, PA 19473 on behalf of Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham PA 19044 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Snyder Girotti Elementary School—Bristol School District**, Bristol Borough, **Bucks County**. Ralph DiGiuseppe, III, Bristol Borough, 250 Pond Street, Bristol, PA 19007 on behalf of Toby J. Kessler, P.G. Gilmore & Associates, Inc. 65 East Butler Avenue, Suite 100, New Britain, PA 18901, Matthew T. Bailor, CHMM, Gilmore & Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with arsenic, lead, and benzo. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Madison @ French Creek**, Phoenixville Township, **Chester County**. Stephen D. Brower, P.G. Environmental Standards, Inc., 1140 Forge Road, P.O. Box 810, Valley Forge, PA 19482 on behalf of John Forde, French Creek Acquisition, L.P., 3815 West Chester Pike, Newtown Square, PA 19073 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

**Industrial Center of McKeesport**, Industry Road and Center Street, City of McKeesport, **Allegheny County**. KU Resources, Inc. 22 South Linden Street, Duquesne PA 15110, on behalf of Regional Industrial Development Corporation of Southwestern Pennsylvania/RIDC Growth Fund, 425 Sixth Ave, Suite 500, Pittsburgh

PA 15219, submitted a Final Report dated June 28 2013 concerning remediation of site soil and groundwater contaminated with metals SVOC's and chlorinated solvents. The report is intended to document remediation of the site to meet the statewide health and site specific standard. Notice of submittal of the final report was published in the *McKeesport Daily News* on June 3 2013.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Conshohocken Rail LLC**, Plymouth Township, **Montgomery County**. Robert Parker, Conshohocken Recycling and Rail Transfer, LLC, 505 South Broad Street, Kennett Square, PA 19348 on behalf of Craig Herr, P.G., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganics. The Final report demonstrated attainment of the Site Specific Standard and Statewide Health Standard and was approved on June 5, 2013.

**BP Trainer Refinery Marcus Hook & Stony Creeks**, Trainer Borough **Delaware County**. Sasa Jazic, Atlantic Richfield Company, 150 West Warrentown Road, Mail Code 200-IE, Naperville, FL 60563 on behalf of M. Landrith, 4101 Phillips 66, 4101 Post Road, Trainer, PA 19061 has submitted a Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganics. The Cleanup Plan was approved by the Department on May 29, 2013.

**240 Nutt Road Site**, Borough of Phoenixville **Chester County**. Anthony Cianciulli, Anthony Cianciulli, LLC 1301 East Ridge Pike, Plymouth Meeting, PA 19462 on behalf of Stephen Brower, P.G., Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482-0810 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 10, 2013.

**Shehwen Residence**, Westtown Township **Chester County**. Frank Lynch, Envirolink, Inc., 165 Daleville Road, Cochranville, PA 19330, John Kosmowsky, Erie Insurance, 1400 North Providence Road, Media, PA 19063 on behalf of Bill Shehwen, 1409 Carroll Brown Way, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2015.

**Wawa Foods Market 194**, Caln Township **Chester County**. Kulraj Singh, Baba, LLC, 1947 East Lincoln Highway, Coatesville, PA 19320 on behalf of J. Matthew Brainard, GES, Inc. 440 Creamery Way, Suite 500, Exton, PA 19341, Matthew Winters, Wawa, Inc. 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Cleanup Plan, Risk Assessment, Remedial Investigation and Final Report concerning the remediation of site groundwater soil and groundwater contaminated with unleaded gasoline. The Cleanup Plan, Risk Assessment, Remedial Investigation and Final Report were disapproved by the Department on May 23, 2013.

**Evans Residence**, Horsham Township **Montgomery County**. Henry Evans, 724 Lower State Road, North Wales, PA 19454 on behalf of Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Gene Noce, Harleysville Insurance, 355 Maple Avenue, Harleysville, PA 19438-2297 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2013.

**Sugarhouse Casino**, City of Philadelphia, **Philadelphia County**. Terry Mckenna, HSP Gaming LP. C/o Keating Consulting, LLC, 1600 Arch Street, Suite 201,

Philadelphia, PA 19103 on behalf of Christopher Orzechowski, Keating Environmental Management, 835 Springhouse Drive, Suite 200, Exton, PA 19341 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Final report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on May 15, 2013.

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

**Lauschtown Trailer Park**, Trailer #1, 553 Lauschtown Road, Denver, PA 17517, Brecknock Township, **Lancaster County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Ronald Weaver, 266 Vera Cruz Road, Reinholds, PA 17569, submitted a Final Report concerning the remediation of site soils contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 8, 2013.

**Former Central Catholic Convent**, 1500 Eckert Avenue, Reading, PA 19602, City of Reading, **Berks County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Diocese of Allentown, 1515 Martin Luther King, Jr. Drive, PO Box F, Allentown, PA 18105-1538, submitted a Final Report concerning the remediation of site soils contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 3, 2013.

**FR & S No. 3 Industrial Waste Site—AOC D**, Red Lane and Lincoln Road, Birdsboro, Exeter Township, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Wood Nursery Corp., Exeter Associates, Inc. and Buddies Nursery, Inc., P. O. Box 264, Birdsboro, PA 19508-0264, submitted a Final Report concerning the remediation of site soils in Area of Concern D contaminated with metals, VOCs and SVOCs. The Final Report demonstrated attainment of the Residential and Nonresidential Statewide Health standards, and was approved by the Department on July 3, 2013. Groundwater and other soil areas will be addressed in separate reports.

**Supervalu Distribution Center**, 3700 Industrial Road, City of Harrisburg, **Dauphin County**. Property Solutions, Inc., 323 New Albany Road, Moorestown, NJ 08057 on behalf of KTR Capital Partners, LLC, Five Towers Bridge, Barr Harbor Drive, Suite 150, West Conshohocken, PA 19428, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The Final Report demonstrated attainment of the Residential Statewide Health and Site Specific standards, and was approved by the Department on July 3, 2013.

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

**Lord Corporation West 12th Street Facility**, 1635 West 12th Street, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site groundwater contaminated with vola-

tile organic compounds, primarily tetrachloroethene (PCE) and its breakdown products: trichloroethene (TCE), vinyl chloride, and cis-1,2-dichloroethene (cis-1,2-DCE). The Report was approved by the Department on June 26, 2013.

**Lord Corporation West 12th Street Facility**, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of the Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 and Lord Corporation, 2000 West Grandview Boulevard, Erie, PA 16509 submitted a Cleanup Plan concerning the remediation of site soils and groundwater contaminated with chlorinated solvents, primarily tetrachloroethene and breakdown compounds. The Report was approved by the Department on June 27, 2013.

**Berry Plastics**, 844 E. Columbus Avenue, City of Corry, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Corry Area Industrial Development Corporation, 1524 Enterprise Road, Corry, PA 16407, submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with Arsenic, Barium, Benzene, Cadmium, Chromium, Cumene, Ethyl Benzene, Lead, Toluene, 1,3,4-Trimethylbenzene (1,2,4-Trimethylbenzene), 1,3,5-Trimethylbenzene, Trichloroethylene (TCE), Xylenes (Total) and site groundwater contaminated with Acetone, Benzene, N-Butylbenzene, Sec Butylbenzene, Chlorobenzene, Cumene (Isopropylbenzene), 1,1-Dichloroethane, 1,1-Dichloroethylene, Cis-1,2-Dichloroethylene, Dichloromethane (Methylene Chloride), Ethylbenzene, 4-Isopropyltoluene, Methyl Ethyl Ketone (2-Butanone), Methyl Isobutyl Ketone (MIBK) (4-Methyl-2-Pentanone), Methyl Tert-Butyl Ether (MTBE), Naphthalene, N-Propylbenzene, Tetrachloroethylene (PCE), Toluene, 1,1,1-Trichloroethane, Trichloroethylene (TCE), 1,3,4-Trimethylbenzene (1,2,4-Trimethylbenzene), 1,3,5-Trimethylbenzene, Vinyl Acetate, Vinyl Chloride, and Xylenes (Total). The Baseline Environmental Report demonstrated attainment of the Special Industrial Area standard and was approved by the Department on June 10, 2013.

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

**Union Railroad Company Monongahela Junction Yard**, Intersection of North Duquesne Boulevard & Hoffman Boulevard, City of Duquesne and Borough of West Mifflin, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Festival Fun Parks LLC, 4800 Kennywood Boulevard, West Mifflin, PA 15122 has submitted a final report concerning remediation of site soils contaminated with Arsenic, Lead, Benzo(a)anthracene and Chromium and groundwater contaminated with Iron and Manganese. The Final Report demonstrated attainment of a site specific standard and was approved by the Department on July 2 2013.

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

**Former GM Stamping Plant**, West Mifflin Borough, **Allegheny County**. MU Hydrogeology, 18108 Edgewood Circle, Wildwood, MO 63038 on behalf of Michael J. Roberts, Mifflin, LLC, 1650 Des Peres Rd, Suite 303, St. Louis, MO 63131 has submitted a Remedial Investigation Report amended, June 2013. Environmental concerns include metal impacted soil and groundwater with hy-

draulic oils which have been released throughout the manufacturing building. Remedial Investigation report was approved by the Department on June 27 2013.

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

**Permits renewed 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit Application No. 100345. Delaware County Solid Waste Authority** located in Earl Township, **Berks County**. Permit renewal for Solid Waste Permit No. 100345 for the operation of the Rolling Hills Landfill, issued on July 3, 2013 in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq. The permit expires January 6, 2015. Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP14-54-002: E. Franklin Griffiths III—d/b/a Griffiths Family Funeral Services** (655 East Broad Street, Tamaqua, PA 18252) on June 25, 2013, to install and operate a human remains crematory at their site in Tamaqua Borough, **Schuylkill County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP11-67-05020B: Exelon Generation Co., LLC** (1848 Lay Road, Mail Code PS-2, Delta, PA 17314) on July 2, 2013, for the six diesel engines, under GP 11, to power air compressors and generators during the refueling outage planned in 2013 at the Peach Bottom Atomic Power Station in Peach Bottom Township, **Adams County**.

**GP4-36-03176: Thermal Solutions Products LLC** (1175 Manheim Pike, Lancaster, PA 17604) on June 2, 2013, for a burnoff oven, under GP4, at their boiler and hot water heater manufacturing facility in the City of Lancaster, **Lancaster County**. The GP4 authorization was renewed.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-00953C: Peoples Natural Gas Co., LLC** (1201 Pitt Street, Pittsburgh, PA 15221-2029) on July 2, 2013, to allow operation of existing equipment with no modifications. The existing equipment consists of One (1) G3512TALE Caterpillar 4SLB natural gas fired compressor engine rated 945 bhp, One (1) FLOCO/IRSI Tri-Ethylene Glycol (TEG) dehydrator, rated at 6.15 MMscf/day, one reboiler rated at 0.50 MMBtu/hr, equipped with a natural gas fired Thermal Oxidizer rated 1.0 MMBtu/hr and One (1) storage tank with 3,000 gallon capacity at their Ambrust Compressor Station located in Hempfield Township, **Westmoreland County**.

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

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

**GP5-27-043B: Seneca Resources Corporation—Tionesta Station** (Off Hemlock Road, Tionesta, PA 16353) on June 28, 2013, to operate one (1) lean burn, 4 stroke natural gas engine, Caterpillar Model No. G3508TALE rated 630 bhp at 1,400 rpm, one (1) rich burn, 4 stroke, natural gas powered, emergency electrical generator engine, one (1) Frederick Logan Company natural gas dehydrator, two (2) natural gas processing units, six (6) 16,800 gallon produced water storage tanks, one (1) 1,720 gallon pipeline drip fluid/produced water storage tank, one (1) thermal oxidizer, and one (1) emergency open flare (BAQ-GPA/GP-5) in Tionesta Township, **Forest County**.

**GP2-62-017E: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on July 3, 2013, to construct two (2) tanks (Tank Nos. 650 & 651) (7,107,542 gallons crude each) manufactured by Witherup Fabrication and Erection with internal floating roof, a mechanical shoe seal, and a secondary wiper (BAQ-GPA/GP-2) at your facility in City of Warren, **Warren County**.

**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.**

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

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

**23-0220: Eddystone Rail Co.** (5 Industrial Highway, Eddystone, PA 19022-1585) on July 3, 2013, to install a crude oil unloading facility at their current site of the Exelon Generation Co, Eddystone Generating Station, in Eddystone Borough, **Delaware County**. The installation of a marine vessel loading operation with the VOC and HAP emissions routed through a vapor recovery to a non-assisted ground flare for the control of HAP and VOC emissions is subject to the NESHAP requirements of 40 CFR 63, Subpart Y. The facility has taken a throughput limitation to emit less than the major source thresholds, with the projected actual emissions expected to be no more than 24.0 tons of NO<sub>x</sub>, 23.61 tons of VOCs, and 1.17 tons of total HAPs per year. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-0110B: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) on July 3, 2013, to install and

operate two (2) 25-ton flour Use Bins with associated bin vent filters at their facility in Downingtown Borough, **Chester County**.

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

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

**35-322-012: Keystone Sanitary Landfill, Inc.** (249 Dunham Drive, Dunmore, PA 18512) on July 1, 2013, for the increase in daily acceptance rates at the site located in Throop & Dunmore Boroughs, **Lackawanna County**.

**52-00006A: Pyre, Inc.** (405 West Harford Street, Milford, PA 18337-1209) on June 27, 2013, to modify & operate three (3) cremators (one pet and two human cremators) at the facility located in Milford Township, **Pike County**.

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

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

**10-079D: BNZ Materials** (191 Front Street, Zelienople, PA 16063) on July 1, 2013, to reactivate Kiln No. 3 and associated drying and finishing operations last operated during 2004 in Zelienople Borough, **Butler County**. This is a Title V facility.

**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*

**23-00110: Bryn Hill Industries** (407 Industrial Park Drive, Lincoln Yeadon, PA 19050) on July 1, 2013, for a non-Title V, State-Only, Synthetic Minor Operating Permit in Yeadon Borough, **Delaware County**. This action is a renewal of the State Only Operating Permit. The permit was issued on 5-22-2008 and will expire on 6-30-2013. The facility consists of a Foam Product Line, consisting of three (3) Process Ovens, a mold release spray process and three (3) oven heaters to cure the foam as the primary emission sources. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**23-00072: Action Supply Co., Inc.** (1401 Calcon Hook Road, Sharon Hill, PA 19079) on July 1, 2013, for a renewal of a State Only Operating Permit in Darby Township, **Delaware County**. The facility operates three ready-mix concrete plants and a concrete recycling plant consisting of two crushers and a screener. The recycling plant is powered by three diesel-fired engines. While there is no restriction in operating hours for the concrete plants, the recycling plant is limited to a 2,000 hour per year limitation. There have been no source changes or modifications to any plant equipment since this operating permit was last issued; however new requirements from the Federal MACT Standards of Subpart ZZZZ, which are applicable to the diesel-fired engines, are being included in the operating permit. Also incorporated in the operating permit and in accordance with EPA standards on the regulation of fuels and fuel additives, all non-road diesel fuel is subject to a maximum sulfur content of 15 ppm per

gallon standard. Action Supply Co., Inc. is a synthetic minor facility. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**53-00003D: National Fuel Gas Supply Corp.** (1100 State Street, 2nd Floor, Erie, PA 16512) on May 28, 2013, to construct two (2) natural gas-fired compressor engines (source IDs P124 and P125) with independent oxidation catalysts (IDs C124A and C125A) and selective catalytic reduction (SCR) systems (IDs C124B and C125B) and one (1) natural gas-fired emergency generator (Source ID P201) with a 3-way catalyst (ID C201) to control the air contaminant emissions from these engines at their Ellisburg facility in Allegany Township, **Potter County**. The plan approval has been extended.

**08-00045A: Moxie Liberty LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) Plan Approval 08-00045A was issued on October 10, 2012, to Moxie Energy LLC for construction of a natural gas-fired combined-cycle power plant to produce approximately 936 MW at the Moxie Liberty Generation Plant located in Asylum Township, **Bradford County**. On February 19, 2013, the Department issued a revised Plan Approval 08-00045A for corrections to the owner's and the facility's names. On July 9, 2013, the Department issued a revised Plan Approval 08-00045A to change the expiration date to reflect the construction completion date as specified by the company. The expiration date of the plan approval has been revised to November 1, 2016.

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

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

**30-00072H: Consol Pennsylvania Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on July 8, 2013, for a plan approval modification effective July 7, 2013, with an expiration date of January 7, 2014, to authorize the initial 180-day period of temporary operation for sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility.

**65-00629A: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on July 8, 2013, to extend the temporary operation period for the wastewater pretreatment system to allow additional shake-down of the new sources at the Latrobe Brewery in Latrobe Borough, **Westmoreland County**. The new expiration date shall be January 9, 2014. The plan approval has been extended.

**65-00986A: Tiger Door, Inc.** (P.O. Box 70, Greensburg, PA 15601-2148) on July 8, 2013, for a Plan Approval Extension effective July 14, 2013, with an expiration date of January 14, 2014, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00986A at their Tiger Door Manufacturing Plant in Hempfield Township, **Westmoreland County**. The plan approval has been extended.

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

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

**42-028B: Saint-Gobain** (1 Railroad Avenue, Port Allegany, PA 16743) on June 27, 2013, on July 31, 2013, to issue a plan approval extension to rebrick and install an Oxygen Enriched Air Staging System on Furnace No. 1 at their container glass manufacturing facility in Port Allegany Borough, **McKean County**. This is a Title V facility, Permit No. 42-00028.

**61-219A: GOC Property Holdings, LLC** (175 Main Street, Oil City, PA 16301) on July 3, 2013, effective August 31, 2013, to issue a plan approval extension for the construction of a new metal heat treating facility along Route 8, in Rouseville Borough, **Venango County**. New sources at the site will include a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower.

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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, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**01-05003: Columbia Gas Transmission LLC** (950 Manifold Drive, Washington, PA 15301-9610) on June 28, 2013, for the Gettysburg Compressor Station in Straban Township, **Adams County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00110: Bryn Hill Industries** (407 Industrial Park Drive, Lincoln Yeadon, PA 19050) on July 1, 2013, for a non-Title V, State-Only, Synthetic Minor Operating Permit in Yeadon Borough, **Delaware County**. This action is a renewal of the State Only Operating Permit. The permit was issued on 5-22-2008 and will expire on 6-30-2013. The facility consists of a Foam Product Line, consisting of three (3) Process Ovens, a mold release spray process and three (3) oven heaters to cure the foam as the primary emission sources. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**23-00072: Action Supply Co., Inc.** (1401 Calcon Hook Road, Sharon Hill, PA 19079) on July 1, 2013, for a renewal of a State Only Operating Permit in Darby Township, **Delaware County**. The facility operates three ready-mix concrete plants and a concrete recycling plant consisting of two crushers and a screener. The recycling plant is powered by three diesel-fired engines. While there is no restriction in operating hours for the concrete plants, the recycling plant is limited to a 2,000 hour per year limitation. There have been no source changes or modifications to any plant equipment since this operating permit was last issued; however new requirements from the Federal MACT Standards of Subpart ZZZZ, which are applicable to the diesel-fired engines, are being included in the operating permit. Also incorporated in the operating permit and in accordance with EPA standards on the

regulation of fuels and fuel additives, all non-road diesel fuel is subject to a maximum sulfur content of 15 ppm per gallon standard. Action Supply Co., Inc. is a synthetic minor facility. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**48-00085: Piralal Critical Care, Inc.** (3950 Schelden Circle, Bethlehem, PA 18017-8936) on July 2, 2013, for pharmaceutical preparations in Hanover Township, **Northampton County**. The sources consist of three (3) Halogenated Ether Process Lines. The control devices for the sources are a thermal oxidizer and packed tower scrubber. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a new State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05086: Donsco, Inc.** (PO Box 2001, Wrightsville, PA 17368-0040) on June 27, 2013 for the iron foundry in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

**22-05041: Hershey Co.** (1033 Old West Chocolate Avenue, Hershey, PA 17033) on June 27, 2013, for the chocolate/candy manufacturing facility known as the West Plant, in Derry Township, **Dauphin County**. The State-only permit was renewed.

**05-03004: Chestnut Ridge School District** (PO Box 80, Fishertown, PA 15539-0080) on July 2, 2013, for the coal-fired boilers and emergency generator at the Central Elementary/High School Campus in East St. Clair Township, **Bedford County**. The State-only permit was renewed.

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

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

**65-00830: Menasha Corporation—Yukon Plant** (Route 70, P.O. Box 418, Yukon, PA, 15698-0418) on June 28, 2013, issued a Natural Minor State Only Operating Permit for operation of a corrugated container manufacturing facility in Sewickley Township, **Westmoreland County**. There are two main sources of emissions at this facility: a 20.92 mmbtu/hr, natural gas-fired Cleaver Brooks model #CB 200-500 boiler used to provide process steam for the corrugation process and fugitive VOC emissions from printing inks which are emitted either in the ink kitchen where they are prepared or from the die cutting machines where they are applied. There are also several minor sources of emissions including small natural gas-fired space heaters, a waste oil-fired heater, adhesive usage, a parts washer, a starch silo equipped with a bin vent filter, particulate emissions from die cutters and other cardboard cutting and scrap handling

equipment, and cyclone separators which are actually used more for scrap cardboard recycling than for dust control. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The final renewal Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**63-00400: Hansen Engineering, Inc.** (167 Laidley's Run Road, West Alexander, PA 15376) on July 2, 2013, to operate their metals recovery and packaging facility in West Finley Township, **Washington County**.

In accordance with 25 Pa Code §§ 127.431 the Department of Environmental Protection (DEP) gives notice that on July 2, 2013, they issued a State Only Operating Permit (SOOP) to Hansen Engineering, Inc. for the operation of their metals recovery and packaging facility located in West Finley Township, Washington County.

**04-00519: Columbia Gas Transmission Corp.** (1700 MacCorkle Ave SE, Charleston, WV 25314-1518) on July 2, 2013, to continue to operate the natural gas transmission facility known as the Blackhawk Station, in South Beaver Township, **Beaver County**.

In accordance with 25 Pa Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on July 2, 2013, they issued a State Only Operating Permit (SOOP) Renewal to Columbia Gas to authorize the continued operation of the natural gas transmission facility known as the Blackhawk Station, located in South Beaver Township, Beaver County.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**10-00331: Butler Memorial Hospital** (911 East Brady Street, Butler, PA 16001) on June 27, 2013, to issue a Natural Minor Operating Permit to operate a General Medical and Surgical Hospital in the City of Butler, **Butler County**. The significant sources at this facility are six (6) dual-fuel fired boilers and six (6) emergency power generators. The two newer emergency power generators are subject to 40 CFR 60, Subpart III. Potential emissions of criteria pollutants from this facility are below the major source thresholds.

**10-00350: Cloverleaf Group, Inc.—IDL Worldwide** (PO Box 569, 500 Grant Avenue, East Butler, PA 16029-0569) on July 2, 2013, issued a renewal of the State Only Operating Permit for their screen printing facility (printing presses, a screen wash machine, a spray booth, emergency generator and fire pump, and other insignificant sources) in East Butler Borough, **Butler County**. The sources were covered by plan approvals 10-350A and 10-350B. The permittee has a VOC emission limit of 49.5 TPY a single HAP emission limit of 9.8 TPY, and total HAPs emission limit of 24.8 TPY (each based on a consecutive 12-month rolling period). Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements as established in the plan approvals. The emergency generator and fire pump engines are subject to 40 CFR 63 Subpart ZZZZ pertaining to the NESHAPs for Stationary Reciprocating Internal Combustion Engines (RICE).

**37-00271: Allegheny Mineral Corp.** (PO Box 1022, One Glade Park East, Kittanning, PA 16201) on June 27, 2013, issued an administrative amendment to the State Operating Permit for their Princeton Limestone Processing Plant in Slippery Rock Township, **Lawrence County**.



The amendment incorporated the change of ownership, change of responsible official and change of permit contact.

**61-00122: Seneca Hardwood Lumber—Cranberry Facility** (212 Seneca Hardwood Drive, Cranberry, PA 16319-2526) on June 27, 2013, to re-issue a Natural Minor Operating Permit for their lumber processing facility in Rockland Township, **Venango County**. The facility's major sources of emissions are two (2) Wood-Fired Boilers used to produce heat for the kiln operations. All emissions of criteria pollutants are below major source thresholds. The boilers at this facility will be subject to the requirements of 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The compliance date for this subpart is

**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.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00003: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) on July 1, 2013, for their refinery in Trainer Borough, **Delaware County**. The operating permit was administratively amended to incorporate the requirements of Plan Approval No. 23-0003P. The amended operating permit contains the applicable regulatory requirements including testing, monitoring, record-keeping, and emission limits.

## **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*

**56111301 and GP12-56111301-R2. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15905). To revise the permit for the Cass No. 1 Mine in Summit Township and Garrett Borough, **Somerset County** to establish an emission inventory for coal handling based on maximum total annual raw coal throughput at the facility of 500,000 tons per calendar year. Emission sources consist of conveyors, transfer points, raw coal

screening, stockpile wind erosion, coal storage pile manipulation, truck loading, and unpaved coal haul road. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56111301-R2. The application was considered administratively complete on June 3, 2013. Application received June 3, 2013. Permit issued July 1, 2013.

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

**61120108 and NPDES Permit No. PA0259365. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine in Richland Township, **Venango County** affecting 31.5 acres. Receiving streams: Unnamed tributary to the Allegheny River. Application received: November 13, 2012. Permit Issued: June 27, 2013.

**10120102 and NPDES Permit No. PA0259306. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface mine to add 7.6 acres in Parker & Perry Townships, **Butler & Armstrong Counties**, affecting a total of 77.9 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: March 21, 2013. Permit Issued: July 1, 2013.

**1475-10120102-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries F & G to South Branch Bear Creek in Parker & Perry Townships, **Butler & Armstrong Counties**, affecting a total of 77.9 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: March 21, 2013. Permit Issued: July 1, 2013.

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

**17870129 and NPDES No. PA0116190. RES Coal LLC** (8912 Clearfield-Curwensville Highway, Clearfield, PA 16830). Permit renewal for reclamation only to an existing bituminous surface mine located in Morris Township, **Clearfield County**, affecting 498.3 acres. Receiving stream(s): Emigh Run and Laurel Run to Moshannon Creek classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 28, 2013. Permit issued: July 2, 2013.

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

**49860102R4. Farragut Anthracite Company**, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine, coal refuse reprocess, refuse disposal and preparation plant operation in Coal and Zerbe Townships, **Northumberland County** affecting 814.6 acres, receiving stream: Shamokin Creek Watershed. Application received: September 22, 2011. Renewal issued: July 3, 2013.

**49860102GP104. Farragut Anthracite Company**, (122 Wilburton Road, Mt. Carmel, PA 17851), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49860102 in Coal and Zerbe Townships, **Northumberland County**, receiving stream: Shamokin Creek Watershed. Application received: June 5, 2013. Permit issued: July 3, 2013.

### *Noncoal Permits Actions*

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

**Permit No. 01740601 and NPDES No. PA0594407, Valley Quarries, Inc.**, P.O. Box 2009, Chambersburg, PA 17201, renewal of NPDES permit, Cumberland Township, **Adams County**. Receiving stream: Rock Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 13, 2013.

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

**20800301-GP-104. Conneaut Lake Sand & Gravel, Inc.** (P.O. Box 233, West Middlesex, PA 16159) General NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 20800301 in Vernon Township, **Crawford County**. Application received: June 3, 2013. Permit Issued: July 2, 2013.

**25102801 and NPDES Permit No. PA0259390. Groundwork Resource, LLC** (8870 Baron Road, McKean, PA 16426) Revision to an existing small industrial minerals mine to add an NPDES permit in McKean Township, **Erie County**. Receiving streams: Unnamed tributary to Walnut Creek. Application received: March 18, 2013. Permit Issued: July 2, 2013.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### Blasting Permits Actions

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

**10134101. Wampum Hardware Company** (2856 Stoystown Road, Friedens, PA 15541-7020) Blasting activity permit for construction blasting at the Mark West Trillith Compressor Station in Lancaster Township, **Butler County**. This blasting activity permit expires on December 31, 2013. Permit Issued: July 5, 2013.

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

**45134107. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Pools in Pocono Township, **Monroe County** with an expiration date of June 27, 2014. Permit issued: July 1, 2013.

**15134105. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Granite Ridge Apartments in Kennett Township, **Chester County** with an expiration date of July 1, 2014. Permit issued: July 3, 2013.

**46134110. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Graterford Prison in Skippack Township, **Montgomery County** with an expiration date of July 7, 2014. Permit issued: July 3, 2013.

**40134111. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Humboldt Industrial Park Lots 40A-1 & 40A-2 in Hazle Township, **Luzerne County** with an expiration date of July 31, 2014. Permit issued: July 5, 2013.

#### 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*

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

**NPDES No. PA0592749 on Surface Mining Permit No. 54850204. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an NPDES Permit for an anthracite coal refuse reprocessing operation in Porter Township, **Schuylkill County**, affecting 1756.0 acres. Receiving stream: Wiconisco Creek, classified for the following use(s): warm water fishes (No WLA for any stormwater discharge at this point within the Wiconisco Creek TMDL). Application received: June 21, 2011.

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

The outfall(s) listed below discharge stormwater to Wiconisco Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001-D	No	E&S (stormwater only)

**NPDES No. PA0123862 on Surface Mining Permit No. 54803203. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of NPDES Permit for an anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County**, affecting 76.0 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes (TMDL for metals, pH, sediment). Application received: February 6, 2012.

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

The outfall listed below discharge to East Branch Rausch Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	E&S (stormwater only)

**NPDES No. PA0224341 on Surface Mining Permit No. 54061302. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an NPDES Permit for a reclamation/treatment operation in Porter Township, **Schuylkill County**, affecting 61.3 acres. Receiving stream: Wiconisco Creek, classified for the following uses: warm water and migratory fishes (TMDL for AMD, metals, pH). Application received: October 9, 2012.

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

The outfall listed below discharge to Wiconisco Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Average Daily Discharge</i>
1	No	0.94 MGD

The proposed effluent limits for the above listed outfall.

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			
Iron (mg/l)		3.0	3.0	9.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.4	2.8	3.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup>The parameter is applicable at all times.

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0227579 (Permit No. 37970302). Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 270.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 3, 2013.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	N
TPB	N
TPC	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup>The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	N
SPB	N
SPC	N
SPD	N
SPE	N

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E09-969—Pennsylvania Department of Transport, District 6, 7000 Geerdes Blvd, King of Prussia, PA 19406, Montgomery County.** ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the replacement of River Road (S.R. 0032) bridge over Tohickon Creek (CWF):

1. To replace the existing bridge and to construct and maintain, in its place, a 37-foot long, 160-foot span, and 16-foot high, two span precast concrete arch bridge.
2. To construct and maintain a temporary bridge upstream of the proposed bridge to facilitate maintenance of traffic during construction.
3. To construct and maintain a temporary causeway.
4. To temporarily fill and divert portions of Geddes Run (CWF), a tributary to the Tohickon Creek to facilitate the staging areas for the bridge construction.

The project will permanently impact approximately 80 linear feet of stream. The site is located approximately 1,820 feet northwest of the intersection of River Road (S.R. 0032) and River Hill Road in Plumstead Township, Bucks County, (Lumberville, PA USGS Quadrangle N: 8.77 inches; W: 9.19 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.*

**E52-238. LP Cylinder Service, Inc.,** 627 Route 434, Shohola, PA 18458. Shohola Township, **Pike County,** Army Corps of Engineers Philadelphia District.

To fill a 0.8-acre open body of water for the purpose of constructing a liquid propane refurbishing facility. The project is located at 1255 Route 6 (Shohola, PA Quadrangle Latitude: 41° 23' 34"; Longitude: -74° 58' 58") in Shohola Township, Pike County. Subbasin: 1D

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-484. Clinton County Solid Waste Authority, Wayne Township Landfill,** PO Box 209, McElhattan, PA 17748-0209. Floodplain Encroachment, in Wayne Township, **Clinton County,** ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41°09'35"; W: -77°20'40").

To maintain 24,897 cubic yards of clean fill covering 1.36 acres in the right 100-year FEMA flood fringe of the West Branch Susquehanna River located north of the landfill's gas flare and south of the railroad crossing under SR 220 (Jersey Shore, PA Quadrangle N: 41°09'35"; W: -77°20'40") in Wayne Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E65-951. Millstein Industries, LLC**, DBA Cherry Creek Golf Club, 322 Armbrust Rd., Youngwood, PA 15697, Hempfield Township, **Westmoreland County**; ACOE Pittsburgh District

Applicant has been given consent to replace and maintain approximately 263 linear feet of gabion lined stream channel with naturally designed channel and to remove an existing, unpermitted 48" culvert crossing within an unnamed tributary of Sewickley Creek (WWF), and to maintain fill placed in approximately 0.061 acre of wetland. To mitigate these impacts, the permittee shall construct and maintain approximately 0.123 acre of replacement wetland. The project is located approximately 1000' north of the intersection of Armbrust Road and Mechling Road in Hempfield Township, Westmoreland County Pennsylvania. (Mount Pleasant, PA Quadrangle: N: 20.1" W: 8.9"; latitude 40° 14' 12", longitude -79° 33' 49")

**E02-1665. Allied Waste Systems of Pennsylvania, LLC**, 11 Boggs Road, PO Box 47, Imperial, PA 15126-0047, Findlay Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to place and maintain fill in approximately 2.39 acres of wetlands for the purpose of reconfiguring and expanding the existing Imperial Landfill. The project is located on the north side of Boggs Road, approximately 5,000 feet northwest from the intersection of Boggs Road and Santiago Road (Clinton, PA Quadrangle N: 3.75"; W: 14.13"; Latitude: 40° 27' 9"; Longitude: 80° 16' 32") in Findlay Township, Allegheny County. To compensate for the wetland impacts the permittee shall construct 3.25 acres of replacement wetlands.

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

**E10-482, Kensa Cranberry Associates, L.P.**, 701 Alpha Drive, Pittsburgh, PA 15238 in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

Giving its consent to fill 0.06 acre of PEM wetland and permanently impact by enclosing and relocating a total of 376 feet of two tributaries to Brush Creek for the construction of a commercial retail development adjacent to the existing Cranberry Crossroads Phase I site north of SR 228 east of I-79. Project includes contribution to the PA Wetland Replacement Fund for mitigation of wetland impact and restoration and stabilization of 185 feet of the relocated tributary to Brush Creek on site and 325 feet of a tributary to Brush Creek downstream of the project. (Mars, PA Quadrangle N: 40°, 41' 11.72"; W: 80°, 05', 23.39")

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-065: PVR Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 12 inch natural gas pipeline and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Roaring Run (EV, MF) (White Pine Quadrangle 41°22' 45"N 77°10'52"W).

The project will result in 50 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E6629-015: UGI Energy Services, Inc.**, 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, **Wyoming County** ACOE Baltimore District.

To construct, operate, and maintain the Auburn Line Extension Project, which consists of a 27.4 mile long, 20-inch diameter steel natural gas pipeline and associated facilities, with the following impacts:

1) 93 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34' 48.03", Longitude: W76°01'59.52");

2) 88 linear feet of a UNT to Susquehanna River (CWF, MF) and 982 square feet of impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'49.15", Longitude: W76°01'42.46");

3) 28 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34' 47.89", Longitude: W76°01'41.58");

4) 88 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34' 46.45", Longitude: W76°01'39.75");

5) 1,224 square feet of impacts to Palustrine Emergent (PEM) Wetlands via temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'45.54", Longitude: W76°01'38.18");

6) 209 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34' 41.95", Longitude: W76°01'34.64");

7) 683 square feet of impacts to Palustrine Emergent (PEM) Wetlands via temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'31.38", Longitude: W76°01'32.25");

8) 37 linear feet of a UNT to Susquehanna River (CWF, MF) via temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'23.70", Longitude: W76°01' 36.35");

9) 16 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°34'10.50", Longitude: W76°01'50.96");

10) 853 linear feet of Susquehanna River (WWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°34'01.79", Longitude: W76°02'01.46");

11) 23 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°33'58.59", Longitude: W76°02'05.59");

12) 6 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°33'56.35", Longitude: W76°02'08.28");

13) 75 linear feet of a UNT to Susquehanna River (CWF, MF) and 454 square feet of impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and

temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'30.76", Longitude: W76°02'33.45");

14) 77 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'17.37", Longitude: W76°02'39.75");

15) 130 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'57.48", Longitude: W76°02'44.06");

16) 52 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'56.08", Longitude: W76°02'44.86");

17) 91 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'47.14", Longitude: W76°02'45.30");

18) 80 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'23.58", Longitude: W76°02'30.38");

19) 170 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'14.57", Longitude: W76°02'28.11");

20) 155 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'14.22", Longitude: W76°02'28.25");

21) 103 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'13.63", Longitude: W76°02'28.50");

22) 169 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'02.46", Longitude: W76°02'24.38");

23) 77 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'01.64", Longitude: W76°02'23.68");

24) 149 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'00.44", Longitude: W76°02'22.55");

25) 79 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'53.85", Longitude: W76°02'15.77");

26) 61 square feet of impacts to Exceptional Value (EV) Palustrine Scrub-Shrub (PSS) Wetlands via a subsurface bore (Meshoppen, PA Quadrangle, Latitude: N41°31'12.99", Longitude: W76°01'11.65");

27) 78 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'11.96", Longitude: W76°01'11.84");

28) 86 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'10.18", Longitude: W76°01'09.04");

29) 86 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.11", Longitude: W75°59'49.95");

30) 80 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.22", Longitude: W75°59'48.20");

31) 45 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.32", Longitude: W75°59'46.74");

32) 194 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'31.36", Longitude: W75°59'29.49");

33) 48 linear feet of Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'29.57", Longitude: W75°59'04.06");

34) 106 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'27.28", Longitude: W75°58'59.12");

35) 58 linear feet of a UNT to Moneypenny Creek (CWF, MF) via temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°29'01.12", Longitude: W75°55'58.10");

36) 86 linear feet of Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°29'00.68", Longitude: W75°55'59.13");

37) 80 linear feet of a UNT to Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'57.32", Longitude: W75°55'59.36");

38) 304 linear feet of a UNT to Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'52.03", Longitude: W75°56'00.81");

39) 62 linear feet of a UNT to Thurston Hollow Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'29.31", Longitude: W75°56'12.48");

40) 134 linear feet of a UNT to Thurston Hollow Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'17.44", Longitude: W75°56'14.43");

41) 104 linear feet of a UNT to Marsh Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'21.11", Longitude: W75°56'17.08");

42) 552 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'13.23", Longitude: W75°56'19.18");

43) 471 linear feet of a UNT to Marsh Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'11.41", Longitude: W75°56'19.94");

44) 42 linear feet of a UNT to Marsh Creek (HQ-CWF, MF) and 1,845 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open

cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'10.52", Longitude: W75°56'20.16");

45) 246 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via a subsurface bore (Center Moreland, PA Quadrangle, Latitude: N41°26'43.47", Longitude: W75°56'14.05");

46) 84 linear feet of a UNT to Mill Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°26'12.64", Longitude: W75°56'08.00");

47) 7 linear feet of a UNT to Mill Creek (CWF, MF) and 967 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via a Horizontal Directional Drilling operation (Center Moreland, PA Quadrangle, Latitude: N41°26'07.09", Longitude: W75°56'00.17");

48) 9 linear feet of a UNT to Whitelock Creek (CWF, MF) and 80 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via a conventional bore (Center Moreland, PA Quadrangle, Latitude: N41°25'45.30", Longitude: W75°55'23.48");

49) 10 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°25'07.85", Longitude: W75°54'29.98");

50) 116 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°25'06.27", Longitude: W75°54'25.71");

51) 104 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'52.95", Longitude: W75°54'27.63");

52) 90 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'40.37", Longitude: W75°54'28.52");

53) 30 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 30-foot long, 30-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'44.21", Longitude: W76°01'46.08");

54) 28 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 28-foot long, 40-inch by 66-inch elliptical culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'38.86", Longitude: W76°01'48.71");

55) 30 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 30-foot long, 24-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'30.18", Longitude: W76°01'49.34");

56) 32 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 32-foot long, 18-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'24.02", Longitude: W76°01'49.21");

57) 25 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 25-foot long, 36-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'29.88", Longitude: W76°02'21.06");

58) 214 square feet of impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill for the construction of a permanent access road (Tunkhannock PA, Quadrangle, Latitude: N41°30'31.96", Longitude: W75°58'20.08");

59) 58 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via the installation of a 58-foot long, 36-inch diameter culvert for a permanent access road (Tunkhannock, PA Quadrangle, Latitude: N41°30'26.99", Longitude: W75°58'30.56"); and

60) 365 square feet of impacts to Palustrine Emergent (PEM) Wetlands via the installation of temporary timber matting for the construction of a temporary access road (Center Moreland, PA Quadrangle, Latitude: N41°26'30.25", Longitude: W75°56'22.08").

The project will result in 5,535 linear feet of stream impacts, 3,254 square feet (0.07 acre) of temporary impacts to Palustrine Emergent (PEM) Wetlands, 214 square feet (0.01 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands, 454 square feet (0.01 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands, 80 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 61 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub-Shrub (PSS) Wetlands, and 3,610 square feet (0.08 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands. These impacts will be the result of the construction, operation, and maintenance of the Auburn Line Extension Project, which consists of a 27.4 mile long, 20-inch diameter steel natural gas pipeline and associated facilities for the development of the Marcellus Shale.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.*

**EA6309-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Chartiers Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,600 linear feet of dangerous highwall. The project will include the backfilling of a 0.27 acre open waterbody and 0.081 acre of PEM wetlands that have developed within the open surface mine pit. A 0.081 acre replacement wetland will be constructed with the project. (Midway Quadrangle N: 2.0 inch, W: 3.0 inches).

#### 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



sure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESG13-115-0059  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Apolacon Township  
Receiving Stream(s) and Classification(s) UNT to Bow Bridge Creek (HQ-CWF/MF), UNT to Apalachin Creek (CWF/MF)

ESCGP-1 # ESX13-131-0048  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Wyoming County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) Nick Creek, Riley Creek (Both CWF/MF)

ESCGP-1 # ESX13-115-0046 Applicant Name Chief Oil & Gas LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) UNT to Willow Brook and Willow Brook (CWF/MF)

ESCGP-1 # ESX13-131-0020  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Wyoming County  
Township(s) Meshoppen and Washington Townships  
Receiving Stream(s) and Classification(s) Susquehanna River (WWF/MF);  
Secondary: Chesapeake Bay (WWF/MF)

ESCGP-1 # ESX12-115-0185 (01)  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) UNT to White Creek (CWF/MF)

ESCGP-1 # ESG13-015-0036  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune

Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Wilmot Township  
Receiving Stream(s) and Classification(s) UNT to Foster Branch Sugar Run (CWF), Foster Branch Sugar Run (CWF);  
Secondary: Sugar Run (CWF)

ESCGP-1 # ESX13-115-0057  
Applicant Name Cabot Oil & Gas Corp.  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276-0120  
County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) UNT to White Creek (CWF/MF)

ESCGP-1 # ESX13-115-0061  
Applicant Name Cabot Oil & Gas Corp.  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276-0120  
County Susquehanna County  
Township(s) Harford Township  
Receiving Stream(s) and Classification(s) UNT to Butler Creek (CWF/MF)

ESCGP-1 # ESG13-081-0030  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Nathan Bennett  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cascade Township  
Receiving Stream(s) and Classification(s) East Branch Murray Run (EV);  
Secondary: Wallis Run (EV)

ESCGP-1 # ESG13-015-0035  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune  
Address 100 IST Center  
City, State, Zip Horseheads, NY 14845  
County Bradford and Sullivan Counties  
Township(s) Wilmot and Colley Townships  
Receiving Stream(s) and Classification(s) UNTs to North Branch Mehoopany Creek (CWF/MF)

ESCGP-1 # ESG13-081-0035  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Throckmorton Street, Suite 200  
City, State, Zip Ft. Worth, TX 76102  
County Lycoming County  
Township(s) Lewis Township  
Receiving Stream(s) and Classification(s) UNT to Wolf Run (HQ/CWF), Breeing Hollow (HQ/CWF);  
Secondary: Lycoming Creek (EV)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0032—Lynn to XTO Pipeline  
Applicant R.E. Gas Development, LLC  
Contact Michael Endler  
Address 600 Cranberry Woods Drive, Suite 250  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Butler and Penn(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributaries to Connoquenessing Creek, Ch93 designation—WWF in Ch 93.

ESCGP-1 #ESX13-019-0029

Applicant Mountain Gatherin, LLC

Contact Dewey Chalos

Address 810 Houston Street

City Fort Worth State TX Zip Code 76102

County Butler Township(s) Butler and Penn(s)

Receiving Stream(s) and Classification(s) WWF/None:

Sawmill Run, Rocklick Run, Connoquenessing Creek & (1) UNT to same; CWF/None: Thorn Creek & (1) UNT to same.

ESCGP-1 #ESX12-085-0001A—Yoder Well Pad-Major Modification

Applicant Halcon Operating Co LLC

Contact Gregg Stewart

Address 600 Cranberry Woods Drive, Suite 150

City Cranberry Township State PA Zip Code 16066

County Mercer Township(s) West Salem(s)

Receiving Stream(s) and Classification(s) UNT to Chestnut Run (WWF)

ESCGP-1 #ESX13-019-0027—Geibel Well Pad

Applicant XTO Energy Inc

Contact Stacey Vehovic

Address 395 Airport Road

City Indiana State PA Zip Code 15701

County Butler Township(s) Summit and Clearfield(s)

Receiving Stream(s) and Classification(s) UNT to Bonnie Brook—WWF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

2/27/13 ESCGP-1 No.: ESG13-125-0024

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person Mr Rick Lowry

Address: 601 Technology Drive Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township: Hopewell

Receiving Stream (s) And Classifications: UNTs to Cross Creek and UNTs to Brush Run; HQ

3/11/13

ESCGP-1 No.: ESX09-059-0050 MAJOR REVISION

Applicant Name: Chesapeake Appalachia LLC

Contact Person: Mr Eric Haskins

Address: 101 North Main Street

City: Athens State: PA Zip Code: 18810

County: Greene Township(s): Aleppo

Receiving Stream(s) and Classifications: UNT to Long Run (TSF) / Wheeling Creek; UNT to Long Run (TSF) / Wheeling Creek; Long Run (TSF)/Wheeling Creek; Other

3/18/13

ESCGP-1 No.: ESX12-125-0092 MAJOR REVISION

Applicant Name: Rice Drilling B LLC

Contact Person: Tonya R Winkler

Address: 171 Hillpointe Drive Suite 301

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): North Bethlehem and Somerset Township

Receiving Stream(s) and Classifications: South Branch Pigeon Creek, Center Branch Pigeon Creek; Other

3/27/13

ESCGP-1 No.: ESX13-005-0009

Applicant Name: EQT Production Company

Contact Person: Mr Todd Klaner

Address: 455 Racetrack Road Suite 101

City: Washington State: PA Zip Code: 15301

County: Armstrong Township(s): Plumcreek & Kittanning

Receiving Stream(s) and Classifications: UNT to North Branch Cherry Run (CWF); Other

5/7/13

ESCGP-1 No.: ESX13-125-0034

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person: Mr Rick Lowry

Address: 601 Technology Drive Suite 300

City: Canonsburg State: PA Zip Code: 15317

COUNTY Washington Township(s): Robinson

Receiving Stream(s) and Classifications: UNT to Robinson Run North Branch Robinson Run UNT to Little Raccoon Run; Other WWF; Siltation-Impaired

3/6/13

ESCGP-1 No.: ESX13-125-0027

Applicant Name: RICE DRILLING B LLC

Contact Person: MS TONYA WINKLER

Address: 171 HILLPOINTE DRIVE SUITE 301

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): SOMERSET

Receiving Stream(s) and Classifications: ONE (1) UNT TO PIGEON CREEK; OTHER WARM WATER FISHES (WWF)

3/1/13

ESCGP-1 No.: ESG13-125-0025

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person: Mr Rick Lowry

Address: 601 Technology Drive Suite 300

City: Canonsburg State: PA Zip Code 15317

County: Washington Township(s): Blaine, Buffalo, Donegal

Receiving Stream(s) and Classifications: UNTs to Buck Run and UNTs to Buffalo Creek; HQ

5/28/13

ESCGP-1 No.: ESX13-059-0026

Applicant Name: Vista Gathering LLC

Contact Person: Mr Mike Hopkins

Address: 226 Elm Drive Suite 102

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Franklin

Receiving Stream(s) and Classifications: Coal Lick Run / Monongahela River; Other WWF

4/12/13

ESCGP-1 No.: ESX13-125-0016

Applicant Name: MarkWest Liberty Midstream & Resources LLC

Contact Person: Mr Rick Lowry

Address: 601 Technology Drive Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Donegal

Receiving Stream(s) and Classifications: UNTs to Dutch Fork Lake and UNTs to Dutch Fork; HQ

4/11/13

ESCGP-1 NO.: ESX13-059-0018

Applicant Name: EQT Production

CONTACT PERSON: Mr Todd Klaner

ADDRESS: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Washington

Receiving Stream(s) and Classifications: 10 UNTs to Boyd Run; Trib 40385 to Boyd Run; Tenmile Creek Watershed; Other WWF

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under sec-

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

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

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

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 123-47319-00-00  
Well Farm Name Church Lease 8  
Applicant Name: Chautauqua Energy Inc.  
Contact Person: Ernie Rammelt  
Address: 8850 W. Route 20, P O Box 100, Westfield, NY 14787

County: Warren  
Municipality Sugar Grove Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sugar Grove

Well Permit #: 123-47320-00-00  
Well Farm Name Church Lease 9  
Applicant Name: Chautauqua Energy Inc.  
Contact Person: Ernie Rammelt  
Address: 8850 W. Route 20, P O Box 100, Westfield, NY 14787

County: Warren  
Municipality Sugar Grove Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sugar Grove

[Pa.B. Doc. No. 13-1333. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 17(4433)101.1, Abandoned Mine Reclamation Project, Ansonville East, Jordan Township, Clearfield County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 24,000 cubic yards; wetland soil handling 0.39 acre; stream channel excavation 240 linear feet; high velocity erosion control mulch

blanket 215 square yards; rock lining with geotextile 130 square yards; and seeding 6.5 acres. This bid issues on July 19, 2013, and bids will be opened on August 8, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1334. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 40(3031)203.1, Abandoned Mine Reclamation Project, Pittston 2, City of Pittston, Luzerne County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; maintenance and protection of traffic; drilling boreholes 7,250 linear feet; 6" I.D. casing pipe—1,900 linear feet and 4" I.D. casing pipe—7,250 linear feet; cellular concrete mix 7,100 cubic yards; flowable fill mix 12,600 cubic yards; and seeding 500 square yards. This bid issues on July 19, 2013, and bids will be opened on August 8, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1335. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Bid Opportunity

**OOGM 13-5, Cleaning Out and Plugging Three Abandoned Oil and Oil/Gas Wells (Magdalena Sell, c/o Mr. and Mrs. Gary Jordan and Pennsylvania Game Commission, c/o Denise Mitcheltree Properties), Shinglehouse Borough and Pleasant Valley Township, Potter County.** The principal items of work and approximate quantities are to clean out and plug three abandoned oil and oil/gas wells, estimated to be 2,100 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on July 19, 2013, and bids will be opened on August 22, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for July 31, 2013, at 12 p.m. Contact the Construction Contracts

Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1336. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Bid Opportunity

**OOGM 13-7, Cleaning Out and Plugging 21 Abandoned Gas Wells (Mr. and Mrs. Derek J. Weiland, Mr. and Mrs. Bernard J. Rodgers, Mr. and Mrs. David J. Cox, Mr. and Mrs. Scott Wissinger, Donald J. Atwood, Mr. and Mrs. Todd Doverspike, Lynda Tanaka, June Doran Sotzin, Mary E. Rodgers, Vernon A. Long, Mr. and Mrs. Dennis E. Wessell, Clara Massropian, Mr. and Mrs. David A. Cheritt, Calvin E. Crooks, Mr. and Mrs. Henry E. Nicholson, William J. Painter, Jean M. Headley and Michael E. Renato Properties), Heath and Union Townships, Jefferson County.** The principal items of work and approximate quantities are to clean out and plug 21 abandoned gas wells, estimated to be 3,200 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on July 19, 2013, and bids will be opened on August 22, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for August 1, 2013, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1337. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Exemption from Requirements

A study to determine if the Department of Public Welfare's (Department) buildings located at Torrance State Hospital, Torrance, PA should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P. S. § 650) will be performed within the next 90 days. The result from this study may result in the conversion of the Department's coal-fired heating system to a fuel other than coal.

For additional information, contact Gary Taylor, Director, Bureau of Engineering and Architecture, Department of General Services, 18th and Herr Streets, 201 Headquarters Building, Harrisburg, PA 17125, (717) 787-6200, fax (717) 772-2036, gtaylor@pa.gov.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-1338. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.11.1.2 and 2.2-2.12.3.2(a) (relating to newborn nursery; and baby holding nursery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1339. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of The Alfred I. duPont Hospital for Children Surgery Center, Bryn Mawr for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Alfred I. duPont Hospital for Children Surgery Center, Bryn Mawr has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1340. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2(1), 3.1-7.2.2.1 and 3.1-7.2.2.3(1)(a) and (b) (relating to individual therapy areas; corridor width; and doors and door hardware).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1341. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Children's Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6-2.2.2.1(1), 2.6-2.2.2.5(1), 2.6-2.2.2.6(2) and (4), 2.6-2.2.6.12(2)(a) and (b), 2.6-2.3.1.1(1), 2.6-2.3.2.1(1) and 2.6-3.1.1.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1342. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Eastern Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eastern Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.10.6.12 (relating to janitor's closet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1343. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Evangelical Ambulatory Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Ambulatory Surgical Center has requested an exception to the requirements of 28 Pa. Code §§ 553.1—553.4, 553.31, 555.1—555.4, 557.2—557.4, 563.2—563.11, 567.2, 567.3, 569.2, 569.3 and 569.11—569.14.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1344. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.2.5(3) (relating to hand sanitation dispenser).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1345. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.5.6.2(3) (relating to clearances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1346. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Lee Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lee Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1347. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Mercy Suburban Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Suburban Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1348. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of OSS Health/Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Health/Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1349. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of OSS Orthopaedic Hospital Hanover Clinic and Mechanicsburg Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Orthopaedic Hospital Hanover Clinic and Mechanicsburg Clinic have requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.1 (relating to vehicular drop-off and pedestrian entrance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1350. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Penn State Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.2.2(2)(a) and 2.2-2.2.2.5(1)(a); (relating to clearance; and hand washing station in toilet room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1351. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Peters Township Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Peters Township Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1352. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Planned Parenthood of Central PA—York Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Central PA—York Health Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.8-3.7 (relating to staff clothing change area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1353. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Sacred Heart Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sacred Heart Hospital has requested an exception to the requirements of 28 Pa. Code § 138.18 (relating to EPS studies).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and



Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1354. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of St. Luke's Hospital Miners Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital Miners Campus has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1355. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Twin Rivers Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Twin Rivers Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1356. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.10.6.6, 3.1-3.2.2.2, 3.1-3.6.6, 3.1-7.2.2.1(1) and 3.1-7.2.2.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1357. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Washington Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Washington Health System has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.4 (relating to toilets for public use).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1358. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.11.9.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1359. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Application of Wexford Medical Mall for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wexford Medical Mall has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 2.1-8.7.2.3(1) (relating to hospital type elevator).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1360. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Availability of Traumatic Brain Injury (TBI) Grant Funds to Support TBI Education and Public Awareness of the Causes and Consequences of TBI

The Bureau of Family Health's (Bureau) Division of Child and Adult Health Services is accepting applications for funding to support education and awareness of the causes and consequences of concussion and mild to severe

traumatic brain injury (TBI) in youth in junior and high school. Funding for up to \$5,000 is available to develop trainings and materials to reach the identified population. Education and awareness activities should target professionals (that is, practitioners, teachers, athletic trainers, coaches, school nurses), community sports programs, community members and/or providers of recreational opportunities which could result in physical injury and should teach appropriate intervention strategies in the event an individual sustains an injury which could result in TBI.

For the purpose of this funding opportunity, a TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Youth with concussions/mild head injury often do not benefit from intervention because the extent of the injury is not recognized. Currently, approximately 200 high schools and colleges in this Commonwealth are utilizing pre-play neuropsychological testing to develop a "baseline" or "benchmark" of an athlete's level of cognitive functioning in the event that the youth has a concussion while participating in sports. Additional screening tools are also available that can be utilized after a youth sustains a concussion/head injury to determine if further evaluation or action is needed. While attention to the causes and consequences of concussion and TBI in youth has grown dramatically over the past 5 years, the majority of high schools in this Commonwealth are not using any kind of concussion management program and junior high/middle schools and recreational programs have been particularly underserved.

The learning objectives of the proposed education and awareness activities must incorporate education on TBI, not just concussion, and should include the following:

- a) How to recognize the warning signs that indicate a concussion/mild head injury has occurred.
- b) How to manage concussions/mild head injuries.
- c) How to intervene in the event that a concussion/mild head injury is suspected.

Educational and recreational settings in Communities in this Commonwealth are being targeted for this effort. Through educational opportunities, teachers, coaches, athletic trainers, school nurses, camp counselors, and the like will be better equipped to prevent, recognize, manage and provide support for youth sustaining concussions/head injuries resulting from participation in sports or other recreational activities. Project funds must be used to reimburse purchases and activities occurring prior to March 1, 2014.

Eligible applicants are Commonwealth public and private organizations, community-based programs and agencies that have a Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take

a profit from these funds. Only those organizations, programs or agencies that have not received any grant funds from the Bureau during the current fiscal year may apply for these funds.

Applicants may include the following: sports organizations; schools; recreation providers; community organizations; park and recreation centers; camps; athletic directors, coaches, trainers, school nurses; and parent groups and organizations.

To apply for funding, a complete application must be postmarked and mailed to the Department of Health (Department) no later than August 16, 2013. Applications may be mailed or hand-delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. The Department expects to notify all applicants of award status by September 1, 2013. It is anticipated that 13 awards of up to \$5,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

*Application Process:* Complete Attachment A "FY 2013-2014 APPLICATION," and attach a clear and concise narrative of no more than five typewritten pages single spaced that includes the following information, labeled by section:

1. The identified target audience for the training.
2. A description of the proposed awareness and education activities that addresses the learning objectives under the Purpose section of this funding opportunity, including who will do the training and the training content (any training/educational material used must be described).
3. A description of how funds will be expended.
4. How the proposed activity will be evaluated or measured for a change in awareness and education on head injury and TBI, specifically.

An authorized official of the organization who can bind individuals to the provisions of the proposal must sign and date Attachment A. Submit an original and three complete copies of the application, which includes Attachment A, a narrative addressing the five previously listed points and any supporting documentation. Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

*Eligible Costs:* The maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$5,000 per fiscal year. Funds may be used for reimbursement of the costs incurred prior to March 1, 2014. The budget section of the application must include a budget narrative detailing by line item how project funds will be used. Expenses eligible for reimbursement under this project include:

1. Purchase of a concussion screening program.
2. Purchase of educational materials.
3. Trainers with expertise in TBI. See included resource list.
4. Consultation by the trainer for the program after the initial training.
5. Training costs.

*Ineligible Costs:* The following costs are not eligible for reimbursement under this project:

1. Administrative/indirect costs.
2. Purchases/activities mandated by the Americans with Disabilities Act.
3. New building construction or structural renovation of an existing space.
4. Capital expenses or equipment.

*Summary Report and Invoice Procedures:* To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Attachment B, to the Bureau no later than April 15, 2014:

1. A summary report of activities and evaluative efforts.
2. Attendance list, including person's position in relation to youth.
3. Plan for continuing traumatic brain injury awareness and education.
4. Invoice with expense documentation supporting line item amounts.

Funding decisions are contingent upon the availability of Fiscal Year 2013-2014 funds and Department approval

by means of a proposal review panel. The approval will be based upon a common set of preestablished criteria, including:

1. Does the audience of the proposed activity meet the intended target.
2. Do the awareness and education activities meet the learning objectives.
3. Are the proposed expenditures/purchases reasonable.
4. Can the evaluation or measures taken demonstrate a change in awareness and knowledge.
5. Will the activity proposed be of an on-going, systemic benefit to the community.

Applications should be mailed to Attention: Julie Hohney, Public Health Program Administrator, Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120. Julie Hohney may also be contacted at (717) 772-2762, TDD (717) 783-6514 or at [jhohney@pa.gov](mailto:jhohney@pa.gov) with additional questions or to request application materials.

MICHAEL WOLF,  
*Secretary*

Attachment A

Pennsylvania Department of Health—Bureau of Family Health  
September 1, 2013—February 28, 2014  
FY 2-13-2014 Funding Application Request: Traumatic Brain Injury Education and Awareness

*Applicant Information:*

- Name of Organization: \_\_\_\_\_
- FID Number: \_\_\_\_\_
- Complete Mailing Address: \_\_\_\_\_  
\_\_\_\_\_
- Contact Person: \_\_\_\_\_
- Telephone Number: (\_\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_\_) \_\_\_\_\_
- E-mail Address: \_\_\_\_\_
- SAP #: \_\_\_\_\_

*Itemized Budget:*

Itemized Activity Expenses		
#1: _____	= \$	_____
#2: _____	= \$	_____
#3: _____	= \$	_____
#4: _____	= \$	_____
#5: _____	= \$	_____
#6: _____	= \$	_____
#7: _____	= \$	_____
(attach additional sheets, if necessary)		
<b>TOTAL</b>		= \$ _____
*May not exceed \$5,000.00		

*Provide a brief written description of what will be purchased with the money:*

Attach copies of the proof of cost for every expense proposed within your itemized budget.

Authorized Applicant Signature/Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Attachment B

**Pennsylvania Department of Health—Bureau of Family Health  
September 1, 2013—February 28, 2014  
FINAL REPORT/INVOICE  
Traumatic Brain Injury Education and Awareness**

<b>Awardee Information</b>	
Name of Organization: _____ FID number: _____ Complete Mailing Address: _____ _____ Contact Person: _____ Telephone Number: (_____) _____ Fax Number: (_____) _____ E-mail Address: _____ SAP#: _____	
Please attach the following: <ul style="list-style-type: none"> <li>• A written narrative that includes a summary report of activities and evaluative efforts,</li> <li>• Attendance list(s), including person's position in relation to youth,</li> <li>• Plan for continuing traumatic brain injury awareness and education, and</li> <li>• Expense documentation supporting line item amounts.</li> </ul>	
<b>Invoice</b>	
Itemized Expenses	
#1: _____	= \$ _____
#2: _____	= \$ _____
#3: _____	= \$ _____
#4: _____	= \$ _____
#5: _____	= \$ _____
#6: _____	= \$ _____
#7: _____	= \$ _____
#8: _____	= \$ _____
#9: _____	= \$ _____
<b>TOTAL</b>	<b>= \$ _____</b> *May not exceed \$5,000.00
Awardee authorized signature/title: _____ Awardee printed name and title: _____	
<b>DOH Use Only:</b> Approved for Payment: _____ Date: _____	

### Attachment C

#### Pennsylvania Department of Health— Bureau of Family Health

#### MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROVISIONS

This mini-grant's funding consists of Federal block grant monies. The Contractor (mini-grant awardee) shall not use such funds in a manner not in accordance with the Maternal and Child Health Services Block Grant legislation at 42 U.S.C. Section 701 et seq., and the Contractor assures that no block grant funds shall be used to:

1. Provide inpatient services, other than inpatient services provided to children with special health care needs or to high-risk pregnant women and infants and such other inpatient services as the Secretary of the U.S. Department of Health and Human Services (HHS) may approve in writing. (The use of block grant funds provided through this contract to provide permitted inpatient services shall be limited to those services specifically set forth in this contract's work statement and/or budget);

2. Make cash payments to intended recipients of health services;

3. Purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling if provided for in the line item budget of this contract) any building or other facility, or purchase major medical equipment. (No minor equipment may be purchased unless the line item budget specifically provides for such purchase);

4. Satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;

5. Provide funds for research or training to any entity other than a public or nonprofit private entity; or

6. Pay for any item or service (other than an emergency item or service) furnished by an individual or entity or at the medical direction or on the prescription of a physician during the period when the individual, entity, or the physician is excluded under subchapter V (Maternal and Child Health Services Block Grant, 42 U.S.C. Section 701 et seq.), subchapter XVIII (Medicare, 42 U.S.C. Section 1395 et seq.), subchapter XIX (Medicaid, 42 U.S.C. Section 1396 et seq.), or subchapter XX (Block Grants to States for Social Services, 42 U.S.C. Section 1397 et seq.) of Chapter 7 of the Social Security Act pursuant to 42 U.S.C. Sections 1320a-7, 1320a-7a, 1320c-5, or 1395u(j)(2).

- These sections forbid the use of block grant funds to pay for any item or service provided by an individual or entity, or at the medical direction or on the prescription of a physician, when the Secretary of HHS has excluded such individual, entity, or physician from the right or privilege to participate in or receive funds through the programs of Titles V, XVIII, XIX, or XX. Exclusion necessarily results, or may result, from such events generally (non-inclusive) as the following: conviction for criminal offenses, including fraud, or patient abuse or neglect, under federal or state health care programs; conviction relating to obstruction of investigations; convictions relating to controlled substances; license revocation

or suspension; submission of claims for excessive charges or unnecessary services; failure to disclose certain information required or requested by HHS or state agencies; default on health education loans or scholarships; filing improper claims for medical payments; or violation of certain Medicare requirements.

- In entering into this contract and by invoicing for or accepting payment hereunder, the Contractor assures that the Contractor is not in a state of exclusion per notice from HHS, and that no contract funds have been or shall be utilized to pay any individual or entity, whether the Contractor's employee, subcontractor, or otherwise, as prohibited by 42 U.S.C. Section 704(b) or this contract.

- The Contractor shall immediately provide written notice to the Pennsylvania Department of Health (DOH) of any exclusion notice from HHS which exclusion is effective at any time during the term of this contract. Exclusion of the Contractor by HHS shall constitute a material breach and shall automatically terminate the contract as of the effective date of the exclusion.

- The Contractor shall be liable for repayment of any contract funds either accepted by the Contractor for services or items while the Contractor is in a state of exclusion by HHS or utilized by the Contractor to pay for any item or service contrary to the requirements of 42 U.S.C. Section 704(b) of this contract.

The Contractor assures that under this contract it and any subcontractors shall cooperate fully with the Commonwealth to enable it to comply with any reporting, audit, or fiscal requirements imposed under 42 U.S.C. Section 706.

The Contractor assures that should the federal government conduct any investigation or should the Department be a party to any hearing under 42 U.S.C. Section 706, that the Contractor and any subcontractors shall cooperate in general with the Commonwealth in such investigation or hearing (prior to and during the time of such hearing) and specifically shall make available for examination and copying by the Commonwealth, the U.S. Department of Health and Human Services, or the Comptroller General of the United States, documentary records required by 42 U.S.C. Section 706(d)(1).

[Pa.B. Doc. No. 13-1361. Filed for public inspection July 19, 2013, 9:00 a.m.]

#### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a) and 205.27 (relating to dining room; and lounge and recreation rooms):

Sunbury Community Hospital Skilled Nursing Facility  
350 North 11th Street  
Sunbury, PA 17801  
FAC ID 450302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526,

Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1362. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, August 2, 2013, from 10 a.m. to 3 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Darlene Smith, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1363. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Range of Fees and Average Fee Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy), the Department of Labor and Industry (Department), Bureau of Workers' Compensation hereby gives notice of the range of fees charged by Utilization Review Organizations and Peer Review Organizations for services performed under the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2625) during 2012. The Department further provides notice of the average fee charged by each Utilization Review Organization and Peer Review Organization during 2012.

JULIA K. HEARTHWAY,  
*Secretary*

#### 2012 Utilization Review Organizations Minimum—Average—Maximum Fee

<i>Utilization Review Organization</i>	<i>Minimum Fee</i>	<i>Average Fee</i>	<i>Maximum Fee</i>
Alico Services LTD	237.55	1054.11	2612.04
American Review Systems Inc.	240.00	1342.34	5610.00
CAB Medical Consultants	350.00	1116.16	3227.44
Caduceus Lex Medical Auditing	123.01	981.10	2503.12
CEC Inc.	390.55	1247.16	3544.55
Chiro Med Review Co.	129.15	965.41	2587.79
Denovo Management	99.00	1124.44	4665.00
DLB Services	154.25	1089.15	2977.81
Hajduk & Assoc. URO/PRO Ser.	145.04	1167.58	3882.09
Industrial Rehabilitation Assoc.	315.00	944.27	3250.00
KVS Consulting Services	325.30	1485.77	4216.43
Laurel Reviews	180.36	977.53	2925.67
Margroff Review Services	160.95	1110.94	3119.46
McBride & McBride Associates	100.36	1107.15	3586.01
Procura Management Inc.	250.00	1062.42	4215.72
Quality Assurance Reviews Inc.	355.00	1304.03	5110.00
Rehabilitation Planning	230.77	1342.31	4009.76
T & G Reviews	350.00	1087.66	2883.30
TX Review Inc.	139.13	1067.27	2700.00
Uniontown MRPC	142.30	886.80	2569.31



<i>Utilization Review Organization</i>	<i>Minimum Fee</i>	<i>Average Fee</i>	<i>Maximum Fee</i>
Watson Review Services	171.84	1212.38	4536.78
West Penn IME Inc.	290.33	1323.29	3821.96
<b>Total Averages (year 2012)</b>	<b>221.81</b>	<b>1136.33</b>	<b>3570.64</b>

34 Pa. Code § 127.667(b): "The Bureau will publish in the *Pennsylvania Bulletin*, on an annual basis, the range of fees charged by each URO and PRO for services performed under the act and this chapter during the preceding year."

\*\*\*The fee is calculated as amount charged per Utilization Review Request Assignment which potentially has from one to five determinations associated with the request.

[Pa.B. Doc. No. 13-1364. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cro\$\$word 5X Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cro\$\$word 5X.

2. *Price:* The price of a Pennsylvania Cro\$\$word 5X instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Cro\$\$word 5X instant lottery game ticket will feature a "YOUR LETTERS" area, two crossword puzzle play grids, known as "GRID 1" and "GRID 2" respectively, and a "BONUS WORD" play area. "GRID 1," "GRID 2" and the "BONUS WORD" play area are played separately. The play symbols located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in "GRID 1" and "GRID 2" are: the letters A through and including Z and a 5X symbol. The 5X symbol is a free spot. The play symbols and their captions located in the "BONUS WORD" play area are: the letters A through and including Z.

4. *Prize Symbols:* The prize symbols and their captions located in the "BONUS WORD" play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in "GRID 1" are: \$5, \$10, \$20, \$40, \$100, \$400, \$1,000, \$10,000 and \$50,000. The prizes that can be won in "GRID 2" are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "BONUS WORD" area are: \$5, \$10, \$20, \$40, \$50 and \$100. A player can win up to 2 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Cro\$\$word 5X instant lottery game.

7. *Determination of Prize Winners:*

(a) The determination of the prize winners for "GRID 1" are:

(1) Holders of tickets where the player completely matches ten words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where the player completely matches nine words in "GRID 1," using only the letters

found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely matches eight words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$5,000.

(4) Holders of tickets where the player completely matches eight words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the player completely matches six words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the player completely matches seven words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$400.

(7) Holders of tickets where the player completely matches five words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$200.

(8) Holders of tickets where the player completely matches six words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets where the player completely matches four words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$100.

(10) Holders of tickets where the player completely matches three words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets where the player completely matches five words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$40.

(12) Holders of tickets where the player completely matches two words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$25.

(13) Holders of tickets where the player completely matches four words in the "GRID 1," using only the

letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(14) Holders of tickets where the player completely matches three words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(15) Holders of tickets where the player completely matches two words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(b) The determination of the prize winners for "GRID 2" are:

(1) Holders of tickets where the player completely matches ten words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where the player completely matches nine words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely matches eight words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$5,000.

(4) Holders of tickets where the player completely matches eight words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the player completely matches six words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the player completely matches seven words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets where the player completely matches six words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets where the player completely matches four words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets where the player completely matches five words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(10) Holders of tickets where the player completely matches three words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets where the player completely matches two words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a 5X symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$25.

(12) Holders of tickets where the player completely matches four words in the "GRID 2," using only the

letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(13) Holders of tickets where the player completely matches three words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(14) Holders of tickets where the player completely matches two words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(c) The determination of the prize winners for the "BONUS WORD" area are:

(1) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(2) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$50.

(3) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Bonus Word Prize" area, on a single ticket, shall be entitled to a prize of \$5.

8. *Game Play Instructions for the Pennsylvania Cro\$word 5X game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in "GRID 1," "GRID 2" and the "BONUS WORD" play area. In addition, each 5X symbol found in "GRID 1" or "GRID 2" functions as a free spot.

(b) When a player reveals two or more entire words in "GRID 1" or "GRID 2," or one word in the "BONUS WORD" play area, the player is entitled to win a prize as described in Section 7. When a 5X symbol appears in any winning combination of words in "GRID 1" or "GRID 2," win five times the prize as described in Section 7.

(c) Only the highest prize won in each "GRID" and the highest prize won in the "BONUS WORD" play area will

be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(e) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(f) Every single letter square of a word must be matched and letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in "GRID 1," "GRID 2" and the "BONUS WORD" play area. An unbroken string of letters may include a 5X symbol, but cannot be interrupted by a black space. There

will only be one word in an unbroken horizontal or vertical string of letters.

(g) Every single letter in the unbroken string must be revealed in "YOUR LETTERS" and must be included to form a word.

(h) The possible complete words for each ticket in the game are shown on "GRID 1," "GRID 2" and the "BONUS WORD" areas. The player must match all of the letters in a possible complete word in order to complete the word.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1 Win With:</i>	<i>GRID 2 Win With:</i>	<i>BONUS WORD Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets:</i>
2 WORDS			\$5	15	960,000
	2 WORDS		\$5	15	960,000
3 WORDS			\$10	30	480,000
	3 WORDS		\$10	60	240,000
2 WORDS		\$5	\$10	60	240,000
4 WORDS			\$20	75	192,000
	4 WORDS		\$20	75	192,000
3 WORDS		\$10	\$20	150	96,000
5 WORDS			\$40	600	24,000
4 WORDS		\$20	\$40	300	48,000
4 WORDS	4 WORDS		\$40	300	48,000
	5 WORDS		\$50	600	24,000
5 WORDS	3 WORDS		\$50	600	24,000
5 WORDS		\$10	\$50	600	24,000
5X w/ 3 WORDS			\$50	600	24,000
	5X w/ 3 WORDS		\$50	300	48,000
5 WORDS	4 WORDS		\$60	6,000	2,400
	4 WORDS	\$40	\$60	6,000	2,400
	3 WORDS	\$50	\$60	6,000	2,400
5X w/ 2 WORDS	5 WORDS		\$75	6,000	2,400
5X w/ 2 WORDS		\$50	\$75	6,000	2,400
5X w/ 3 WORDS	5X w/ 2 WORDS		\$75	6,000	2,400
6 WORDS			\$100	4,000	3,600
	6 WORDS		\$100	4,000	3,600
5X w/ 4 WORDS			\$100	1,333	10,800
	5 WORDS	\$50	\$100	3,429	4,200
	5X w/ 4 WORDS		\$100	4,000	3,600
5X w/ 3 WORDS	5 WORDS		\$100	4,000	3,600
5X w/ 3 WORDS	5X w/ 3 WORDS		\$100	1,333	10,800
6 WORDS	6 WORDS		\$200	30,000	480
6 WORDS		\$100	\$200	30,000	480
5X w/ 5 WORDS			\$200	20,000	720
5X w/ 4 WORDS	5X w/ 4 WORDS		\$200	20,000	720
7 WORDS			\$400	8,000	1,800
	7 WORDS		\$500	30,000	480
5X w/ 6 WORDS			\$500	40,000	360
	5X w/ 6 WORDS		\$500	40,000	360
8 WORDS			\$1,000	40,000	360
	8 WORDS		\$1,000	40,000	360
5X w/ 6 WORDS	7 WORDS		\$1,000	60,000	240
5X w/ 8 WORDS			\$5,000	720,000	20
	5X w/ 8 WORDS		\$5,000	720,000	20
9 WORDS			\$10,000	960,000	15
	9 WORDS		\$10,000	1,440,000	10

<i>GRID 1</i> <i>Win With:</i>	<i>GRID 2</i> <i>Win With:</i>	<i>BONUS</i> <i>WORD</i> <i>Win With:</i>	<i>Win:</i>	<i>Approximate</i> <i>Odds Are</i> <i>1 In:</i>	<i>Approximate No.</i> <i>Of Winners Per</i> <i>14,400,000</i> <i>Tickets:</i>
10 WORDS	10 WORDS		\$50,000	720,000	20
			\$100,000	960,000	15

When a "5X" symbol appears in any winning combination of words, win 5 times the corresponding prize found in the prize key.  
 BONUS WORD: Win revealed bonus word prize when you completely match all letters of the bonus word.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cro\$\$word 5X instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cro\$\$word 5X, prize money from winning Pennsylvania Cro\$\$word 5X instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cro\$\$word 5X instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cro\$\$word 5X or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-1365. Filed for public inspection July 19, 2013, 9:00 a.m.]

## DEPARTMENT OF STATE

### Application of Jesse David Scheck for Appointment and Commission as a Notary Public; Doc. No. 0038-99-13

On April 15, 2013, Jesse David Scheck of Pittsburgh, Allegheny County, had his application for appointment and commission as a notary public denied. This denial is without prejudice for applicant to reapply for appointment to the office of notary public on or after October 2, 2013, and upon meeting the qualifications for appointment and commission under The Notary Public Law (57 P. S. §§ 147—169).

Individuals may obtain a copy of order by writing to Martha H. Brown, Assistant Counsel, Department of State, Bureau of Commissions, Elections and Legislation, 301 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 13-1366. Filed for public inspection July 19, 2013, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public</i> <i>Comment Period</i>	<i>IRRC</i> <i>Comments</i> <i>Issued</i>
16A-5425	State Board of Pharmacy Collaborative Management of Drug Therapy 43 Pa.B. 2439 (May 4, 2013)	6/3/13	7/3/13
106-10	Environmental Hearing Board Practice and Procedure 43 Pa.B. 2591 (May 11, 2013)	6/10/13	7/10/13

**State Board of Pharmacy**  
**Regulation #16A-5425 (IRRC #3006)**  
**Collaborative Management of Drug Therapy**  
**July 3, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the May 4, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the State Board of Pharmacy (Board) to respond to all comments received from us or any other source.

**1. Section 27.1. Definitions.—Clarity.**

Section 27.302 (relating to collaborative agreement for management of drug therapy in a non-institutional setting) uses the undefined term “non-institutional setting.” While we recognize that the term institutions is defined in existing Section 27.1 and includes in (iii) what the term does not include, the proposed regulation is unclear as to what settings qualify as non-institutional. In the final-form regulation, we ask the Board to clarify for the regulated community what constitutes a non-institutional setting by explicitly defining this term. The Board may also consider revising the definition of “institutions” if necessary to provide additional clarity between the two terms.

**2. Section 27.301. Written protocol for the management of drug therapy in an institutional setting.—Clarity; Implementation procedures.**

Comments submitted by the House Professional Licensure Committee (Committee) point out that Section 9.1(e)(10) of the Pharmacy Act specifies that written agreements or protocols must be filed with the Board and the State Board of Medicine and/or the State Board of Osteopathic Medicine, and that Section 9.3(k)(2) requires a collaborative agreement to comply with the requirements of Section 9.1(e). The Committee recommends, and we agree, that the Board clarify in Section 27.301(d) that the written protocol must be filed with the appropriate boards.

Likewise, we agree with the Committee’s recommendation that the Board add a similar requirement to Section 27.302 for written collaborative agreements.

**3. Section 27.302. Collaborative agreement for management of drug therapy in a non-institutional setting.—Protection of the public health, safety and welfare; Clarity; Implementation Procedures.**

The Pennsylvania Medical Society commented that the regulation does not provide for physicians to have access to pharmacist records for regular review. Paragraph (f)(6) does require the collaborative agreement to contain a method for documenting decisions made and a plan for communication or feedback. Would adding a provision that explicitly provides physician access to pharmacist records provide clarity regarding the intent of the regulation, as well as greater protection of the public health, safety and welfare of patients? We ask the Board to consider this suggestion and explain why such a provision is or is not needed in the final rulemaking.

**Environmental Hearing Board**  
**Regulation #106-10 (IRRC #3008)**  
**Practice and Procedure**  
**July 10, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the May

11, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Hearing Board (Board) to respond to all comments received from us or any other source.

**1. Section 1021.32. Filing.—Implementation procedures; Reasonableness; Clarity.**

This section addresses conventional, electronic and facsimile filing. We have three concerns. First, Subsection (c)(14) allows the Board to reject electronic filings. Under what grounds would the Board reject a document that was filed electronically? This should be explained in the final-form rulemaking.

Second, under Subsection (c)(15), if a party electronically files or serves a document and that filing or service is untimely because of a technical issue, the party can seek relief from the Board. However, such relief cannot be sought if there is a technical problem with a notice of appeal that was filed or served electronically. What is the reason for this difference?

Third, Subsection (d) pertains to facsimile filing. If a party experiences technical difficulty filing a document via facsimile, can that party seek appropriate relief from the Board? If so, we suggest that the Board add appropriate language to this subsection. If not, we ask the Board to explain the reason for excluding it from the rulemaking.

**2. Section 1021.34. Service by a party.—Clarity.**

Under Subsection (g), if an electronic filing was not successfully transmitted, the party sending the filing must “immediately upon notification of the deficiency” serve the document by other listed methods. The requirement of immediate notification lacks clarity. Has the Board considered including a specific time period, such as 24 hours, for correcting the deficiency and serving the document?

**3. Section 1021.51. Commencement, form and content.—Clarity.**

Subsection (f)(1)(iii) uses the terms “notice of appeal” and “notice of filing.” What is the difference between the terms? If there is no difference, we recommend that the term “notice of appeal” be used instead of “notice of filing.”

**4. Section 1021.94. Dispositive motions other than summary judgment motions.—Implementation procedures; Reasonableness; Clarity.**

Subsection (c) explains the procedures that must be followed for one party to join the dispositive motion of another party. We ask the Board to respond to the following questions as it develops the final-form rulemaking. First, what form, if any must a notification that a party is joining a dispositive motion take? Second, how did the Board determine that 15 days is a reasonable amount of time in which to file a notification? Third, under what circumstances would the Board permit, by way of an order, a party to raise additional issues in support of the dispositive motion? Finally, how does a party wishing to raise additional issues request such permission in the notification and must a separate pleading or motion be filed?

We have similar questions on Section 1021.94a, pertaining to summary judgment motions.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1367. Filed for public inspection July 19, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Children's Health Insurance Program Advisory Council Meeting

The Insurance Department has scheduled a meeting of the Children's Health Insurance Program Advisory Council (Council) on Tuesday, August 13, 2013, at 10 a.m. at the Department of Education, Heritage Rooms A and B, Lobby Level, 333 Market Street, Harrisburg, PA 17120. The Children's Health Care Act (40 P.S. §§ 991.2301—991.2362) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Peter Salvatore, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17126, (717) 787-4429, at least 24 hours in advance so that arrangements can be made.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1368. Filed for public inspection July 19, 2013, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 260.1—Reorganization Requests, Amended June 21, 2013.

Management Directive No. 315.16—Payment of Annuitant Medical and Hospital Benefits, Amended June 21, 2013.

Management Directive No. 580.8—Classified Service Probationary Periods, Amended June 14, 2013.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 13-1369. Filed for public inspection July 19, 2013, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Price Premium

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on

November 6, 2013, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the over-price premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on September 23, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on September 23, 2013, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing. Parties and witnesses attending the hearing shall provide their own copies of presubmitted testimony and exhibits.

1. By 3 p.m. on September 27, 2013, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on October 16, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on October 30, 2013, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on October 22, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1370. Filed for public inspection July 19, 2013, 9:00 a.m.]

**Hearing and Presubmission Schedule for All Milk Marketing Areas; Wholesale Discount**

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on October 2, 2013, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning establishing an additional level of wholesale discount.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board’s list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on August 19, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on August 19, 2013, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing. Parties and witnesses attending the hearing shall provide their own copies of presubmitted testimony and exhibits.

1. By 3 p.m. on August 23, 2013, the petitioners shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness’s area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on September 11, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on September 25, 2013, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on September 17, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1371. Filed for public inspection July 19, 2013, 9:00 a.m.]

**PENNSYLVANIA  
INDUSTRIAL  
DEVELOPMENT  
AUTHORITY**

**New Project Participation Rates**

At its July 3, 2013, meeting, the Board of the Pennsylvania Industrial Development Authority (PIDA) adopted new project participation rates based upon the most recent unemployment statistics provided by the Department of Labor and Industry.

Following is the PIDA participation rate schedule for each critical economic area of this Commonwealth, based upon the most recent applicable unemployment statistics.

*Effective:* Applications received July 2013 and forward (until further notice).

C. ALAN WALKER,  
*Chairperson*

**PIDA PARTICIPATION RATES  
FOR COUNTIES AND MUNICIPALITIES\*  
“OVER 25,000 POPULATION”**

	<i>MAXIMUM PIDA PARTICIPATION</i>		
	<i>( S )</i>	<i>( L )</i>	
ADAMS	50	40	* * *
ALLEGHENY	50	40	* * *
McKeesport City	70	60	
West Mifflin Boro.	60	50	
ARMSTRONG	60	50	
BEAVER	50	40	* * *
BEDFORD	60	50	
BERKS	60	50	
Reading City	70	60	
BLAIR	50	40	* * *

	MAXIMUM PIDA PARTICIPATION			MAXIMUM PIDA PARTICIPATION		
	( S )	( L )		( S )	( L )	
Altoona City	60	50		LYCOMING	50	40 * * *
BRADFORD	50	40	* * *	Williamsport City	60	50
BUCKS	50	40	* * *	MCKEAN	60	50
Bensalem Twp.	60	50		MERCER	60	50
Bristol Twp.	60	50		MIFFLIN	60	50
Falls Twp.	60	50		MONROE	60	50
Warminster Twp.	60	50		MONTGOMERY	50	40 * * *
BUTLER	50	40	* * *	Norristown Boro.	60	50
CAMBRIA	60	50		Pottstown Boro.	70	60
Johnstown City	70	60		MONTOUR	50	40 * * *
CAMERON	70	60		NORTHAMPTON	60	50
CARBON	60	50		NORTHUMBERLAND	60	50
CENTRE	40	* * *	30 * * * *	PERRY	50	40 * * *
State College Boro.	50	30	* * * *	PHILADELPHIA	70	60
CHESTER	50	30	* * * *	PIKE	70	60
CLARION	60	50		POTTER	60	50
CLEARFIELD	60	50		SCHUYLKILL	60	50
CLINTON	60	50		SNYDER	60	50
COLUMBIA	60	50		SOMERSET	60	50
CRAWFORD	50	40	* * *	SULLIVAN	50	40 * * *
CUMBERLAND	50	40	* * *	SUSQUEHANNA	50	40 * * *
DAUPHIN	50	40	* * *	TIOGA	50	40 * * *
Harrisburg City	70	60		UNION	50	40 * * *
Swatara Twp.	60	50		VENANGO	50	40 * * *
DELAWARE	60	50		WARREN	50	40 * * *
Chester City	70	60		WASHINGTON	50	40 * * *
ELK	50	40	* * *	WAYNE	50	40 * * *
ERIE	50	40	* * *	WESTMORELAND	50	40 * * *
Erie City	60	50		WYOMING	60	50
FAYETTE	60	50		YORK	50	40 * * *
FOREST	60	50		Dover Twp.	60	50
FRANKLIN	50	40	* * *	York City	70	60
FULTON	60	50				
GREENE	50	40	* * *			* * * 10% Equity required
HUNTINGDON	60	50				* * * * 20% Equity required
INDIANA	50	40	* * *			* Municipalities are listed only if PIDA rate differs from County rate.
JEFFERSON	50	40	* * *			** Based on calendar year 2012 unemployment rate. Subject to change at discretion of the PIDA Board.
JUNIATA	50	40	* * *			(S) Small business (less than 50 existing employees, including parent, subsidiaries and affiliates).
LACKAWANNA	60	50				(L) Large business.
LANCASTER	50	40	* * *			Projects located in Keystone Innovation Zones are eligible to receive participation rates of up to 75% at the discretion of the PIDA Board.
Lancaster City	60	50				[Pa.B. Doc. No. 13-1372. Filed for public inspection July 19, 2013, 9:00 a.m.]
LAWRENCE	60	50				
New Castle City	70	60				
LEBANON	50	40	* * *			
Lebanon City	60	50				
LEHIGH	60	50				
Allentown City	70	60				
LUZERNE	60	50				
Hazleton City	70	60				
Wilkes-Barre City	70	60				



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Approval of a Default Service Implementation Plan

**P-2013-2371666. Pike County Light and Power.** Petition of Pike County Light and Power for approval of a default service implementation plan for the period beginning June 1, 2014.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before August 5, 2013. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the petitioner's business address.

*Applicant:* Pike County Light and Power Company, c/o Orange and Rockland Utilities, Inc., 4 Irving Place, New York, NY 10003

*Through and by Counsel:* John J. Gallagher, Esq., 711 Forrest Road, Harrisburg, PA 17112, (717) 599-5839, [jgallagher@jglawpa.com](mailto:jgallagher@jglawpa.com)

Enver Acevedo, Senior Attorney, Consolidated Edison Company, Inc., 4 Irving Place, New York, NY 10003, (212) 460-3762, fax (212) 677-5850, [acevedoe@coned.com](mailto:acevedoe@coned.com)

### Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, August 6, 2013

*Time:* 10 a.m.

*Location:* Hearing Room 4  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D. Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1373. Filed for public inspection July 19, 2013, 9:00 a.m.]

## Petroleum Products

**A-2013-2371789. Sunoco Pipeline, LP.** Application of Sunoco Pipeline, LP for approval of the abandonment of a portion of its petroleum products pipeline transportation service within this Commonwealth from: 1) Point Breeze to Eldorado, Delmont, Blawnox and Pittsburgh; 2) Montello to Eldorado, Delmont and Blawnox; and 3) Twin Oaks to Icedale, Malvern, Eldorado, Delmont and Pittsburgh, and all other approvals or certificates appropriate or necessary under 66 Pa.C.S. (relating to Public Utility Code) to grant the relief requested in the application.

**P-2013-2371775. Sunoco Pipeline, LP.** Petition of Sunoco Pipeline, LP for approval of temporary suspension of petroleum products transportation service from: 1) Point Breeze to Mechanicsburg; and 2) Twin Oaks to Exton, Fullerton, Macungie, Montello, Mechanicsburg, Tamaqua, Williamsport and Kingston.

Answers, 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 July 30, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us) and at the applicant's business address.

*Applicants:* Sunoco Pipeline, LP

*Through and By Counsel:* Robert A. Weishaar, Jr., Esquire, McNeese, Wallace & Nurick, LLC, 777 North Capitol Street, NE, Suite 401, Washington, DC 20002

Adeolu A. Bakare, Esquire, McNeese, Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1374. Filed for public inspection July 19, 2013, 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 August 5, 2013. 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.**

**(Revised) A-2012-2300845. Yourway Transport, Inc.** (6681 Snowdrift Road, Allentown, Lehigh County, PA

18106)—persons, in call or demand service from points in Lehigh and Northampton Counties to points in Pennsylvania, and return and from points in Pennsylvania to points in Lehigh and Northampton Counties, and return.

**A-2013-2354031. Daniel Fake** (1399 Manor Road, Windsor, PA 17366) for the right to begin to transport, as a common carrier by motor vehicle, persons in group and party service, in vehicles seating 11-15 passengers including the driver, from points in York County, to points in Pennsylvania, and return.

**Applications 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 persons by transfer of rights as described under each application.**

**A-2013-2351595. DZ Taxi, LLC** (804 Delaware Drive, Matamoras, PA 18336) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in call or demand service, between points in Pennsylvania; which is to be a transfer of all right authorized under the certificate issued at A-00112589 to Milford Tri State Taxi, Inc., subject to the same limitations and conditions. *Attorney:* Vern S. Lazaroff, Esquire, 123 Blueberry Drive, Milford, PA 18337.

**A-2013-2356294. Citymed, LLC** (15120 Kallaste Drive, Philadelphia, Philadelphia County, PA 19116)—for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, for VitaCare Home Health, Inc., between points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery and Delaware:

Subject to the following conditions:

Provided that no right, power or privilege is granted to provide paratransit service in the following territories:

A. From that portion of the city and county of Philadelphia bounded as follows: Montgomery County-Philadelphia County Line (Northwestern Avenue), the Schuylkill River, School House Lane, Germantown Avenue, Church Lane, Wister Street, Stenton Avenue, Vernon Road, Cheltenham Avenue, Ivyhill Road and Stenton Avenue to points in that part of Philadelphia bounded on the east by Sixth Street, on the west by 18th Street, on the south by Locust Street, on the north by Vine Street and to the hospital of the University of Pennsylvania, 34th and Spruce Streets, and to the Veteran's Hospital, 40th and Market Streets and back to the point of origin;

B. From points in the Township of Lower Moreland and the Township of Cheltenham, except that portion of the Township of Cheltenham north of Rice's Mill Road and east of Church Road and the Boroughs of Bryn Athyn and Jenkintown, Montgomery County, to points in the City and County of Philadelphia and back to the point of origin; and

C. Between points in the Townships of Abington, Springfield, Upper Dublin and Whitmarsh and that portion of the Township of Cheltenham north of Rice's Mill Road and east of Church Road and the Boroughs of Ambler and Rockledge, all in Montgomery County;

which is to be a transfer of all the rights from A-00120698 issued to Absolute Health Systems, LLC.

*Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1375. Filed for public inspection July 19, 2013, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Application for Luxury Limousine Service in the City of Philadelphia

Application received by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant for permanent authority to transport, as a common carrier, persons in luxury limousine service on an exclusive basis, between points in the City and County of Philadelphia, and from points in the City and County of Philadelphia to points in Pennsylvania and from points in Pennsylvania to the City and County of Philadelphia.

**Mapemawa, Inc.**, 112 Saude Avenue, Essington, PA 19029 registered with the Commonwealth on July 24, 2009.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by August 5, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1376. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Motor Carrier Application for Luxury Limousine Service in the City of Philadelphia

Application received by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant for permanent authority to transport, as a common carrier, persons in luxury limousine service in vehicles that carry 9 to 15 passengers including the driver on an exclusive basis, between points in the City and County of Philadelphia, and from points in the City and County of Philadelphia to points in Pennsylvania and from points in Pennsylvania to the City and County of Philadelphia.

**Mapemawa, Inc.**, 112 Saude Avenue, Essington, PA 19029 registered with the Commonwealth on July 24, 2009.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA

19148, with a copy served on the applicant by August 5, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1377. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-05-11 by the following named applicant. The company has applied to transfer the rights held by Yellow 2000 of Philadelphia, Inc. (CPC No. 1000340-01, Medallion P-0042 and 0427), to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Armada Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of State on January 25, 2013. *Attorney:* David R. Alperstein, 1515 Market Street, Suite 802, Philadelphia, PA 19102

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by August 5, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1378. Filed for public inspection July 19, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-05-12 by the following named applicant. The company has applied to transfer the rights held by Yellow 2000 of Philadelphia, Inc. (CPC No. 1000340-01, Medallion P-0730 and 0758), to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Capital Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of

State on January 28, 2013. *Attorney:* David R. Alperstein, 1515 Market Street, Suite 802, Philadelphia, PA 19102.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by August 5, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1379. Filed for public inspection July 19, 2013, 9:00 a.m.]

## STATE BOARD OF NURSING

### Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Patricia Keller, RN; File No. 11-51-02198; Doc. No. 2059-51-11

On November 21, 2011, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P. L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

#### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A

HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-1380. Filed for public inspection July 19, 2013, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101. The hearings with an asterisk will be held at One Penn Center, Hearing Room #4, 2601 North Third Street, Harrisburg, PA 17110:

August 15, 2013	Barry J. Hemence (D) Death Benefit	1 p.m.
August 20, 2013	Bruce A. Edwards Joseph R. Kovel Joseph E. Sarkis State Police Union Officer Leave	*9:30 a.m.
August 27, 2013	Dean LaSalvia Retirement Benefit Calculation	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 13-1381. Filed for public inspection July 19, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

As part of its regular business meeting held on June 20, 2013, in Harrisburg, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) rescinded approvals for two projects; 3) accepted settlements in lieu of penalty from Furman Foods, Inc. and Carrizo (Marcellus), LLC; and 4) took additional actions, as set forth in the Supplementary Information as follows.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also Commission web site at [www.srbc.net](http://www.srbc.net).

#### *Supplementary Information*

In addition to the actions taken on projects identified in the previously listed summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) honored retiring staff members Thomas W. Beauduy, Deputy Executive Director, and Susan S. Obleski, Communications Director; 2) heard a presentation from the Commission staff member Kim Dagen on upgrades to the Susquehanna Early Warning System for water suppliers with intakes on the Susquehanna River; 3) adopted the proposed Fiscal Year 2015 budget for the period July 1, 2014, to June 20, 2015; 4) adopted the Fiscal Year 2014-2015 Water Resources Program; 5) released the 2013 Update of the Comprehensive Plan for public review and comment and scheduled a public hearing on the 2013 Update on August 15, 2013; 6) approved a revised Regulatory Program Fee Schedule; 7) elected the member from the Federal government as Chair of the Commission and the member from New York State as the Vice Chair of the Commission for the period July 1, 2013, to June 30, 2014; and 8) approved/ratified six grants, including two resolutions for grants involving AMD Abatement and Treatment and Watershed Restoration and Protection.

#### *Compliance Matters*

The Commission approved settlements in lieu of civil penalty for the following projects:

1. Furman Foods, Inc., Point Township, Northumberland County, PA—\$52,150.
2. Carrizo (Marcellus), LLC, various operations within the Susquehanna River Basin, PA—\$90,000.

#### *Rescission of Project Approvals*

The Commission rescinded approvals for the following projects:

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Chest Creek), Chest Township, Clearfield County, PA (Docket No. 20100603).
2. Project Sponsor and Facility: Albemarle Corporation, Borough of Tyrone, Blair County, PA (Docket Nos. 20010203 and 20010203-1).

#### *Project Applications Approved*

The Commission approved the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Clearfield Creek), Boggs Township, Clearfield

County, PA. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20081202).

2. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, PA. Surface water withdrawal of up to 1.000 mgd (peak day).

3. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, NY. Groundwater withdrawal of up to 0.641 mgd (30-day average) from Well 1.

4. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, NY. Groundwater withdrawal of up to 0.641 mgd (30-day average) from Well 2.

5. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, NY. Groundwater withdrawal of up to 0.662 mgd (30-day average) from Well 3.

6. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, NY. Consumptive water use of up to 0.283 mgd (peak day).

7. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, PA. Groundwater withdrawal of up to 0.073 mgd (30-day average) from Well 5.

8. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, PA. Groundwater withdrawal of up to 0.043 mgd (30-day average) from Well 6.

9. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, PA. Groundwater withdrawal of up to 0.064 mgd (30-day average) from Well 7.

10. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, PA. Surface water withdrawal of up to 0.467 mgd (peak day).

11. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

12. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Consumptive water use of up to 0.900 mgd (peak day).

13. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20100311).

14. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, PA. Groundwater withdrawal of up to 0.079 mgd (30-day average) from Well 3, and authorization for interconnection with Mansfield University as a supplemental source.

15. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, PA. Groundwater withdrawal of up to 0.288 mgd (30-day average) from Wineland Well RW-1.

16. Project Sponsor and Facility: Navitus, LLC (North Spring, Logan Branch Watershed), Spring Township, Centre County, PA. Surface water withdrawal of up to 1.000 mgd (peak day).

17. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, PA. Groundwater withdrawal of up to 0.007 mgd (30-day average) from Well SW-4.

18. Project Sponsor and Facility: Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, PA. Modification to project features of the surface water withdrawal approval (Docket No. 20100905).

19. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, PA. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20121223).

20. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20090303).

21. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Hopewell Township, York County, PA. Modification to metering requirements of the groundwater withdrawal approval (Docket No. 20121226).

#### *Project Applications Tabled*

The Commission tabled the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, PA. Application for surface water withdrawal of up to 2.500 mgd (peak day).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

3. Project Sponsor: New Oxford Municipal Authority. Project Facility: Oxen Country Meadows, Oxford Township, Adams County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Oxen Country Meadows (OCM) Well 1.

4. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 41 (Docket No. 19820501).

5. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 43 (Docket No. 19820501).

6. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 1.720 mgd (30-day average) from Well 53 (Docket No. 19820501).

7. Project Sponsor: SWEPI, LP (Tioga River), Richmond Township, Tioga County, PA. Application for renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* July 3, 2013.

PAUL O. SWARTZ,  
*Executive Director*

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