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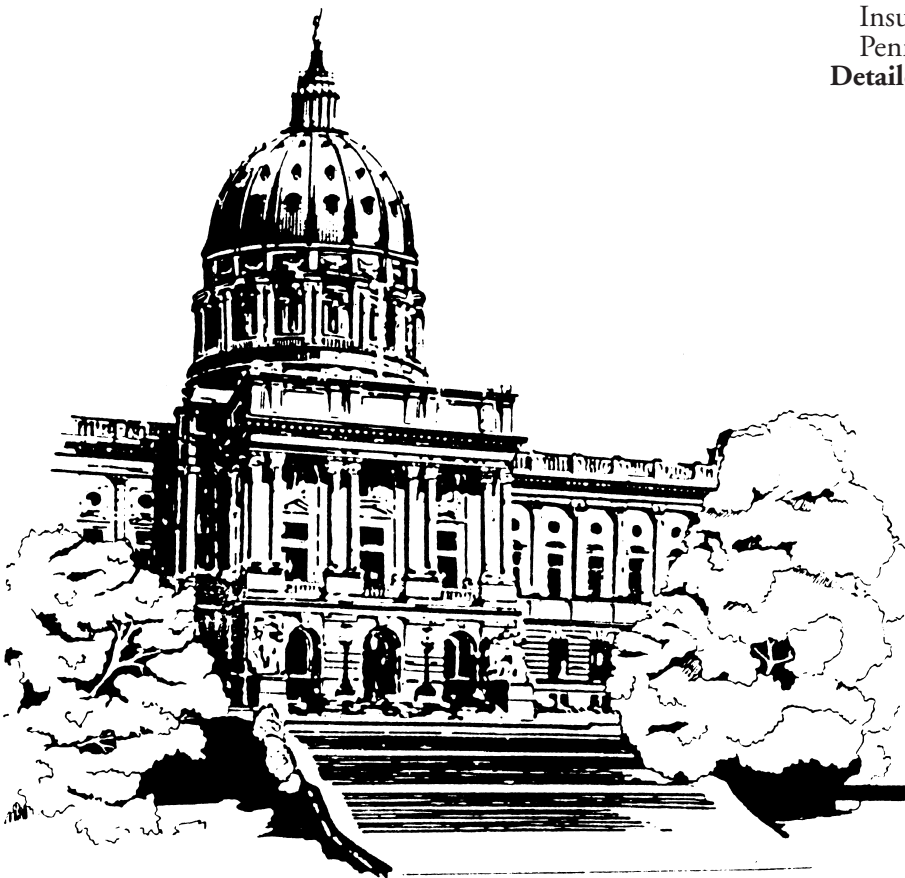
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# PENNSYLVANIA BULLETIN

Volume 40  
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**Agencies in this issue**

The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
**Detailed list of contents appears inside.**



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

**No. 430, September 2010**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendments to the Rules of Disciplinary Enforcement Relating to Proceedings Where an Attorney is Declared to be Incapacitated or Severely Mentally Disabled

Notice is hereby given that the Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend subsection (e) of Pennsylvania Rules of Disciplinary Enforcement 301 as set forth in Annex A.

The purpose of the proposed amendments is to provide the Court with reasonable assurance that a respondent-attorney who applies for transfer to disability inactive status meets the standard for "incapacity to defend" as set forth in the Rule—that is, that the respondent-attorney has a disabling condition and that the disabling condition makes it impossible for the respondent-attorney to prepare an adequate defense to the pending disciplinary charges.

Current subsection (e) of Rule 301 is largely procedural in nature with no verified substantive component. Thus, a respondent-attorney who desires to be transferred to disability inactive status in lieu of defending a disciplinary prosecution and possible discipline need only "contend" generally "that the respondent-attorney is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to prepare an adequate defense." The current Rule does not require the respondent-attorney to identify the disabling condition or provide proof of a causal connection between the disabling condition and the respondent-attorney's ability to adequately defend against the charges in the pending disciplinary proceeding. Procedurally, the respondent-attorney need only sign his or her name to a certificate of admission of disability and file the certificate with the Supreme Court. Subsection (e) provides that upon receipt of the certificate, the Court shall enter an order immediately transferring the respondent-attorney to disability inactive status. All pending disciplinary proceedings are held in abeyance indefinitely.

The current rule's lack of substantive and procedural safeguards offers the potential for abuse. Under the current rule, a respondent-attorney, although capable of preparing a defense, might choose to file a certificate of admission of disability alleging a physical or mental impairment as a preferable alternative to defending the charges, as the filing of the certificate defers the disciplinary proceedings, and the imposition of a disciplinary sanction, indefinitely.

New subsection (e) would require that in submitting the certificate of admission of disability, the respondent-attorney identify the disability, identify the specific or approximate date of the onset or initial diagnosis of the disabling condition, explain the manner in which the

disabling condition makes it impossible for the respondent-attorney to prepare an adequate defense, attach at least one medical expert report verifying the respondent-attorney's contention of disability, and attach a signed statement verifying upon knowledge or information and belief the truth of all averments of material fact contained in the certificate. The amount of information that the respondent-attorney must provide is no greater than the amount of information that an employee claiming a disability would be required to provide to an employer. The new Rule would give the respondent-attorney the discretion to submit additional records and documents in support of the existence of the disabling condition or the respondent's contention of lack of physical or mental capacity to prepare an adequate defense.

Consistent with the purpose of providing the Court with reasonable assurance that a respondent-attorney qualifies for transfer to disability inactive status, the new Rule would provide a mechanism for Disciplinary Counsel to challenge the respondent-attorney's request. Upon application by Disciplinary Counsel and for good cause shown, the Court may take or direct such action as the Court deems necessary or proper to a determination of whether the respondent-attorney qualifies for transfer to disability inactive status, including ordering the respondent-attorney to be examined by a medical expert designated by the Court. If the court-designated expert were to arrive at a conclusion contrary to the respondent-attorney's contention of incapacitation and the respondent-attorney were to dispute that conclusion, the Court would have the discretion to remand the matter to the Disciplinary Board for a hearing to determine the respondent-attorney's competency.

Although the Court will decide the presence or absence of "good cause" on a case-by-case basis, the Board anticipates that the term will include the circumstance where the respondent-attorney's application and supporting papers do not clearly support a finding that the respondent-attorney meets the standard for "incapacity to defend," or where Disciplinary Counsel learns of extraneous facts and circumstances suggesting that the respondent-attorney has the capacity to defend.

Finally, the new Rule would articulate the prior practice of treating as confidential the certificate of admission of disability and any supporting documentation, with three exceptions: upon order of the Supreme Court; pursuant to an express written waiver by the attorney; and upon a request by the Pennsylvania Lawyers Fund for Client Security Board, which agency would have the duty under Enforcement Rule 521(a) to preserve the confidential nature of the certificate and supporting documentation. The order of the Court transferring the attorney to disability inactive status would be the only public record.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P.O. Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382) on or before October 1, 2010.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter C. DISABILITY AND RELATED MATTERS

**Rule 301. Proceedings where an attorney is declared to be incapacitated or severely mentally disabled.**

\* \* \* \* \*

(e) If, during the course of a disciplinary proceeding, the respondent contends that the respondent is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to prepare an adequate defense, the respondent shall complete and file with the Court a certificate of admission of disability available to the bar through the Office of the Secretary to the Board. The respondent shall serve a copy of the certificate on the Board and disciplinary counsel. The certificate shall:

- (1) identify the precise nature of the disability and the specific or approximate date of the onset or initial diagnosis of the disabling condition;
- (2) contain an explanation of the manner in which the disabling condition makes it impossible for the respondent to prepare an adequate defense;
- (3) have appended thereto the opinion of at least one medical expert that the respondent is unable to prepare an adequate defense and a statement containing the basis for the medical expert's opinion; and
- (4) contain a statement, signed by the respondent, that all averments of material fact contained in the certificate and attachments are true upon the respondent's knowledge or information and belief and made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification of authorities.

The respondent may attach to the certificate affidavits, medical records, additional medical expert reports, official records, or other documents in support of the existence of the disabling condition or the respondent's contention of lack of physical or mental capacity to prepare an adequate defense.

Upon receipt of the certificate, the Court thereupon shall enter an order immediately transferring the respondent to inactive status until a determination is made of the respondent's capacity to aid effectively in the preparation of a defense or to continue to practice law in a proceeding instituted in accordance with the provisions of subdivision (d) of this rule unless the Court finds that the certificate does not comply with the requirements of this subdivision, in which case the Court may deny the request for transfer to disability inactive status or enter any other appropriate order. Before or after the entry of the order transferring the respondent to inactive status under this subdivision, the Court may, upon application by disciplinary counsel and for good cause shown, take or direct such action as the Court deems

necessary or proper to a determination of whether it is impossible for the respondent to prepare an adequate defense, including a direction for an examination of the respondent by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the respondent.

The order transferring the attorney to disability inactive status under this subdivision shall be a matter of public record. The certificate of admission of disability and attachments to the certificate shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement or disciplinary proceeding except:

- (i) upon order of the Supreme Court;
- (ii) pursuant to an express written waiver by the attorney; or
- (iii) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board).

If the Court shall determine at any time that the respondent is able to aid effectively in the preparation of a defense or is not incapacitated from practicing law, it shall take such action as it deems proper and advisable including a direction for the resumption of the disciplinary proceeding against the respondent.

\* \* \* \* \*

[Pa.B. Doc. No. 10-1623. Filed for public inspection September 3, 2010, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CARBON COUNTY**

**Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Court; No. 10-2426**

**Administrative Order No. 18-2010**

And Now, this 23rd day of August, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010 and in accordance with Rule of Judicial Administration 103 (c), it is hereby

*Ordered and Decreed* that, effective September 1, 2010, the Carbon County Court of Common Pleas *Adopts* the following fee schedule to govern public access to the records of the Magisterial District Courts within the 56th Judicial District.

- 1. Copying per page—\$.25;
- 2. Preparing, copying and re-filing requested court documents—\$8.00 per 1/4 hour with no fee charged for the first fifteen minutes;
- 3. Postage at actual cost;
- 4. Estimated costs are to be prepaid; any outstanding difference between the actual and estimated costs shall be paid before delivery of the requested materials;



5. Fees paid for services rendered are nonrefundable; and

6. All monies generated from the above are to be transferred to the County of Carbon General Fund.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

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

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

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

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

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

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the Prothonotary's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 10-1624. Filed for public inspection September 3, 2010, 9:00 a.m.]

### McKEAN COUNTY

#### Promulgation of Civil Local Rule L1940.1; Civil Division; No. 158 December Term 1904

##### Order

*And Now*, this 31st day of July, 2010, the Court *Orders* the following:

1. Local Rule of Civil Procedure L1940.1 is hereby amended and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 48th Judicial District is hereby *Ordered* and *Directed* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rule with the administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Domestic Relations Procedural Rules Committee;

d. Keep continuously available for public inspection copies of this *Order* and the pertinent Rule.

*By the Court*

JOHN H. PAVLOCK,  
*President Judge*

#### Rule L1940.1. Contested Child Custody Cases—Mediation Referral Procedure.

1. Except as further modified by these rules, all parties in a contested custody action are required to attend a

Child Custody Orientation Session/Conference and Child Custody Mediation. Except as further modified in these rules, all pleadings raising an issue of child custody shall be forwarded by the Prothonotary's Office to the Family Law Master's Office for the scheduling of the Orientation Session/Conference and Mediation. The Family Law Master's Office shall schedule the Orientation Session/Conference no later than thirty (30) days from the date of the filing of the pleading raising a child custody issue. The Family Law Master's Office shall schedule Mediation no later than forty five (45) days after the Custody Orientation Session/Conference.

2. During the Orientation Session/Conference the custody mediator shall explain the custody mediation process and the custody litigation process to the parties. The mediator shall make sure that all parties have received the McKean County Custody Information Packet outlined in paragraph 4 of this Rule. Further, the mediator shall assure him/herself that the parties understand the custody litigation process and their rights and obligations. The mediator shall also obtain from the parties their completed McKean County Custody Background Information form described in paragraph 4 of this Order. After the mediator meets with the parties and provides them with general information, the parties and their counsel shall meet for a conference, without the mediator present, and discuss which aspects of their case can be stipulated/agreed upon and which areas remain in dispute. After this conference between the parties they shall report back to the mediator and inform him/her of the status of the case. If a complete agreement is reached, the mediator shall assist the parties in documenting its terms so that they can be presented to the Court for their adoption as an Order of Court. At the mediators discretion, the conference portion of the Initial Orientation Session/Conference can be waived if counsel for the parties demonstrates that the parties had already met and conferenced the case and further conference would not be productive.

3. Custody mediation shall be conducted by a Custody Mediator appointed by the Court. The purpose of the mediation session is to provide a nonadversarial forum for the parties to attempt to work out their disputes regarding child custody issues and reach an agreement that can be adopted by the Court. If the parties reach an agreement the mediator shall reduce said agreement into writing and have the parties sign it. The mediator shall then forward the parties' agreement to the Court and the Court shall, if it deems appropriate to do so, adopt its terms as a binding Order of Court.

4. Within seven days of the filing of a pleading raising a child custody issue, the McKean County Prothonotary's office shall forward a McKean County Custody Information Packet to all parties named in said action (to counsel or, if a party is pro se, directly to said party). This information packet shall be developed by the Family Law Master's Office and the Court in consultation with the Prothonotary and the McKean County Bar Association. It shall be modified from time to time as the Court deems appropriate. In general, said information packet shall contain a summary of the McKean County custody and mediation process and the factors and standard that the Court must consider when addressing a custody dispute. Said packet shall specifically advise the parties of the

information set forth at Pa.R.C.P. 1940.5(a)(1)—(6) and 1940.5(b). Counsel shall assure that their clients receive, in a timely manner, the McKean County Custody Information Packet. Included in every Custody Information Packet shall be a McKean County Custody Background Information form. This form shall be developed by the Family Law Master's Office and the Court in consultation with the McKean County Bar Association. In general, this form shall request basic information to assist the custody mediator including, but not limited to, the name, age and address of the parties and children, a summary of the custody arrangement for the child(ren), and an outline of the request of each party regarding child custody. The parties shall be required to complete this form and return it to the Family Law Master's Office at the time of their scheduled Orientation Session/Conference. The Custody Information Packet shall also include the Notice of Bar to Conference/Mediation Form outlined in paragraph 3 of this Order.

5. Included in the McKean County Custody Information packet provided to the parties shall be a Notice of Bar to Conference/Mediation Form. This Form shall contain the language set forth in 23 Pa.C.S. § 3901(c)(2) which bars the Orientation Session/Conference and Mediation if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action. This form shall also include instructions to each party that, if he/she asserts that domestic violence and/or child abuse has occurred and, therefore, he/she requests that the Orientation Session/Conference and Mediation be barred, he/she shall sign the pre-printed request located at the bottom of the Notice and promptly return it to the Family Law Master's Office. If the Family Law Master's Office receives this signed form back, or a request is otherwise made to invoke the provisions of 23 Pa.C.S. § 3901(c)(2), the matter shall be referred to the Court and an Orientation Session/Conference and Mediation shall not be scheduled for that case.

6. If the parties do not reach an agreement after custody mediation, or the case is referred directly to the Court without mediation having been held, custody evaluations will not be ordered unless: A) the mediator recommends that a custody evaluation occur and the Court adopts this recommendation; or, B) one or both of the parties files a written motion requesting that a custody evaluation be ordered and the Court grants this request; or, C) the Court believes that an evaluation is warranted and therefore orders one. If the parties do not mutually agree on an evaluator to conduct the custody evaluation, then they shall so notify the Court. Further, each party shall provide the Court with the names of two suggested and properly qualified evaluators. The Court will then issue an order appointing a custody evaluator. If the Court orders that a custody evaluation occur, then McKean County shall initially pay the evaluator for his reasonable costs and the parties shall each reimburse the County for one-half (1/2) of the total costs.

7. As authorized by 23 Pa.C.S. § 3902(a), an additional filing fee of \$20.00 shall be assessed for the filing of every divorce and custody complaint, including any petition to modify an existing custody order. This fee shall be paid to McKean County as reimbursement for McKean County's mediation program.

8. As authorized by 23 Pa.C.S. § 3902(b), as reimbursement to McKean County for the cost of mediation, whenever mediation is scheduled each party shall pay

one-half (1/2) of a \$400.00 mediation fee (each party to pay \$200.00). This \$200.00 fee shall be paid at the conclusion of the Orientation Session/Conference if the mediator concludes that the parties have been unable to reach a complete agreement and it is therefore necessary to schedule the case for custody mediation (paid to Family Law Master's Office before parties leave the Orientation Session/Conference).<sup>1</sup> The Family Law Master's Office shall, within seven (7) days of payment of the mediation fee (or waiver of the fee), schedule a date for mediation. The Family Law Master's Office shall strive to schedule mediation within forty five (45) days of when the parties have each paid the mediation fee or the fee has been waived. Under no circumstances shall mediation be scheduled any later than sixty (60) days from payment or waiver of the mediation reimbursement fee. If the parties reach a complete and written custody agreement that resolves the need for custody mediation, and said agreement is provided to the mediator at least ten (10) days prior to the scheduled mediation date, then the parties shall be refunded \$150.00 of the \$200.00 mediation fee that they had paid. If a party fails to pay the mediation reimbursement fee at the conclusion of the Orientation Session/Conference, the matter shall be scheduled for a contempt hearing for failure to pay.

[Pa.B. Doc. No. 10-1625. Filed for public inspection September 3, 2010, 9:00 a.m.]

## WESTMORELAND COUNTY

### Adoption of Rule WJ510: Magisterial District Court Records; No. 3 of 2010

#### Administrative Order

And Now this 18th day of August, 2010 *It Is Hereby Ordered*, pursuant to the Public Access Policy of the United Judicial System Magisterial District Court Records, that Westmoreland County Rule of Judicial Administration WJ510 is adopted and effective 30 days after publication in the *Pennsylvania Bulletin*:

*By the Court*

JOHN E. BLAHOVEC,  
*President Judge*

#### Rule WJ510. Public Access of Official Case Records in the Magisterial District Courts.

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

1. \$0.25 per page copied (No fee shall be charged to a party for copies of their own case records).

2. \$8.00 for each completed quarter (1/4) hour associated with the preparation, copying and re-filing of requested court records (This fee is only for bulk requests and shall not be charged if service time is less than 15 minutes).

B. Fees paid for services are non-refundable.

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

[Pa.B. Doc. No. 10-1626. Filed for public inspection September 3, 2010, 9:00 a.m.]

<sup>1</sup> At the discretion of the mediator, this fee can be waived if a party petitions for and receives in forma pauperas status by the Court.

# PROPOSED RULEMAKINGS

## INSURANCE DEPARTMENT

[ 31 PA. CODE CH. 84b ]

### Actuarial Opinion and Memorandum

The Insurance Department (Department) proposes to amend Chapter 84b (relating to actuarial opinion and memorandum) to read as set forth in Annex A. This rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 301 of The Insurance Department Act of 1921 (40 P. S. § 71).

#### *Purpose*

The purpose of the proposed rulemaking is to update Chapter 84b to include amendments made by the National Association of Insurance Commissioners (NAIC) to Model Regulation 822, "Actuarial Opinion and Memorandum Regulation." Model Regulation 822 requires life insurance companies and fraternal benefit societies to submit actuarial opinions based on an asset adequacy analysis, commonly known as "Section 8 opinions." The amendments to § 84b.9 (relating to description of actuarial memorandum including an asset adequacy analysis and regulatory asset adequacy issues summary) are proposed in conjunction with proposed amendments to Chapter 84c (relating to valuation of life insurance policies), which removes restrictions on the mortality adjustment factors (X factors) in deficiency reserve calculations. Specifically, the amendments to Chapter 84b modify requirements for the content of a regulatory asset adequacy issues summary of the actuarial memorandum to require the inclusion of a statement regarding the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods.

A copy of the copyrighted NAIC model regulation was provided to the legislative standing committees, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Attorney General to assist in their analysis of this proposed rulemaking. Copies of NAIC model regulations are available to the general public by contacting the NAIC.

#### *Explanation of Regulatory Requirements*

The following is a description of the changes in the proposed rulemaking:

Section 84b.9 is amended to comply with amendments to the NAIC model regulation. This proposed rulemaking provides that a statement of "the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods" is an example of the type of comments on interim results that shall be included by the appointed actuary in the regulatory asset adequacy issues summary required by Chapter 84b.

#### *Affected Parties*

The proposed rulemaking will apply to life insurance companies and fraternal benefit societies doing business in this Commonwealth.

#### *Fiscal Impact*

##### *State government*

There will not be an increase in cost to the Department as a result of the adoption of the proposed rulemaking. As part of its solvency monitoring responsibilities, the Department currently reviews statements of actuarial opinion and supporting memoranda. Thus, this proposed rulemaking will not require additional staff time or resources to perform the analysis.

##### *General public*

Since the proposed rulemaking concerns the solvency requirements applied to insurers, the public will benefit from a financially sound insurance industry that has the ability to fulfill its contractual obligations under life insurance policies.

##### *Political subdivisions*

The proposed rulemaking will not impose additional costs on political subdivisions. However, because the proposed rulemaking promotes stability in this Commonwealth's insurance industry, political subdivisions' tax revenues would benefit as a result of fewer insurer insolvencies. Fewer insolvencies would result in less unemployment and would also increase incentives for insurers to market new insurance products in this Commonwealth.

##### *Private sector*

The proposed rulemaking will not impose additional costs on insurers.

##### *Paperwork*

The adoption of this proposed rulemaking will not impose additional paperwork on the Department.

##### *Effectiveness/Sunset Date*

The proposed rulemaking will become effective on the first of the month following 60 days from the publication date of the final-form rulemaking. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

##### *Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120 within 30 days following the publication in the *Pennsylvania Bulletin*. Questions or comments also may be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 705-3873.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve the stakeholders, the Department determined that all commentators will receive a copy of the final-form rulemaking when it is made available to the IRRC and the legislative standing committees.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 24, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Com-



mittee and the House Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

*(Editor's Note: For a proposed rulemaking amending Chapter 84c relating to this proposed rulemaking, see 40 Pa.B. 5069 (September 4, 2010).)*

**Fiscal Note:** 11-244. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART IV. LIFE INSURANCE**

**CHAPTER 84b. ACTUARIAL OPINION AND MEMORANDUM**

**§ 84b.9. Description of actuarial memorandum including an asset adequacy analysis and regulatory asset adequacy issues summary.**

\* \* \* \* \*

(c) *Details of the regulatory asset adequacy issues summary.*

(1) The regulatory asset adequacy issues summary must include the following:

\* \* \* \* \*

(iv) Comments on any interim results that may be of significant concern to the appointed actuary **(for example, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods).**

\* \* \* \* \*

[Pa.B. Doc. No. 10-1627. Filed for public inspection September 3, 2010, 9:00 a.m.]

**[ 31 PA. CODE CH. 84d ]**

**Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities**

The Insurance Department (Department) proposes to amend Chapter 84d (relating to recognition of the 2001 CSO Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits and the 2001 CSO Preferred Class Structure Mortality Table for use in determining minimum reserve liabilities) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501, 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411, 412), section 301(c)(1) of The Insurance Department Act of 1921

(40 P. S. § 71(c)(1)), section 410A(e)(8)(F) of The Insurance Company Law of 1921 (40 P. S. § 510.1(e)(8)(F)) and the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15). See § 84c.5(a) and (b) (relating to general requirements for basic reserves and premium deficiency reserves).

*Purpose*

Section 301(c)(1) of The Insurance Department Act of 1921 authorizes the Insurance Commissioner (Commissioner) to promulgate regulations specifying new mortality tables adopted after 1980 by the National Association of Insurance Commissioners (NAIC) for use in determining minimum valuation standards. The purpose of the proposed rulemaking is to update Chapter 84d to include amendments made by the NAIC to Model Regulation 815, "Model Regulation Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities." Model Regulation 815 recognizes, permits and prescribes the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities. A copy of the copyrighted NAIC model regulation was provided to the legislative standing committees, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Attorney General to assist in their analysis of this proposed rulemaking. Copies of NAIC model regulations are available to the general public by contacting the NAIC.

*Explanation of Regulatory Requirements*

The following is a description of the changes in the proposed rulemaking:

Section 84d.3a (relating to 2001 CSO Preferred Class Structure Mortality Table) is amended to recognize that a company may substitute the 2001 CSO Preferred Class Structure Mortality Table for the 2001 CSO Smoker or Nonsmoker Mortality Table with the consent of the Commissioner if the conditions in § 84d.3a are met. Proposed subsection (f) specifies two cases when a company is not permitted to use the 2001 CSO Preferred Class Structure Table for valuation of policies issued prior to January 1, 2007.

*Affected Parties*

The proposed rulemaking will apply to insurers issuing life insurance coverage in this Commonwealth.

*Fiscal Impact*

*State government*

There will not be an increase in cost to the Department due to the use of the new mortality table since the extent of the analysis performed by the Department is not affected by the mortality table used in the calculation of reserves.

*General public*

It is possible that the cost of insurance will be reduced for consumers who purchase life insurance coverage due to improved mortality recognized by the 2001 CSO Preferred Class Structure Mortality Table.

*Political subdivisions*

There will not be fiscal impact on political subdivisions as insurers will continue to maintain adequate reserves.

*Private sector*

The use of the 2001 CSO Preferred Class Structure Mortality Table generally will reduce the reserve liabilities of an insurance company. In addition, the use of the table is optional.

*Paperwork*

The proposed rulemaking will not impose additional paperwork on the Department. An insurance company that elects to use the 2001 CSO Preferred Class Structure Mortality Table as the minimum valuation standard will be required to submit at election and annually thereafter a certification to the Commissioner that the conditions for use of the table are satisfied.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective on the first of the month following 60 days from the publication date of the final-form rulemaking. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120 within 30 days following the publication in the *Pennsylvania Bulletin*. Questions or comments also may be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve the stakeholders, the Department determined that all commentators will receive a copy of the final-form rulemaking when it is made available to the IRRC and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 24, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Senate Banking and Insurance Committee and the House Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

JOEL SCOTT ARIO,  
Insurance Commissioner

*(Editor's Note: For a proposed rulemaking amending Chapter 84c relating to this proposed rulemaking, see 40 Pa.B. 5069 (September 4, 2010).)*

**Fiscal Note:** 11-246. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 31. INSURANCE

## PART IV. LIFE INSURANCE

**CHAPTER 84d. RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS AND THE 2001 CSO PREFERRED CLASS STRUCTURE MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES**

**§ 84d.3a. 2001 CSO Preferred Class Structure Mortality Table.**

(a) At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this chapter, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. **For policies issued on and after January 1, 2004, and prior to January 1, 2007, these tables may be substituted as the minimum valuation standard with the consent of the Commissioner subject to the conditions of subsections (b)—(g). In determining consent, the Commissioner may rely on the consent of the chief insurance regulatory official of the company's state of domicile.** Prior to that election, the company shall demonstrate to the satisfaction of the Commissioner that at least 20% of the business to be valued on this table is in one or more of the preferred classes.

\* \* \* \* \*

(f) **The use of the 2001 CSO Preferred Class Structure Table for the valuation of policies issued prior to January 1, 2007, is not permitted in any statutory financial statement in which a company reports, with respect to any policy or portion of a policy coinsured, either of the following cases:**

(1) **When the mode of payment of the reinsurance premium is less frequent than the mode of payment of the policy premium, a reserve credit that exceeds, by more than the amount specified in this paragraph as Y, the gross reserve calculated before reinsurance. Y is the amount of the gross reinsurance premium that provides coverage for the period from the next policy premium due date to the earlier of the end of the policy year and the next reinsurance premium due date, and would be refunded to the ceding entity upon the termination of the policy.**

(2) **When the mode of payment of the reinsurance premium is more frequent than the mode of payment of the policy premium, a reserve credit that is less than the gross reserve, calculated before reinsurance, by an amount that is less than the amount specified in this paragraph as Z. Z is the amount of the gross reinsurance premium that the ceding entity would need to pay the assuming company to provide reinsurance coverage from the period of the next reinsurance premium due date to the next policy premium due date minus any liability established for the proportionate amount not remitted to the reinsurer.**

(g) **For purposes of the conditions set forth in subsection (f), both the reserve credit and the gross reserve before reinsurance for the mean reserve**

method are defined as the mean reserve minus the deferred premium asset, and for the mid-terminal reserve method must include the unearned premium reserve. A company may estimate and adjust its accounting on an aggregate basis to meet the conditions to use the 2001 CSO Preferred Class Structure Table.

[Pa.B. Doc. No. 10-1628. Filed for public inspection September 3, 2010, 9:00 a.m.]

### [ 31 PA. CODE CH. 84c ]

#### Valuation of Life Insurance Policies

The Insurance Department (Department) proposes to amend Chapter 84c (relating to valuation of life insurance policies) to read as set forth in Annex A. This rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 301(c) of The Insurance Department Act of 1921 (40 P. S. § 71(c)).

#### *Purpose*

The purpose of the proposed rulemaking is to amend § 84c.5 (relating to general requirements for basic reserves and premium deficiency reserves) to include amendments to Model Regulation 830 by the National Association of Insurance Commissioners (NAIC) to remove restrictions on mortality adjustment factors. These amendments are proposed in conjunction with amendments to Chapters 84b and 84d (relating to actuarial opinion and memorandum; and recognition of the 2001 CSO Mortality Table for use in determining minimum reserve liabilities and nonforfeiture benefits and the 2001 CSO Preferred Class Structure Mortality Table for use in determining minimum reserve liabilities). A copy of the copyrighted NAIC model regulation was provided to the legislative standing committees, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Attorney General to assist in their analysis of this proposed rulemaking. Copies of NAIC model regulations are available to the general public by contacting the NAIC.

#### *Explanation of Regulatory Requirements*

The following is a description of the changes in the proposed rulemaking:

Section 84c.5 is being amended to delete restrictions on the mortality adjustment factors (X factors) in the deficiency reserve calculation required by the regulation. Additionally, the proposed rulemaking requires an appointed actuary to annually opine for policies subject to this regulation as to whether the mortality rates resulting from the application of the X factors meet the regulation's requirements for deficiency reserves. Further, this regulation requires that the opinion be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries.

#### *Affected Parties*

The proposed rulemaking will apply to insurers issuing life insurance coverage in this Commonwealth.

#### *Fiscal Impact*

##### *State government*

There will not be an increase in cost to the Department due to the proposed rulemaking. The Department currently reviews valuation filings submitted by domestic life insurance companies and fraternal benefit societies for compliance with the minimum standards of valuation.

##### *General public*

It is possible that the cost of insurance will be reduced for consumers who purchase life insurance coverage due to this proposed rulemaking to the requirements for the calculation of reserves.

##### *Political subdivisions*

There will not be fiscal impact on political subdivisions as insurers will continue to maintain adequate reserves.

##### *Private sector*

The model regulation requires the appointed actuary to annually opine for policies subject to this regulation as to whether the mortality rates resulting from the application of the X factors meet the requirements of Chapter 84c for deficiency reserves. This opinion must be supported by an actuarial report.

##### *Paperwork*

The adoption of this proposed rulemaking would not impose additional paperwork on the Department.

##### *Effectiveness/Sunset Date*

The rulemaking will become effective on the first of the month following 60 days from the publication date of the final-form rulemaking. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

##### *Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120 within 30 days following the publication in the *Pennsylvania Bulletin*. Questions or comments also may be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 705-3873.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final form rulemaking. To better serve the stakeholders, the Department determined that all commentators will receive a copy of the final-form rulemaking when it is made available to the IRRC and the legislative standing committees.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 24, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Senate Banking and Insurance Committee and the House Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior



to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

JOEL SCOTT ARIO,
Insurance Commissioner

(Editor's Note: For a proposed rulemaking amending Chapter 84b relating to this proposed rulemaking, see 40 Pa.B. 5066 (September 4, 2010).)

(Editor's Note: For a proposed rulemaking amending Chapter 84d relating to this proposed rulemaking, see 40 Pa.B. 5067 (September 4, 2010).)

Fiscal Note: 11-247. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 84c. VALUATION OF LIFE INSURANCE POLICIES

§ 84c.5. General requirements for basic reserves and premium deficiency reserves.

\* \* \* \* \*

(b) Deficiency reserves minimum standard. Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables (or any other valuation mortality table adopted by the NAIC after May 6, 2000, and promulgated by regulation by the Commissioner for the purpose of calculating deficiency reserves) with select mortality factors. If select mortality factors are elected, they may be one of the following:

\* \* \* \* \*

(3) For durations in the first segment, X% of the select mortality factors in Appendix A, subject to the following:

(i) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience.

(ii) [ X may not be less than 20%. ]

(iii) X may not decrease in any successive policy years.

(iv) ] X is such that, when using the valuation interest rate used for basic reserves, the actuarial present value of

future death benefits, calculated using the mortality rates resulting from the application of X, is greater than or equal to the actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date.

[ (v) ] (iii) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date.

[ (vi) ] (iv) The appointed actuary shall increase X at any valuation date when it is necessary to continue to meet [ all ] the requirements of this paragraph [ (3) ].

[ (vii) ] (v) The appointed actuary may decrease X at any valuation date as long as X [ does not decrease in any successive policy years and as long as it ] continues to meet [ all ] the requirements of this paragraph [ (3) ].

[ (viii) ] (vi) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

[ (ix) ] (vii) If X is less than 100% at any duration for any policy, the following requirements shall be met:

(A) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with § 84b.8 (relating to statement of actuarial opinion based on an asset adequacy analysis).

(B) The appointed actuary shall disclose, in the Regulatory Asset Adequacy Issues Summary, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods.

(C) The appointed actuary shall annually opine for all policies subject to this chapter as to whether the mortality rates resulting from the application of X meet the requirements of this paragraph [ (3) ]. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

\* \* \* \* \*

[Pa.B. Doc. No. 10-1629. Filed for public inspection September 3, 2010, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, September 15, 2010. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the West Trenton Volunteer Fire Company, located at 40 West Upper Ferry Road, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of: a report by staff on the year's progress in implementing the 2004 Basin Plan; a report by a representative of the United States Army Corps of Engineers on the regional sediment management planning process; and a presentation by a representative of the United States Environmental Protection Agency on the Delaware Basin Source Water Collaborative Forum to take place on March 10, 2011.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Upper Southampton Municipal Authority, D-1965-023 CP-2.* An application for the renewal of a groundwater withdrawal project to supply the docket holder's water supply distribution system from existing Wells Nos. 3, 7 and 9. The docket holder requests an allocation of 13.53 million gallons per month (mgm). The project wells were constructed in the Stockton Formation and are located in the Southampton and Mill Creek Watersheds in Upper Southampton Township, Bucks County, PA, in the Southeastern Pennsylvania Ground Water Protected Area (GWPA).

2. *Abington Township, D-1973-191 CP-4.* An application for renewal of the Abington Township Wastewater Treatment Plant (WWTP). The existing WWTP will continue to discharge treated effluent at an annual average flow of 3.91 million gallons per day (mgd) to Sandy Run, a tributary of the Wissahickon Creek, which drains to the Schuylkill River. The facility is located in Upper Dublin Township, Montgomery County, PA.

3. *Lower Moreland Township Authority, D-1987-052 CP-3.* An application for the renewal of an existing 0.279 mgd discharge from the Chapel Hill WWTP to an unnamed tributary of Southampton Creek at River Mile 109.75—16.1—0.71—0.5 (Delaware River—Pennypack Creek—Southampton Creek—UNT). The Chapel Hill WWTP is located in Lower Moreland Township, Montgomery County, PA.

4. *Manwalamink Water Company, D-1989-050 CP-5.* An application for renewal of a groundwater withdrawal project to continue to supply up to 15 mgm of groundwater to the public water supply system from existing Wells Nos. 1—3, 5 and 6. Wells Nos. 1 and 2 are completed in the Pleistocene alluvial sand and gravel aquifer. Wells Nos. 3, 5 and 6 are completed in the Ridgeley-Coeymans Formation. The project is located in the Shawnee Creek and Delaware River watersheds in Smithfield Township, Monroe County, PA within the drainage area of the

section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

5. *Waste Management of Pennsylvania, D-1991-090-2.* An application for the renewal of a surface water withdrawal project to continue to supply 6 mgm of water to the applicant's landfill operations from the existing Intake on Manor Lake. The project is located in the Delaware River Watershed in Tullytown and Falls townships, Bucks County, PA.

6. *Dan Schantz Farm and Greenhouses, D-1999-014-2.* An application for the renewal of a groundwater withdrawal project to continue the withdrawal of up to 3.57 mgm of water for irrigation and potable water supply from eight existing wells located in the Brunswick Formation. The project is located in the Hosensach—Indian Creek Watershed in Lower Milford Township, Lehigh County, PA in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Borough of Palmerton, D-1964-028 CP-2.* An application for approval of an upgrade of the existing Palmerton Borough WWTP. The upgrade includes replacing the existing contact stabilization activated sludge treatment system with a sequencing batch reactor (SBR) treatment system. No increase in the design annual average flow of 0.75 mgd is proposed. The WWTP will continue to discharge to the Aquashicola Creek, a tributary of the Lehigh River, and is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The facility is located in the Borough of Palmerton, Carbon County, PA.

8. *Upper Gwynedd Township, D-1991-088 CP-6.* An application for approval of a modification of the Upper Gwynedd Township WWTP by the addition of a Biomag™ treatment process. The process entails adding magnetite to the aeration tanks to enhance solids settling and BOD and nutrient removal. The WWTP will continue to treat an average annual flow of 5.7 mgd and discharge treated sewage effluent to the Wissahickon Creek, a tributary of the Schuylkill River. The facility is located in Upper Gwynedd Township, Montgomery County, PA.

9. *Plumstead Township, D-1997-033 CP-3.* An application to approve the addition of new Well No. LG-6 to the applicant's 11 existing wells and to increase the applicant's total groundwater withdrawal allocation from all wells from 15.31 million gallons per 30 days (mg/30 days) to 23.02 mgm. The project wells are located in the Brunswick Group, Lockatong Formation and Stockton Formation in Plumstead Township, Bucks County, PA within four subbasins of the Southeastern Pennsylvania Ground Water Protected Area: Tohickon-Deep Run, Tohickon-Geddes-Cabin Runs, Pine Run and North Branch Neshaminy Creek.

10. *Borough of Bryn Athyn, D-2008-013 CP-3.* An application for approval to modify the existing 0.08 mgd New Church WWTP. Modifications include the addition of an equalization tank and a sludge holding tank, to be incorporated into the existing treatment design. The New Church WWTP will continue to discharge to an unnamed tributary of Huntingdon Valley Creek at River Mile 109.75—12.02—1.11—0.17 (Delaware River—Pennypack Creek—Huntingdon Valley Creek—UNT) in Bryn Athyn

Borough, Montgomery County, PA. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

11. *Premcor Refining Group, D-2009-023-1*. An application for approval to increase the dredging depth of the facility's Entrance Channel and Turning Basin by 5 feet (to a new depth of -37 feet MLW) and of the Pier Berthing Area by 3 feet (to a new depth of -40 feet MLW). Approximately 650,000 cubic yards of new material will be dredged to allow for larger ships to traverse and dock at the facility. The project is located in Water Quality Zone 5 of the Delaware River at River Mile 61.8, in Delaware City, New Castle County, DE.

12. *Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station, D-2009-003-1*. An application for approval of a surface water withdrawal of up to 1,147.25 mgm from an existing surface water intake to be used for once-through noncontact cooling of land-based test sites (LBTS) for ship systems associated with the Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station (NSWCCD-SSES). The project intake is located in the Navy Reserve Basin, which is connected by a channel to the Schuylkill River, 1/2 mile upstream of the confluence of the Schuylkill and Delaware Rivers. The Navy Reserve Basin is located in the City of Philadelphia, PA, in the Schuylkill River Watershed.

13. *City of Dover, D-2009-014 CP-1*. An application for approval of an existing 0.360 mgd discharge of cooling tower blowdown from Outfalls Nos. 004 and 005 from the applicant's McKee Run Electric Generating Station. The project outfalls are located at River Mile 23.70—14.36—0.34 (Delaware River—Saint Jones River—McKee Run) in the City of Dover, Kent County, DE.

14. *Reading Area Water Authority—Maiden Creek, D-2010-009 CP-1*. An application for approval of an existing 4.3 mgd discharge from the Maiden Creek Water Filtration Plant (WFP). The discharge consists of filter backwash, pump seal water, chlorine analyses and diesel generator cooling water from the WFP. Modifications to the backwash treatment process are proposed that will not increase the capacity of the WFP. The project discharges to Maiden Creek at River Mile 92.47—85.63—0.24 (Delaware River—Schuylkill River—Maiden Creek) in Ontelaunee Township, Berks County, PA.

15. *Friesland Campino Domo, D-2010-010-1*. An application for approval of an existing groundwater withdrawal project to supply up to 31.95 mg/30 days of water to the applicant's vitamin production facility from existing Wells No. 1 and 2. The project is located in the Lower Walton Formation in the West Branch Delaware River Watershed in the Town of Delhi, Delaware County, NY, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

16. *Schuylkill County Municipal Authority—Deer Lake, D-2010-019 CP-1*. An application for approval to expand the existing Deer Lake WWTP from a hydraulic design of 0.229 mgd to 1.0 mgd. Treated wastewater will continue to discharge to Pine Creek at River Mile 92.47—106.75—2.35 (Delaware River—Schuylkill River—Pine Creek) by means of Outfall No. 001, in West Brunswick Township, Schuylkill County, PA.

17. *Gloucester County Utilities Authority—Pitman Golf Course, D-2010-029 CP-1*. An application for approval to construct and operate the 0.2 mgd Pitman Golf Course (PGC) WWTP. Effluent limits for the PGC WWTP will be based upon a 0.1 mgd discharge, the requested irrigation flow required at the PGC to avoid an increase in withdrawal from New Jersey Critical Water Supply Area 2. The PGC WWTP will receive flow from the Chestnut Branch Interceptor, an existing component of the wastewater collection system for the Gloucester County Utilities Authority (GCUA) WWTP, which discharges to Water Quality Zone 4 in the tidal Delaware River. After treatment, the effluent will be spray-irrigated on the Pitman Golf Course, located in Mantua Township, Gloucester County, NJ. Excess wastewater withdrawn from the Interceptor will be returned to the Interceptor for treatment at the GCUA's 27 mgd WWTP located in West Deptford, Gloucester County, NJ.

In addition to the standard business meeting items, consisting of adoption of the Minutes of the Commission's May 5 and July 14, 2010 business meetings, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, public hearings on water withdrawal and discharge projects and public dialogue, the business meeting also will include a public hearing on a resolution concerning review of the Southport Marine Terminal project and consideration by the Commission of its proposal (published in February and March of 2010) to amend water charging rates.

Draft dockets scheduled for public hearing on September 15, 2010, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Check the Commission's web site, drbc.net, closer to the meeting date for changes that may be made after the deadline for filing this notice.

Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or (609) 883-9500, Ext. 224.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 10-1630. Filed for public inspection September 3, 2010, 9:00 a.m.]



# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 17, 2010.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-17-2010	<p><i>From:</i> Adams County National Bank Gettysburg Adams County</p> <p><i>To:</i> ACNB Bank Gettysburg Adams County</p> <p>Application for approval to convert from a national banking association to a Pennsylvania state-chartered bank and trust company.</p>	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-11-2010	<p>Standard Financial Corp. Murrysville Westmoreland County</p> <p>Application for approval to acquire 100% of Standard Bank, PaSB, Murrysville.</p>	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-11-2010	<p>First Savings Bank of Perkasie Perkasie Bucks County</p>	<p>3617 Route 202 Doylestown Bucks County</p>	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-28-2010	<p>Integrity Bank Camp Hill Cumberland County</p>	<p>100 Senate Avenue Camp Hill Cumberland County</p>	Closed
8-11-2010	<p>Northwest Savings Bank Warren Warren County</p>	<p>51 West Market Street Lewistown Mifflin County</p>	Filed
8-12-2010	<p>Susquehanna Bank Lititz Lancaster County</p>	<p>10211 Wincopin Circle Columbia Howard County, MD</p>	Filed



## NOTICES

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-11-2010	Viriva Community Credit Union Warminster Bucks County	Filed

Application for approval to merge Defense Electronics Federal Credit Union, Montgomeryville, with and into Viriva Community Credit Union, Warminster.

**Community Charter Conversions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
8-17-2010	Moonlight Credit Union Worthington Armstrong County	Approved

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "All people who live, work, worship, attend school in, and businesses and other legal entities in the County of Armstrong, Commonwealth of Pa."

**Change of Principal Place of Business**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
8-13-2010	"Berylco" Employees Credit Union Hamburg Berks County	<i>To:</i> 251 North 4th Street, L2 Hamburg, PA 19526 Berks County  <i>From:</i> 118 North 5th Street Hamburg, PA 19526 Berks County	Effective

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-5-2010	Lancaster Red Rose Credit Union Lancaster Lancaster County	150 North Queen Street Lancaster Lancaster County	Opened

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-1631. Filed for public inspection September 3, 2010, 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 related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the 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 an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments 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 a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0032433 (Sewage)	Frances Slocum State Park 565 Mount Olivet Road Wyoming, PA 18644	Luzerne County Kingston Township	Abrahams Creek 5-B	Y
PA0037290 (Sewage)	PA Utility Co., Inc. Tamiment Resort (Glen) Bushkill Falls Road Bushkill, PA 18371	Pike County Lehman Township	Unnamed Tributary to Little Bush Kill 1-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247413 (SEW)	Paul S. Deal 880 Fickes Road Dillsburg, PA 17019	York County Warrington Township	UNT Doe Run 7F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239593 (Sewage)	Gregory S. Bonnett 7351 William Road North East, PA 16428-4861	Erie County North East Township	Twelvemile Creek HQ-CWF; MF 15	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>
PA0033014 (Sewage)	Department of Conservation and Natural Resources—Pymatuning State Park Linesville Beach 2660 Williamsfield Road Jamestown, PA 16134	Crawford Pine Township	Shenango River Pymatuning Reservoir 20-A	Y

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

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

**PA0055468**, Sewage, SIC Code 6515, **H. D. Holdings, LLC**, P. O. Box 74, Bally, PA 19503. Facility Name: Pleasant Run MHP STP. This existing facility is located in New Hanover Township, **Montgomery County**.

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

The receiving stream, Deep Creek, is located in State Water Plan watershed 3-E and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0053 MGD:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous 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	1.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geometric Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	10.0	XXX	20.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

The EPA waiver is in effect.

You may make an appointment to review the Department of Environmental Protection’s files on this case by calling the File Review Coordinator at 484.250.5910.

**PA0244520**, Industrial Waste, SIC Code 5171, **Loos & Dilworth, Inc.**, 61 East Green Lane, Bristol, PA 19007. Facility Name: Loos & Dilworth. This proposed facility is located in Bristol Township, **Bucks County**.

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

The receiving stream(s), Delaware River, is located in State Water Plan watershed 2-E and is classified for: warm water and migratory fishery. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (GPD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			(Instantaneous Minimum)			
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

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

1. Remedial Measures.
2. BAT/ELG Reopener.
3. Change of Ownership.
4. Proper Sludge Disposal.
5. Product-Contaminated Stormwater Runoff.
6. PPC Plan.
7. Other Wastewater Discharges Associated with the Facility.
8. Definitions.
9. TMDL/WLA Analysis.
10. I-Max Limits.
11. Laboratory Certification.
12. Hydrostatic Test Water Discharge Requirements.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

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

**PA0261475**, Sewage, SIC Code 6514, **Broad Top Township Bedford County**, 187 Municipal Road, Defiance, PA 16633. Facility Name: Broad Top Township College Res. This proposed facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary to Sixmile Run, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Average Weekly	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geometric Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
				Geometric Mean		

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

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

**PA0261483**, Sewage, SIC Code 6514, **Broad Top Township Bedford County**, 187 Municipal Road, Defiance, PA 16633. Facility Name: Broad Top Township Morrow Res. This proposed facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary to Sixmile Run, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Average Weekly	Instantaneous Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geometric Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
				Geometric Mean		

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

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 1310402**, Sewerage, **Central Carbon Municipal Authority**, 1000 Lehigh Drive, Lehigh, PA 18235-2239. This proposed facility is located in Mahoning Township, **Carbon County**.

Description of Proposed Action/Activity: This project involves construction of a paved sludge storage pad to further dry reed bed sludge prior to disposal.

**WQM Permit No. 5410404**, Sewerage, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves construction of the Route 895 Pine Creek South Sanitary Sewer Systems. The sewage will be treated at the Schuylkill County Municipal Authority's Deer Lake plant.

**WQM Permit No. 5410405**, Sewerage, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project involves construction of the Route 61 North Corridor Sanitary Sewer System. The sewage will be treated at the Schuylkill County Municipal Authority's Deer Lake plant.

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

**WQM Permit No. 2110405**, Sewerage, **Silver Spring Township Authority**, P. O. Box 1001, 31 East Main Street, New Kingstown, PA 17072. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: The Trindle Spring Run Interceptor project consists of abandonment of 5 pump stations, construction of 6,715 LF of 12" gravity sewer, 1,691 LF of 8" gravity sewer, 40 manholes, five pump station decommissioning and upgrades of the Lambs Gap Forcemain/Pump Station.

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

**WQM Permit No. 6110402**, Sewerage, **Borough of Rouseville**, P. O. Box 317, Rouseville, PA 16344-0317. This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Upgrade of an existing Sewage Treatment Facility to provide for redevelopment of the Route 8 area.



**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

**V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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

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

*Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI025210006	Milford Highlands PA, LLC 301 South College Street 4th Floor Charlotte, NC 28288	Pike	Milford Township	UNT Delaware River HQ-CWF, MF Deep Brook EV, MF Crawford Branch HQ-CWF, MF Vandermark Creek HQ-CWF, MF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

**STATE CONSERVATION COMMISSION**

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501–522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1–691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Lancaster	450	2,961.48	Layers	HQ	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (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 any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who 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 should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

#### Permit No. 2110505, Public Water Supply.

Applicant	<b>CHR Corporation</b>
Municipality	Monroe Township
County	<b>Cumberland</b>
Responsible Official	Tim L. Rutter President 2295 Susquehanna Trail Road Suite C York, PA 17404
Type of Facility	Public Water Supply
Consulting Engineer	Eric Thomas, P. E. LSC Design, Inc. 111 East Princess Street York, PA 17403
Application Received:	8/17/2010
Description of Action	A new transient noncommunity water system with nitrate treatment for Rutter's Farm store No. 66.

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

#### Permit No. 0410509, Public Water Supply.

Applicant	<b>Borough of Ambridge Water Authority</b> P. O. Box 257 600 Eleventh Street Ambridge, PA 15003-2377
Township or Borough	Ambridge Borough
Responsible Official	Mary Hrotic General Manager Borough of Ambridge Water Authority P. O. Box 257 600 Eleventh Street Ambridge, PA 15003-2377
Type of Facility	Water treatment plant
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Application Received Date	August 19, 2010
Description of Action	Installation of tube settlers in three existing sedimentation basins.

### MINOR AMENDMENT

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

#### Application No. 5410504MA.

Applicant	<b>Pennsylvania American Water Co.</b>
Township or Borough	West Mahanoy Township <b>Schuylkill County</b>
Responsible Official	David R. Kaufman VP Engineering Pennsylvania American Water Co. 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Community Water System
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055 717-691-2120
Application Received Date	August 10, 2010
Description of Action	Application for repainting the 400,000-gallon "Industrial Park Tank" standpipe.

#### Application No. 3390115.

Applicant	<b>Lehigh County Authority</b>
Township or Borough	Lynn Township <b>Lehigh County</b>



Responsible Official Aurel M. Arndt  
General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106-0348  
610-398-2503

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date July 12, 2010

Description of Action Application for transfer of the PWS operations permit for Madison Park North from Lynn Water Company to Lehigh County Authority.

**Application No. 3480072.**

Applicant **Gap View Manufactured Housing Associates, LP**

Township or Borough Lehigh Township  
**Northampton County**

Responsible Official Peter Brandt  
Secretary GP  
Gap View Manufactured Housing Associates, LP  
2833 Ridge Pike  
Norristown, PA 19403  
610-631-9852

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date June 24, 2010

Description of Action Application for transfer of the community water system serving Gap View Mobile Home Park from Murray Mackson to Gap View Manufactured Housing Associates, LP.

**Application No. 2400007.**

Applicant **MHP Ventures, LLC**

Township or Borough Lehman Township  
**Luzerne County**

Responsible Official Andrew Brannen  
Member/Officer  
MHP Ventures, LLC  
P. O. Box 40  
Allenhurst, NJ 07711  
732-320-1513

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date July 26, 2010

Description of Action Application for transfer of the operations permit for the community water system serving Lehman Home Park from Lehman Home Park, LLC to MHP Ventures, LLC.

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

**Application No. 5610510MA, Minor Amendment.**

Applicant **Seven Springs Municipal Authority**  
290 Lagoon Lane  
Champion, PA 15622

Township or Borough Middlecreek Township

Responsible Official Frank Kovak  
Chairperson  
Seven Springs Municipal Authority  
290 Lagoon Lane  
Champion, PA 15622

Type of Facility Water storage tank

Consulting Engineer Widmer Engineering  
225 West Crawford Avenue  
Connellsville, PA 15425

Application Received Date August 16, 2010

Description of Action Construction of a 150,000 gallon water storage tank.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit Application No. 301338. Calgon Carbon Corporation,** 1055 Boot Road, Downingtown, PA 19335. This residual waste permit modification application is for including spent ion exchange resins, gravel, sand anthracite coal and clay among the residual waste stream to be accepted at the Downingtown Transfer Facility. The Downingtown Transfer Facility is an existing residual transfer facility located in East Caln Township, **Chester County**. The application was received by the Southeast Regional Office on August 16, 2010.

**AIR QUALITY****PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS****NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (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 all the 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 has received applications for plan approvals and/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 identified in this notice. Persons interested in reviewing

the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of the proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must 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 identified before the application. TDD users should 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 (act) and regulations adopted under the 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.**

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.*

**AMS 10163: Kuusakoski Philadelphia, LLC** (3150 Orthodox Street, Philadelphia, PA 19137) to install a 60,000 tons per year waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The process will consist of a pre-treatment crusher with a 275 hp diesel-fired internal combustion engine and a ring crusher with an electric motor. Ring crusher emissions vent to a cyclone and a fabric filter. Potential emissions from the facility based on the plan approval emission limits are 8.0 tons per year of Nitrogen Oxides, 6.9 tons per year of Carbon Monoxide, 2.7 tons per year of Volatile Organic Compounds, 2.5 tons per year Sulfur Dioxide and 3.8 tons per year Particulate Matter. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**46-00234: Conshohocken Steel Products, Inc.** (301 Randolph Avenue, Ambler, PA 19002) for operation of their facility in Upper Dublin Township, **Montgomery County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility is a Synthetic Minor for VOC. Site-wide emissions of VOC are restricted to 19.5 tons per 12-month rolling period. The facility is a manufacturer of roll-off containers/dumpsters. Under the current operating permit, the facility has been utilizing one spray booth to spray paint containers/dumpsters, along with manually brushing some materials outside the spray booth. Under a Request for Determination, the facility has also added two additional water-based spray paint booths to their operation. These two water-based spray paint booths shall be included in the permit renewal. The operating permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00111: Safety-Kleen Systems, Inc.** (1140—1142 Green Hill Road, West Chester, PA 19380) for operation of a drum washing and solvent recovery facility in West Goshen Township, **Chester County**. This action is an operating permit renewal for a non-Title V (State-only) facility. The major sources of air emissions are four washing/fill stations and four volatile organic liquid storage tanks. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**28-05036: LamTech, Inc.** (5150 Innovation Way, Chambersburg, PA 17201-4187) for a renewed Title V Operating Permit for their Marblux synthetic marble manufacturing facility in Greene Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (Department) intends to issue a renewed Title V Operating Permit to LamTech, Inc. for their Marblux synthetic marble manufacturing facility in Greene Township, Franklin County. The applicant's address is 5150 Innovation Way, Chambersburg, PA 17201-4187. The facility currently is covered by Operating Permit No. 28-05036.

The facility is limited to 50 tons of volatile organic compounds (VOC) per 12-month period, and to 100 tons of hazardous air pollutants (HAP) per 12 month period. Actual emissions of VOC and HAP in 2009 were approximately 20 tons and 17 tons respectively. No change in allowable emissions is involved in this proposed permit action. The facility is subject to 40 CFR Part 63, Subpart WWW—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. The renewed Title V permit will contain these provisions as well as additional recordkeeping and operating restric-

tions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department'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 object to proposed permit, or may provide the Department with additional information to consider in its review, by filing a written protest or comment with the Department at the address listed. Each written objection or comment must contain the following:

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

Identification of the proposed permit by the permit number listed previously.

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 objections, or for requests for a public hearing. A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received.

For additional information or for the submission of comments, protests, or requests for a public hearing, contact William Weaver, Air Quality Program Manager at 717-705-4868, or at the Department of Environmental Protection, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permits issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to EPA for review and approval.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.*

**32-00266: Evergreen Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) for renewal of their Evergreen Landfill facility operating permit in Center and Brush Valley Townships, **Indiana County**. Landfill's design capacity makes it subject to the operating permit requirements of Title V of the Federal Clean Air Act, and 25 Pa. Code Chapter 127, Subchapter G. Proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**64-00013: Leeward Asphalt, LLC** (2052 Lucon Road, Skippack, PA 19474) for operation of a batch asphalt plant and associated air cleaning devices at their facility in Palmyra Township, **Wayne County**. This facility is currently operating under Operating Permit 64-303-010. All permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this

facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**07-05038: Federal Carbide, Inc.** (One Eagle Ridge Road, Tyrone, PA 16686) for the tungsten carbide tool and die products manufacturing facility located in Snyder Township, **Blair County**. This is a renewal of the State-only Operating permit.

**07-05015: Aloona Regional Health System** (620 Howard Avenue, Altoona, PA 16601) for boilers and emergency generators at the Altoona Hospital in Altoona City, **Blair County**. This is a renewal of the State-only Operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.*

**20-00301: Universal Well Services, Inc.** (13549 South Mosiertown Road, Meadville, PA 16335-8317) for re-issuance of a Natural Minor Permit to operate a drilling oil and gas company in Vernon Township, **Crawford County**. This initial Natural Minor Permit is for the maintenance and fabrication of the company vehicles. The major emitting sources are truck paint booth, small paint booth and degreaser unit. The facility is natural minor because the emission of pollutants is less than Title V emission threshold limits.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Brawn, Chief—Telephone: 215-685-9476.*

**S10-013: Ardex Laboratories** (2050 Byberry Road, Philadelphia, PA 19116) for operation of manufacturing and distributor of automotive cleaning and detailing products in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a mixing tank, 14 mixing vessels, tank truck unloading, drum filling and packaging, and three combustion units each rated less than 1 mmBtu/hr.

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

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

**AMS 09191: Catalent Pharma Solutions, LLC** (3001 Red Lion Road, Philadelphia, PA 19114) to use inkjet labeling machine and equipment sanitization process in the City of Philadelphia, **Philadelphia County**. The



process will consist of the inkjet labeling machine printing on exterior pouches and clean up with ink-wash up and thinner solvents. Equipment Sanitization Process involves manual wiping of packaging equipment with Sanitization alcohol. Total VOC emissions from package labeling and Ink tray cleaning process are limited to 3.0 tons per rolling 12-month period. Total VOC emissions from the Equipment Sanitization Process shall be less than 2.0 tons per rolling 12-month period. The plan approval will contain operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

**S04-003: Mercy Hospital of Philadelphia** (501 South 54th Street, Philadelphia, PA 19143) for operation in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 20 mmBtu/hr boiler burning natural gas/No. 2 oil, two 15 mmBtu/hr boilers burning natural gas/No. 2 oil, two 15 mmBtu/hr boilers, and three standby generators burning No. 2 oil.

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

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

## 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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by 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 above 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 related to 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.

Requests 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 a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** and related NPDES permit to install Roberts Run Airshaft and add new discharge point 022. Surface Acres Proposed 24.5. Receiving stream: Unnamed tributary to Roberts Run, classified for the following use: WWF. Application received: April 27, 2010.

**30841316 and NPDES Permit No. PA0213535, Consol PA Coal Company, LLC**, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Aleppo Townships, **Greene County** to add surface activity site acreage for a right-of-way to install an overhead power line and buried water pipeline from the existing 9I bleeder site to the existing 15I bleeder site. Surface Acres Proposed 17.5. No additional discharges. Application received: May 26, 2010.

**56743705 and NPDES Permit No. PA0235695, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Mine 78 CRDA in Paint Township, **Somerset County** and related NPDES permit. No additional discharges. Application received: July 8, 2010.

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

**10990103 and NPDES Permit No. PA0241610, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface strip operation in Slippery Rock Borough and Slippery Rock Township, **Butler County** affecting 9.5 acres. Receiving streams: Unnamed tributaries to Wolf Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: August 16, 2010.

**16050106 and NPDES Permit No. PA0242675, Timothy A. Keck** (93 Carrier Street, Summerville, PA 15864) Renewal of an existing bituminous surface and auger strip operation in Redbank Township, **Clarion County** affecting 224.0 acres. Receiving streams: Unnamed Tributary to Pine Creek and Pine Creek, classified for the following: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorne Area Municipal Authority. Application received: August 16, 2010.

**33960108 and NPDES Permit No. PA0227315, Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) Renewal of an existing bituminous surface strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: Unnamed Tributaries to Paint Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: August 18, 2010.

**33030110 and NPDES Permit No. PA0242454, Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838) Renewal of an existing bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 122.5 acres. Receiving streams: Unnamed Tributaries to Little Toby Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 19, 2010.

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

**17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Permit revision (for a deviation from AOC backfilling to regrade and reclaim) to an existing bituminous surface mine located in Karthaus Township, **Clearfield County** affecting 449.8 acres. Receiving streams: Unnamed Tribu-

tararies to Saltlick Run and Upper Three Runs and Upper Three Runs classified for Cold Water Fisheries. Revision application received: August 12, 2010.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**07100801. Terry L. Long**, 132 Dirt Pushing Drive, Martinsburg, PA 16662, commencement, operation and restoration of a small noncoal (industrial minerals) operation in North Woodbury Township, **Blair County**, affecting 2.0 acres. Receiving stream(s): unnamed tributary to Plum Creek. Application received: August 10, 2010.

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

**26050401 and NPDES Permit No. PA0250643. Laurel Aggregates, Inc.** (P. O. Box 1209, Morgantown, WV 26507). NPDES renewal application for continued mining of a large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 107 acres. Receiving streams: unnamed tributaries to Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 16, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of

this notice, as well as questions, to the regional office noted before the 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. Individuals 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 each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E52-222. United States Department of Agriculture, Forest Service Grey Towers National Historic Site**, 151 Grey Towers Drive, P. O. Box 188, Milford, PA 18337, in Milford Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8-foot high deer fence across Vantine Brook (HQ-CWF, MF). The project is located in the Grey Towers National Historic Site approximately 350 feet south of the intersection of Grey Towers Entrance Road and Owega Turnpike (Milford, PA-NJ Quadrangle Latitude: 41° 19' 39.2"; Longitude: 74° 48' 50.7").



**E48-405. Silver Creek Country Club**, P. O. Box J, 700 Linden Street, Hellertown, PA 18055, in Lower Saucon and Hellertown Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project along a 4,500-foot reach of Silver Creek (CWF) with work

consisting of, laying back the streambanks and excavation within the overbank areas along approximately 3,000 feet of the channel. The project is within the Silver Creek Country Club located approximately 2.6 miles from the intersection of SR 0412 and SR 0212 (Hellertown, PA Quadrangle Latitude: 40° 34' 43" N; Longitude: 75° 19' 22" W).

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 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.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0062898 (Industrial Waste)	PA American Water Watres WTP 1799 Jumper Road Wilkes-Barre, PA 18702	Plains Township Luzerne County	Unnamed Stream 5-B	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>
PA0252701 Industrial Waste	Dominion Transmission, Inc. DL Clark Building 501 Martindale Street Suite 400 Pittsburgh, PA 15212-5187	Armstrong County South Bend Township	Crooked Creek	N
PA0095303 Sewage	Purchase Line School District 16559 Route 286 Highway East P. O. Box 374 Commodore, PA 15729-0374	Indiana County Green Township	UNT of East Run	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0254266**, Sewage, **Family Guidance, Inc.**, 307 Duff Road, Sewickley, PA 15143. This proposed facility is located in Hanover Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance to discharge.

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

**NPDES Permit No. PA0263702**, Sewage, **Daniel and Tracy Scott, d/b/a Rainbow Valley Restaurant**, 70 Baker Road, Greenville, PA 16125. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This application is for a new NPDES permit for a new discharge of treated Sewage.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 4310402**, Sewerage, **Daniel and Tracy Scott, d/b/a Rainbow Valley Restaurant**, 70 Baker Road, Greenville, PA 16125. This existing facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This treatment plant and discharge will replace an existing onlot system which was used to service the old restaurant.

## IV. NPDES Stormwater Discharges from MS4 Permit Actions

## V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510006	Minsi Trails Council, Inc. P. O. Box 20624 Lehigh Valley, PA 18002	Monroe	Tobyhanna Township	Upper Tunkhannock Creek HQ-CWF, MF
PAI024009004	Mericle 112 Armstrong, LLC East Mountain Corporate Center 100 Baltimore Drive Wilkes-Barre, PA 18702	Luzerne	Pittston Township	Unnamed tributary to Mill Creek CWF, MF EV Wetlands

## 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 (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)

PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**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>
Moore Township Northampton County	PAG2004804038R	Richard George S & S Homes R. R. 5 Box 5250 Saylorsburg, PA 18353	Hokendauqua Creek CWF, MF	Northampton County Conservation District 610-746-1971
West Mahanoy Township Schuylkill County	PAG2005405006(2)	Brian R. Rich G.C.C. Realty 10 Gilberton Road Gilberton, PA 17934 and Brian R. Rich Gilberton Power Co. 81 Eleanor Avenue Frackville, PA 17931	Mahanoy Creek WWF, MF	Schuylkill County Conservation District 570-622-3742
East Brunswick Township Schuylkill County	PAG2005408028	Paul J. Goettner 239 Main Street Suite 203 East Greenville, PA 18041	Unnamed tributary to the Little Schuylkill River CWF, MF	Schuylkill County Conservation District 570-622-3742
Hazle Township Luzerne County	PAG2004010225(1)R	CAN DO, Inc. John Spevak One South Church Street Hazleton, PA 18201	Black Creek CWF, MF	Luzerne County Conservation District 570-674-7991
Parryville Borough Carbon County	PAG2001310002	LKQ Penn-Mar, Inc. Attn: Walter Hanley 120 North LaSalle Street Suite 3300 Chicaco, IL 60602	Tributary to Lehigh River CWF, TSF	Carbon County Conservation District 610-377-4894
Liberty Township Montour County	PAG2004705003R	Sunland Associates 197 Point Township Drive Northumberland, PA 17857	Mausers Creek MF/CWF Beaver Run MF/WWF Chillisquaque Creek MF/WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Westmoreland County Washington Township	PAG2006507013	Municipal Authority of Washington Township Frank Calizzi 283 Pine Run Church Road Apollo, PA 15613	Pucketa Creek TSF	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County North Huntingdon Township	PAG2006507033-1	Todd Reidbord Walnut Capital Partnership 5500 Walnut Street Pittsburgh, PA 15232 and Krik Haight Kirk Naight Auto Sales 12109 Route 30 Irwin, PA 15642	Turtle Creek TSF	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271

*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>
Westmoreland County Penn Township	PAG2006510006	Quest Realty Partnership Ader Road Jeannette, PA 15644	UNT to Bushy Run TSF	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Greensburg City	PAG2006510012	Seton Hill University One Seton Hill Drive Greensburg, PA 15601	Coal Tar Run WWF	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Borough of Edinboro Erie County	PAG02 0025 09 007(1)	Appi Alla Edinboro University McNerney Hall 212 Borough of Edinboro, PA 16444	UNT Conneauttee Creek TSF	Department of Environmental Protection 814-332-6984

*General Permit Type—PAG-3*

*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>
York County York City	PAR803722	A Duie Pyle, Inc. 3622 Mia Brae Drive York, PA 17406	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County Palmyra Borough	PAR403507	Waste Management of PA, Inc., d/b/a WM of Palmyra 123 East High Street Palmyra, PA 17078-1318	UNT to Killinger Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg PA 17110 717-705-4707
Cumberland County Hampden Township	PAR803723	Gulf Oil Limited Partnership 100 Crossing Boulevard Framingham, MA 01702-5401	UNT to Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg PA 17110 717-705-4707

*General Permit Type—PAG-8*

*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>
Frackville Borough Schuylkill County	PAG08-2209	Frackville Area Municipal Authority 42 South Center Street P. O. Box 471 Frackville, PA 17931	Frackville Area Municipal Authority 1199 West Oak Street Frackville, PA 17931	DEP—NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

*General Permit Type—PAG-12*

*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>
Lancaster County West Lampeter Township	PAG123692	Rocky Knoll Farm Joe Sweeney 1177 Gypsy Hill Road Lancaster, PA 17602	UNT Big Spring Run CWF 7J	DEP—SCRO Watershed Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 2910501 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>McConnellsburg Borough Municipal Authority</b>
Municipality	Todd Township
County	<b>Fulton</b>
Responsible Official	Mahlon Shimer, Chairperson P. O. Box 218 McConnellsburg, PA 17233
Type of Facility	Installation of new chemical feed equipment to add a blended potassium polyphosphate solution for manganese sequestration.
Consulting Engineer	Jamie R. Shambaugh, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	8/10/2010

**Operations Permit** issued to **North Heidelberg Water Company**, 3060115, North Heidelberg Township, **Berks County** on 8/13/2010 for the operation of facilities approved under Construction Permit No. 0608509.

**Operations Permit** issued to **Borough of Boyertown**, 3060081, Earl Township, **Berks County** on 8/13/2010 for the operation of facilities approved under Construction Permit No. 0608514.

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

**Permit No. Minor Amendment—Operation, Public Water Supply.**

Applicant	<b>State College Borough Water Authority</b>
Township or Borough	State College Borough
County	<b>Centre</b>
Responsible Official	Max G. Gill State College Borough Water Authority 1201 West Branch Road State College, PA 16801
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	August 18, 2010
Description of Action	4-log inactivation of viruses at Entry Point 102 (Wellfield No. 2-Grays Woods; Well Nos. 17, 18 and 19), Entry Point 104 (Wellfield No. 4-Nixon and Kocher Farms; Well Nos. 41, 43, 53, 71, 73, 78 and 79), Entry Point 105 (Wellfield No. 5-Chestnut Ridge; Well No. 57) and Entry Point 106 (Wellfield No. 6-Alexander Farm; Well Nos. 62, 63, 64 and 65).

**Permit No. 1409502—Operation, Public Water Supply.**

Applicant	<b>Blarney Stone Subdivision</b>
Township or Borough	Union Township
County	<b>Centre</b>
Responsible Official	Steve MacNamara Blazer Enterprises, Inc. 200 Mac One Lane Julian, PA 16844
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	August 19, 2010
Description of Action	Operation of a new public water supply at the existing Blarney Stone Subdivision. The water supply includes Blarney Stone Well, aeration and disinfection Facilities, finished water storage, booster pump station, detention piping and distribution system.



**Permit No. Minor Amendment—Operation**, Public Water Supply.

Applicant **Lawrenceville Borough Authority**  
 Township or Borough Lawrenceville Borough  
 County **Tioga**  
 Responsible Official Michael G. Warso  
 Lawrenceville Borough Authority  
 P. O. Box 115  
 6 Mechanic Street  
 Lawrenceville, PA 16929  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date August 19, 2010  
 Description of Action 4-log inactivation of viruses at Entry Point 101 (Well Nos. 1 and 2).

**Permit No. Minor Amendment—Operation**, Public Water Supply.

Applicant **BCI Municipal Authority**  
 Township or Borough Irvona Borough  
 County **Clearfield**  
 Responsible Official Rick Hoover, Superintendent  
 BCI Municipal Authority  
 P. O. Box 388  
 Irvona, PA 16656  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Timothy Cooper, P. E.  
 Stiffler McGraw & Associates  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648  
 Permit Issued Date August 19, 2010  
 Description of Action 4-log inactivation of viruses at Entry Point 101 (Big and Little Springs).

**Permit No. 1709504—Construction**, Public Water Supply.

Applicant **Quehanna Motivational Boot Camp**  
 Township or Borough Karthaus Township  
 County **Clearfield**  
 Responsible Official Craig Bamat  
 Facility Maintenance Manager  
 Quehanna Motivational Boot Camp  
 4395 Quehanna Highway  
 Karthaus, PA 16845  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer Wilson Fisher, P. E.  
 Hess & Fisher Engineers, Inc.  
 36 North Second Street  
 Clearfield, PA 16830  
 Permit Issued Date August 19, 2010  
 Description of Action Addition of Well TW2 and chlorine contact piping.

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

**Operations Permit** issued to **North Sewickley Township Municipal Authority**, 590 Mercer Road, Beaver Falls, PA 15010 (PWSID No. 5040010), North Sewickley Township, **Beaver County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 0407502MA.

**Operations Permit** issued to **North Sewickley Township Municipal Authority**, 590 Mercer Road, Beaver Falls, PA 15010 (PWSID No. 5040010), North Sewickley Township, **Beaver County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 0407503MA.

**Operations Permit** issued to **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010 (PWSID No. 5040012), Eastvale Borough, **Beaver County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 0409507MA.

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, PA 15672 (PWSID No. 5650032), East Huntingdon Township, **Westmoreland County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 6507506MA.

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, PA 15672 (PWSID No. 5650032), Salem Township, **Westmoreland County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 6507509MA.

**Operations Permit** issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, PA 15672 (PWSID No. 5650032), Hempfield Township, **Westmoreland County** on August 16, 2010, for the operation of facilities approved under Construction Permit No. 2609506.

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

**Construction/Operation Permit** issued to **Borough of East Brady**, PWSID No. 6160003, East Brady Borough, **Clarion County**, August 18, 2010, for the operation of the finished water storage tank known as the East Brady Standpipe, issued simultaneously in response to repair to a vandalized tank. Department of Environmental Protection personnel conducted an operation inspection August 12, 2010, and found demonstration of compliance of all conditions. Construction and Operation authorized simultaneously under permit 1604502-MA3 on August 18, 2010.

**STORMWATER MANAGEMENT****Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775.*

**The Act 167 County-Wide Stormwater Management Plan for Fulton County**, submitted by Fulton County, was approved on August 18, 2010. This plan applies all watersheds and all areas within Fulton 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:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township Commissioners	20 Wayne Avenue Hanover, PA 17331	York County

*Plan Description:* Timber Lane Interceptor, DEP Code No. A3-67951-223-3m: The approved plan provides for the replacement of the Timber Lane Pump Station and the Laurel Drive Pump Station with two separate interceptors that will connect at two separate points in the township's collection system. The proposal does not include additional flows and addresses existing only. The Timber Lane Interceptor will be located between Timber Lane and Jasmine Drive, perpendicular to Martin Drive, and the Laurel Drive Interceptor will be located between Laurel Drive and the end of Outback Drive, both in Penn Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tell Township	17870 Blairs Mills Road Blairs Mills, PA 17213	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility to repair a malfunctioning onlot sewage system located on the Kurt Herzberg property. The proposed sewage flows are 400 gallons per day with a discharge to an unnamed tributary of Trough Spring Branch. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	100 Chief Logan Circle Altoona, PA 16602	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility to repair a malfunctioning on lot sewage system located on the Todd Harshbarger property. The proposed sewage flows are 400 gallons per day with a discharge to Homer Gap Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility to repair a malfunctioning onlot sewage system located on the Jason Sensenig property. The proposed sewage flows are 400 gallons per day with a discharge to Sugar Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

**Notice of Prompt Interim Response**

**Legler Plating Works Site  
City of Erie, Erie County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA), has completed a prompt interim response at the Legler Plating Works Site (site). The site is located at 1602 Parade Street in the City of Erie, Erie County, PA. The deed describes the site owner as William P. Legler, but the site property is exposed to sale by Erie County for unpaid taxes. The site property includes an approximately 13,000 square foot building containing drums, plating tanks and other containers containing hazardous substances.

From at least 1975 until 2003, Legler Plating Works, Inc. operated as a metal plating manufacturing facility at this location which included, but was not limited to, vapor degreasing and metal plating operations. Wastes generated during operations included trichloroethylene, zinc cyanide, sodium cyanide, corrosive wastes and waste oil. Between 1998 and 2003 the Department noted violations at the Legler Plating Works facility associated with the mismanagement of hazardous waste. On May 15, 2002, Legler Plating Works, Inc. filed for Chapter 11 bankruptcy which was converted to a Chapter 7 bankruptcy in October 2003 at which time the assets were liquidated. No other business or entity has occupied the building since that time. There have been reports and some evidence that the building has been frequented by vagrants and trespassers seeking shelter.

On January 21, 2010, the Department inspected the site and observed that at least 21 55-gallon drums and numerous smaller containers of liquid and semi-solids were illegally stored on the first floor of the building and an undetermined volume of liquids and semisolids in deteriorated drums, smaller containers, and three plating tanks were stored in the basement of the building at the site. The containers either were not labeled or had labels which were not legible. William Legler confirmed the drums, containers and plating tanks remained from the Legler Plating Works operations, and had been there since the facility closed in 2003.

The routes of exposure of greatest concern for vagrants and trespassers included inhalation, ingestion and dermal

absorption of hazardous substances that could have been released through container rupture, spillage or leakage.

The main objectives for the prompt interim response at the site were:

- 1) protect the public and environmental receptors from direct contact risks associated with site-related hazardous substances; and
- 2) eliminate the ongoing release and threat of release of hazardous substances into the environment from the containerized waste.

The Department considered two alternatives for the prompt interim response at the site:

*Alternative 1.*

A "No Action" alternative provided a baseline for comparison to other alternatives. Because no action would be implemented, any present or future risks to human health, safety or the environment would remain unchanged.

*Alternative 2.*

This Alternative involved the characterization, removal and proper disposal of containerized wastes at a proper off-site facility.

The Department chose to implement Alternative 2 as the prompt interim response at the site. Alternative 2 was selected because it would, in the most cost effective manner, protect the public and environmental receptors from the risks associated with the hazardous substances at the site.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis for, and documents the selection of this response action, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. until 4 p.m.

The administrative record will be open for comment from September 4, 2010, until December 3, 2010. Persons may submit written comments into the record during this time only, by sending them to the site Project Manager, Charles L. Tordella, at the Department's Northwest Regional Office, or by delivering them to that office in person.

In addition, persons may submit oral comments, for inclusion in the administrative record, at a public hearing. The Department will schedule such a hearing between October 4 and November 3, 2010, if requested by one or more members of the public. Persons wishing to present comments at such a hearing must register with the Department's Community Relations Coordinator, Freda Tarbell before September 20, 2010, at (814) 332-6945 or in writing to the Northwest Regional Office. If no person requests to present oral comments by the date specified previously, a hearing will not be held. Persons interested in finding out if anyone has registered, and if a hearing will be held, should contact Freda Tarbell at the telephone number previously noted.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Freda Tarbell at the telephone number noted previously or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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, shall 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 refuse 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 after 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**UGI East Northampton Street (UGI-PNG Empire Garage)**, 511 East Northampton Street, Wilkes-Barre City, **Luzerne County**. Jeffrey C. Thomas, EPSYS, LLC, 1414 North Cameron Street, Harrisburg, PA 17103 has submitted a Final Report (on behalf of his client, UGI Penn Natural Gas, Inc., One UGI Center, Wilkes-Barre, PA 18711), concerning the remediation of soil found to have been impacted by used motor oil as a result of incidental drippings over several years, which were due to the manual transfers of oil into an aboveground storage tank. The Report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Times Leader* on July 30, 2010.

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

**Former Lancaster Press Building**, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of City of Lancaster, Economic Development and Neighborhood Revitalization, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with VOCs, PAHs, PCBs and Inorganics. The combined Report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Honeywell Farmers Valley South of Cole Creek** (Farmers Valley Wax Plant—Area South of Cole Creek), Keating Township, **McKean County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Risk Assessment/Final Report concerning remediation of site soil and site groundwater contaminated with petroleum hydrocarbons. The Report is intended to document remediation of the sit to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 provisions of 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 refuse 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 provisions of 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 before 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Regional Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**A. Warner 1H/2H Well Site**, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a damaged drain valve from a 14,700 gallon drill rig diesel fuel storage tank. The Report documented attainment of the residential Statewide Health Standard for soil and was approved on August 17, 2010. The Report was originally submitted within 90 days of the release.

**PG Energy Former Scranton/Green Ridge Gas Holder Site**, Albright Avenue and Marion Street, Scranton City, **Lackawanna County**. John Roberts, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 submitted a Cleanup Plan (Remedy Selection/Remedy Design Report) (on behalf of his client, UGI Penn Natural Gas, Inc., P. O. Box 12677, Reading, PA 19612-2677), concerning the remediation of soil and groundwater found to have been impacted by arsenic and benzo(a)pyrene and the remediation of soil found to have been impacted by lead. The impact is due to the historical operations at a former storage facility of manufactured coal gas. The Report was submitted in partial fulfillment of the Site-Specific Standard and was approved on August 17, 2010.

**Former New Jersey Zinc Company—West Plant**, Mauch Chunk Road, Palmerton Borough, **Carbon County**. J. Mark Nielsen, ENVIRON International Corporation, 1760 Market Street, Suite 1000, Philadelphia, PA 19103 submitted a Remedial Investigation Report (on behalf of his client, CBS Operations, Inc., 299 South Main Street, Suite 1800, Salt Lake City, UT 84111), concerning the remediation of soil and groundwater found to have been impacted by VOCs, Semi-VOCs, and metals as a result of historical operations at this former zinc manufacturing plant. The Report was submitted in partial fulfillment of the Site-Specific Standard and was approved on August 18, 2010.

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

**Katherine Endres Property**, Maiden Creek Township, **Berks County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Katherine Endres, 57 West Wesner Road, Blandon, PA



19510, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on August 16, 2010.

**JerrDan Facility**, Antrim Township, **Franklin County**. Groundwater Services International, Inc., 443 McCormick Road, Suite 5, Mechanicsburg, PA 17055, on behalf of JerrDan Corporation, 1080 Hykes Road, Greencastle, PA 17225 and Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, WI 54903-2566, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with lead, chromium and VOCs. The combined Report demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards, and was approved by the Department of Environmental Protection on August 16, 2010.

**Muhlenberg School District**, Muhlenberg Township, **Berks County**. Earth Resource Associates, Inc., 544 Hemlock Lane, Lebanon, PA 17042-9064, on behalf of Muhlenberg Area School District, 801 Bellevue Avenue, Laureldale, PA 19605-1799, submitted a combined Remedial Investigation and Final Report for site soils contaminated with lead from crushed battery casings used as fill. The combined Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of Environmental Protection on August 16, 2010.

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

**U.S. Steel Frozen Hollow Site**, Vandergrift Borough, **Westmoreland County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of U.S. Steel Corporation, 600 Grant Street, Room 2656, Pittsburgh, PA has submitted a Cleanup Plan concerning the remediation of site soil contaminated with lead, manganese and thallium. Exceedances of groundwater MSCs were limited to aluminum, iron, lead and manganese. The Cleanup Plan was approved on August 12, 2010.

**Moore & Morford, Inc.**, South Greensburg, **Westmoreland County**. Environmental Coordination Services & Recycling (ESCR), Inc., 3237 US Highway 19, Cochranon, PA 16314 on behalf of Moore and Morford, Inc., 1030 Broad Street, South Greensburg Borough, PA 16501 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment the Statewide Health Standard. The Final Report was approved on August 10, 2010.

**First Commonwealth Bank**, Ebensburg Borough, **Cambria County**. Core Environmental Services, Inc., 4068 Mount Royal Boulevard, Suite 225, Gamma Building, Allison Park, PA 15101 on behalf of First Commonwealth Bank, 708 West High Street, Ebensburg, PA has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded and unleaded gasoline constituents. The Final Report was approved by the Department of Environmental Protection on August 11, 2010. An environmental covenant has been executed that restricts groundwater usage and residential development.

**Robertshaw Controls Facility (Former)**, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA

15668 on behalf of Robertshaw Controls company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a Remedial Investigation Report and Addendum concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products. The Remedial Investigation Report and Addendum was approved by the Department of Environmental Protection on August 12, 2010

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Registration No. WMGI005NC001. Cherokee Pharmaceuticals, LLC**, 100 Avenue C, P. O. Box 367, Riverside, PA 17868. Registration to operate under General Permit No. WMGI005NC001 for processing of infectious waste generated in the production and research and development of pharmaceuticals, using chemical and/or thermal inactivation. The registration was granted by Northcentral Office on August 20, 2010.

Persons interested in reviewing the general permit may contact to Lisa Houser, P. E., Facilities Manager, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Application No. WMGR028SE 001B. Allan A Myers, LP, d/b/a Independent Construction Materials**, 638 Lancaster Avenue, Malvern, PA 19355. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner at the Coatesville Asphalt Plant located at 410 Doe Run Road, Coatesville, PA 19320, in East Fallowfield Township, **Chester County**. The application for determination of applicability was issued by the Southeast Regional Office on August 17, 2010.



### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Approved 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 No. 300617. Knouse Foods Cooperative, Inc., Charles Bennett**, 800 Peach Glen—Idaville Road, Peach Glen, PA 17375, Knouse Foods Landfill, Dickenson Township, **Cumberland County**. Minor Permit Modification allowing for the installation of a Solar Panel Farm on 10.1 acres of previously closed residual waste landfill area. The minor permit modification was issued by the Department of Environmental Protection's Southcentral Regional Office Waste Management Program on August 12, 2010.

### AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**GP14-67-03089: John Keff Funeral Home, Inc.** (725 Norland Avenue, Chambersburg, PA 17201) on August 19, 2010, for addition of a second human crematory unit at their funeral home facility in the City of York, **York County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**GP5-20-299C: Kastle Resources Enterprises, Inc.—Pierpont Compressor Station** (Patch Road and Route 198, Linesville, PA 16424) on August 18, 2010, for operation of natural gas fired compressor engines (BAQ-GPA/GP-5) in Beaver Township, **Crawford County**.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-46-0088: Limestone Properties, LLC** (1020 Broad Run Road, Landenberg, PA 19350) on August 19, 2010, to operate an extec portable nonmetallic mineral processing plant in West Conshohocken Borough, **Montgomery County**.

**GP9-46-0044: Limestone Properties, LLC** (1020 Broad Run Road, Landenberg, PA 19350) on August 19, 2010, to operate diesel-fired internal combustion engines in West Conshohocken Borough, **Montgomery County**.

**GP3-46-0089: Limestone Properties, LLC** (1020 Broad Run Road, Landenberg, PA 19350) on August 19, 2010, to operate an extec portable nonmetallic mineral processing plant in West Conshohocken Borough, **Montgomery County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**10-359B: Keystone Midstream Services, LLC** (10355 Westmoor Drive, Suite 250, Westminster, CO 80021-2579) on August 17, 2010, for expansion of a natural gas processing facility at the former Rex Energy site in Forward Township, **Butler County**.

**42-004F: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) on August 12, 2010, for a plan approval to replace the refinery flare tip system associated with the Refinery Flare (FL No. 301), at their Bradford facility in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**28-05035A: St. Thomas Development, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) on August 19, 2010, for installation of a batch asphalt plant St. Thomas Township, **Franklin County**. The plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.*

**24-083M: MERSEN USA St. Marys-PA, Corp.—Formerly Carbone of America** (215 Stackpole Street, St. Marys, PA 15857) on August 31, 2010, to install an electric furnace with a thermal oxidizer control device at their facility site in the City of St. Marys, **Elk County**. This is a Title V facility.

**24-0830: MERSEN USA St. Marys-PA, Corp.—Formerly Carbone of America** (215 Stackpole Street, St. Marys, PA 15857) on August 31, 2010, to install a new natural gas fired carbon baking kiln, thermal oxidizer, and limestone scrubber at their facility in St. Marys City, **Elk County**. This is a Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**01-05009: U.S. Department of Defense** (201 Beasley Drive, Suite 100, Fort Deterick, MD 21702-9267) on August 12, 2010, for their military facility in Liberty Township, **Adams County**. The Title V operating permit

was administratively amended to reflect a change of ownership and to incorporate the provisions of Plan Approval No. 01-05009B. This is Revision 1 of the permit.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**31-05018: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on August 20, 2010, for their natural gas pumping and storage facility in Todd Township, **Huntingdon County**. This is a renewal of the State-only operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**27-00018: National Fuel Gas Supply Corp.—Queen Compressor Station** (P. O. Box 2081, Erie, PA 16512-2081) on August 19, 2010, to re-issue a Natural Minor Operating Permit to operate a natural gas compressor station on Queen Pumping Station Road in Hickory Township, **Forest County**. The primary emission sources include four natural gas fueled compressor units, a natural gas fueled auxiliary generator, a natural gas dehydration unit and miscellaneous natural gas use.

**62-00035: IA Construction Corp.** (81 Railcar Road, Warren, PA 16365) on August 2, 2010, to issue a Synthetic Minor Operating Permit to operate a batch asphalt plant in Conewango Township, **Warren County**. The facility's primary emission sources include a batch asphalt plant and fugitives from transfer points.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Contact: Edward Braun, Chief—Telephone: 215-685-9476.*

**N09-001: Catalent Pharma Solutions, LLC** (3001 Red Lion Road, Philadelphia, PA 19114) on August 20, 2010, for operation of a pharmaceutical packaging and labeling facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include five Chillers firing natural gas and No. 2 fuel oil, one combustion Air pre heater, three Unit heaters, and three Emergency Generators, Inkjet and Flexographic Printing and Labeling Process and an Equipment Sanitization Process.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 814-949-7935.*

**01-05009: U.S. Department of Defense** (201 Beasley Drive, Suite 100, Fort Deterick, MD 21702-9267) on August 12, 2010, for the military facility in Liberty Township, **Adams County**. The Title V operating permit was administratively amended to reflect a change of ownership and to incorporate the provisions of Plan Approval No. 01-05009B. This is Revision 1 of the permit.

**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 (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**56021301 and NPDES Permit No. PA0235547, Elk Lick Energy, Inc.**, (P. O. Box 240, Friedens, PA 15541-0240), to revise the permit for the Roytown Deep Mine in Lincoln Township, **Somerset County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 142.0, Subsidence Control Plan Acres Proposed 142.0. Application received: September 2, 2010. Permit issued: August 19, 2010.

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

**11990103 and NPDES No. PA0235091. Paul F. Becker Coal Company**, P. O. Box 332, Duncansville, PA 16635, revision of an existing bituminous surface mine to change the land use from forestland to unmanaged natural habitat in Elder Township, **Cambria County**, affecting 21.2 acres. Receiving stream(s): unnamed tributary to Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 30, 2010. Permit issued: August 13, 2010.

**Permit No. 32950201 and NPDES Permit No. PA0213004, Cambria Reclamation Corporation**, 2929 Allen Parkway, Houston, TX 77019, permit renewal for the continued operation and restoration of a bituminous surface mine in White and Rayne Townships, **Indiana County**, affecting 256 acres. Receiving stream(s): McKee Run to Crooked Creek classified for the following use(s): cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2010. Permit issued: August 17, 2010.

**56813104 and NPDES No. PA0599115. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from Finzel Coal, 12152



National Pike, Grantsville, MD 21536 located in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving stream(s): unnamed tributaries to/and Tubs Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2010. Permit issued: August 18, 2010.

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

**16090102 and NPDES Permit No. PA0258776. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Revision to an existing bituminous strip operation to add auger mining and add 5.5 acres to the surface mining permit in Porter Township, **Clarion County**. Total SMP acreage is 46.0 acres. Receiving streams: Unnamed Tributary to Leisure Run. Application received: May 11, 2010. Permit Issued: August 17, 2010.

**33900105 and NPDES Permit No. PA0207837. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838) Renewal of an existing bituminous strip and auger operation in Snyder Township, **Jefferson County** affecting 650.2 acres. Receiving streams: Unnamed Tributaries to Little Toby Creek and unnamed tributaries to Mill Creek. Application received: May 24, 2010. Permit Issued: August 19, 2010.

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

**17743172 and NPDES No. PA0610909. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface mine located in Morris Township, **Clearfield County** affecting 569.0 acres. Receiving streams: unnamed tributaries to Hawk Run (Cold Water Fishery) and unnamed tributaries to Moshannon Creek (Trout Stocked Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2010. Permit issued: August 16, 2010.

**179809104 and NPDES No. PA0237922. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 84.0 acres. This renewal includes a request to revise the baseline pollution load for pre-existing Subchapter F discharge MP14. Receiving streams: unnamed tributary to Moose Creek, Moose Creek and Orr's Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: May 14, 2010. Permit issued: August 18, 2010.

**17080112 and NPDES No. PA0256919. Kasubick Brothers Coal Co.** (501 David Street, Houtzdale, PA 16651). Commencement, operation and restoration of a bituminous surface mine located in Woodward Township, **Clearfield County** affecting 46.8 acres. Receiving streams: Upper Morgan Run and North Branch classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 20, 2008. Permit issued: August 19, 2010.

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

**54753035. N & L Coal Company**, (6370 SR 61, Shamokin, PA 17872), being reissued for reclamation activities only for an existing anthracite surface mine in West Mahanoy Township, **Schuylkill County** affecting 103.16 acres, receiving stream: Mahanoy Creek by means

of Packer 5 Mine Pool Overflow. Reissued per Administrative Order No. 10-5-068-S. Permit reissued: August 19, 2010.

**54920101. N & L Coal Company**, (6370 SR 61, Shamokin, PA 17872), being reissued for reclamation activities only for an existing anthracite surface mine in West Mahanoy Township, **Schuylkill County** affecting 459.0 acres, receiving stream: none. Reissued per Administrative Order No. 10-5-068-S. Permit reissued: August 19, 2010.

#### *Noncoal Permits Actions*

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

**31020801. Richard W. Anderson, Jr.**, 1422 Scott Street, Huntingdon, PA 16652, bond release on a small noncoal (industrial minerals) operation in Oneida Township, **Huntingdon County**, affecting 1.0 acres. Application received: April 7, 2010. Final bond released: August 12, 2010.

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

**08102809. Always Ready Excavating** (R. R. 1, Box 91, Wyalusing, PA 18853), transfer of an existing small non coal operation from Nancy S. Preston in Wyalusing Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Wyalusing Creek, Susquehanna River. Application received: July 15, 2010. Permit issued: August 12, 2010

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**24104011. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Millstone Township, **Elk County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**24104012. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Millstone Township, **Elk County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**24104013. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Jones and Highland Townships, **Elk County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**24104014. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Highland and Jenks Townships, **Elk and Forest Counties**. This Blast-

ing Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**24104015. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Spring Creek and Highland Townships, **Elk County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**24104016. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Spring Creek and Highland Townships, **Elk County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**27104002. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Jenks and Highland Townships, **Elk and Forest Counties**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 16, 2010.

**20104002. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Conneaut Township, **Crawford County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 18, 2010.

**20104003. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit for seismic exploration in Conneaut Township, **Crawford County**. This Blasting Activity Permit will expire on October 31, 2010. Permit Issued: August 18, 2010.

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

**08104115. Gregory General Contracting** (P. O. Box 2237, Pulaski, VA 24301). Blasting for a pipeline, (Chaffee Pipeline), located in Tuscarora Township, **Bradford County**. Permit issued: August 19, 2010. Permit expires: August 1, 2011.

**18104002. Conquest/Tesla** (64305 Fiddlers Green Circle, Suite 100, Greenwood Village, CO 80111). Seismic exploration blasting, Keating 3D, located in Keating Township, **Clinton County**. Permit issued: August 12, 2010. Permit expires: August 15, 2011.

**59104009. Doug Wathen, LLC** (16282 State Highway 13, Suite J, Branson West, MO 65616). Blasting for a well pad, (Sparrowhawk Pad) located in Covington Township, **Tioga County**. Permit issued: August 19, 2010. Permit expires: January 10, 2011.

**59104010. Tesla-Conquest** (504 IST Center, Horseheads, NY 14845). Seismic exploration blasting located in Chatham, Delmar, Shippen and Middlebury Townships, **Tioga County**. Permit issued: August 19, 2010. Permit expires: August 14, 2011.

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

**22104111. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Hummelstown Storm Sewer in Derry Township and Hummelstown Borough, **Dauphin County** with an expiration date of August 4, 2011. Permit issued: August 16, 2010.

**23104104. Maine Drilling & Blasting**, (P. O. Box 279, Auburn, NH 03032), construction blasting for Lot 1, Donald Drive Development in Bethel Township, **Dela-**

**ware County** with an expiration date of August 10, 2011. Permit issued: August 16, 2010.

**23104105. Maine Drilling & Blasting**, (P. O. Box 279, Auburn, NH 03032), construction blasting for Brinton Lake Development in Concord Township, **Delaware County** with an expiration date of August 12, 2011. Permit issued: August 16, 2010.

**66104113. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Lopatofsky Well Site in Washington Township, **Wyoming County** with an expiration date of September 30, 2010. Permit issued: August 16, 2010.

**36104149. Maine Drilling & Blasting**, (P. O. Box 279, Auburn, NH 03032), construction blasting for 2160 Noll Drive Development in East Hempfield Township, **Lancaster County** with an expiration date of August 9, 2011. Permit issued: August 17, 2010.

**40104111. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Highway/Road for Linde Corporation in Fairmount Township, **Luzerne County** with an expiration date of August 1, 2011. Permit issued: August 17, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (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 the applicable provisions of 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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



**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E10-458, Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066 in Cranberry Township, **Butler County**. ACOE Pittsburgh District to construct and maintain a road having a length of 2,700 feet connecting Heights Drive to SR 19 involving to construct and maintain: 1) a 160-foot long, 4.5-foot diameter CMP stream enclosure in a UNT Brush Creek having a drainage area of less than 100 acres; 2) a wetland crossing permanently impacting 0.22 acre of PEM wetlands; 3) a stormwater outfall discharging to an UNT Brush Creek and adjacent wetlands; 4) a 0.22 acre PEM wetland mitigation area within the FEMA floodway and floodplain in Graham Park in Cranberry Township; and 5) stream mitigation consisting of a riparian planting area having a length of 240 feet on a UNT Brush Creek immediately upstream of the proposed stream enclosure.

**E25-723, Erie Regional Airport Authority**, 4411 West 12th Street, Erie, PA 16505-0393 in Millcreek Township, (Swanville, PA Quadrangle N: 42° 05' 23"; W: 80° 9' 34") and Girard Township (Albion, PA Quadrangle N: 41° 58' 35"; W: 80° 21' 54") in Erie County. ACOE Pittsburgh District to extend Runway 6-24 at the Erie International Airport—Tom Ridge Field to a total length of 7,500 feet to comply with Federal Aviation Administration Regulations and accommodate existing and future aviation demand involving: 1) to construct and maintain stream relocations of two UNTs to Marshall Run having lengths of approximately 1,530 feet and 1,620 feet; 2) to impact 3.28 acres of PEM wetlands, 1.85 acres of PSS wetlands and 3.05 acres of PFO wetlands at the runway extension site, and an additional 0.14 acre of PEM wetland at the wetland mitigation site; 3) to mitigate 3.42 acres of PEM wetlands, 3.70 acres of PSS wetlands and 9.15 acres of PFO wetlands east and west of Teller Road in Girard Township (Albion, PA Quadrangle N: 41° 58' 35"; W: 80° 21' 54") approximately 1.5 miles northwest of the intersection of US Interstate 90 and SR 18; 4) to construct and maintain a stormwater detention area adjacent to the relocated stream between Linden Avenue to the proposed relocated Powell Avenue/Marshall Drives; and 5) to construct and maintain associated utility crossings of UNTs Marshall Run and stormwater outfalls.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental

Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

7/16/2010

ESCGP-1 No.: ESX10-059-0007 Major Revision

Applicant Name: Tanglewood Exploration, LLC

Contact: Tom Scott

Address: 226 Elm Drive, Suite 102

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Franklin

Receiving Stream(s) and Classifications: UNT to South Fork Tenmile Creek, Other

7/26/10 Major Rev.

ESCGP-1 No.: ESX09-129-0026

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): Sewickley

Receiving Stream(s) and Classifications: UNT to Little Sewickley Creek

7/20/10

ESCGP-1 No.: ESX10-059-0050

Applicant Name: Laurel Mountain Midstream, LLC

Contact Person: Lisa Reaves

Address: 1550 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Greene Township(s): Jefferson and Cumberland

Receiving Stream(s) and Classifications: UNT to Pumpkin Run (WWF), other

08/02/2010

ESCGP-1 No.: ESX10-005-0007 Major Revision

Applicant Name: Exco Resources (PA) LLC

Contact Person: Larry M. Sanders

Address: 3000 Ericsson Drive, Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong Township(s): Cowanshannock

Receiving Stream(s) and Classifications: UNT to Cowanshannock Creek, other

7/26/2010

ESCGP-1 No.: ESX10-129-0021

Applicant Name: Williams Production Appalachia, LLC

Contact Person: David R. Freudenrich

Address: 1000 Town Center, Suite 130

City: Canonsburg State: PA 15317

County Westmoreland Township(s): Derry

Receiving Stream(s) and Classifications: Union Run, other WWR

Secondary Water Laylahanna Creek

7/29/2010

ESCGP-1 No.: ESX10-059-0054  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT to South Fork Ten Mile Creek and UNT to West Run/Monongahela, HQ

8/4/2010

ESCGP-1 No.: ESX10-059-0057  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: Bates Fork and UNT to Bates Fork HQ  
 Secondary Water Bates Fork

8/2/2010

ESCGP-1 No.: ESX10-059-0056  
 Applicant Name: Pennsylvania Land Holdings Company, LLC  
 Contact Person: Joanne Reilly  
 Address: 158 Portal Road, P. O. Box 1020  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Whiteley  
 Receiving Stream(s) and Classifications: UNT to Dutch Run/Monongahela River, other  
 Secondary Water Trout Stocked Fishes

08/03/2010

ESCGP-1 No.: ESX10-129-0023  
 Applicant Name: Laurel Mountain Midstream, LLC  
 Contact Person:  
 Address: 1550 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Westmoreland Township(s): Sewickley  
 Receiving Stream(s) and Classifications: UNT to Youghiogheny (WWF) and UNT to Little Sewickley Creek (TSF), other

07/08/2010

ESCGP-1 No.: ESX10-059-0049  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene and Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: Bates Fork HQ

7/27/2010 Major Rev.

ESCGP-1 No.: ESX10-059-0029  
 Applicant Name: EQT Production Company  
 Contact: Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: Petit Run/Garners Run-HQ-WWF (High Quality-Warm Water Fishery)

07/26/2010

ESCGP-1 No.: ESX10-059-0052  
 Applicant Name: EQT Production Company  
 Contact Person: Hanna E. Mccoy  
 Address: 625 Liberty Avenue, Suite 1700  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Township(s):  
 Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF)

7/29/2010

ESCGP-1 No.: ESX10-051-0023  
 Applicant Name: Atlas Energy Resources, LLC  
 Contact Person:  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNT to Little Redstone Creek, other

8/2/2010

ESCGP-1 No.: ESX10-125-006  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): Morris and South Franklin  
 Receiving Stream(s) and Classifications: Tenmile Creek HQ

7/27/10 Major Rev.

ESCGP-1 No.: ESX10-051-0010  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT to Dunlap Creek and UNT to Lilly Run, other

7/30/10 Major Rev.

ESCGP-1 No.: ESX10-125-0043  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: Taylor's Run-(WWF)—Pigeon Creek-(WWF)—Monongahela River-(WWF), other

7/26/2010

ESCGP-1 No.: ESX10-059-0053  
 Applicant Name: Alpha Shale Resources, LP  
 Contact Person: Toby Rice  
 Address: 171 Hillpointe Drive, Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Jackson  
 Receiving Stream(s) and Classifications: Grinnage Run/Monongahela River, HQ

7/27/2010 Major Rev.

ESCGP-1 No.: ESX10-051-0004  
 Applicant Name: Atlas Resources, LLC  
 Contact: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNTs to Dunlap Creek, other

7/29/2010 Major Rev.

ESCGP-1 No.: ESX10-125-0020  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact: Carla Suszkowski  
 Address: 300 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): South Strabane  
 Receiving Stream(s) and Classifications: UNT to Little Chartiers Creek, HQ

7/22/10

ESCGP-1 No.: ESX10-125-0062  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact: Carla Suszkowski  
 Address: 300 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Independence  
 Receiving Stream(s) and Classifications: Brashears Run,  
 UNT to Sugarcamp Run, and Camp Run, HQ

8/2/2010

ESCGP-1 No.: ESX10-125-0065  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact: Carla Suszkowski  
 Address: 300 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): South Strabane  
 Receiving Stream(s) and Classifications: UNT to Short  
 Creek and Tenmile Creek, other

8/2/2010

ESCGP-1 No.: ESX10-051-0024  
 Applicant: Laurel Mountain Midstream, LLC  
 Contact: Lisa Reaves  
 Address: 1550 Coraopolis Heights Road, Suite 140  
 City: Moon Township State: PA Zip Code: 15108  
 County: Fayette Township(s): Lower Tyrone  
 Receiving Stream(s) and Classifications: UNTs to  
 Youghiogheny River (WWF), other

7/26/2010

ESCGP-1 No.: ESX10-125-0064  
 Applicant: Atlas Resources, LLC  
 Contact: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Washington/Allegheny Township(s): Robinson/  
 Findley  
 Receiving Stream(s) and Classifications: Bigger Run,  
 Raccoon Creek, UNT to Raccoon Creek and UNT to  
 Chamberlain Run, other

8/10/2010

ESCGP-1 No.: ESX10-007-0002  
 Applicant: Range Resources—Appalachia, LLC  
 Contact: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Beaver Township(s): Hanover  
 Receiving Stream(s) and Classifications: UNT to Little  
 Traverse Creek, other

7/30/10

ESCGP-1 No.: ESX10-059-0055  
 Applicant Name: Laurel Mountain Midstream, LLC  
 Contact: Lisa Reaves  
 Address: 1550 Coraopolis Heights Road, Suite 140  
 City: Moon Township State: PA Zip Code: 15108  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNTs to Muddy  
 Creek (WWF), other

7/22/10

ESCGP-1 No.: ESX10-125-0063  
 Applicant: Markwest Liberty Midstream & Resources,  
 LLC  
 Contact: Robert Mchale  
 Address: 100 Plaza Drive, Suite 102  
 City: Atlasburg State: PA Zip Code: 15104  
 County: Washington Township(s): Mt. Pleasant  
 Receiving Stream(s) and Classifications: UNT to South  
 Fork Cross Creek, HQ

7/30/10 Major Rev.

ESCGP-1 No.: ESX10-059-0015  
 Applicant: Chesapeake Appalachia, LLC  
 Contact: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Greene Township(s): Jackson  
 Receiving Stream(s) and Classifications: Receiving  
 1—UNT (WWF)—House Run (WWF)—Mccourtney  
 (WWF) South Fork Ten Mile Creek to Brown Creek  
 (WWF)—Southfork Ten Mile Creek (from Brown Creek)  
 (HQ-WWF) Ten Mile Creek (TSF)—Monongahela River  
 (WWF)  
 Receiving 2—UNT (WWF)—Webster Run (WWF)—  
 North Fork Dunkard Fork (TSF)—Dunkard Fork  
 (WWF) Wheeling Creek (WWF)—Ohio River (WWF),  
 HQ

8/5/10

ESCGP-1 No.: ESX10-125-0067  
 Applicant: Appalachia Midstream Services  
 Contact: Eric Stewart  
 Address: 179 Chesapeake Drive, P. O. Box 1300  
 City: Jane Lew State: WV Zip Code: 26378  
 County: Washington Township(s): Independence  
 Receiving Stream(s) and Classifications: UNT to Cross  
 Creek, HQ

8/10/10

ESCGP-1 No.: ESX10-059-0059  
 Applicant: Alpha Shale Resources, LP  
 Contact: Toby Rice  
 Address: 171 Hillpointe Drive, Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Wayne  
 Receiving Stream(s) and Classifications: Tustin Run/  
 Monongahela River, other

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## SPECIAL NOTICES

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### Abandoned Strip Mine Project

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

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowner and licensed mine operators for the reclamation of an abandoned strip mine project identified as Project No. PBF 33830117.2, located in Pinecreek Township, Jefferson County.

**Gurosik Coal Company, Inc., Permit No. 33830117** on the Guido and Janice Malacarne property, requires construction of about 1,700 feet of access road and a passive acid mine drainage treatment system consisting of a subsurface mixed mingle collection system, two upflow limestone columns, detention basin, aquatic wetland and polishing pond.

Letters of interest must be received by Joseph Ferrara, Compliance Manager, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232, no later than 4 p.m. September 10, 2010, to be considered. Telephone inquiries shall be directed to Joseph Ferrara at 814-797-1191.

### General Permit for Short-Term Construction Projects

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

**Kel-Con Service Co., Inc. GFCC No. 40-09-01**, Sandy Run Operation, Foster Township, Luzerne (Sandy Run Watershed—Upper Lehigh River Watershed): A no-



cost construction contract has been awarded to Kel Con Services Co., Inc., that will result in the reclamation of approximately 4.5 acres of abandoned mine land and the recovery of approximately 20,000 tons of coal refuse. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$19,000 which will be done at no cost to the Commonwealth. The site is located southwest of the Town of White Haven in Foster Township, **Luzerne County** on lands owned by David W. and Alfred H. Stiller. The abandoned mine refuse was placed on the site as early as the 1870's.

[Pa.B. Doc. No. 10-1632. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Notice of Intent to Rescind Technical Guidance*

DEP ID: 383-3310-609. Title: PADWIS Reporting. Description: The Department of Environmental Protection (Department), Bureau of Water Standards and Facility Regulation, provides procedures in this document to support Department staff who retrieve and print computerized inventory data under the Safe Drinking Water Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Jennifer Brock by e-mail at [jenbrock@state.pa.us](mailto:jenbrock@state.pa.us) or by telephone at (717) 787-6744.

Effective Date: Upon publication of notice in the *Pennsylvania Bulletin*.

DEP ID: 383-3310-409. Title: Pennsylvania Drinking Water Information System (PADWIS) Violation and Enforcement User's Manual. Description: The Department of Environmental Protection (Department), Bureau of Water Standards and Facility Regulation, provides procedures in

this document to support Department staff who manage a computerized public drinking water violation and enforcement database under the Safe Drinking Water Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Jennifer Brock by e-mail at [jenbrock@state.pa.us](mailto:jenbrock@state.pa.us) or by telephone at (717) 787-6744.

Effective Date: Upon publication of notice in the *Pennsylvania Bulletin*.

DEP ID: 383-3310-309. Title: Pennsylvania Drinking Water Information System (PADWIS) Laboratory Sample User's Manual. Description: The Department of Environmental Protection (Department), Bureau of Water Standards and Facility Regulation, provides procedures in this document to support Department staff who manage computerized public drinking water laboratory sample data under the Safe Drinking Water Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Jennifer Brock by e-mail at [jenbrock@state.pa.us](mailto:jenbrock@state.pa.us) or by telephone at (717) 787-6744.

Effective Date: Upon publication of notice in the *Pennsylvania Bulletin*.

DEP ID: 383-3310-209. Title: PADWIS Inventory Reports by PWSID. Description: The Department of Environmental Protection (Department), Bureau of Water Standards and Facility Regulation, provides procedures in this document to support Department staff who retrieve and print computerized public water system inventory data under the Safe Drinking Water Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Jennifer Brock by e-mail at [jenbrock@state.pa.us](mailto:jenbrock@state.pa.us) or by telephone at (717) 787-6744.

Effective Date: Upon publication of notice in the *Pennsylvania Bulletin*.

DEP ID: 383-3310-109. Title: Pennsylvania Drinking Water Information System (PADWIS) Inventory Users Manual. Description: The Department of Environmental Protection (Department), Bureau of Water Standards and Facility Regulation, provides procedures in this document to support Department staff who maintain computerized public water system inventory data under the Safe Drinking Water Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Jennifer Brock by e-mail at [jenbrock@state.pa.us](mailto:jenbrock@state.pa.us) or by telephone at (717) 787-6744.

Effective Date: Upon publication of notice in the *Pennsylvania Bulletin*.

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-1633. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Bid Opportunity

**OSM 10(2903)101.1, Abandoned Mine Reclamation Project, Annandale South, Cherry and Washington Townships, Butler County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 800,610 cubic yards



of grading; 700 cubic yards of channel excavation; 1,850 square yards of rock lining with filter fabric; 1,170 square yards of erosion matting; 85 linear foot of pipe culvert; 24" diameter smooth interior corrugated polyethylene, two permanent ponds; 5,150 linear foot subsurface drain, wetland construction; and 70 acres of seeding. This bid issues September 3, 2010, and bids will be opened on September 30, 2010, at 2 p.m. Bid documents cost \$15 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—1328), 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.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-1634. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Bid Opportunity

**OSM 54(2031)101.1, Abandoned Mine Reclamation Project, Minersville, Minersville Borough, Schuylkill County.** The principal items of work and approximate quantities include mobilization and demobilization; 145 cubic yards of drainage excavation; 186 linear foot of bedded 12" corrugated HDPE pipe and 17 cubic yards of concrete for cut-off trench and ditch. This bid issues September 3, 2010, and bids will be opened on September 30, 2010, 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—1328), 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.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-1635. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Evaluation of Pennsylvania Coastal Resources Management Program; Public Meeting

Under the Federal Coastal Zone Management Act of 1972, as amended, a public meeting will be held as part of the Federal performance evaluation of the Department of Environmental Protection Coastal Resources Program (Program).

The meeting will be held at 6:30 p.m. on Wednesday, September 15, 2010, at the Tom Ridge Environmental Center at Presque Isle, Room 112, 301 Peninsula Drive, Erie, PA.

The purpose of the meeting is to receive public comments regarding the operation and implementation of the Program since the last evaluation in July 2005.

Written comments are encouraged, and participation at the public meeting is not required for submission. Written

comments should be sent to Kenneth Walker, United States Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Management, 1305 East West Highway, Room 10166, Silver Spring, MD 20912 or e-mail Kenneth.Walker@noaa.gov no later than September 30, 2010.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-1636. Filed for public inspection September 3, 2010, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Centre County

The Department of General Services (Department) will accept bids for the purchase of 14.77 acres ± of land and buildings containing 200,000 square feet ± formerly known as the Philipsburg State General Hospital located at 210 Loch Lomond Road, Philipsburg, Rush Township, Centre County. Bids are due Monday, December 6, 2010. Interested parties wishing to receive a copy of Solicitation No. 94343 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

ELIZABETH O'REILLY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-1637. Filed for public inspection September 3, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Cambria Care Center  
429 Manor Drive  
Ebensburg, PA 15931

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Foxdale Village  
500 East Marylyn Avenue  
State College, PA 16801  
FAC ID 063202

Wesley Enhanced Living at Stapeley  
6300 Greene Street  
Philadelphia, PA 19144  
FAC ID 455502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a), 205.25(a), 205.28(b), 205.36(f) and 205.67(k).

Masonic Village at Sewickley  
1000 Masonic Drive  
Sewickley, PA 15143

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1638. Filed for public inspection September 3, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Viola E. Benjamin	Benjamin's Pond	Asylum Township Bradford County	20 acre lake which discharges into an UNT to Bennetts Creek and then into the Delaware River	<i>Elodea canadensis</i> <i>Lemna spp.</i> <i>Wolffia spp.</i> <i>Filamentous algae</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-1639. Filed for public inspection September 3, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, August 19, 2010, and announced the following:

#### *Action Taken—Regulations Approved:*

Department of Transportation #18-411: School Bus Drivers (amends 67 Pa. Code Chapter 71)

Department of Transportation #18-410: Physical and Mental Criteria, Including Vision Standards relating to the Licensing of Drivers (amends 67 Pa. Code Chapter 83)

State Board of Social Workers, Marriage/Family Therapists and Professional Counselors #16A-6911: Code of

Ethical Practice and Standards of Professional Conduct (49 Pa. Code Chapters 47, 48 and 49)

Environmental Quality Board #7-451: Water Quality Standards Implementation (amends 25 Pa. Code Chapter 96)

Environmental Quality Board #7-443: National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance (deletes 25 Pa. Code Chapter 92 and replaces it with Chapter 92a)

Environmental Quality Board #7-444: Outdoor Wood-Fired Boilers (amends 25 Pa. Code Chapters 121 and 123)

State Board of Education #6-322: Academic Standards and Assessment (amends 22 Pa. Code Chapter 4)

Department of Agriculture #2-170: Canine Health Board Standards for Commercial Kennels (deletes the Statement of Policy at 7 Pa. Code Chapter 28 and replaces it with a regulation at 7 Pa. Code 28a)

**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Transportation—  
School Bus Drivers;  
Regulation No. 18-411 (#2704)*

On June 18, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 71. The proposed regulation was published in the June 28, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 7, 2010.

This regulation updates and clarifies existing provisions that set forth eligibility requirements for school bus drivers who have diabetes mellitus.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. § 1509) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of Transportation—Physical and  
Mental Criteria, Including Vision Standards  
Relating to the Licensing of Drivers;  
Regulation No. 18-410 (#2705)*

On June 18, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 83. The proposed regulation was published in the June 28, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 7, 2010.

This regulation updates the minimum medical requirements and standards for drivers with diabetes mellitus, including physician reporting requirements and waivers for disqualification of drivers under certain circumstances.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 1517, 1518 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Social Workers, Marriage/Family  
Therapists and Professional Counselors—  
Code of Ethical Practice and Standards of  
Professional Conduct; Regulation No. 16A-6911 (#2701)*

On June 4, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage/Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapters 47, 48 and 49. The proposed regulation was published in the June 14, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 14, 2010.

This regulation sets forth ethics and professional conduct standards for the Board's licensees.

We have determined this regulation is consistent with the statutory authority of the State Board (63 P.S. § 1906(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—  
Water Quality Standards Implementation;  
Regulation No. 7-451 (#2821)*

On February 3, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 96. The proposed regulation was published in the February 13, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 16, 2010.

This regulation provides methods for facilities subject to limits for nitrogen, phosphorus and sediment to meet those limits by working with other facilities and/or nonpoint sources. The regulation also assists with achievement of Chesapeake Bay nutrient reduction goals from the agriculture sector. Finally, it codifies, with revisions, the Department of Environmental Protection's existing guidance on nutrient and sediment credit trading.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 691.5(b), 691.202, 691.307 and 691.402) and the intention of the General Assembly. Having considered all of the other



criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—  
National Pollutant Discharge Elimination System  
(NPDES) Permitting, Monitoring and Compliance;  
Regulation No. 7-443 (#2819)*

On January 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking deletes 25 Pa. Code Chapter 92 and replaces it with Chapter 92a. The proposed regulation was published in the February 13, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 16, 2010.

This final regulation updates the National Pollutant Discharge Elimination Systems permitting program for point source discharges of treated wastewater and stormwater.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 691.5(b)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Environmental Quality Board—  
Outdoor Wood-Fired Boilers;  
Regulation No. 7-444 (#2802)*

On October 6, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121 and 123. The proposed regulation was published in the October 17, 2009 *Pennsylvania Bulletin* with a 79-day public comment period. The final-form regulation was submitted to the Commission on July 16, 2010.

This final-form rulemaking establishes particulate matter emission standards, setback, stack height, and allowable fuel requirements for installed outdoor wood-fired boilers (OWBs). It provides exemptions for existing

OWBs, OWBs shipped and used outside of the Commonwealth, and existing inventory sold or received before June 1, 2010.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4004.2 and 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Education—  
Academic Standards and Assessment;  
Regulation No. 6-322 (#2859)*

On July 16, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 4. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The rulemaking revises academic standards in Reading, Writing, Speaking and Listening and Mathematics, with full implementation of the standards by July 1, 2013.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. §§ 26-2603-B(d), (k) and 26-2606-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
August 19, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; Silvan B. Lutkewitte, III, Dissenting; John F. Mizner, Esq.

*Department of Agriculture—Canine Health  
Board Standards for Commercial Kennels;  
Regulation No. 2-170 (#2785)*

On September 1, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking deletes the Statement of Policy at 7 Pa. Code Chapter 28 and replaces it with a regulation at 7 Pa. Code 28a. The proposed regulation was published in the September 12, 2009 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on July 14, 2010.

This regulation establishes requirements and standards for the ventilation, lighting and flooring of primary enclosures for commercial dog kennels pursuant to the directives of Act 119 of 2008.



We have determined this regulation is consistent with the statutory authority of the Department (3 P. S. § 459-221(g)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-1640. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-108	Pennsylvania Gaming Control Board Principal Licensing Amendments	08/19/10	10/7/10
125-130	Pennsylvania Gaming Control Board General Provisions	08/19/10	10/7/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-1641. Filed for public inspection September 3, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval of Proposed Merger of Harleysville Insurance Company of New York with and into Mainland Insurance Company

Harleysville Insurance Company of New York, a New York domiciled stock property and casualty insurance company, has filed an application for approval to merge with Mainland Insurance Company, a domestic stock casualty insurance company, with Mainland Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this

issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1642. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania; BlueCare Cooperative Plan; Rate Filing

On August 18, 2010, Blue Cross of Northeastern Pennsylvania submitted a rate filing (No. 1611-BLC-COOP-RATE-1/1/11) to increase the premium rates for the Hospital portion of the BlueCare Cooperative Plan by approximately 15.0%. This will affect approximately 5,130 members and produce additional premium income of about \$2 million annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to November 17, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1643. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for BlueCare Major Medical

By filing No. 1573-BLCMR-MM-RATE, Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield are requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Major Medical individual product by 15% effective January 1, 2011. This increase will impact approximately 2,900 monthly projected members and yield approximately \$1,000,000 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1644. Filed for public inspection September 3, 2010, 9:00 a.m.]

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1646. Filed for public inspection September 3, 2010, 9:00 a.m.]

### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Individual BlueCare Security Package A Program to Supplement Medicare**

By filing No. 1589-BCSEC65-A-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Security Package A plan by 15.53% effective January 1, 2011. This increase will impact approximately 176 monthly projected members and yield approximately \$13,200 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1645. Filed for public inspection September 3, 2010, 9:00 a.m.]

### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Individual BlueCare Security Package C Program to Supplement Medicare**

By filing No. 1589-BCSEC65-C-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Security Package C plan by 15.47% effective January 1, 2011. This increase will impact approximately 22,524 monthly projected members and yield approximately \$3,940,860 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1647. Filed for public inspection September 3, 2010, 9:00 a.m.]

### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Individual BlueCare Security Package B Program to Supplement Medicare**

By filing No. 1589-BCSEC65-B-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Security Package B plan by 13.96% effective January 1, 2011. This increase will impact approximately 3,477 monthly projected members and yield approximately \$388,300 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Individual BlueCare Security Package H Program to Supplement Medicare**

By filing No. 1589-BCSEC65-H-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Security Package H without Rx plan by 16.04% effective January 1, 2011. This increase will impact approximately 1,402 monthly projected members and yield approximately \$251,200 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1648. Filed for public inspection September 3, 2010, 9:00 a.m.]

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### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Individual BlueCare Security Package H with Rx Program to Supplement Medicare**

By filing No. 589-BCSEC65-H W/RX-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Security Package H with Rx plan by 6.10% effective January 1, 2011. This increase will impact approximately 418 monthly projected members and yield approximately \$43,330 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1649. Filed for public inspection September 3, 2010, 9:00 a.m.]

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### **Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for the Non-Group Special Care Hospital Program**

By filing No. 1547-SP-CARE-1/1/11, Blue Cross of Northeastern Pennsylvania is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the Non-Group Special Care Hospital Program by 15% effective January 1, 2011. This increase will impact both Tier 1 and Tier 2 contracts and affect approximately 4,650 members. The requested increase will produce approximately \$600,000 in additional annual revenue.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1650. Filed for public inspection September 3, 2010, 9:00 a.m.]

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### **First Priority Life Insurance Company, Inc.; BlueCare PPO—Medically Underwritten—Individual Comprehensive Major Medical; Rate Filing**

On August 18, 2010, First Priority Life Insurance Company, Inc. submitted a rate filing (No. 1590-FP-25-PPO-S-RATE-1/1/11) to increase the premium rates for the Medically Underwritten—Individual Comprehensive Major Medical PPO by 12.3%—13.6%. This will affect approximately 1,610 members and produce additional premium income of about \$500,000 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to November 17, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1651. Filed for public inspection September 3, 2010, 9:00 a.m.]

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### **Geisinger Health Plan HMO; PPACA Reform Changes; Applicability—Group Plans; Rate Filing**

On August 18, 2010, the Insurance Department (Department) received a filing from Geisinger Health Plan HMO requesting approval to adjust its Group Plans HMO Plan rates to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010.

The requested effective date of the change is October 1, 2010.

Unless formal administrative action is taken prior to November 17, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1652. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Highmark, Inc.; Rate Increase Filing for Medicare Supplement Form

By filing No. 1-DPMG(MIDA)-IBC-A-10-HBS-1990, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Issue Age Security 65 Plan (NAIC's 1990 standardized Medigap Plan A) in the Independence Blue Cross service area. The filing requests an overall increase of about 11.0% or \$14.55 PMPM. This will affect about 598 members and produce additional premium income of about \$8,701 per month. The requested effective date of these changes is January 1, 2011.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1653. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Highmark, Inc.; Rate Increase Filing for Medicare Supplement Form

By filing No. 1-DPMG(MIDA)-IBC-B-10-HBS-1990, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Issue Age Security 65 Plan (NAIC's 1990 standardized Medigap Plan B) in the Independence Blue Cross service area. The

filing requests an overall increase of about 11.0% or \$14.55 PMPM. This will affect about 5,070 members and produce additional premium income of about \$73,782 per month. The requested effective date of these changes is January 1, 2011.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1654. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Highmark, Inc.; Rate Increase Filing for Medicare Supplement Form

By filing No. 1-DPMG(MIDA)-IBC-C-10-HBS-1990, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Western Pennsylvania Issue Age Security 65 Plan (NAIC's 1990 standardized Medigap Plan C) in the Independence Blue Cross service area. The filing requests an overall increase of about 11.0% or \$15.95 PMPM. This will affect about 29,262 members and produce additional premium income of about \$466,459 per month. The requested effective date of these changes is January 1, 2011.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1655. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Highmark, Inc.; Rate Increase Filing for Medicare Supplement Form

By filing No. 1-DPMG(MIDA)-IBC-H-10-HBS-1990, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase its premium rates for its Issue Age Security 65 Plan (NAIC's 1990 standardized Medigap



Plan H) in the Independence Blue Cross service area. The filing requests an overall increase of about 11.0% or \$14.55 PMPM. This will affect about 3,123 members and produce additional premium income of about \$45,445 per month. The requested effective date of these changes is January 1, 2011.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1656. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Independence Blue Cross; Rate Increase Filing for the Community Rated Group Hospital Program

By filing No. 11-P-10, Independence Blue Cross is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the Community Rated Group Hospital Program by 9.01% effective January 1, 2011. This increase will impact approximately 340 contracts and yield approximately \$310,000 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1657. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Independence Blue Cross; Rate Increase Filing for the Individual Special Care Hospital Program

By filing No. 10-P-10, Independence Blue Cross is requesting the Insurance Department's (Department) approval to increase the current monthly rates for the Individual Special Care Hospital Program by 9.9% effective January 1, 2011. This increase will impact approxi-

mately 5,100 contracts and yield approximately \$647,000 in additional revenue annually.

Unless formal administrative action is taken prior to November 18, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1658. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Keystone Health Plan East; Conversion HMO; Rate Filing

On August 18, 2010, Keystone Health Plan East submitted a rate filing to increase the premium rates for the HMO Conversion 10%—12%. This will affect approximately 2,385 members and produce additional premium income of about \$1.3 million annually. The requested effective date of the change is October 1, 2010.

Unless formal administrative action is taken prior to November 17, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1659. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims informa-

tion. These reports are required under section 743 of 40 P. S. § 1303.743.

The claims information must be reported to MCARE and to the Department. The following calendar year 2009 claims information is due to MCARE and the Department by October 15, 2010:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2009.
- A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed by county (or disposed) in 2009.
- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2009 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. An e-mail has been sent instructing medical malpractice carriers to submit their 2009 data.

Medical malpractice carriers who have not received a letter should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, bzorkic@state.pa.us. Questions should be directed to Bojan Zorkic.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1660. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Nicole Berry; file no. 10-215-89018; State Farm Fire and Casualty Insurance Company; Doc. No. PH10-07-013; September 27, 2010, 10 a.m.

Appeal of Kenneth and Addie Green; file no. 10-216-86890; State Farm Mutual Automobile Insurance Company; Doc. No. PH10-05-019; September 27, 2010, 11 a.m.

Appeal of Bernice Irby; file no. 10-215-90407; State Farm Fire and Casualty Company; Doc. No. PH10-08-001; September 27, 2010, 1 p.m.

Appeal of Daniel Staerk; file no. 10-214-89585; Nationwide Insurance Company of America; Doc. No. PH10-08-006; September 28, 2010, 11 a.m.

Appeal of Helen D. Stanton; file no. 10-216-85247; Progressive Advanced Insurance Company; Doc. No. PH10-06-016; September 28, 2010, 10 a.m.

Appeal of Danielle Tiemann; file no. 10-215-90065; Mutual Benefit Insurance Company; Doc. No. PH10-08-007; September 27, 2010, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1661. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to

General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Lisa Y. Andrews; file no. 10-216-89612; State Farm Fire and Casualty Insurance Company; Doc. No. PH10-07-026; September 27, 2010, 9 a.m.

Appeal of Gregory Berry; file no. 10-214-87417; The Travelers Home and Marine Insurance Company; Doc. No. PH10-06-020; September 28, 2010, 9 a.m.

Appeal of Rudy Fulton; file no. 10-214-86534; The Charter Oak Fire Insurance Company; Doc. No. PH10-06-011; September 27, 2010, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1662. Filed for public inspection September 3, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Change of Control

**A-2010-2195283. NTELOS, Inc., NTELOS of West Virginia, Inc., One Communications Corp., Conversent Communications, Inc., Mountaineer Telecommunications, LLC, and FiberNet Telecommunications of PA, LLC.** Joint application of NTELOS, Inc., NTELOS of West Virginia, Inc., One Communications Corp., Conversent Communications, Inc., Mountaineer Telecommunications, LLC, and FiberNet Telecommunications of PA, LLC for approval of the acquisition by NTELOS, Inc. of all of the Equity Interests of Mountaineer Telecommunications, LLC resulting in a change of control of FiberNet Telecommunications of Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 20, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* NTELOS, Inc., et al.

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1663. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Change in Corporate Structure

**A-2010-2195269 and A-2010-2195270. CCGI Holdings, LLC, CCGI Holding Corporation, DSLnet Communications, LLC and DIECA Communications, Inc.** Joint application of CCGI Holdings, LLC, CCGI Holding Corporation, DSLnet Communications, LLC and DIECA Communications, Inc. for approval of a *Pro Forma* change in Corporate Structure of DSLnet Communications, LLC and DIECA Communications, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 20, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* DSLnet Communications, LLC, DIECA Communications, Inc.

*Through and By Counsel:* John F. Povilaitis, Esquire, Ryan Russell Ogden & Seltzer, PC, 800 North Third Street, Suite 101, Harrisburg, PA 17102-2025

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1664. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Elimination of a Controlling Interest

**A-2010-2195287. Laurel Pipe Line Company, LP.** Application of Laurel Pipe Line Company, LP for a Certificate of Public Convenience, under section 1102(a)(3) of the public utility code, approving the elimination of a Controlling Interest.

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 September 14, 2010. The documents filed in support of the application are available for



inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Laurel Pipe Line Company, LP

*Through and By Counsel:* David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 17013-2808

and

Michael W. Gang, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA  
*Secretary*

[Pa.B. Doc. No. 10-1665. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Indirect Transfer of Control

**A-2010-2195233; A-2010-2195234; and A-2010-2195235. Kentucky Data Link, Inc., Norlight, Inc. and Norlight Telecommunications, Inc.** Joint application for all approvals under the Pennsylvania Public Utility Commission Code for the indirect transfer of control of Kentucky Data Link, Inc., Norlight, Inc. and Norlight Telecommunications, Inc. to Windstream Corporation.

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 September 20, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Kentucky Data Link, Inc., Norlight, Inc., Norlight Telecommunications, Inc.

*Through and By Counsel:* Norman J. Kennard, Esquire, Regina L. Matz, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

Jean L. Kiddoo, Esquire, Brett P. Ferenchak, Esquire, Bingham McCutchen, LLP, 2020 K Street, NW, Washington, DC 20006

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1666. Filed for public inspection September 3, 2010, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 20, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2010-2194455. Hybrid Planet Chauffeur Services, LLC** (200 James Drive, Havertown, Delaware County, PA 19083), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of Montgomery, Bucks, Delaware and Chester, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, Gallagher, Malloy & Georges, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-9104.

**A-2010-2194537. DNA Ambulance, Inc.** (8351 Hegerman Street, Philadelphia, PA 19136)—a corporation of the Commonwealth—paratransit service from points in the City and County of Philadelphia, to points in Pennsylvania, and return: *So As To Permit* the transportation of persons in paratransit service, from points in the Counties of Bucks, Montgomery, Delaware and Chester, to points in Pennsylvania, and return. *Attorney:* David Temple, 1760 Market, Suite 1100, Philadelphia, PA 19103.

**A-2010-2195128. Pervaiz Khokhar** (19 Cameron Court, Exton, Chester County, PA 19341)—persons, in limousine service, from points in the County of Chester, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2010-2194629. Regency Transportation Group, LTD.** (1411 Beaver Avenue, Pittsburgh, Allegheny County, PA 15233), a limited liability company of the Commonwealth—brokerage license—for the transportation of persons between points in Pennsylvania. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219.

**Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.**

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2010-2194997. Ralph Nelson Waltman** (900 Debbie Drive, Lancaster, Lancaster County, PA 17601)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning and operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return. *Attorney:* J. Michael Saladik, Herr & Low, P.C., 234 North Duke Street, P. O. Box 1533, Lancaster, PA 17608-1533.



*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Zahrah, Inc.;*  
*Doc. No. C-2010-2133715, A-00119211*

NOTICECOMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Zahrah, Inc., Respondent, maintains a principal place of business at 2423 East Allegheny Avenue, Philadelphia, PA 19134.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 9, 2002, at A-00119211.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The penalty is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Zahrah, Inc., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 10-1667. Filed for public inspection September 3, 2010, 9:00 a.m.]

**2011 Schedule of Filing Dates for Recovery of  
Purchased Gas Costs; Doc. No. L-840102**

Regulations promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2011 schedule of filing dates is as follows:

February 1, 2011: National Fuel Gas Distribution Corporation—PA Division; T.W. Phillips Gas and Oil Company

March 1, 2011: Philadelphia Gas Works

April 1, 2011: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2011: UGI Penn Natural Gas, Inc.; PECO—Gas Division; UGI Central Penn; UGI Utilities, Inc.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1668. Filed for public inspection September 3, 2010, 9:00 a.m.]

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