

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 26, 2009.

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

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-26-2009	NOVA Bank, Berwyn, and Pennsylvania Business Bank, Berwyn Surviving Institution: NOVA Bank, Berwyn	Berwyn	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-26-2009	AmeriServ Financial Bank Johnstown Cambria County	1857 North Atherton Street State College Centre County	Filed
5-26-2009	Manor Bank Manor Westmoreland County	799 SR 130 Penn Township Westmoreland County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-16-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	8400 Bustleton Avenue Suite 100 Philadelphia Philadelphia County	Closed
5-16-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	12377 Academy Road Philadelphia Philadelphia County	Closed
5-16-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	414 Cooper Street Beverly Burlington County, NJ	Closed
5-16-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1 Rose Street and Beverly Rancocas Road Willingboro Burlington County, NJ	Closed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,  
*Secretary*

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# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### 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

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PA0246760 (IW)	Franklin County General Authority—Cumberland Valley Business Park 5540 Coffey Avenue Chambersburg, PA 17201	Franklin County Greene Township	Dry Swale to Conococheague Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0110680 IW	Wood-Mode, Inc. One Second Street Kreamer, PA 17833	Snyder County Middlecreek Township	Middle Creek 6A	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>
PA0222984	Spartansburg Borough STP Grade Road Spartansburg, PA 16434	Spartansburg Borough Crawford County	East Branch Oil Creek 16-E	Y

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

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

**PA0013463, Amendment No. 1**, Industrial Waste, SIC 3312, **U.S. Steel Corporation**, One Ben Fairless Drive, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: Permit amendment to reflect DRBC Docket D-78-68-2 Provisions.

The receiving stream, Delaware River, is in the State Water Plan Watershed 2E and is classified for: WWF and MF. The nearest downstream public water supply intake for Baxter Water Treatment Plant is located on the Delaware River and is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 002 are as follows:

<i>Parameters</i>	<i>Concentrations (mg/l)</i>	
	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature		110° F
Oil and Grease	15 (Average Monthly)	30
pH	Within limits of 6.0 to 9.0 Standard Units at all times	
CBOD <sub>5</sub> *	Monitor and Report	
COD*	Monitor and Report	
Oil and Grease	Monitor and Report	
Total Suspended Solids*	Monitor and Report	
Total Suspended Solids*	Monitor and Report	
Total Lead*	Monitor and Report	
Total Chromium*	Monitor and Report	
Total Copper*	Monitor and Report	
Total Cadmium*	Monitor and Report	
Iron (Dissolved)*	Monitor and Report	
PCBs, Total	Monitor and Report	

\* These parameters shall be monitored during storm event while no NCCW discharges.

The proposed effluent limits for Outfall 003, consist of treated process wastewater, cooling wastewater and treated sewage are as follows:

Tidal conditions at Outfall 003 make monitoring impossible. Therefore, contributions to Outfall 003 are monitored at monitoring points as follows:

<i>Monitoring Point</i>	<i>Description of Wastewater</i>
MP 103	Treated Process Wastewater from Terminal Treatment Plant
MP 203	Treated Sewage Wastewater
MP 303	SWRO
MP 404	Treated Process Wastewater from Finishing Mill Treatment Plant

The proposed effluent limits for Monitoring Point MP 103, treated process wastewater from Terminal Treatment Plant, based on an average flow of 3.75 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub> (Influent)			Monitor and Report	Monitor and Report	
(Effluent)			Monitor and Report	Monitor and Report	
Total Suspended Solids	463	1,063	Monitor and Report	Monitor and Report	37.5
Total Dissolved Solids			1,100	2,200	2,750
Oil and Grease	240	440	Monitor and Report	Monitor and Report	19.2
CBOD <sub>20</sub>	750				
BOD <sub>5</sub> (% Removal)	88.5				
Phenols, Total	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
pH		Within limits of 6.0 to 9.0 Standard Units at all times			
Color (Pt-Co)			100		Monitor and Report
Total Residual Chlorine*			0.31		0.5
Temperature (° F)					110°
Chromium, Total	4.79	6.22	Monitor and Report	Monitor and Report	0.37
Zinc, Total	21.83	24.77	Monitor and Report	Monitor and Report	1.75
Ammonia Nitrogen			35		70
Toxicity (Chronic) TUc			Monitor and Report		
Toxicity (Acute) TUa			Monitor and Report		
PCBs, Total				Monitor and Report	

\* This limit is applicable only when chlorine is used in the process for algae control.

The proposed effluent limits for monitoring point MP 203 (treated sewage), based on an average flow of 0.163 mgd, are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	25	50
BOD <sub>5</sub> (% Removal)	Minimum of 88.5% per DRBC Requirements	
Suspended Solids	30	60
CBOD <sub>20</sub> (lbs/day)	67	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a Geometric Average	
pH	Within limits of 6.0 to 9.0 Standards Units at all times	
Phosphorus as P		Monitor and Report (Daily Maximum)
Copper, Total		Monitor and Report (Daily Maximum)
Lead, Total		Monitor and Report (Daily Maximum)
Zinc, Total		Monitor and Report (Daily Maximum)
Ammonia Nitrogen	35	70
Color (Pt-Co Units)	100	
Toxicity (Chronic) TUc	Monitor and Report	
Toxicity (Acute) TUa	Monitor and Report	
PCBs, Total	Monitor and Report	
Total Dissolved Solids	Monitor and Report	

The proposed effluent limits for monitoring point MP 303 during storm events are as follows:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>		Monitor and Report
Oil and Grease		Monitor and Report
pH		Monitor and Report
Fecal Coliform		Monitor and Report
Iron (Dissolved)*		Monitor and Report

The proposed effluent limits for monitoring point MP 403, treated process wastewater from Finishing Mill Treatment Plant, based on an average flow of 0.856 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Lead, Total	1.49	4.49	Monitor and Report	Monitor and Report	0.52
Zinc, Total	1.47	4.41	Monitor and Report	Monitor and Report	0.52
Chromium, Total	Monitor and Report	Monitor and Report	0.1	0.3	0.3
Nickel, Total	Monitor and Report	Monitor and Report	0.2	0.45	0.5
Naphthalene		0.071	Monitor and Report	Monitor and Report	0.012
Chromium, Hex	0.095	0.284	Monitor and Report	Monitor and Report	0.035
Copper, Total	Monitor and Report	Monitor and Report	0.1	0.3	0.3
Tetra Chloroethylene		0.107		Monitor and Report	0.018

The proposed effluent limits for Outfalls 005, 007 and 009 (stormwater) are as follows:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>		Monitor and Report
Total Suspended Solids		Monitor and Report
Oil and Grease		Monitor and Report
pH		Monitor and Report
Iron (Dissolved) (005 and 009 only)		Monitor and Report
Total Zinc (007 only)		Monitor and Report

The proposed effluent limits for Outfalls 010 and 011 (Intake Screen backwash water) are as follows:

The materials (solids and other debris) physically or mechanically removed by USS in backwash operation shall not be returned to surface waters. The disposal of this material shall prevent any discharge of removed substances to the surface waters.

In addition to the effluent limits, the permit contains the following major special conditions:

1. The EPA Waiver is not in effect.
2. CBOD<sub>20</sub> Allowances.
3. 88.5% Reduction of BOD<sub>5</sub> per DRBC Requirements.
4. Thermal Requirements.
5. Approved Chemical Additives.
6. Special Test Methods for Certain Pollutants.
7. PCBs Monitoring and PMPs Requirements.

**PA0040991**, Industrial Waste, SIC 5171, **ConocoPhillips Company**, P. O. Box 1839, Pasadena, TX 77501-1839. This facility is located in the City of Philadelphia, **Philadelphia County**.

The application is for renewal of an NPDES permit to discharge stormwater runoff from ConocoPhillips—Philadelphia Terminal located at 4120 G Street, Philadelphia, PA. This is an existing discharge to Frankford Creek. At the point of discharge, stream is in the State Water Plan Watershed 3J and is classified for WWF.

The proposed effluent limits for Outfall 002, based on an average storm event, are as follows:

<i>Parameter</i>	<i>Effluent Concentration Limitations (mg/l)</i>		
	<i>Average Month</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons	15		30

The proposed effluent limits for Outfalls 002, during Hydrostatic test water discharges, are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (gpm)	Monitor and Report
Duration (Hours)	Monitor and Report
Dissolved Oxygen	Minimum of 5.0 mg/l
Total Suspended Solids	60
Oil and Grease	30
Iron	7.0
Benzene*	0.0025
Total BETX*	0.25
Ethylbenzene*	Monitor and Report
Toluene*	Monitor and Report
Xylene (Total)*	Monitor and Report
Total Residual Chlorine**	0.5 mg/l
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times

\* Not applicable to new pipelines and/or tanks.

\*\* Applicable only if chlorinated water is used as the source of test water.

The EPA waiver is in effect.

Other Requirements:

1. Product Contaminated Stormwater Runoff.
2. PPC Plan Requirements.
3. Hydrostatic Test Water Discharge Requirements.
4. Other Wastewater Discharge Associated with the Facility.

**PA0042617**, Industrial Waste, SIC 3317, **Accellent, Inc.**, 200 West Seventh Avenue, Trappe, PA 19426-0992. This existing facility is located in Trappe Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge contaminated groundwater following treatment through an air stripper system (Outfall 002), noncontact cooling water on an emergency basis (Outfall 001), and stormwater (Outfall 003) to a UNT to Perkiomen Creek.

The receiving stream, a UNT to Perkiomen Creek, is in the State Water Plan Watershed 3E and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua, Inc., is located on Perkiomen Creek and is approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.144 mgd. Discharge occurs only in emergency situations (for example, power failure).

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature					110° F
pH (Standard Units)			6.0, minimum		9.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.112 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene			0.005	0.01	0.013
1,1,1-Trichloroethane			0.2	0.4	0.5
1,4-Dioxane			Monitor	Monitor	Monitor
Chromium, Hexavalent			0.009	0.018	0.023

The proposed effluent limits for Outfall 003 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				Monitor	
COD				Monitor	
Oil and Grease				Monitor	
pH (Standard Units)				Monitor	
Total Suspended Solids				Monitor	
Total Kjeldahl Nitrogen				Monitor	
Total Phosphorus				Monitor	
Total Iron				Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures if Public Nuisance.
2. Dry Stream Discharge.
3. BAT/ELG Reopener.
4. Maximum 2° F Temperature Change.
5. No Chemical Addition Without Approval.
6. Approved Test Method.
7. Change in Ownership.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. Air Stripper Wastewater.
11. Stormwater Requirements.
12. Hexavalent Chromium Removal.
13. Groundwater Monitoring Summary Reports.
14. Chemical Additive Approval.

**PA0050911**, Sewage Waste, SIC Code 4952, **Upper Perkiomen School District**, 2229 East Buck Road, Suite 2, Pennsburg, PA 18073. This proposed facility is located in Marlborough Township, **Montgomery County**. The permittee request renewal of an NPDES permit to discharge treated sewage from Marlborough Elementary School sewage treatment plant located at 1450 Gravel Pike, Green Lane, PA. This is an existing discharge to Green Lane Reservoir at RM Index 21.31 (Perkiomen Creek).

The receiving stream, Green Lake (Perkiomen Creek), is in the State Water Plan Watershed 3E and is classified for: TSF. The nearest downstream public water supply intake for Aqua Pennsylvania, Pickering Creek water treatment plant is on Perkiomen Creek and is 20.33 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00425 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			25	40	50
Total Suspended Solids			30	45	60
NH <sub>3</sub> -N			4.0		8.0
Phosphorus as P			0.5		1.0
Fecal Coliform (#/100 ml)			200		1,000*
Dissolved Oxygen			Minimum of 4.0 mg/l at all the times.		
pH (Standard Units)			Within Limits of 6.0 to 9.0 Standard Units at all times.		

\* Shall not exceed in more than 10% of samples.

The EPA waiver is in effect.

In addition to the effluent limits, the permit contains the following major special conditions:

1. Abandon STP.
2. Remedial Measures.
3. No Stormwater.
4. Proper Sludge Disposal.
5. TMDL Limits.
6. Laboratory Certifications.

**PA0036897**, Sewage, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320. This existing facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Activity: This application requests renewal of the NPDES permit for an existing discharge of treated sewage from the South Coatesville sewage treatment plant.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.381 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	79	127	25	40	50
Total Suspended Solids	95	143	30	45	60
Ammonia as N					
(5-1 to 10-30)	22		7.0		14
(11-1 to 4-30)	67		21		42
Total Phosphorus	6.4		2.0		4.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			2.0 (minimum)		
pH (Standard Units)			6.0 (minimum)		9.0
Total Residual Chlorine			0.5		1.2

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Total Residual Chlorine Requirement.
7. Sludge Disposal Requirement.
8. I-Max Requirements.
9. Laboratory Certification.
10. Certified Operator.
11. Fecal Coliform I-Max Reporting.
12. Fecal Coliform 10% Rule.

**PA0020575**, Sewage, SIC 4952, **Rose Valley Borough**, P. O. Box 198, Old Mill Lane, Rose Valley, PA 19065. This proposed facility is located in Rose Valley Borough, **Delaware County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge treated sewage from Rose Valley Borough STP.

The receiving stream, Ridley Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation. There is no downstream public water supply intake below the point of discharge.

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

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia as N	Monitor and Report		Monitor and Report
Phosphorus, Total	Monitor and Report		Monitor and Report



<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200/100 ml		1,000/100 ml
Dissolved Oxygen			2.0 (Instantaneous Minimum)
Total Residual Chlorine	0.5		1.6
pH	6.0 to 9.0 Standard Units at all the times		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Operator Notification.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. Operator Education Requirement.
11. Laboratory Certification.
12. Fecal Coliform Reporting.

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

**Application No. PA 0247120, CAFO, Marietta Farm, 29 Engle Road, Marietta, PA 17547.**

Shady Brae Farms, Inc. has submitted an NPDES permit application for the Marietta Farm, a poultry layer operation located in Conoy Township, **Lancaster County**. The CAFO is situated near a UNT to the Susquehanna River (Watershed 7-G), which is classified as a WWF. The CAFO has a target animal population of approximately 1,807 animal equivalent units consisting of 540,000 laying hens. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA 0261289, Sewage, Garren Wilkins, 10538 Hyndman Road, Manns Choice, PA 15537. This facility is located in Harrison Township, Bedford County.**

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, UNT Buffalo Run, is in Watershed 11-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Bedford Borough Water Authority is located on the Raystown Branch Juniata, approximately 7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

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

**PA0027928**, Industrial Waste, SIC 5171, **Gulf Oil Limited Partnership**, 400 Grand Avenue, Pittsburgh, PA 15225. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated hydrostatic test water from the Neville Island Terminal in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River (Back Channel), which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply is the Robinson Township Authority.

*Outfall 001*: existing discharge, design flow of variable\* mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report		Monitor and Report		
Total Recoverable Hydrocarbons			Monitor and Report		
Suspended Solids			30		60
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 Standard Units				

\* Flow is dependent on rain event.

*Other Conditions*: Applicable petroleum marketing terminal standard conditions.  
Applicable hydrostatic testing standard condition.

The EPA waiver is in effect.

**PA0205729**, Sewage, **John W. and Lynne M. Lindley**, 208 Rural Valley Road, Claysville, PA 15323 and **Barry J. Goff**, 206 Rural Valley Road, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Lindley/Goff Small Flow Treatment Facility in Blaine Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Wolf Run, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility are not present in Pennsylvania.

*Outfall 001*: existing discharge, design flow of 0.0008 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine 1st month—36th month	Monitor and Report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 9.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

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

**WQM Permit No. 2809403**, Sewerage, **Kevin and Katrina Holford**, 467 East King Street, Shippensburg, PA 17257. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence at Newburg Road, Shippensburg, PA 17240.

**WQM Permit No. 2809404**, Sewerage, **Antrim Township Municipal Authority, Antrim Township Municipal Building**, 10655 Antrim Church Road, Greencastle, PA 17225. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a new 90,000 gallons Sludge Tank, upgrade the existing Sludge Digestion Tank, new Blowers and installation of a new Solar Sludge Drier System at the wastewater treatment plant.

**WQM Permit No. 6709401**, Sewerage, **Southwestern School District, Manheim Elementary School**, 225 Bowman Road, Hanover, PA 17331-4297. This proposed facility is located in Manheim Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation for wastewater treatment and disposal facility from the Manheim Elementary School with subsurface disposal.

**WQM Permit No. 3683415, Amendment 09-2**, Sewerage, **City of Lancaster**, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608-1599. This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for upgrades to the North Sewage Pumping Station CSO Storage Basin.

**WQM Permit No. 3683415, Amendment 09-1**, Sewerage, **City of Lancaster**, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608-1599. This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the addition of two bar screens at the north train and grit removal units at both the north and south trains.

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

**WQM Permit No. 3009201**, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in Center Township, **Greene County**.

Description of Proposed Action/Activity: Application for the construction and operation of a reverse osmosis treatment facility.

**WQM Permit No. 5609404**, Sewerage, **Rodney C. Marvin**, 146 Lee Street, Hyndman, PA 15545. This proposed facility is located in Southhampton Township, **Somerset County**.

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

**WQM Permit No. 1109402**, Sewerage, **Charles Hensel**, 115 Hamel Lane, Johnstown, PA 15909. This proposed facility is located in Upper Yoder Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant to serve two existing homes.

**WQM Permit No. WQG026125**, Sewerage, **Marshall Township Municipal Sanitary Authority**, P. O. Box 2063, Warrendale, PA 15086. This proposed facility is located in Vandergrift Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station and sanitary sewer line.

**WQM Permit No. WQG026126**, Sewerage, **Borough of Arona**, P. O. Box 182, Arona, PA 15617. This proposed facility is located in Arona Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer collection system.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

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

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

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

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808019	Zion Wesleyan Church of Point Philip Attn: Ted Leininger 2459 Scenic Drive Bath, PA 18014	Northampton	Moore Township	Bushkill Creek HQ-CWF

*Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905033(1)	City of Allentown Attn: Greg Weitzel 3000 Parkway Boulevard Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek HQ-CWF
PAI023908003	Kings Real Estate Dev. Management Co. Attn: Carmen Tessitore 315 South Cedar Crest Boulevard Suite 300 Allentown, PA 18103	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409005	Ronald J. Woodhead Centre Regional Recreation Authority 2643 Gateway Drive State College, PA 16801	Centre	State College Borough	Thompson Run HQ-CWF

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

*Jefferson County Conservation District: 1514 Route 28, Brookville, PA 15825, (814) 849-7463.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063309001	North Fork Creek Water Treatment Plant Brookville Municipal Authority 18 Western Avenue Suite A Brookville, PA 15825	Jefferson	Brookville Borough Rose Township	North Fork Creek HQ-CWF

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

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

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#### CAFO Notices of Intent Received

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

**Watershed Management Program, PAG122206, Koch's Turkey Farm, 416 Valley Road, Tamaqua, PA 18252.**

This facility is located in Walker Township, **Schuylkill County**. Koch's Turkey Farm operates two separate farms (Home Farm and Zehner Farm) as one facility. The Home Farm is located on Valley Road. The Zehner Farm is located approximately 4.7 miles to the east at the intersection of Route 443 and Wildcat Road. The Home Farm houses approximately 83,268 hens (580.56 Animal Equivalent Units (AEU's)), 36,644 toms (440.62 AEU's) and five horses (1,961.56 AEU's). The Zehner Farm houses approximately 64,097 hens (398.98 AEU's) and 43,392 toms (536.40 AEU's). All of the acreage surrounding the Home Farm has been reserved for the land application of process water from the turkey processing plant. 55.4 acres of crop ground at the Zehner Farm and 5.4 acres of pasture at the Home Farm have been included in the NOI. Corn, soybeans and grass hay are grown in rotation. The facility generates approximately 5,800 tons of manure which is exported offsite. Koch's Turkey Farm is located near Cold Run and Beaver Creek in the Upper Schuylkill River Watershed.

Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**Watershed Management Program, PAG122205, Hegins Valley Layer Complex, 824 Church Road, Hegins, PA 17964.**

This operation uses 23 acres of a 187 acre farm, located in Hubley Township, **Schuylkill County**. The number of layers consists of 798,965 units at 3.48 pounds each for a total of 2,780 Animal Equivalent Units (AEUs). There are birds housed in eight layer houses. The operation generates approximately 10,425 tons of manure annually. No manure generated is land applied to the farming portion of the operation by the permittee. The Hegins Valley Layer Complex is located near Pine Creek, a designated CWF, and tributary to the Schuylkill River.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

**STATE CONSERVATION COMMISSION**

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 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.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—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>
M & M Farms Monte and Mary Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260	Huntingdon	221.9	615.8	Swine	NA	Renewal

<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>
105 Hoover Lane Loysville, PA 17047						

**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**

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

**Permit Application No. 3909505**, Public Water Supply.

Applicant	<b>Salisbury Township</b> 2900 South Pike Avenue Allentown, PA 18103 Salisbury Township
Responsible Official	<b>Lehigh County</b> Randy Soriano Salisbury Township 2900 South Pike Avenue Allentown, PA 18103
Type of Facility	Public Water Supply

<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>

Consulting Engineer David J. Tetteimer, P. E.  
Keystone Consulting Engineers, Inc.  
6235 Hamilton Boulevard  
Wescosville, PA 18106

Application Received Date May 11, 2009

Description of Action Applicant proposes upgrading the existing water service booster pumps from 400 gpm to 640 gpm at their existing Flexer Avenue Booser Pump Station.

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

**Application No. 0809503—Construction**, Public Water Supply.

Applicant **Ulster Municipal Authority**  
Township or Borough Ulster Township  
County **Bradford**  
Responsible Official Franklin Walker, President  
Ulster Municipal Authority  
P. O. Box 157  
Ulster, PA 18850

Type of Facility Public Water Supply—Construction

Consulting Engineer Mark V. Glenn, P. E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Application Received May 26, 2009

Description of Action Construction of water treatment facility and appurtenances.

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

**Application No. 3709502**, Public Water Supply.

Applicant **PA American Water New Castle**  
Township or Borough Neshannock Township  
New Castle Borough  
**Lawrence County**  
Responsible Official William H. Lage, P. E.  
Consulting Engineer Molly Page, P. E.  
AECOM  
1375 East 9th Street  
Suite 2801  
Cleveland, OH 44114

Application Received Date May 13, 2009

Description of Action	Adding filter-to-water (FTW) capability to avoid initial filtered water turbidity excursions during early stages of a filtration cycle.
<b>Application No. 3309501, Public Water Supply.</b>	
Applicant	<b>Brookville Municipal Authority</b>
Township or Borough	Brookville Borough Rose Township <b>Jefferson County</b>
Responsible Official	Terrance J. O'Neill Water/Wastewater Commissioner
Consulting Engineer	Mark V. Glenn, P. E. President Gwinn, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602-4475
Application Received Date	May 15, 2009
Description of Action	Proposed construction of a new physical/chemical water treatment facility utilizing microfiltration membrane technology.

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA 07-1032, Water Allocations. Bellmeade Civic Association, Blair County.** The applicant is requesting the right to purchase a maximum of 50,000 gpd from an interconnection to be constructed in Antis Township, Blair County, Consulting Engineer: Mark Glenn, Gwin, Dobson & Forman, Inc. Date Application Received April 10, 2009.

**WA 01-4D, Water Allocations. New Oxford Municipal Authority, Adams County.** The applicant is requesting the right to withdraw a maximum of 1.8 mgd from an existing intake in South Branch West Conewago Creek, Consulting Engineer: Peter Lusardi, CET Engineering Services, Inc. Date Application Received November 3, 2008.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to

use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Cooper Residence, City of Philadelphia, Philadelphia County.** Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, P. O. Box 11, Concordville, PA 19331 on behalf of Robin Cooper, 2456 78th Avenue, Philadelphia, PA 19150 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Tribune* on May 5, 2009.

**Sirovica Residence, Doylestown Township, Bucks County.** Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Cathy Krawczyk, Merchants Insurance Company, 250 Main Street, Buffalo, NY 14202 on behalf of Elias Evans, 314 Willow Brooks Road, Horsham, PA 19044 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted

with the release of No. 2 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on May 3, 2009.

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

**Degirmenci Residence**, 1619 1/2 West Allen Street, Allentown, **Lehigh County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his client, Levent Degirmenci, 1619 1/2 West Allen Street, Allentown, PA 18102), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a corroded burst seam on an aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the site will remain Residential. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on April 30, 2009. A Final Report was simultaneously submitted.

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

**Handelman Residence**, Lower Paxton Township, **Dauphin County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Jared Handelman, 5340 Windsor Road, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil. The site will be remediated to the Residential Statewide Health Standard, and the future use of the property will be Residential.

**Pawelski Residence**, Alsace Township, **Berks County**. Herrygers Environmental Services, LLC, 214 Beltrees Drive, Lexington, SC 29072, on behalf of Frank Pawelski, 109 Skyline Drive, Reading, PA 19606, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 heating oil. The site will be remediated to the Residential Statewide Health Standard, and the future use of the property will be Residential.

**ArcelorMittal Steelton Facility—Area 8 Landfill**, Swatara Township, **Dauphin County**. ARM Group, 1129 West Governor Road, P. O. Box 797, Hershey, PA, on behalf of ArcelorMittal Steelton, LLC, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals. The site will be remediated to meet a combination of the Site-Specific and Nonresidential Statewide Health Standards, and will continue to be a closed landfill.

**Reinert Residence**, Londonderry Township, **Dauphin County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Lancaster, PA 17602, on behalf of Mr. and Mrs. Paul Reinert, 2248 Schoolhouse Road, Middletown, PA 17057, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Applications received, under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate or for the closure and post-closure care of a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. PAD980552848, Newell Rubbermaid**, 2707 Butterfield Road, Oakbrook, IL 60523-1267. Application for a renewal of a hazardous waste remedial action plan approval for the Palmieri site in Center Township, **Beaver County** was received in the Regional Office on May 21, 2009.

## **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 the 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 a 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

**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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**23-00030: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) for installation and modification of an Alkylation unit and associated equipment at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This installation and modification will result in minor emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0209: Univar USA Inc.**, (4 Steel Road East, Morrisville, PA 19067) a Plan Approval application for an existing liquid organic chemical transfer and repackaging facility consisting of storage tanks along with bulk loading stations, rail unloading stations and drum loading stations in Morrisville, **Bucks County**. Univar USA would be a Natural Minor facility. Univar will not exceed the VOC and HAP thresholds. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

**54-310-046: HMMK, LLC—d/b/a Foster Materials** (6100 Easton Road, Pipersville, PA 18947) for modification and operation of a stone crushing plant at their facility in Foster Township, **Schuylkill County**. The company will modify the existing stone crushing plant by replacing one existing tertiary crusher (HIS) with a VSI tertiary crusher controlled by a baghouse and addition of a product screen. The company will continue use the wet suppression system to control the particulate emissions from the operations. Expected total particulate from the baghouse will be less than 0.014 gr/dscf. The use of baghouse for VSI tertiary crusher and water sprays for other plan equipment to the extent that the operation will have no fugitive emissions would constitute the BAT for this type of sources. NSPS Subpart (OOO) is applicable to this plant equipment and the company will comply with the requirements. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**35-322-010: Alliance Sanitary Landfill, Inc.** (398 South Keyser Avenue, Taylor, PA 18517) for installation and operation of one 6,000-scfm capacity enclosed flare, one 3,300-scfm capacity enclosed flare and one 500-scfm capacity open flare to provide redundant capacity for the combustion of landfill gas at their site in Taylor and Old Forge Boroughs and Ransom Township, **Lackawanna County**. The proposed flare systems will provide suffi-

cient combustion capacity and backup flare capacity to destroy all of the landfill gas generated over the life of the landfill. The installation of the flares are intended to provide sufficient capacity for combustion of landfill gas from the existing Area I and Area II sites of landfill. This action does not represent any additional waste being introduced into the landfill, or an expansion of the landfill, merely the installation of control devices. No additional gas is being generated since the gas generation is based on the size and volume of the landfill. The company has proposed no other changes. Alliance Sanitary Landfill is a major facility subject to Title V permitting requirements and is located. The VOC emissions from the landfill will be controlled by enclosed landfill gas flares and will continue to be less than 50 tpy. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**36-05148A: Country Value Woodworks, LLC** (2302 Beaver Valley Pike, New Providence, PA 17560) for operation of a wood furniture finishing operation in Providence Township, **Lancaster County**. This facility has a potential to emit 57 tpy of VOC's without limits. Country Value Woodworks is limiting its emissions to below 25 tpy of VOC's. Actual emissions are expected to be 13 tpy of VOC's. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

## OPERATING PERMITS

**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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00016: PQ, Corp.** (1201 West Front Street, Chester, PA 19013) for renewal of a Title V Operating Permit in the City of Chester, **Delaware County**. The initial permit was issued July 6, 2000. PQ operates a glass manufacturing process. Under this permit renewal, Source IDs 036 and 104 are being removed and Source ID 037, which was installed under General Plan Approval/General Permit No. 23-302-141GP, is being incorporated into the Title V Operating Permit. Individual limits apply to the various sources at the facility. None of these limits will be changed. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) for operation of an electric generating station in Falls Township, **Bucks County**. The permit is being reopened and reissued for cause in accordance with 25 Pa. Code § 127.542(a)(3). The Department of Environmental Protection (Department) has determined that a mistake was made to condition No. 005, Section C of Title V operating permit 09-00124. The exception to the visible emissions limitations stated in the condition is not applicable for periods of startup, shutdown and malfunction under this Commonwealth's law.

The Department will remove this exemption language from the condition and reissue the Title V operating permit. This change shall affect only parts of the permit for which cause to revise exists.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00213: Cremation Society of Pennsylvania** (371 East Church Road, King of Prussia, PA 19406) for operation of a human crematorium in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The main source of air emissions is one human crematorium, rated at 1.9 mmBtu/hr. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**01-05021: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307) to operate their Gardners fruit processing facility in Tyrone Township, **Adams County**. This is a renewal of the State-only operating permit issued in 2003.

**01-05022: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307) to operate their Orrtanna fruit processing facility in Hamiltonban Township, **Adams County**. This is a renewal of the State-only operating permit issued in 2003.

**06-03025: Reading Plating & Polishing Works, Inc.** (1833 Cotton Street, Reading, PA 19606-1712) for operation of their existing decorative chrome plating facility in the City of Reading, **Berks County**. The facility wide (State-only) operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**25-00917: Performance Castings, Inc.** (242 East 16th Street, Erie, PA 16503) for a re-issuance Natural Minor Permit to operate gray and ductile iron foundries in City of Erie, **Erie County**. The significant emitting sources are electric induction furnace, inoculation, charge handling, pouring casting, casting cooling, casting shakeout, grinding and shot blasting, core ovens, shell core machines and binders-sand muller operation. The facility is subject to 40 CFR 63 Subpart ZZZZ—National Emission Standards for HAPs for Iron and Steel Foundries Area Sources. The facility is natural minor because the emissions are less than Title V emission threshold limits.

**42-00215: Kane Area School District—Kane Area High School** (400 West Hemlock Avenue, Kane, PA 16735-1644) to issue a Natural Minor Operating Permit for this educational facility in Wetmore Township, **McKean County**. The facility's primary emissions are from a Wood Fired Boiler and four Natural Gas Fired Boilers used to provide comfort heat and hot water to the school.

**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.

Where 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.

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

**56880103, NPDES No. PA0598143 and General Permit GP-12-56880103**, Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, revision of an existing bituminous surface to obtain coverage for coal processing under air quality general permit GP-12 in Summit Township, **Somerset County**, affecting 64.5 acres. Receiving streams: two UNTs to Bigby Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 6, 2009.

**5690108 and NPDES No. PA0262803. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 185.0 acres. Receiving streams: UNTs to/and Dark Shade Creek classified for the following use:

CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 13, 2009.

**56940101 and NPDES No. PA0212768. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 205.9 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 15, 2009.

**11020202 and NPDES No. PA0249254. Ebensburg Power Company**, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, permit renewal for the continued operation and restoration of a bituminous surface mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 41.4 acres. Receiving streams: tributary to south branch Blacklick Creek to Blacklick Creek to Two Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 14, 2009.

**32030105 and NPDES No. PA0249131. P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 54.0 acres. Receiving stream:

Little Mahoning Creek Watershed classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 11, 2009.

**32880108 and NPDES No. PA0598313. M. B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 133.2 acres. Receiving streams: UNT to Brushcreek and UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 15, 2009.

**07890101 and NPDES No. PA0598381. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Logan Township, **Blair County**, affecting 112.0 acres. Receiving streams: UNTs to Kittanning Run and UNTs to Little Laurel Run classified for the following use: CWF. The first downstream potable water

supply intake from the point of discharge is Altoona City Blair County Authority Burgoon Run Glenwhite SWI. Application received May 19, 2009.

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

**03860101 and NPDES Permit No. PA0591211. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application for reclamation only to an existing bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 170.6 acres. Receiving stream: North Fork of Pine Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 20, 2009.

*Noncoal Applications Received*

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

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

**54090301. Pottsville Materials, LLC**, (P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in New Castle Township, **Schuylkill County** affecting 179.0 acres, receiving stream: Mill Creek and East Branch Schuylkill River by means of Wadesville Pit, classified for the following use: CWF. Application received May 15, 2009.

**52090301 and NPDES Permit No. PA0224791. Dingman's Ferry Stone, Inc.**, (P. O. Box 686, Dingman's Ferry, PA 18328), commencement, operation and restoration of a quarry operation in Delaware Township, **Pike County** affecting 68.6 acres, receiving stream: Hornsbeck Creek, classified for the following use: HQ-CWF. Application received May 21, 2009.

## 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 Flood Plain 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, (570) 826-2511.*

**E54-339. Borough of Tamaqua**, 320 East Broad Street, Tamaqua, PA 18252, in Borough of Tamaqua, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an at-grade 6-foot wide asphalt walkway with a railing for a length of approximately 800 feet in the floodway of the Little Schuylkill River (CWF). The project is located approximately 0.10 mile northeast of the intersection of Cedar Street and State Highway 309 (Tamaqua, PA Quadrangle Latitude: 40° 47' 48"; Longitude: 75° 58' 0").

**E45-543. Farda Realty Associates, LP**, P. O. Box 130, Tannersville, PA 18372, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structures in and along tributaries to Pocono Creek (HQ-CWF), which are associated with the former "Summit Resort" and to construct and maintain the following water obstructions and encroachments: 1) a 45-foot long by 10-foot wide by 3.5 high opened bottom arch culvert stream crossing of a tributary to Pocono Creek; 2) a 185-foot long stream enclosure of a natural spring into a 15-inch diameter HDPE pipe; 3) a concrete encased electrical, communications, water and sewage utility line crossing of a 48-inch CMP culvert; 4) a R-5 riprap stormwater outfall; and 5) a 6-inch diameter sewage treatment plant outfall structure in a tributary to Pocono Creek. The purpose of the project is to replace, update and improve the "outback lodge and water park" project site. The project is located 0.33 mile southwest of the intersection of I-80 and SR 0715 (Mount Pocono, PA Quadrangle Latitude: 41° 2' 9"; Longitude: 75° 19' 0").

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

**E67-863. York Properties Association, LLC**, 209 Sigma Drive, Pittsburgh, PA 15238, SeniorLife Project in Springettsbury Township, **York County**, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to: (1) to install and maintain a precast stream enclosure having a single waterway opening of 8.0 feet wide by 2.5 feet high (6-inch depressed invert) and 240.0 long with concrete wing walls in a UNT to Mill Creek (WWF); (2) install and maintain a 15-inch stormwater outfall located in the upstream wing wall of the enclosure; and (3) install utility line stream crossings for gas, electric, water and sewer lines under the proposed stream enclosure (York, PA Quadrangle N: 20.6 inches; W: 8.2 inches, Latitude: 39° 59' 15.5"; Longitude: 76° 41' 04") Watershed 7H. The project proposes to directly affect 250.0 linear feet of stream for the purpose of road widening and other improvements along Memory Lane Extended.

**E36-856. Lancaster Area Sewer Authority (LASA)**, 130 Centerville Road, Lancaster, PA 17603, Manor Town-

ship, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain 117.0 feet of 8-inch diameter PVC sanitary force main and 1,085.0 feet of 12-inch diameter PVC sanitary gravity line in the floodway, and 2,653.0 feet of 8-inch diameter PVC sanitary force main and 2,683.0 feet of 12-inch diameter sanitary gravity line in the floodplain of the West Branch of the Little Conestoga Creek (WWF). Also to construct and maintain a 965.0 square foot sewage pump station and associated grading for access in the floodplain of the West branch of the Conestoga Creek (WWF), all for the purpose of connecting two residential developments to an existing LASA sanitary system located at a point following Central Manor Road from the intersection of Central Manor Road and Route 999 to the intersection of Central Manor and Anchor Roads (Safe Harbor, PA Quadrangle 20.25 inches North; 4.38 inches West, Latitude: 39° 59' 4.77" N; Longitude: 76° 24' 18.67" W) in Manor Township, Lancaster County.

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

**E20-573A. Sharon Rice**, Bloomfield Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District.

To amend existing permit E20-573 which allowed construction and maintenance of a 65 ft. long by 32 in. wide walking deck connected to a 20 ft. by 4 ft. private boat dock on Canadohta Lake, across the street from 24448 Willow Street (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45"), Bloomfield Township, Crawford County, approximately 100 ft. south of the intersection of Willow Street and Lakeview Drive in Bloomfield Township, Crawford County. The deck and dock will be raised approximately 2 ft. above normal summer lake pool elevation. The amendment requests construction and maintenance of an 80 ft. long by 48 in. wide dock connected to a 20 ft. by 6 ft. private dock.

**E20-576. Linesville Pine Joint Municipal Authority**, Regional Sewage Facilities Project, in the Borough of Linesville and Pine Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh, PA Quadrangle N: 41° 39' 22.5"; W: 80° 25' 25.7").

The applicant proposes to rehabilitate a portion of the Linesville Borough sewer system, install 59,100 linear feet of gravity sanitary sewers, 22,000 linear feet of low pressure force main and 6,250 linear feet of pump station force main in Pine Township and currently unsewered areas of Linesville Borough, construct a new regional wastewater treatment facility and associated lift stations involving to construct and maintain: 1) 18 sewer line stream crossings of Linesville Creek and UNTs Pymatuning Reservoir; 2) 18 wetland crossings of PEM, PSS and PFO wetlands; 3) a storm sewer outfall to Linesville Creek; 4) a sewage treatment plant effluent outfall to Pymatuning Reservoir; 5) to fill 0.13 acre of PSS wetland and to construct and maintain a lift station within the floodplain of a UNT Pymatuning Reservoir (N: 41° 39' 26.5"; W: 80° 27' 38.8"); and 6) to fill 0.04 acre of PEM wetland and construct and maintain a lift station (N: 41° 39' 17.5"; W: 80° 25' 16"). Linesville Creek is a perennial stream classified as a WWF. Pymatuning Reservoir is a perennial body of water classified as a WWF. This project proposes to permanently impact 0.04 acre of PEM wetland and 0.013 acre of PSS wetland.

**E33-236. Brookville Borough**, 18 Western Avenue, Suite A, Brookville, PA 15825-1540. Membrane Water

Treatment Facility, Borough of Brookville and Rose Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Brookville, PA Quadrangle N: 41° 10' 19"; W: 79° 04' 34").

The applicant proposes to construct a 1.5 mgd water treatment facility involving to construct and maintain a water intake structure on North Fork Creek consisting of two 1.15' diameter screened stainless steel intake pipes, concrete debris deflector and a water line crossing of a UNT of North Fork Creek approximately 1,000' upstream of Brookville Waterworks Dam (D33-003). Project includes stormwater outfalls to North Fork Creek. North Fork Creek and UNT North Fork Creek are perennial streams classified as HQ-CWF.

**E43-347, Norfolk Southern Corporation**, 99 Spring Street, SW Atlanta, GA 30303-0142. Bridge MI-130.35, in Hempfield and West Salem Townships, **Mercer County**,

United States Army Corps of Engineers, Pittsburgh District (Greenville West, PA Quadrangle N: 41° 23' 02"; W: 80° 23' 36").

To remove the existing superstructure and support pier and to construct and maintain a three-span, through-plate-girder railroad bridge (Bridge MI-130.35) having a three clear spans of 105.0 feet, 42.0 feet and 105.0 feet respectively and a maximum underclearance of approximately 16.0 feet across the Shenango River approximately 2,000 feet NW of the intersection of Hamburg and Methodist Roads. Project includes: 1) repair of existing abutments; 2) construction of a temporary stone causeway and bents temporarily impacting approximately 0.248 acre of the Shenango River and associated back channel and scour pool; 3) permanent impact of 0.009 acre of the Shenango River and 0.005 acre of Shenango River back channel; and 4) impact of 0.011 acre of PEM wetland. The Shenango River is a perennial stream classified as a WWF.

## 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS212203 (Stormwater)	Rock Hill Concrete, Inc.— Bossardsville Plant 339 School Street Catasauqua, PA 18032	Monroe County Hamilton Township	UNT to Lake Creek 01E	Y
PA0063827	The Pines at West Penn, LLC 14 All Kings Drive New Ringgold, PA 17960	West Penn Township Schuylkill County	UNT to Lizard Creek— CWF 2B	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PA0088790 (IW)	The York Water Company 130 East Market Street York, PA 17045-7089	York County York Township	East Branch Codorus Creek 7-H	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>
PA0001465 Industrial Waste	Ceramic Color and Chemical Manufacturing Company P. O. Box 297 New Brighton, PA 15066	Beaver County New Brighton Borough	Blockhouse Run	Y
PA0030694 Sewage	Exco-North Coast Energy, Inc. One GoJo Plaza Suite 325 Akron, OH 44311-1062	Westmoreland County Fairfield Township	Snyders Run	Y
PA0093874 Sewage	Blairsville-Saltsburg School District 102 School Lane Blairsville, PA 15717-8715	Westmoreland County Loyalhanna Township	UNT of the Kiskiminetas River	Y
PA0216089 Sewage	Westmoreland County Industrial Park Authority 601 Courthouse Square Greensburg, PA 15601	Westmoreland County South Huntingdon Township	Youghiogheny River	Y
PA0205176 Sewage	Consolidated Steel Services, Inc. 632 Glendale Valley Boulevard Fallentimber, PA 16639	Cambria County Reade Township	Clearfield Creek	Y
PA0098990 Sewage	Joseph P. Graham P. O. Box 390 Rochester, PA 15074	Beaver County Fallston Borough	Brady Run	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>
PA0239283	Castle Cheese, Inc. 2850 Perry Highway Slippery Rock, PA 16057	Scott Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0000868	Wheatland Tube— Council Avenue Plant One Council Avenue Wheatland, PA 16141	Wheatland Borough Mercer County	Shenango River 20-A	N
PA0103942	Camp Nazareth 339 Pew Road Mercer, PA 16137-1723	Delaware Township Mercer County	Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0065277**, Sewage, **Lisa Bodnar**, P. O. Box 25, Martins Creek, PA 18053-0025. This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Action: Issuance of NPDES Permit for discharge of up to 500 gpd of treated domestic sewage.

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

**NPDES Permit No. PA0261254**, Sewage, **Tim Logue**, 3256 Bean's Cove Road, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Wildcat Run in Watershed 13-A.

**NPDES Permit No. PA0008541, Amendment 08-1**, Industrial Waste, **Johnson Controls, Inc.**, P. O. Box 1592-082K, York, PA 17405. This proposed facility is located in Spring Garden Township, **York County**.

Description of Proposed Action/Activity: Transfer of Permit with authorization to discharge to Codorus Creek is Watershed 7-H.

**NPDES Permit No. PA0248541**, CAFO, **Pat and Karen Shea**, 3304 Mountain Road, Hamburg, PA 19526. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Authorization operate a 1,406-Animal Equivalent Units layer and beef.

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

**PA0233722, Richard S. Zerby**, 303 Nittany Valley Drive, Bellefonte, PA 16823. This proposed facility is located in Worth Township, **Centre County**.

Description of Proposed Activity: An NPDES permit has been issued authorizing a discharge from a small flow treatment facility serving the Zerby residence.

The receiving stream, Wills Hollow Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake near Milton is located on the West Branch of the Susquehanna River approximately 100 miles below the point of discharge.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>			10		20
TSS			10		20
Fecal Coliforms			200 colonies/100 ml		
pH			Within the range of 6.0 to 9.0		
Flow			Monitor and Report		
UV Disinfection			Clean		

**NPDES Permit No. PA0233587**, Industrial Wastewater, SIC Code 4941, **Emporium Hardwoods, LLC**, 15970 Route 120, Emporium, PA 15834.

The action is for the issuance of an NPDES permit authorizing the discharge (Outfall 002) of industrial stormwater to Driftwood Branch of Sinnemahoning Creek and a discharge (Outfall 001) of industrial stormwater and wastewater to a pond adjacent to Driftwood Branch of Sinnemahoning Creek, both of which are located in Shippen Township, **Cameron County**. This receiving stream is classified for TSF, aquatic life, water supply and recreation.

Facility Standard Industrial Classification (SIC): 24

### Effluent Monitoring for Outfalls 001 and 002:

<i>Discharge Parameter</i>	<i>Units</i>	<i>Sample Type</i>	<i>Measurement Frequency</i>
C-Biochemical Oxygen Demand (5-day)	mg/L	1 Grab	1/year
Chemical Oxygen Demand	mg/L	1 Grab	1/year
Oil and Grease	mg/L	1 Grab	1/year
pH	Standard Unit	1 Grab	1/year
Total Suspended Solids	mg/L	1 Grab	1/year
Total Kjeldahl Nitrogen	mg/L	1 Grab	1/year
Total Phosphorous	mg/L	1 Grab	1/year
Effluent Guideline Pollutants <sup>(1)</sup>	mg/L	1 Grab	1/year
Iron (Total)	mg/L	1 Grab	1/year

<sup>(1)</sup> Any pollutant limited in an effluent guideline, which the facility is subjected to.



In addition to the above monitoring requirements, the applicant will be required to monitor the chemical additive usage in the boiler blowdown associated with Outfall 001. The maximum chemical additive usage rates are:

<i>Chemical Additive</i>	<i>Proposed Usage Rate*</i>
PCT 5300B	5.0 lbs/day
PCT 5410	2.0 lbs/day
PCT 5718	7.5 lbs/day

\*The permittee will be required to monitor the daily usage of each approved chemical additive.

The EPA waiver will be in effect.

For more information on this application, contact:  
Environmental Program Manager  
Water Management Program  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

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

**NPDES Permit No. PA0025283**, Sewage, **Knox Borough**, P. O. Box 366, Knox, PA 16232-0366. This existing facility is located in Beaver Township, **Clarion County**.

Description of Action/Activity: NPDES permit for an existing discharge of treated sewage. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Parker Water System located on the Allegheny River and is approximately 18 miles below point of discharge.

**NPDES Permit No. PA0041831**, Sewage, **Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This proposed facility is located in Borough of Springboro, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a New NPDES permit for a treated minor discharge from an existing sewage treatment works.

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

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

**WQM Permit No. 4009401**, Sewerage, **Mountain Top Area Joint Sanitary Authority**, 290 Morio Drive, Mountain Top, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4508405**, Sewerage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the upgrade of the existing processing equipment at the Blue Mountain Lake wastewater treatment plant.

**WQM Permit No. 4809402**, Sewerage, **Lisa Bodnar**, P. O. Box 25, Martins Creek, PA 18053-0025. This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for a single-family residence 500 gpd sewage treatment plant.

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

**WQM Permit No. 0508406**, Sewage, **Tim Logue**, 3256 Bean's Cove Road, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities of: a 1,000-gallon septic tank, a 500-gallon dosing tank with 1/3 horsepower pump, a 600-square foot lined subsurface sand filter and a 415-gallon chlorine tank with chlorination and dechlorination to serve their single-family residence.

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

**WQM Permit No. 1408405**, Sewerage 4952, **Richard Zerby**, 303 Nittany Valley Drive, Bellefonte, PA 16823. This proposed facility is located in Worth Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is approved to construct and operate a 400 gpd single-residence small flow treatment facility that will discharge to Wills Hollow Run, a CWF. The treatment system will be comprised of a 1,000 gallon capacity concrete septic tank, a peat bio-filter and ultraviolet disinfection.

**WQG01410901**, Sewerage, 4952, **Tawney SFTF**, 1513 McGill Hollow Road, Linden, PA 17744. This facility will be located in Woodward Township, **Lycoming County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to a UNT to Daugherty's Run, a WWF.

**WQG01410902**, Sewerage, 4952, **Doug and Susan Estes**, 395 Daugherty's Run Road, Williamsport, PA 17701. This facility will be located in Woodward Township, **Lycoming County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to Daugherty's Run, a WWF.

**WQG01410903**, Sewerage, 4952, **Robert Bird SFTF**, 2227 Quenshukeny Road, Linden, PA 17744. This facility will be located in Woodward Township, **Lycoming County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to a UNT to Quenshukeny Run, a WWF.

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

**WQM Permit No. 0309401**, Sewerage, **Municipal Authority of the Borough of Kittanning**, 300 South McKean Street, Kittanning, PA 16021. This proposed facility is located in Kittanning Borough, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers to separate a combined sewer system.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6508403**, Sewerage, **Patrick J. DiCesare**, 116 Pittsburgh Street, Greensburg, PA 15601. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant to serve the Valley Hi Mobile Home Park.

**WQM Permit No. 3008401**, Sewerage, **Greensboro Monongahela Township Sewer Authority**, P. O. Box 342, Greensboro, PA 15338. This proposed facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, two pump stations and force main.

**WQM Permit No. 3091402-A2**, Sewerage, **Greensboro Monongahela Township Joint Sewage Authority**, P. O. Box 342, Greensboro, PA 15338. This existing facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of expansion of sewage treatment plant to serve Cabbage Flats and Mapletown areas.

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

**WQM Permit No. WQG018693**, Sewerage, **Habitat for Humanity of Butler County, Inc. Southwest Chapter**, 415 East Grandview Avenue, Zelenople, PA 16063. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG028317**, Sewerage, **Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. This proposed facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a low pressure sewage system extension to serve a proposed residential development with estimated flows of 17,600 gpd.

**WQM Permit No. 2509401**, Sewerage, **Summit Township Sewer Authority**, 8900 Old French Road, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a permit to construct replacement sewer lines, to eliminate sewer bottlenecks located on the west side of Route 19, with new 8" lines.

**WQM Permit No. WQG018696**, Sewerage, **Dennis J. Mitulski**, 14268 Route 19, Cambridge Springs, PA 16403. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

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#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026409004	Middle Creek Quarry, Inc. 2893A Owego Turnpike Hawley, PA 18428	Wayne	Palmyra Township	Middle Creek HQ-CWF, MF
PAI024507011	Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Monroe	Coolbaugh Township	Tobyhanna Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608014	Rick Greenly East Penn Manufacturing P. O. Box 147 Lyon Station, PA 19536	Berks	Lyons Borough Richmond Township	Moselem Creek HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041809001	Department of Conservation and Natural Resources P. O. Box 8552 Harrisburg, PA 17105	Clinton	Bald Eagle and Grugan Townships	UNT to Holland Run HQ-CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (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:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Whitehall Township Lehigh County	PAG2003908016	Franklin Cedarpointe Assoc., LP Attn: Hamp Randolph 405 Old Pennlyn Pike Suite 200 Blue Bell, PA 19422	Jordan Creek TSF, MF	Lehigh County Conservation District (610) 391-9583
City of Allentown Lehigh County	PAG2003908009	Connolly & Colasuonno, LLC Attn: David Connolly and Richard Colasuonno 128 East Seventh Street Plainfield, NJ 07060	Lehigh River WWF	Lehigh County Conservation District (610) 391-9583

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Marion Township  
Berks County

PAG2000605052-1

Larry Martin  
Dutch Valley Food  
Distributors, Inc.  
7651 Lancaster Avenue  
Myerstown, PA 17067UNT to Little  
Swatara Creek  
CWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Washington  
Township  
Berks County

PAG2000605070

Rich Mingey Barto Mall,  
Inc.  
63 Chestnut Road Paoli,  
PA 19301UNT to Swamp Creek  
CWF-MFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Reading City  
Berks County

PAG2000609005

Adam Mukerji  
Reading Redevelopment  
Authority  
815 Washington Street  
Reading, PA 19601Schuylkill River  
WWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Upper Bern  
Township  
Berks County

PAG2000609009

Gareth H. Mitchell  
Kenworth of  
Pennsylvania  
P. O. Box 1922  
Carlisle, PA 17013Wolf Creek  
CWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Amity Township  
Berks County

PAG2000608077

Pasquale Mascaro  
MB Investments  
2650 Audobon Road  
Audobon, PA 19403UNT to Schuylkill River  
WWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Perry Township  
Berks County

PAG2000603087-R

Nino Gianotti  
22 Timberline Drive  
Wyomissing, PA 19610UNT to Schuylkill River  
WWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201York Township  
York County

PAG2006709002

K-D Medical Building  
Partnership  
Michael J. Dobish, M.D.  
1010 Blymire Road  
Dallastown, PA 17313UNT to Barshinger  
Creek  
CWFYork County Conservation  
District  
118 Pleasant Acres Road  
York, PA 17402  
(717) 840-7430Belfast Township  
Fulton County

PAG2002909002

Vince Greenland  
Department of  
Transportation District  
9-0  
1620 North Juniata  
Street  
Hollidaysburg, PA 16648Licking Creek  
CWFFulton County  
Conservation District  
216 North Second Street  
McConnellsburg, PA  
17233-1157  
(717) 485-3547Upper Allen and  
Lower Allen  
Townships  
Cumberland County

PAG2002108025

The McNaughton  
Company  
Francis McNaughton  
4400 Deer Path Road  
Suite 201  
Harrisburg, PA 17110

UNT to Cedar Run

Cumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013  
(717) 240-7812

*Facility Location:  
Municipality &  
County*

Huntingdon  
Borough  
Huntingdon County

*Permit No.*

PAG2003109003

*Applicant Name &  
Address*

Kenneth Myers  
530 Washington Street  
P. O. Box 592  
Huntingdon, PA 16652

*Receiving  
Water/Use*

Juniata River  
WWF

*Contact Office &  
Phone No.*

Huntingdon County  
Conservation District  
10605 Raystown Road  
Suite A  
Huntingdon, PA  
16652-9603  
(814) 627-1627

Cameron County  
Grove Township

PAG2001209001

Gregory Dovey DGS  
18th and Herr Streets  
Harrisburg, PA 17125

Upper Logue Hollow  
and UNT to Upper  
Logue Hollow  
HQ-CWF

Cameron County  
Conservation District  
20 East Fifth Street  
Room 105  
Emporium, PA 15834  
(814) 486-2244, Ext. 5

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

Macungie Borough  
Lehigh County

*Permit No.*

PAR202218

*Applicant Name &  
Address*

Typer Pipe Company  
Division of McWane, Inc.  
3550 Brookside Road  
Macungie, PA 18062

*Receiving  
Water/Use*

Swabia Creek  
CWF

*Contact Office &  
Phone No.*

DEP—NERO  
Water Management  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-2511  
(570) 826-2511

South Greensburg  
Borough  
Westmoreland  
County

PAR206102

Moore & Morford, Inc.  
P. O. Box 759  
Broad Street Greensburg,  
PA 15601-0759

Jacks Run

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

Chartiers Township  
Washington County

PAR116112

Joy Mining Machinery  
177 Thorn Hill Road  
Warrendale, PA 15086

Chartiers Creek

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

Scottdale Borough  
Westmoreland and  
Fayette Counties

PAR206118

Duraloy Technologies,  
Inc.  
120 Bridge Street  
Scottdale, PA 15683-1748

Jacobs Creek

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

Upper Turkeyfoot  
Township Somerset  
County

PAR226111

King and Bungard  
Lumber Company  
668 Casselman Road  
Markleton, PA 15551

UNT of Casselman River

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

City of St. Mary's  
Elk County

PAR118340

GE Thermometrics, Inc.  
967 Windfall Road  
St. Marys, PA 15857

Wetlands and a  
UNT of Elk Creek

DEP—NWRO Water  
Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin County Lurgan Township	PAG043890	Kevin and Katrina Holford 467 East King Street Shippensburg, PA 17257	UNT Clippinger's Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Woodward Township Lycoming County	PAG045263	Robert Bird 2247 Quenshukeny Road Linden, PA 17744	UNT to Quenshukeny Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Woodward Township Lycoming County	PAG045260	Cole Tawney 1513 McGill Hollow Road Linden, PA 17744	UNT to Daugherty's Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Woodward Township Lycoming County	PAG045261	Doug and Susan Estes 395 Daugherty's Run Road Williamsport, PA 17701	Daugherty's Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Connoquenessing Township Butler County	PAG049516	Habitat for Humanity of Butler County, Inc. Southwest Chapter 415 East Grandview Avenue Zelienople, PA 16063	UNT of the Little Connoquenessing Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAG048922	Ronald J. Shemela 139 Hammond Road Mars, PA 16046	UNT to Glade Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenwood Township Crawford County	PAG048610	Jeffrey D. Ketcham 18191 Mule Street Cochranton, PA 16314	UNT to Sandy Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG049518	Dennis J. Mitulski 14268 Route 19 Cambridge Springs, PA 16403	UNT to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Greensburg Borough Westmoreland County	PAG056234	Shell Oil Products, US 3139 Village Drive Waynesboro, VA 22980	Jacks Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Name</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Facility Municipality and County</i>	<i>Contact Office &amp; Phone No.</i>
Mon Valley Sewage Authority Treatment Plant	PAG086114	Mon Valley Sewage Authority P. O. Box 792 Donora, PA 15033	Carroll Township Washington County	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**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 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.

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Roy Diem 3409 Smoketown Road Spring Grove, PA 17362	York	13	1,367	Layer	NA	Approved
M & M Farms Monte and Mary Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260	Huntingdon	170.6	585.6	Swine	NA	Approved

**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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

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

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

**Permit No. 3540023, Operations Permit**, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**  
4211 East Park Circle  
P. O. Box 4151  
Harrisburg, PA 17111  
North Union Township

County **Schuylkill County**  
Type of Facility Public Water Supply  
Consulting Engineer Arthur Saunders, P. E.  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Operate Issued May 18, 2009

**Permit No. 4009513MA, Minor Amendment**, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**  
4211 East Park Circle  
P. O. Box 4151  
Harrisburg, PA 17111  
Dallas Township

County **Luzerne County**  
Type of Facility Public Water Supply  
Consulting Engineer Arthur C. Saunders, P. E.  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
P. O. Box 4151  
Harrisburg, PA 17111

Permit to Construct Issued May 20, 2009

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

**Operations Permit** issued to **Tamarack and Spread Eagle MHP**, 7360109, New Providence Township, **Lancaster County** on May 13, 2009, for the operation of facilities approved under Construction Permit No. 3608509.

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

**Permit No. 1408501—Operation**, Public Water Supply.

Applicant **Rockview State Correctional Institute**  
Township or Borough Benner Township  
County **Centre**

Responsible Official Franklin J. Tennis  
Superintendent  
SCI Rockview  
Box A  
Bellefonte, PA 16823  
Type of Facility Public Water Supply—Operation  
Consulting Engineer Walter Jenko, P. E.  
Chester Engineers  
260 Airside Drive  
Moon Township, PA 15108  
Permit Issued Date May 19, 2009  
Description of Action Operation of approximately 17,225 LF of raw water transmission main to transport Benner Spring raw water to the existing filtration plant, the Benner Spring Pump Station No. 1 and the new Benner Spring Pump Station No. 2 and valve vault.

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

**Permit No. 1008503**, Public Water Supply.

Applicant **Municipal Authority of Adams Township**  
Township or Borough Adams Township  
County **Butler County**  
Type of Facility Public Water Supply  
Consulting Engineer Stephen J. Draus, P. E.  
Permit to Construct Issued May 22, 2009

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tilden Township	874 Hex Highway Hamburg, PA 19526	Berks County

*Plan Description:* The approved plan provides for a sewer extension to serve eight existing properties along Clayton Avenue and Pine Road in Tilden Township, Berks County. These existing properties will generate an additional 2,000 gallons of sewage per day to be served by the Hamburg Sewage Treatment Plant. The plan revision Department of Environmental Protection (Department) number is A3-06965-120-3M. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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



*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Valley Joint Sewer Authority	1 South River Street Athens, PA 18810	Bradford County

*Plan Description:* The approved plan provides for construction of Sequencing Batch Reactor with Auto Thermophilic Aerobic Digestion to meet the nutrient discharge requirements of Pennsylvania's Chesapeake Bay Strategy. 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.

*Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Elizabeth Township	522 Rock Run Road Elizabeth, PA 15037	Allegheny County

*Plan Description:* The approved plan provides for abandonment of the Buena Vista Sewage Treatment Plant. This facility will be replaced with a pump station and force main along the Youghiogheny River bike trail. The new pump station will convey flow to the Municipal Authority of the City of McKeesport sewer system at Durobond. The plan also calls for upgrade of the Boston Pump Station with connection to the new force main. The Lovedale Pump Station and Simpson Howell service area will be rerouted to the Elizabeth Borough Sewage Treatment Facility by means of the Wiley Street Pump Station. 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>
City of Washington	City of Washington 55 West Maiden Street Washington, PA 15301	Washington County
Borough of East Washington	Borough of East Washington 15 Thayer Street Washington, PA 15301	Washington County
South Strabane Township	Township of South Strabane 550 Washington Road Washington, PA 15301-9622	Washington County
Canton Township	Canton Township 655 Grove Avenue Washington, PA 15301	Washington County
North Franklin Township	North Franklin Township 620 Franklin Farms Road Washington, PA 15301	Washington County

*Plan Description:* The approved plan provides for rerating of the Washington East Washington Joint Authority

Wastewater Treatment Facility, located in South Strabane Township, Washington County. The plan proposes a rerating of the existing treatment facility from 6.2 to 9.77 mgd. 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.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Sirovica Residence**, Doylestown Township, **Bucks County**. Richard D. Trimpi, Trimpi, Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073, Elias Evans,

Mildred Sirovica Estate, 314 Willow Brooks Road, Horsham, PA 19044 on behalf of Cathy Krawczyk, Merchants Insurance Company, 250 Main Street has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hoh Residence**, London Britain Township, **Chester County**. Douglas Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Lawrence L. and Susan P. Hoh, 101 Foxbrook Drive, Landenberg, PA 19350 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Knights Road Shopping Center**, City of Philadelphia, **Philadelphia County**. Steve Miller, Island Environmental, Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769, on behalf of Philip Schanzer, Marx Realty and Improvement Company, 708 Third Avenue, 15th Floor, New York, NY 10017 has submitted a Remedial Investigation Report concerning remediation of site soil and ground contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Lukas Property**, Radnor Township, **Delaware County**. Jeffrey S. Fitch, EPCORP, LTD-FTICH Environmental, P. O. Box 493, Southeastern, PA 19399, Brain Fitzpatrick, P. G., Synergy Environmental, Inc., 155 Railroad Avenue, First Floor, Royersford, PA 19468 on behalf of Joseph Lukas, 714 Moonraker Court, Smithville, NJ 08205 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Solitario Kennels Property**, East Whiteland Township, **Chester County**. Thomas Schultz, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of Andre P. Lutz, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**May Residence**, Chester Township, **Delaware County**. Henry Binekowski, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of Joseph Caton, Excel Landscaping, 117 Printz Avenue, Norwood, PA has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 diesel fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cooper Residence**, City of Philadelphia, **Philadelphia County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, P. O. Box 11, Concordville, PA 19331 on behalf of Robin Cooper, 2456 78th Street, Philadelphia, PA 19150 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Ranallo Residence**, Plumstead Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 420 East Mermaid Lane, Glenside, PA

19038 on behalf of Edward Ranallo, 4846 River Road, Point Pleasant, PA 18950 has submitted a 90 day Final Report concerning remediation of site media contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Shoemaker House Temple University Ambler Campus**, Ambler Borough, **Montgomery County**. Bernard Beegle, Advanced GeoServices, 1055 Andre Drive, Suite A, West Chester, PA 19380 on behalf of Jim Gould, Lewis Environmental, P. O. Box 639, Royersford, PA 19468, John Hughes, Temple University, 580 Meetinghouse Road, Ambler, PA 19002, David McDonough, Temple University, 3307 North Broad Street, Philadelphia, PA 19140 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Howard Auto Repair**, Abington Township, **Montgomery County**. Phil Gray, Phoenix Geo Environmental, LLC, 445 Bethlehem Pike, Suite 108, Comar, PA 18915 on behalf of Dominic Fittpalidi, 2428 Old Welsh Realty, LLC, 3120 Quarry Avenue, Ardsley, PA 19308 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Degirmenci Residence**, 1619 1/2 West Allen Street, Allentown, **Lehigh County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report (on behalf of his client, Levent Degirmenci, 1619 1/2 West Allen Street, Allentown, PA 18102), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a corroded burst seam on an aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Express-Times* on April 30, 2009. A Notice of Intent to Remediate was simultaneously submitted.

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

**Shipley Energy/Skimski Residence**, West Manchester Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Chris Skimski, 1237 Taxville Road, York, PA 17403, submitted a Final Report concerning remediation of site soils contaminated with home heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Reinert Residence**, Londonderry Township, **Dauphin County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Lancaster, PA 17602, on behalf of Mr. and Mrs. Paul Reinert, 2248 Schoolhouse Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Rutter's Farm Store No. 53**, Newberry Township, **York County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404, submitted a Final Report concerning remediation of site

soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**New York Wire, Inc.**, Spring Garden Township, **York County**. Earth Tech AECOM, 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of New York Wire, Inc., 829 Loucks Mill Road, York, PA, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with metals. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Statewide Health Standards.

**Ames True Temper Camp Hill**, Hampden Township, **Cumberland County**. Bradburne, Briller, and Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA 15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health 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:

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

**Woodwright Pallet Shop**, York Township, **York County**. Earth Engineering, Inc., 115 West Germantown Pike, East Norriton, PA 19401, on behalf of Joseph Allison, Gaptex, Inc., 180 South Orchard Street, York, PA 17313, submitted a Final Report concerning the remediation of site soils contaminated with VOCs and chlorinated solvents. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department of Environmental Protection on May 13, 2009.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 101069, Southeastern Chester County Refuse Authority (SECCRA)**, 219 Street Road, West Grove, PA 19390. This minor permit modification is issued to establish and operate an electronic waste drop-off center at the SECCRA Landfill located in London Grove Township, **Chester County**. The permit was issued by the Southeast Regional Office on May 22, 2009.

### AIR QUALITY

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

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

**58-310-017GP3: F.S. Lopke Contracting, Inc.** (3430 SR 434, Apalachin, NY 13732) on May 22, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in New Milford Township, **Susquehanna County**.

**58-329-007GP9: F.S. Lopke Contracting, Inc.** (3430 SR 434, Apalachin, NY 13732) on May 22, 2009, to install and operate a Diesel I/C Engine at their site in New Milford Township, **Susquehanna County**.

**58-399-004GP5: Chesapeake Appalachia, LLC** (P. O. Box 6070, Charleston, WV 25362) on May 22, 2009, to construct and operate a Natural Gas Dehydration Facility at their site in Auburn Township, **Susquehanna County**.

**48-328-009GP22: Bethlehem Renewable Energy, LLC** (1300 North 17th Street, Suite 1600, Arlington, VA 22209) on May 4, 2009, to construct and operate a landfill gas turbine at the site in Lower Saucon Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**GP1-21-03061: Carlisle HMA, LLC** (361 Alexander Spring Road, Carlisle, PA 17015) on May 12, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in South Middleton Township, **Cumberland County**. This is a renewal of the GP1 permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**GP5-26-00587: Atlas Pipeline Pennsylvania, LLC** (P. O. Box 611, Moon Township, PA 15108-0611) on May 20, 2009, to install and operate a 1,340 bhp compressor engine and a 0.250 mmBtu/hr dehydrator at their Springhill No. 2 Compressor Station in Springhill Township, **Fayette County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**GP-42-004A: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on May 21, 2009, to operate a storage tank for volatile organic liquids, Tank ID No. 609 (BAQ-GPA/GP-2) in City of Bradford, **McKean 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.**

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

**15-0060D: Southeastern Chester County Refuse Authority**, (P. O. Box 221, Kennett Square, PA 19348) on May 22, 2009, to install an enclosed flare for the control of VOC emissions from an existing landfill at 219 Street Road, London Grove Township, **Chester County**. The flare will have a destruction efficiency of 98% for VOC or have a VOC emission rate of 20 ppmv or less (measured as hexane at 3% oxygen). The flare will be equipped with a flow meter to continuously monitor the flow of landfill gas to the flare when operating. This facility is a minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**28-05029B: Fayetteville Contractors, Inc.** (3185 Lincoln Way East, Fayetteville, PA 17222) on May 19, 2009,

to install a recycled asphalt processing section on the existing batch asphalt plant in Antrim Township, **Franklin County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**25-069M: BASF Catalysts, LLC** (1729 East Avenue, Erie, PA 16503) on May 15, 2009, for to install a replacement dust collector associated with a nickel catalyst reactor and screener at their facility in the City of Erie, **Erie County**.

**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.**

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

**23-0066B: PyroPure, Inc.—t/a Pyromet** (5 Commerce Drive, Aston, PA 19014) on May 21, 2009, to operate a replace baghouse in Chester Township, **Delaware County**.

**46-0032C: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) on May 14, 2009, to operate a modification of a degreaser in Abington Township, **Montgomery County**.

**46-0112D: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) on May 22, 2009, to operate a reactor w/mixing vessel in Skippack Township, **Montgomery County**.

**09-0102A: Clean Earth of Southeast PA, Inc.** (7 Steel Road, East, Morrisville, PA 19067) on May 22, 2009, to operate a diesel driven screen at a soil remediation facility in Falls Township, **Bucks County**.

**15-0078D: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on May 22, 2009, to operate a 2 MW electric generator in East Whiteland Township, **Chester County**.

**15-0054B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on May 22, 2009, to operate an asphalt paving mixtures and blocks operation in East Whiteland Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**67-05083: Conectiv Mid Meri, LLC** (P. O. Box 6066, 92 DC 72, Newark, DE 19714-6066) on May 19, 2009, to construct an electric generating plant in Peach Bottom Township, **York County**. This plan approval was extended.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2507.*

**TV 40-00021: Hazelton Generation, LLC** (150 North Michigan Avenue, Suite 2930, Chicago, IL 60601) on May 18, 2009, to operate an electric generating station in Hazle Township, **Luzerne County**. As a result of potential emissions of NOx and SOx, the Hazelton Station is

considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. This is a renewal of the Title V Operating Permit.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**36-05009: J.L. Clark, Inc.** (303 North Plum Street, Lancaster, PA 17602-2401) on May 14, 2009, for a lithographic decorative metal can coat art manufacturing facility in the City of Lancaster, **Lancaster County**. This is a renewal of the Title V 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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00264: Caddick Construction Co., Inc.** (P. O. Box 179, Ambler, PA 19002) on May 22, 2009, to issue a State-only Operating Permit to operate a Nonmetallic Mineral Processing Plant powered by two diesel engines at 7147 Camp Hill Road, Fort Washington, PA 19034, Whitmarsh Township, **Montgomery County**. The facility is natural minor. Plan Approval, 46-0264 is being incorporated into this new State-only Operating Permit. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

**46-00179: Tuscan Lehigh Dairies, LP** (880 Allentown Road, Lansdale, PA 19946-5206) on May 22, 2009, for a renewal of a State-only, Natural Minor Operating Permit in Upper Gwynedd Township, **Montgomery County**. The facility operates two, dual-fired, 12.6 mmBtu/hr boilers. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

**46-00050: Rohm & Haas Chemicals, LLC** (727 Norristown Road, Spring House, PA 19477-1015) on May 22, 2009, for renewal of a Synthetic Minor Operating Permit in Lower Gwynedd Township, **Montgomery County**. The facility has the potential to exceed major thresholds for NOx emissions but will maintain a synthetic minor status by limiting NOx emissions to below 24.99 tpy. The facility's primary sources are industrial boilers. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

**46-00160: Cognis Corp.** (300 Brookside Avenue, Ambler, PA 19002) on May 22, 2009, for a renewal of the State-only (Natural Minor) Operating Permit in Lower Gwynedd Township, **Montgomery County**. Cognis Corporation operates and maintains 14 small natural gas-and/or No. 2 fuel oil-fired boilers and 17 natural gas-fired space heaters, from which the main pollutants emitted are NOx and PM. The actual emission rates of NOx and PM from the boilers and space heaters are each less than 2 tpy. No significant changes have occurred at the facility since the permit was originally issued on November 17, 2003. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**54-00017: Lehigh Asphalt Paving & Construction Co.** (P. O. Box 449, Tamaqua, PA 18252) on May 18, 2009, to re-issue a State-only (Natural Minor) Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their facility in West Penn Township, **Schuylkill County**.

**64-00005: Wayco, Inc.** (P. O. Box Y, Waymart, PA 18472) on May 21, 2009, to re-issue a State-only (Synthetic Minor) Operating Permit for operation of a batch asphalt plant and associated air cleaning devices at their facility in Hawley Borough, **Wayne County**.

**66-00006: Geary Enterprises Concrete** (R. R. 1, Box 368, Falls, PA 18615-9799), on May 20, 2009, to manufacture sand, gravel and concrete in Falls Township, **Wyoming County**. This is a renewal of the State-only Natural Minor operating permit.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110 Contact: William R. Weaver, New Source Review Chief, (717) 705-4702.*

**21-05010: RRI Energy Mid Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on May 19, 2009, for a peaking power generating facility in South Middleton Township, **Cumberland County**. This is renewal of the State-only operating permit and a name change from Reliant Energy.

**28-03022: Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201-9099) on May 19, 2009, for a rock crushing operation in Guilford Township, **Franklin County**. This is renewal of the State-only operating permit.

**36-03051: Johnson & Johnson Merck Pharmacy** (1838 Colonial Village Lane, Lancaster, PA 17601-6700) on May 7, 2009, to operate their pharmaceutical facility in East Lampeter Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-03175: US Boiler Co., Inc.** (P. O. Box 3079, 2930 Old Tree Drive, Lancaster, PA 17604-3079) on May 15, 2009, for commercial and residential boiler manufacturing in East Hempfield Township, **Lancaster County**.

**67-03017: Yorktowne Paper Mills, Inc.** (1001 Loucks Mill Road, P. O. Box 2426, York, PA 17405) on May 12, 2009, to operate a paper recycling and manufacturing facility in Spring Garden Township, **York County**. This is a renewal of the State-only operating permit.

**67-05028: RRI Energy Mid Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on May 19, 2009, for a peaking power generating facility in Hopewell Township, **York County**. This is renewal of the State-only operating permit and a name change from Reliant Energy.

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

**25-00648: NEPA Energy, LP** (South Lake Street, Northeast, PA 16428-3828) on May 20, 2009, to renew the State-only Operating Permit for their facility in North East Township, **Erie County**. The primary sources covered by the Synthetic Minor Operating Permit are the ABCO boiler and the Auxilary (Zurn) boiler. The steam from these units is used for the processing of grapes and juices by Welchs. The permit contains a site-wide restric-

tion on the NOx and CO emissions of 61.22 tpy and 64.64 tpy, respectively. The permittee is required to conduct emission testing for each of the boilers ever 5 years and must keep the hours of operation and the amount of natural gas used by each boiler to demonstrate compliance with the site-wide emission restrictions.

**25-01006: Lake Erie Biofuels, LLC** (1540 East Lake Road, Erie, PA 16511-1032) on May 14, 2009, a synthetic minor operating permit in the City of Erie, **Erie County**. The significant sources are two process steam boilers, the biodiesel production, storage tanks, a high pressure steam generator for the fatty acid stripper and a parts washer. The conditions of the previous plan approvals 25-1006A and 25-1006B were incorporated into the operating permit. The permittee shall be a synthetic minor source of SOx emissions by accepting an elective throughput restriction on the quantity of residual oil combusted in the two process boilers (1.21 million gallons) based on a consecutive 12-month period. The permittee shall keep records of the SOx emissions based on the quantity of residual oil burned. The facility is a natural minor facility for the remaining pollutants.

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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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00066: Exelon Generation Co.—Fairless Hills Generating Station** (990 Steel Road S, USX Fairless Works, Fairless Hills, PA 19030-5006) on May 22, 2009, has been significantly modified to incorporate the Clean Air Interstate Rule Regulations for the facility located in Falls Township, **Bucks County**. The modified permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**23-00017: Exelon Generation Co.—Eddystone Generating Station** (1 Industrial Highway, Eddystone, PA 19022-1585) on May 22, 2009, has been significantly modified to incorporate the Clean Air Interstate Rule Regulations for the facility located in the Eddystone Borough, **Delaware County**. The modified permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**15-00019: Exelon Generation Co.—Cromby Generating Station** (100 Cromby Road, Phoenixville, PA 19460-1882) on May 22, 2009, has been significantly modified to incorporate the Clean Air Interstate Rule Regulations for their facility in the East Pikeland Township, **Chester County**. The modified permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00122: Arkema, Inc.—Altuglas Int.** (100 PA Route 413, Bristol, PA 19007) on May 22, 2009, for a minor modification of TVOP No. 09-00122 for their facility in Bristol Township, **Bucks County**. The minor modification is for the rerouting of several small additive tanks vents from an existing scrubber to another larger scrubber onsite. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of TVOP No. 09-00122 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

**15-00029: Dopaco, Inc.** (241 Woodbine Road, Exton, PA 19335) on May 22, 2009, for operation of their printing facility in Downingtown Borough, **Chester County**. This amendment is to address the incorporation of Plan Approval, Number 15-0029E, for a 10-color flexographic printing press that is permitted under Source 205. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**38-03020: Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067-1511) on May 20, 2009, to operate a foundry in Myerstown Borough, **Lebanon County**. This State-only operating permit was administratively amended due to changes in Section G, Miscellaneous. This is Revision No. 1.

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

**24-00083: Carbone of America—Benzinger Plant** (215 Stackpole Street, Saint Marys, PA 15857-1401) on May 5, 2009, for an administrative amendment of the State Operating Permit to incorporate the conditions from Plan Approvals 24-083D, 24-083E, 24-083F, 24-083G, 24-083I and 24-083L. The Facility is in the City of Saint Marys, **Elk County**.

**61-00185: Danco Industries, Inc.** (P. O. Box 1128, Oil City, PA 16301-0628) on May 13, 2009, for an administrative amendment of the State-only Operating Permit to include the conditions from Plan Approval 61-185F at the Heath Oil Barkeyville Plant located in Clinton Township, **Venango County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**OP-65-00016: Latrobe Specialty Steel Co.** (2626 South Ligonier Street, Latrobe, PA 15650-6359) on May 19, 2009, per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at the Latrobe Specialty Steel Company, Latrobe Plant, located in Latrobe, **Westmoreland County**:

Less than less than 0.03 tpy for each criteria and hazardous pollutant resulting from the installation and operation of one Cummins Emergency Diesel Engine, rated at 145 bhp.

The list of previously authorized de minimis increases at the facility is as follows:

February 2005:	Grinding Operation.
October 2003:	TIV Power Source Upgrade.
March 2009:	Slag Handling Operation.
March 2009:	Torch Cutting Operation.

## 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

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

**56030107 and NPDES No. PA0249521. Future Industries, Inc.,** P. O. Box 57, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 182.1 acres. Receiving streams: UNTs to/and Buffalo Creek; UNTs to/and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 25, 2009. Permit issued May 18, 2009.

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

**65030101 and NPDES Permit No. PA0250368. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Ligonier Township, **Westmoreland County**, affecting 239.6 acres. Receiving streams: UNTs to Loyalhanna Creek. Application received March 6, 2009. Reclamation-only renewal issued May 18, 2009.

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

**24980106 and NPDES Permit No. PA0227919. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous strip, auger and coal ash placement operation in Horton Township, **Elk County** affecting 228.8 acres. Receiving streams: UNTs to Johnson Run, UNTs to Brandy Camp Creek. This renewal is issued for reclamation only. Application received April 3, 2009. Permit issued May 19, 2009.

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

**17980121 and NPDES No. PA0238147. R. J. Coal Company** (P. O. Box 277, LaJose, PA 15753), revision of an existing bituminous surface mine for an Incidental Boundary Correction in Bloom Township, **Clearfield County**, affecting 92.5 acres. Receiving streams: Bulgers Run to Anderson Creek to West Branch Susquehanna, classified for the following uses: CWF, CWF, WWF. There

are no potable water supply intakes within 10 miles downstream. Application received November 21, 2008. Permit issued May 14, 2009.

**17803094 and NPDES No. PA0127086. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine with an Insignificant Permit Boundary Correction from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Goshen Township, **Clearfield County**, affecting 307.9 acres. Receiving streams: Little Trout Run to Trout Run to West Branch Susquehanna River, classified for the following uses: CWF, CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 15, 2008. Permit issued May 14, 2009.

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

**54921301R3 and NPDES Permit No. PA0595811. M & H Coal Company,** (51 Middle Road, Hegins, PA 17938), renewal of an existing anthracite underground mine operation for reclamation activities only in Frailey Township, **Schuylkill County** affecting 12.46 acres, receiving stream: Middle Creek. Application received April 17, 2009. Renewal issued May 13, 2009.

**40030202R. McClure Enterprises, Inc.,** (P. O. Box 3775, Scranton, PA 18505), renewal of an existing anthracite coal refuse reprocessing operation in Duryea and Hughestown Boroughs, **Luzerne County** affecting 159.0 acres, receiving stream: none. Application received May 30, 2008. Renewal issued May 14, 2009.

**54020201R. Stoudt's Ferry Preparation Co., Inc.,** (P. O. Box 279, St. Clair, PA 17970), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Mahanoy Township, **Schuylkill County** affecting 66.0 acres, receiving stream: none. Application received November 27, 2007. Renewal issued May 21, 2009.

### Noncoal Permits Actions

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

**33091003. Russell Standard Corporation** (285 Kappa Drive, Suite 300, Pittsburgh, PA 15238) Authorization to extract shale in Union Township, **Jefferson County** to supply fill material for the Howe Bridge construction project. Receiving streams: Mill Creek. Application received May 8, 2009. Permit issued May 19, 2009.

**10091002. Gregori Construction & Engineering, Inc.** (736 Ekastown Road, Sarver, PA 16055) Authorization to extract shale in Summit Township, **Butler County** to supply fill material for the Monroe Street Bridge construction project. Receiving streams Bonnie Brook. Application received April 16, 2009. Permit issued May 21, 2009.

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

**7974SM2A2C10 and NPDES Permit No. PA0611999. Hanson Aggregates BMC, Inc.,** (7600 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nockamixon Township, **Bucks County**, receiving stream: Rapp Creek. Application received April 3, 2009. Renewal issued May 18, 2009.

**5273SM2C14 and NPDES Permit No. PA0594130. Hanson Aggregates PA, Inc.,** (7600 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for



discharge of treated mine drainage from a quarry operation in Thornbury and Middletown Townships, **Delaware County**, receiving streams: Chester Creek and UNT to Chester Creek. Application received April 3, 2009. Renewal issued May 18, 2009.

**8173SM1C11 and NPDES Permit No. PA0594148. Hanson Aggregates PA, Inc.**, (7600 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Caln Township, **Chester County**, receiving stream: East Branch Brandywine Creek. Application received April 3, 2009. Renewal issued May 18, 2009.

**52080801. McKean & Son, Inc.**, (R. R. 1, Box 628, Hawley, PA 18428), commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received January 24, 2008. Permit issued May 19, 2009.

#### 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.*

**27094004. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting Activity Permit for well exploration in Howe Township, **Forest County**. This blasting activity permit will expire on December 31, 2009. Application received May 7, 2009. Permit issued May 18, 2009.

**42094002. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting Activity Permit for well exploration in Liberty and Norwich Townships, **McKean County**. This blasting activity permit will expire on December 31, 2009. Application received May 7, 2009. Permit issued May 18, 2009.

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

**08094003. Meshoppen Blasting, Inc.** (P. O. Box 127, Moshoppen, PA 18630), blasting for the Strom 1H Well Site located in Monroe Township, **Bradford County**. Permit's expiration date is extended from May 12, 2009, to May 30, 2009.

**14094003. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), rock excavation blasting for Joel Gray truck garage located in Potter Township, **Centre County**. Permit issued May 5, 2009. Permit expires July 30, 2009.

**53094001. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426), seismic data acquisition by blasting—LN#-PGE-37105-183-09, LN#-PGE-37105-184-09 located in Sylvania and Wharton Townships, **Potter County**. Permit issued May 13, 2009. Permit expires October 31, 2009.

**53094002. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426), seismic data acquisition by blasting—LN#-PGE-37105-

181-09 located in Pleasant Valley Township, **Potter County**. Permit issued May 13, 2009. Permit expires October 31, 2009.

**53094003. Penna. General Energy**, (120 Market Street, Warren, PA 16365), blasting for Well No. 2145 frac pit located in Keating Township, **Potter County**. Permit issued May 13, 2009. Permit expires May 13, 2010.

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

**36094124. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for PP & L pole hole in Penn Township, **Lancaster County** with an expiration date of May 14, 2010. Permit issued May 20, 2009.

**36094125. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Cedar Chase in West Hempfield Township and Mountville Borough, **Lancaster County** with an expiration date of April 18, 2010. Permit issued May 20, 2009.

**36094126. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Lap Ridge in East Lampeter Township, **Lancaster County** with an expiration date of April 18, 2010. Permit issued May 20, 2009.

**36094127. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Manheim Public Library in Manheim Township, **Lancaster County** with an expiration date of April 19, 2010. Permit issued May 20, 2009.

**38094109. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Swiss Premium Dairy in North Cornwall Township, **Lebanon County** with an expiration date of July 30, 2009. Permit issued May 20, 2009.

**38094110. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Fox Ridge Subdivision in South Lebanon Township, **Lebanon County** with an expiration date of April 14, 2010. Permit issued May 20, 2009.

**45094116. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Skytop Lodge in Barrett Township, **Monroe County** with an expiration date of May 31, 2010. Permit issued May 20, 2009.

**52094106. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Ranchlands in Lehman Township, **Pike County** with an expiration date of May 31, 2010. Permit issued May 20, 2009.

**66094001. Geokinetics**, (P. O. Box 158, Wysox, PA 18854), construction blasting for the Bradford 3D Site in North Branch, Forkston, Windham, Braintrim Townships and Laceyville Borough, **Wyoming County** with an expiration date of May 31, 2010. Permit issued May 21, 2009.

**45094118. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jonah's Estates in Penn Forest and Polk Townships, **Monroe County** with an expiration date of June 30, 2010. Permit issued May 21, 2009.

**45094119. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Country Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued May 21, 2009.



**52094107. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Falling Creek Estates in Middle Smithfield and Lehman Townships, **Monroe and Pike Counties** with an expiration date of June 30, 2010. Permit issued May 21, 2009.

**64094101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Paupackan Lake Estates in Paupack and Lake Townships, **Wayne County** with an expiration date of May 31, 2010. Permit issued May 21, 2009.

**64094102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Wallenpaupack Estates in Paupack Township, **Wayne County** with an expiration date of June 30, 2010. Permit issued May 21, 2009.

**67094113. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for a medical center in the City of York, **York County** with an expiration date of May 21, 2009. Permit issued May 21, 2010.

**45094117. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued May 22, 2009.

## 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (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

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

**E58-271. Elk Mountain Ski Resort, Inc.**, R.R. 2, Box 3328, Union Dale, PA 18470-9528, Herrick Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the construction of a pond that will be used to store water for snowmaking purposes:

1. To construct and maintain a pump house with an at-grade access road and parking area in the floodway of East Branch Tunkhannock Creek. (HQ-CWF)
2. To construct and maintain an intake structure consisting of a 1.5-foot high concrete monitoring weir across East Branch Tunkhannock Creek (HQ-CWF), a concrete inlet box with a gate valve and an 18-inch diameter pipe leading to the pump house.
3. To construct and maintain two 10-inch diameter raw water lines through approximately 40 feet of PEM wetlands.
4. To construct and maintain a 10-inch diameter and 3-inch diameter water utility lines through approximately 190 feet of PEM wetlands.
5. To remove remnants of an existing bridge and to construct and maintain a 30-foot wide open-bottom concrete box culvert having a 10-foot span and 6-foot underclearance across East Branch Tunkhannock Creek. (HQ-CWF)
6. To place and maintain 20 linear feet of R-6 bank stabilization immediately upstream and downstream of the proposed concrete box culvert.

The project will have 0.13 acre of temporary wetland impacts associated with the excavation of swales and the installation of raw water lines. The project is located on the northwest side of the intersection of SR 0374 and Township Road T470 (Clifford, PA Quadrangle Latitude: 41° 43' 45"; Longitude: 75° 33' 5").

**E58-279. New Milford Borough**, P. O. Box 630, New Milford, PA 18834. New Milford Borough, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To restore the historical alignment to pre-2006 flood conditions and to stabilize and maintain 400 linear feet of Salt Lick Creek (HQ-CFW). The project will include the construction of a low flow channel having an average width of 10 feet and minimum depth of 3 feet and the placement of R-7 rip rap along the western channel bank. The project is located approximately 0.5 mile northeast of the intersection of Church Street and SR 492 (Harford,

PA Quadrangle Latitude: 41° 52' 26"; Longitude: 75° 43' 23") in New Milford Borough, Susquehanna County.

**E64-273. Central Wayne Regional Authority**, 100 Fourth Street, Suite 8, Honesdale, PA 18431. Honesdale Borough, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an expansion of a wastewater treatment plant in the floodplain of the Lackawaxen River (HQ-TSF, MF) with work consisting of the modification of existing treatment facilities and the construction of new treatment facilities, buildings and various site amenities. Work also includes the construction of an outfall structure, consisting of a 24-inch diameter pipe, concrete endwall and riprap in the floodway of the Lackawaxen River. The project is located on the northeast side of Buck Cove Road (T-468) approximately 0.1 mile east of Erie Street (White Mills, PA Quadrangle Latitude: 40° 33' 16"; Longitude: 75° 14' 37").

**E54-332. Game Commission**, 448 Snyder Road, Reading, PA 19605-0254. South Manheim Township, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing ford structure and to construct and maintain a steel I-beam bridge across Stony Creek (CWF) having a 40-foot span and a 3-foot underclearance. The project is located on SGL 110 along Pine Road, approximately 500 feet upstream of the confluence with the Schuylkill River (Auburn, PA Quadrangle Latitude: 40° 34' 51"; Longitude: 76° 3' 47").

**E64-276. Mark Yeager**, 108 Cardinal Lane, Lake Ariel, PA 18436. Lake Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 22-foot by 24-foot boat-house in Lake Ariel. The project is located on the northeast side of Cardinal Lane, approximately 1.0 mile from the intersection of SR 0191 and SR 3012 (Advent Road) (Lake Ariel, PA Quadrangle Latitude: 41° 26' 08"; Longitude: 75° 22' 47").

**E52-212. Steve Woodman**, HCR1, Box 302, Paupack, PA 18451. Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 7-foot wide by approximately 88-foot long stone walkway that is raised approximately 12-inches within the basin of Lake Wallenpaupack for dock access; to modify and maintain an existing floating dock with work consisting of adding an additional 24-foot long by 4-foot wide section of floating dock onto the existing dock; and to maintain an existing stone retaining wall along the shoreline of Lake Wallenpaupack. The project is located at Whispering Pines Development, Calico Court location No. 112 (Hawley, PA Quadrangle Latitude: 41° 24' 56"; Longitude: 75° 13' 30") in Palmyra Township, Pike County.

**E45-531. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18103-1013. Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.4 acre of EV wetland; to remove the existing structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a normal clear span of 90.3 feet and an underclearance of 7.4 feet across Tobyhanna Creek (HQ-CWF), approxi-

mately 66 feet upstream of the existing roadway alignment. The permittee is required to provide 1.2 acres of replacement wetlands. The project is located at SR 423, Segment 0110, Offset 0000, approximately 1.7 miles southwest of the SR 423/I-380 interchange (Tobyhanna, PA Quadrangle Latitude: 41° 9' 43"; Longitude: 75° 27' 21").

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

**E05-349: Patrick Dumpert**, 750 Cumberland Road, Bedford, PA 15522, Dumpert Farm Bridge, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an 8-foot wide, 43.6-foot long flat bed steel road trailer bridge with an average underclearance of 3.1 feet, across Cumberland Valley Run (WWF) for the purpose of connecting two pastures located approximately 0.5 mile upstream of U.S. 30 bridge (Bedford, PA Quadrangle N: 2.48 inches; W: 2.24 inches, Latitude: 40° 00' 48"; Longitude: 78° 30' 57") in Bedford Township, Bedford County.

**E31-220: Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Spruce Creek Township, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raze the existing Trout Run Lane steel I-beam bridge having a width of 15.5 feet, a total clear span of 41.0 feet, a skew of 90.0° and an underclearance of 6.1 feet over Spruce Creek (HQ-CWF) (Spruce Creek, PA Quadrangle N: 20.8 inches; W: 1.0 inch, Latitude: 40° 36' 52.8"; Longitude: 78° 07' 57.0"); (2) construct and maintain a spread box beam bridge approximately 40 feet downstream of the existing bridge, having a width of 27.3 feet, a total clear span of 41.0 feet, a skew of 90.0° and a minimum underclearance of 6.8 feet over Trout Run (HQ-CWF) (Spruce Creek, PA Quadrangle N: 20.8 inches; W: 1.0 inch, Latitude: 40° 36' 52.7"; Longitude: 78° 07' 56.6"); (3) construct and maintain an 18-inch outfall structure on the upstream left side of the proposed bridge discharging to Trout Run (HQ-CWF) (Spruce Creek, PA Quadrangle N: 20.8 inches; W: 1.0 inch, Latitude: 40° 36' 52.7"; Longitude: 78° 07' 56.6"); and (4) construct and maintain an 18-inch outfall structure on the downstream left side of the proposed bridge discharging to Trout Run (HQ-CWF) (Spruce Creek, PA Quadrangle N: 20.8 inches; W: 1.0 inch, Latitude: 40° 36' 52.7"; Longitude: 78° 07' 56.6"). The project will temporarily impact approximately 80 linear feet of perennial stream channel and permanently impact approximately 60 linear feet of perennial stream channel. The project involves the use of temporary cofferdams and is located in Spruce Creek Township, Blair County.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-48-005	Trader Joe's East, Inc. 117 Kendrick Street Needham, MA 02494 Attn: Bob Denio	Northampton	East Allen Township	3 ASTs storing diesel fuel	36,000 gallons total
09-13-001	Asphalt Paving Systems, Inc. 595 Mill Road Lehighton, PA 18235 Attn: Richard Nunemacher	Carbon	Mahoning Township	6 ASTs storing emulsified asphalt	120,000 gallons total

## SPECIAL NOTICES

### Request for Proposals for Municipal Solid Waste Capacity

In accordance with Act 101 and section 272 of the Solid Waste Rules and Regulations (as amended), the County of Carbon is seeking waste disposal capacity for municipal waste (MSW) for a minimum of 5 years, with an option to extend said capacity for an additional 5 years, for a total of 10 years. Carbon County is hereby soliciting responses to qualify facilities that could provide all, or some of the processing/disposal capacity for the County-generated MSW, beginning on or after January 1, 2010.

Copies of the Carbon County's Facility Qualification Request (FQR) may be obtained from the Carbon County Department of Solid Waste, P. O. Box 219, Bowmanstown, PA 18030, (610) 852-5111. (Electronic forms are available from [crcycl@ptd.net](mailto:crcycl@ptd.net). A \$25 reproduction fee will be charged for all hard copies.) All responses must be made on the Submittal Form and in accordance with the Instructions to Respondents provided in the FQR. The respondent must submit the original and three copies to the address listed previously, Attention Duane Dellecker, by 3 p.m. EST on June 30, 2009. Qualified facilities will receive formal notification of their selection after review and evaluation of responses by the Carbon County SWAC at its regularly scheduled meeting on August 19, 2009.

Carbon County reserves the right to reject any or all responses and to waive any informality in the solicitation process.

#### Notice of Proposed Interim Response Under the Hazardous Sites Cleanup Act

##### Herceg Landfill Site

##### Bushkill and Upper Nazareth Townships, Northampton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response action at the Herceg Landfill Site (Site). This response will be undertaken under sections 505(b) and (c) of HSCA, 35 P. S. § 6020.505(b) and (c). The Site is located along Levis and Gower Roads in Bushkill and Upper Nazareth Townships, Northampton County.

From the 1950s to March 1981, the Site operated as an unpermitted, unlined municipal waste landfill. The landfill covers approximately 16 acres of a property of about 27 acres in a rural area straddling the borders of Bushkill and Upper Nazareth Townships. From October 1997 through July 2008, the Department has conducted private well sampling surrounding the Site at 13 locations over the years. Trace to low levels of VOCs have been detected in these residential wells except for one well location

which has had benzene detected near or slightly above the MCL of 5.0 ppb. A water treatment unit (carbon filtration) has been installed at this location since February 2005. A site investigation was conducted by the Department between 2005 and 2008. This site investigation included an aerial photograph review, surface water and sediment sampling, the installation of monitoring wells (18), geophysical investigation, groundwater sampling, soil gas sampling, aquifer testing, fate and transport analysis and remedial alternative feasibility testing. The Department has determined that the landfill is the source of the VOC contamination in groundwater and residential wells. Other compounds detected in onsite monitoring wells and offsite private wells include the following: ethylbenzene, toluene, xylene, methylene chloride, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, 1,1 dichloroethane, chlorobenzene, chloroethane, 1,1,1 trichloroethane, trichloroethene and naphthalene. There is no public water supply servicing the area of the Site and residents rely on private water supply wells. The closet public water supply lines are located approximately 1/4 to 1/2 mile east and southwest from the Site. However, the locations of several residences are located over 100' upslope from any potential waterline extension and hook-up to this service would be difficult to install because of the distance, topography and the presence of shallow bedrock. The Site has an NPDES permit, PA-0070394, for discharge of landfill leachate and groundwater to a UNT of the East Branch of the Monacacy Creek. This wastewater is collected into two connected ponds or lagoons at the northern toe of the landfill. The discharge has been consistently above the discharge limit for ammonia, but levels have been reduced significantly with the addition of two aerators in the upper pond in July 2008. The Department is operating and maintaining the aerators and is monitoring the discharge levels for ammonia.

The objective of this proposed interim response is to: 1) prevent exposure to benzene and the other site-related contaminants of concern through ingestion and dermal contact; and 2) reduce the ammonia concentrations being discharged to the tributary. The Department evaluated several alternatives for this proposed interim response which include:

- 1) No Action.
- 2) Monitored Natural Attenuation.
- 3) Environmental Covenant/Institutional Controls/Access Restrictions.
- 4) Soil/Waste Excavation.
- 5) Surface Barrier/Landfill Cap.
- 6) Point-of-Entry Treatment (POET) System Installation.

- 7) Groundwater extraction and treatment.
- 8) Leachate Lagoon Monitoring and Maintenance.

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements, feasibility, permanence and cost-effectiveness, the Department has selected a combination of Alternatives 2, 3, 6 and 8 as the proposed interim response for the Site. This action will involve the continued monitoring of private wells potentially impacted by the landfill and the installation of POET systems on existing potable water supply wells found to be above the Residential Statewide Health Standards and the safe drinking water standards. In addition, onsite monitoring wells will be sampled for monitored natural attenuation to determine if natural processes such as bioremediation, dilution and dispersion, sorption and volatilization are treating the groundwater. The Department would implement institutional controls by placing property restrictions (that is, fence and gates, deed restrictions) that prevent the use of onsite groundwater for drinking water purposes without proper pretreatment and prevent site disturbance. Finally, the Department would monitor and maintain the wastewater lagoon area.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Bushkill Township Municipal Building, 1114 Bushkill Center Road, Nazareth, PA 18064 and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from June 6, 2009, to September 4, 2009. Persons may submit written comments into the record during this time only by sending them to Ronald Schock, Project Officer, at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for July 15, 2009, at 10:30 a.m. at the Bushkill Township Municipal Building. The testimony at the public hearing will be limited to the proposed interim response, which involves the protection from onsite groundwater contamination and treatment of landfill leachate. An informal public meeting will be held after the public hearing is concluded. Persons wishing to present testimony at the July 15, 2009, hearing regarding this interim response regarding the contaminated groundwater should register with Ronald Schock before July 10, 2009, at (610) 861-2070 or in writing to Ronald Schock at the Department's Bethlehem District Office. If no person registers to present oral comments by the date specified previously, the hearing will not be held.

Persons with a disability who wish to attend the July 15, 2009, hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Ronald Schock or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

**Request For Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Watershed of Ross Run in Indiana County**

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Watershed of Ross Run in Indiana County. The TMDL was established in accordance with the requirements of section 303(d) of The Clean Water Act. Streams within this watershed are listed in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report as being impaired due to siltation resulting from agricultural activities.

Impairments were addressed by establishing a TMDL of sediment. There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the Watershed of Ross Run. Sediment loadings were allocated among all land use categories (nonpoint sources) present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at [joboylan@state.pa.us](mailto:joboylan@state.pa.us) or 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments when developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the previous address and must be received by July 12, 2009. A public meeting to discuss the technical merits of the TMDL will be held on Thursday, June 11, 2009, at 6 p.m. at the Marion Center Community Park Building, 22823 Route 403 Highway North, Marion Center, PA 15759.

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

Department Received NPDES No. PAI-2318-08-001

Game Commission  
15 South Route 44 Highway  
P. O. Box 5038  
Jersey Shore, PA 17740

For earth disturbance during reclamation of an abandoned bituminous surface mine in West Keating Township, Clinton County, affecting 111.0 acres. Receiving streams: Little Birch Island Run and Sugar Camp Run, tributaries to West Branch Susquehanna River; classified for the following use: HQ-CWF. Application received February 19, 2008. Permit issued May 20, 2009.

[Pa.B. Doc. No. 09-1029. Filed for public inspection June 5, 2009, 9:00 a.m.]

**Bid Opportunity**

**PBF 56841306.4, Abandoned Mine Drainage Abatement Project, Lion Mining Company, Mining Permit No. 56841306, Jenner Township, Somerset County.** The principal items of work and approximate quantities include 8.0 acres of Permanent Seeding, Pollution Control, 30 ton of AASHTO#1 Outlet Pipe Rockfill, 140 ton of ASSHTO#1 Shallow Cell A Level Spreader, Topsoiling, 650 linear feet of Roadway Ditch Extension, 212 linear feet of 18-inch Corrugated Plastic Pipe, 252 linear feet of 12-inch Solid PVC Pipe, 1,620 linear feet of 8-inch Solid PVC Pressure Pipe, Existing 8-inch PVC Pipe Disconnection and Fence, 110 linear feet of 12-inch Steel Roadway Boring, 300 ton of R-4 Rock Splash Pads, 1,605 linear feet of Floating Baffles, Landscaping and installing one Pavilion. This project issues on June 5, 2009, and bids will be opened on July 16, 2009, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. A mandatory prebid conference is scheduled for June 24, 2009. Use the contact information contained in this advertisement to find out more about the prebid. Note that failure to attend the mandatory prebid will be cause for rejection of your bid. 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. 09-1030. Filed for public inspection June 5, 2009, 9:00 a.m.]

**State Board for Certification of Water and Wastewater Systems Operators; Change of Meeting and Meeting Room**

The State Board for Certification of Water and Wastewater Systems Operators has changed the June 19, 2009, meeting to a conference call Board Meeting in the 8th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The June 19, 2009, meeting was originally scheduled to be a regular Board meeting in the 10th Floor Conference Room in the Rachel Carson State Office Building.

Questions concerning the meeting may be directed to Cheri Sansoni at (717) 772-5158, csansoni@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1031. Filed for public inspection June 5, 2009, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council; Schedule of Meetings

June 18, 2009  
10 a.m.—5 p.m.  
Department of Labor and Industry  
651 Boas Street, Room E-100  
Harrisburg, PA 17121

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at [www.dli.state.pa.us/codes](http://www.dli.state.pa.us/codes), scroll down and click on the link for Uniform Construction Code Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 09-1032. Filed for public inspection June 5, 2009, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

#### *Purpose*

This notice announces that the Department of Public Welfare (Department) is providing final notice of the allocation of funding for Fiscal Year (FY) 2008-2009 for an additional class of disproportionate share hospital (DSH) payments for certain qualifying hospitals based on obstetrical and neonatal intensive care cases. The Department amended the payment methodology applicable to rural hospitals for these DSH payments. There is no change to the qualifying criteria for determining eligibility for these payments or the payment methodology for nonrural hospitals.

The Department published notice of its intent to allocate funding and amend the payment methodology applicable to rural hospitals for an additional class of DSH payment for certain qualifying hospitals based on obstetrical and neonatal intensive care cases at 39 Pa.B. 1362 (March 14, 2009). The Department received no public comments during the 30-day public comment period.

The payment methodology for rural hospitals that meet the qualifying criteria is:

(a) 15% of the total amount available will be paid to qualified rural hospitals as follows:

(i) Of the amount available for distribution to rural hospitals, 75% will be distributed to qualified rural hospitals with obstetrical cases for Pennsylvania (PA) Medical Assistance (MA) recipients using the following formula:

(A) For each hospital, determine the ratio of the hospital's obstetrical cases for PA MA recipients to all obstetrical cases for the hospital.

(B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's obstetrical cases for PA MA recipients.

(C) Add the products under clause (B) for all hospitals.

(D) Divide the amount available for distribution to rural hospitals by the sum under clause (C).

(E) Multiply the quotient under clause (D) by the product under clause (B).

(F) For rural hospitals located in counties whose ratio of MA eligible persons to total county population exceeds one standard deviation above the mean for all rural counties but less than 1.3 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.50. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.3 standard deviations above the mean for all rural counties but less than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.75. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 2.0.

(ii) Of the amount available for distribution to rural hospitals, 10% will be distributed to qualified rural hospitals with neonatal intensive-care cases for PA MA recipients using the following formula:

(A) For each hospital, determine the ratio of the hospital's neonatal intensive care cases for PA MA recipients to all neonatal intensive care cases for the hospital.

(B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's neonatal intensive care cases for PA MA recipients.

(C) Add the products under clause (B) for all hospitals.

(D) Divide the amount available for distribution to rural hospitals by the sum under clause (C).

(E) Multiply the quotient under clause (D) by the product under clause (B).

(F) For rural hospitals located in counties whose ratio of MA eligible persons to total county population exceeds one standard deviation above the mean for all rural counties but less than 1.3 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.50. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.3 standard deviations above the mean for all rural counties but less than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.75. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.6 standard deviations above the mean for all rural hospitals, multiply the product in clause (E) by 2.0.

(iii) 15% of the funds available for rural hospitals will be distributed equally among qualified rural hospitals with obstetrical cases for PA MA recipients.

(iv) To ensure that payments do not exceed available funds, the Department may adjust payments to each hospital to receive its proportionate share of the available funds.

In making these payments, the Department ensures that no acute care general hospital receives any DSH payment that is in excess of its hospital specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

#### *Fiscal Impact*

The FY 2008-2009 fiscal impact related to these payments is \$14.389 million (\$6.544 million in State funds). This will be treated as a one-time only payment.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-602. (1) General Fund; (2) Implementing Year 2008-09 is \$6,544,000; (3) 1st Succeeding Year 2009-10 is \$0; 2nd Succeeding Year 2010-11 is \$0; 3rd Succeeding Year 2011-12 is \$0; 4th Succeeding Year 2012-13 is \$0; 5th Succeeding Year 2013-14 is \$0; (4) 2007-08 Program—\$5,000,000; 2006-07 Program—\$0; 2005-06 Program—\$0; (7) MA—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

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### Medical Assistance Program Fee Schedule Revisions

The Department of Public Welfare (Department) announces that it will revise the fees, or a component of the fee, on the Medical Assistance (MA) Program Fee Schedule for select medical, surgical, laboratory, durable medical equipment and radiological services effective June 15, 2009.

#### *Fee Schedule Revisions*

The Pennsylvania Medicaid State Plan (State Plan) specifies that maximum fees for services covered under the MA Program are to be determined on the basis of the following: fees may not exceed the Medicare upper limit when applicable; fees must be consistent with efficiency, economy and quality of care; and fees must be sufficient to assure the availability of services to recipients. The regulations at 55 Pa. Code § 1150.62(a) (relating to payment levels and notice of rate setting changes) also specify that the MA fees may not exceed the Medicare upper limit.

The Department has determined that MA fees for approximately 670 medical, surgical, laboratory, durable medical equipment and radiological procedure codes or combinations of procedure codes and modifiers, are above the Medicare upper limit for the same procedure codes. The Department is adjusting the fees on the MA Program Fee Schedule for

these combinations of procedure codes and modifiers to equal the Medicare upper limit. Revision of these fees is necessary to comply with the regulation and State Plan, and to avoid a Federal disallowance. When adjusting the assistant surgeon fee (modifier 80), the Department followed the Medicare guidelines of paying 16% of the maximum allowable payment to a primary surgeon, as MA fees may not exceed the Medicare upper limit.

The Department has also determined that for the following services, the sum of the professional and technical component fees did not equal the total component fees. The Department has made adjustments to the professional, technical and total component fees as follows:

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Current Fees</i>	<i>Revised Fees as of June 15, 2009</i>
70350	Cephalogram	\$19.28 (Total Comp Fee) \$8.38 (26—Prof Comp) No Change (TC—Tech Comp)	\$19.41 (Total Comp Fee) \$8.16 (26—Prof Comp) No Change (TC—Tech Comp)
70355	Orthopantogram	\$27.00 (Total Comp Fee) \$9.52 (26—Prof Comp) \$17.48 (TC—Tech Comp)	\$25.00 (Total Comp Fee) \$9.65 (26—Prof Comp) \$15.35 (TC—Tech Comp)
70549	Magnetic resonance angiography, neck; without contrast material(s), followed by contrast material(s) and further sequences	\$556.65 (Total Comp Fee) \$90.83 (26—Prof Comp) No Change (TC—Tech Comp)	\$557.97 (Total Comp Fee) \$84.65 (26—Prof Comp) No Change (TC—Tech Comp)
73020	Radiologic examination, shoulder; 1 view	\$22.96 (Total Comp Fee) \$6.94 (26—Prof Comp) \$16.02 (TC—Tech Comp)	\$22.73 (Total Comp Fee) \$7.05 (26—Prof Comp) \$15.68 (TC—Tech Comp)
74485	Dilation of nephrostomy, ureters or urethra, radiological supervision and interpretation	\$128.39 (Total Comp Fee) \$25.30 (26—Prof Comp) \$103.90 (TC—Tech Comp)	\$122.90 (Total Comp Fee) \$25.97 (26—Prof Comp) \$96.93 (TC—Tech Comp)
76098	Radiological examination, surgical specimen	\$20.94 (Total Comp Fee) \$7.32 (26—Prof Comp) \$13.62 (TC—Tech Comp)	\$19.98 (Total Comp Fee) \$7.43 (26—Prof Comp) \$12.55 (TC—Tech Comp)
76820	Doppler velocimetry, fetal; umbilical artery	\$68.82 (Total Comp Fee) \$21.17 (26—Prof Comp) \$47.65 (TC—Tech Comp)	\$63.19 (Total Comp Fee) \$23.74 (26—Prof Comp) \$39.45 (TC—Tech Comp)
76977	Ultrasound bone density measurement and interpretation, peripheral site(s) any method	\$25.93 (Total Comp Fee) \$2.50 (26—Prof Comp) \$23.43 (TC—Tech Comp)	\$20.38 (Total Comp Fee) \$2.58 (26—Prof Comp) \$17.80 (TC—Tech Comp)
78461	Myocardial perfusion imaging; multiple studies (planar), at rest and/or stress (exercise and/or pharmacologic), and redistribution and/or rest injection, with or without quantification	\$215.87 (Total Comp Fee) \$57.96 (26—Prof Comp) \$157.91 (TC—Tech Comp)	\$212.33 (Total Comp Fee) \$58.23 (26—Prof Comp) \$154.10 (TC—Tech Comp)
78608	Brain imaging, positron emission tomography (PET); metabolic evaluation	\$669.07 (Total Comp Fee) \$70.82 (26—Prof Comp) No Change (TC—Tech Comp)	\$683.09 (Total Comp Fee) \$69.82 (26—Prof Comp) No Change (TC—Tech Comp)
88182	Flow cytometry, cell cycle or DNA analysis	\$39.49 (Total Comp Fee) \$35.55 (26—Prof Comp) No Change (TC—Tech Comp)	\$41.34 (Total Comp Fee) \$34.98 (26—Prof Comp) No Change (TC—Tech Comp)
93278	Signal-averaged electrocardiography (SAECG), with or without ECG	\$49.26 (Total Comp Fee) \$12.06 (26—Prof Comp) \$36.49 (TC—Tech Comp)	\$45.04 (Total Comp Fee) \$12.22 (26—Prof Comp) \$32.82 (TC—Tech Comp)
93321	Doppler echocardiography, pulsed wave and/or continuous wave with spectral display (List separately in addition to codes for echocardiographic imaging.); follow-up or limited study (List separately in addition to codes for echocardiographic imaging.)	\$43.27 (Total Comp Fee) \$7.63 (26—Prof Comp) \$35.64 (TC—Tech Comp)	\$39.15 (Total Comp Fee) \$7.75 (26—Prof Comp) \$31.40 (TC—Tech Comp)
93555	Imaging supervision, interpretation and report for injection procedure(s) during cardiac catheterization; ventricular and/or atrial angiography	\$257.90 (Total Comp Fee) \$40.56 (26—Prof Comp) \$220.60 (TC—Tech Comp)	\$165.23 (Total Comp Fee) \$40.99 (26—Prof Comp) \$124.24 (TC—Tech Comp)

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Current Fees</i>	<i>Revised Fees as of June 15, 2009</i>
93556	Imaging supervision, interpretation and report for injection procedure(s) during cardiac catheterization; pulmonary angiography, aortography, and/or selective coronary angiography including venous bypass grafts and arterial conduits (whether native or used in bypass)	\$389.77 (Total Comp Fee) \$41.66 (26—Prof Comp) \$348.11 (TC—Tech Comp)	\$240.30 (Total Comp Fee) \$42.10 (26—Prof Comp) \$198.20 (TC—Tech Comp)
93724	Electronic analysis of antitachycardia pacemaker system (includes electrocardiographic recording, programming of device, induction and termination of tachycardia via implanted pacemaker, and interpretation of recordings)	\$359.32 (Total Comp Fee) \$242.48 (26—Prof Comp) \$116.84 (TC—Tech Comp)	\$336.10 (Total Comp Fee) \$243.28 (26—Prof Comp) \$92.82 (TC—Tech Comp)

As set forth as follows, the Department has revised the total fee (billed with no modifier) and, as applicable, the professional component fee (billed with modifier 26), the technical component fee (billed with modifier TC), the assistant surgeon fee (billed with modifier 80), and the fee when billing with pricing modifiers SU, TH, NU or U7 for the following procedure codes; “N/A” indicates that the modifier is not on the MA Program Fee Schedule for the procedure code, and “N/C” indicates that there is no change in the fee associated with the modifier:

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
10021	Fine needle aspiration; without imaging guidance	N/A	N/A	N/A	\$62.24
11000	Debridement of extensive eczematous or infected skin; up to 10% of body surface	N/A	N/A	N/A	\$29.30
11001	Debridement of extensive eczematous or infected skin; each additional 10% of the body surface, or part thereof (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$14.81
11011	Debridement including removal of foreign material associated with open fracture(s) and/or dislocation(s); skin, subcutaneous tissue, muscle fascia, and muscle	N/A	N/A	N/A	\$268.00
11012	Debridement including removal of foreign material associated with open fracture(s) and/or dislocation(s); skin, subcutaneous tissue, muscle fascia, muscle, and bone	N/A	N/A	N/A	\$392.66
11041	Debridement; skin, full thickness	N/A	N/A	N/A	\$32.81
11056	Paring or cutting of benign hyperkeratotic lesion (e.g., corn or callus); 2 to 4 lesions	N/A	N/A	N/A	\$29.68
11057	Paring or cutting of benign hyperkeratotic lesion (e.g., corn or callus); more than 4 lesions	N/A	N/A	N/A	\$38.94
11101	Biopsy of skin, subcutaneous tissue and/or mucous membrane (including simple closure), unless otherwise listed; each separate/additional lesion (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$21.04
11720	Debridement of nail(s) by any method(s); 1 to 5	N/A	N/A	N/A	\$15.57
11755	Biopsy of nail unit (e.g., plate, bed, matrix, hyponychium, proximal and lateral nail folds) (separate procedure)	N/A	N/A	N/A	\$75.26



<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
11981	Insertion, non-biodegradable drug delivery implant	N/A	N/A	N/A	\$75.73
11982	Removal, non-biodegradable drug delivery implant	N/A	N/A	N/A	\$92.33
15101	Split-thickness autograft, trunk, arms, legs; each additional 100 sq cm, or each additional 1% of body area of infants and children, or part thereof (List separately in addition to code for primary procedure.)	\$16.20	N/A	N/A	\$101.25
15121	Split-thickness autograft, face, scalp, eyelids, mouth, neck, ears, orbits, genitalia, hands, feet, and/or multiple digits; each additional 100 sq cm, or each additional 1% of body area of infants and children, or part thereof (List separately in addition to code for primary procedure.)	\$25.12	N/A	N/A	\$157.02
15201	Full thickness graft, free, including direct closure of donor site, trunk; each additional 20 sq cm, or part thereof (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$69.77
15221	Full thickness graft, free, including direct closure of donor site, scalp, arms, and/or legs; each additional 20 sq cm, or part thereof (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$64.16
15241	Full thickness graft, free, including direct closure of donor site, forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands and/or feet; each additional 20 sq cm, or part thereof (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$100.62
15261	Full thickness graft, free, including direct closure of donor site, nose, ears, eyelids and/or lips; each additional 20 sq cm, or part thereof (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$126.71
15570	Formation of direct or tubed pedicle, with or without transfer; trunk	\$97.66	N/A	N/A	\$610.39
15574	Formation of direct or tubed pedicle, with or without transfer; forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands or feet	\$104.62	N/A	N/A	\$653.86
15576	Formation of direct or tubed pedicle, with or without transfer; eyelids, nose, ears, lips or intraoral	N/A	N/A	N/A	\$574.35
15600	Delay of flap or sectioning of flap (division and inset); at trunk	N/A	N/A	N/A	\$176.46
15610	Delay of flap or sectioning of flap (division and inset); at scalp, arms or legs	N/A	N/A	N/A	\$207.94
15822	Blepharoplasty, upper eyelid	N/A	N/A	N/A	\$313.77
15936	Excision, sacral pressure ulcer, in preparation for muscle or myocutaneous flap or skin graft closure	\$123.63	N/A	N/A	\$772.70

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
15937	Excision, sacral pressure ulcer, in preparation for muscle or myocutaneous flap or skin graft closure; with osteotomy	\$144.58	N/A	N/A	\$903.61
16025	Dressings and/or debridement of partial-thickness burns, initial or subsequent; medium (e.g., whole face or whole extremity, or 5% to 10% total body surface area)	N/A	N/A	N/A	\$100.55
16035	Escharotomy; initial incision	N/A	N/A	N/A	\$190.48
17003	Destruction (e.g., laser surgery, electrosurgery, cryosurgery, chemosurgery, surgical curettement), premalignant lesions (e.g., actinic keratoses); second through 14 lesions, each (List separately in addition to code for first lesion.)	N/A	N/A	N/A	\$4.38
17004	Destruction (e.g., laser surgery, electrosurgery, cryosurgery, chemosurgery, surgical curettement), premalignant lesions (e.g., actinic keratoses), 15 or more lesions	N/A	N/A	N/A	\$116.39
19001	Puncture aspiration of cyst of breast; each additional cyst (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$20.39
19100	Biopsy of breast; percutaneous, needle core, not using imaging guidance (separate procedure)	N/A	N/A	N/A	\$61.25
19126	Excision of breast lesion identified by preoperative placement of radiological marker, open; each additional lesion separately identified by a preoperative radiological marker (List separately in addition to code for primary procedure.)	\$22.74	N/A	N/A	\$142.13
19296	Placement of radiotherapy afterloading expandable catheter (single or multichannel) into the breast for interstitial radioelement application following partial mastectomy, includes imaging guidance; on date separate from partial mastectomy	N/A	N/A	N/A	\$182.08
19298	Placement of radiotherapy afterloading brachytherapy catheters (multiple tube and button type) into the breast for interstitial radioelement application following (at the time of or subsequent to) partial mastectomy, includes imaging guidance	N/A	N/A	N/A	\$295.14
20100	Exploration of penetrating wound (separate procedure); neck	\$84.76	N/A	N/A	\$529.76
20103	Exploration of penetrating wound (separate procedure); extremity	\$50.02	N/A	N/A	\$312.61
20615	Aspiration and injection for treatment of bone cyst	N/A	N/A	N/A	\$141.20
20910	Cartilage graft; costochondral	N/A	N/A	N/A	\$376.54
20912	Cartilage graft; nasal septum	N/A	N/A	N/A	\$426.78

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
20924	Tendon graft, from a distance (e.g., palmaris, toe extensor, plantaris)	\$71.53	N/A	N/A	\$447.09
20974	Electrical stimulation to aid bone healing; noninvasive (nonoperative)	N/A	N/A	N/A	\$42.63
21120	Genioplasty; augmentation (autograft, allograft, prosthetic material)	\$69.56	N/A	N/A	N/C
21123	Genioplasty; sliding, augmentation with interpositional bone grafts (includes obtaining autografts)	\$117.89	N/A	N/A	N/C
21125	Augmentation, mandibular body or angle; prosthetic material	\$102.90	N/A	N/A	\$643.15
21127	Augmentation, mandibular body or angle; with bone graft, onlay or interpositional (includes obtaining autograft)	\$121.61	N/A	N/A	\$760.08
21138	Reduction forehead; contouring and application of prosthetic material or bone graft (includes obtaining autograft)	\$126.55	N/A	N/A	\$790.94
21139	Reduction forehead; contouring and setback of anterior frontal sinus wall	\$136.99	N/A	N/A	\$856.21
21199	Osteotomy, mandible, segmental; with genioglossus advancement	\$143.67	N/A	N/A	\$897.93
21206	Osteotomy, maxilla, segmental (e.g., Wassmund or Schuchard)	\$155.61	N/A	N/A	\$972.56
21208	Osteoplasty, facial bones; augmentation (autograft, allograft, or prosthetic implant)	N/A	N/A	N/A	\$719.30
21209	Osteoplasty, facial bones; reduction	\$88.85	N/A	N/A	\$555.29
21210	Graft, bone; nasal, maxillary or malar areas (includes obtaining graft)	\$115.96	N/A	N/A	\$724.73
21215	Graft, bone; mandible (includes obtaining graft)	\$121.08	N/A	N/A	\$756.77
21242	Arthroplasty, temporomandibular joint, with allograft	\$144.28	N/A	N/A	\$901.74
21275	Secondary revision of orbitocraniofacial reconstruction	\$112.56	N/A	N/A	\$703.51
21295	Reduction of masseter muscle and bone (e.g., for treatment of benign masseteric hypertrophy); extraoral approach	\$23.92	N/A	N/A	\$149.51
21310	Closed treatment of nasal bone fracture without manipulation	N/A	N/A	N/A	\$25.74
21320	Closed treatment of nasal bone fracture; with stabilization	N/A	N/A	N/A	\$120.76
21386	Open treatment of orbital floor blowout fracture; periorbital approach	\$92.73	N/A	N/A	\$579.59
21387	Open treatment of orbital floor blowout fracture; combined approach	N/A	N/A	N/A	\$659.93
21390	Open treatment of orbital floor blowout fracture; periorbital approach, with alloplastic or other implant	\$105.83	N/A	N/A	\$661.45
21401	Closed treatment of fracture of orbit, except blowout; with manipulation	N/A	N/A	N/A	\$247.00
21406	Open treatment of fracture of orbit, except blowout; without implant	N/A	N/A	N/A	\$469.44

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
21407	Open treatment of fracture of orbit, except blowout; with implant	\$88.80	N/A	N/A	\$555.01
21423	Open treatment of palatal or maxillary fracture (LeFort I type); complicated (comminuted or involving cranial nerve foramina), multiple approaches	\$111.34	N/A	N/A	\$695.90
21454	Open treatment of mandibular fracture with external fixation	N/A	N/A	N/A	\$478.49
21480	Closed treatment of temporomandibular dislocation; initial or subsequent	N/A	N/A	N/A	\$28.98
21557	Radical resection of tumor (e.g., malignant neoplasm), soft tissue of neck or thorax	\$81.53	N/A	N/A	\$509.54
22103	Partial excision of posterior vertebral component (e.g., spinous process, lamina or facet) for intrinsic bony lesion, single vertebral segment; each additional segment (List separately in addition to code for primary procedure.)	\$20.92	N/A	N/A	\$130.73
22116	Partial excision of vertebral body, for intrinsic bony lesion, without decompression of spinal cord or nerve root(s), single vertebral segment; each additional vertebral segment (List separately in addition to code for primary procedure.)	\$21.03	N/A	N/A	\$131.42
22216	Osteotomy of spine, posterior or posterolateral approach, 1 vertebral segment; each additional vertebral segment (List separately in addition to primary procedure.)	\$54.94	N/A	N/A	\$343.36
22226	Osteotomy of spine, including discectomy, anterior approach, single vertebral segment; each additional vertebral segment (List separately in addition to code for primary procedure.)	\$54.72	N/A	N/A	\$341.97
22328	Open treatment and/or reduction of vertebral fracture(s) and/or dislocation(s), posterior approach, 1 fractured vertebra or dislocated segment; each additional fractured vertebra or dislocated segment (List separately in addition to code for primary procedure.)	\$41.25	N/A	N/A	\$257.81
22585	Arthrodesis, anterior interbody technique, including minimal discectomy to prepare interspace (other than for decompression); each additional interspace (List separately in addition to code for primary procedure.)	\$50.30	N/A	N/A	\$314.35
22614	Arthrodesis, posterior or posterolateral technique, single level; each additional vertebral segment (List separately in addition to code for primary procedure.)	\$58.53	N/A	N/A	\$365.83
22632	Arthrodesis, posterior interbody technique, including laminectomy and/or discectomy to prepare interspace (other than for decompression), single interspace; each additional interspace (List separately in addition to code for primary procedure.)	\$47.64	N/A	N/A	\$297.75

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
22840	Posterior nonsegmental instrumentation (e.g., Harrington rod technique, pedicle fixation across 1 interspace, atlantoaxial transarticular screw fixation, sublaminar wiring at C1, facet screw fixation) (List separately in addition to code for primary procedure.)	\$114.58	N/A	N/A	\$716.11
22842	Posterior segmental instrumentation (e.g., pedicle fixation, dual rods with multiple hooks and sublaminar wires); 3 to 6 vertebral segments (List separately in addition to code for primary procedure.)	\$114.59	N/A	N/A	\$716.17
22843	Posterior segmental instrumentation (e.g., pedicle fixation, dual rods with multiple hooks and sublaminar wires); 7 to 12 vertebral segments (List separately in addition to code for primary procedure.)	\$121.25	N/A	N/A	\$757.82
22844	Posterior segmental instrumentation (e.g., pedicle fixation, dual rods with multiple hooks and sublaminar wires); 13 or more vertebral segments (List separately in addition to code for primary procedure.)	\$148.57	N/A	N/A	\$928.57
22845	Anterior instrumentation; 2 to 3 vertebral segments (List separately in addition to code for primary procedure.)	\$109.80	N/A	N/A	\$686.27
22847	Anterior instrumentation; 8 or more vertebral segments (List separately in addition to code for primary procedure.)	\$125.10	N/A	N/A	\$781.87
22848	Pelvic fixation (attachment of caudal end of instrumentation to pelvic bony structures) other than sacrum (List separately in addition to code for primary procedure.)	\$54.06	N/A	N/A	\$337.88
23105	Arthrotomy; glenohumeral joint, with synovectomy, with or without biopsy	N/A	N/A	N/A	\$561.15
23106	Arthrotomy; sternoclavicular joint, with synovectomy, with or without biopsy	N/A	N/A	N/A	\$419.99
23107	Arthrotomy, glenohumeral joint, with joint exploration, with or without removal of loose or foreign body	\$93.54	N/A	N/A	\$584.64
23210	Radical resection for tumor; scapula	\$129.08	N/A	N/A	\$806.72
24100	Arthrotomy, elbow; with synovial biopsy only	N/A	N/A	N/A	\$347.61
24152	Radical resection for tumor, radial head or neck	\$102.14	N/A	N/A	\$638.36
24153	Radical resection for tumor, radial head or neck; with autograft (includes obtaining graft)	N/A	N/A	N/A	\$601.59
24155	Resection of elbow joint (arthrectomy)	\$119.32	N/A	N/A	\$745.75
24361	Arthroplasty, elbow; with distal humeral prosthetic replacement	\$142.98	N/A	N/A	\$893.62
24365	Arthroplasty, radial head	\$90.41	N/A	N/A	\$565.05
24366	Arthroplasty, radial head; with implant	\$96.95	N/A	N/A	\$605.96

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
24931	Amputation, arm through humerus; with implant	\$112.42	N/A	N/A	\$702.62
25335	Centralization of wrist on ulna (e.g., radial club hand)	N/A	N/A	N/A	\$859.80
25820	Arthrodesis, wrist; limited, without bone graft (e.g., intercarpal or radiocarpal)	\$87.03	N/A	N/A	\$543.93
26030	Drainage of palmar bursa; multiple bursa	N/A	N/A	N/A	\$425.89
26125	Fasciectomy, partial palmar with release of single digit including proximal interphalangeal joint, with or without Z-plasty, other local tissue rearrangement, or skin grafting (includes obtaining graft); each additional digit (List separately in addition to code for primary procedure.)	\$40.71	N/A	N/A	\$254.45
26510	Cross intrinsic transfer, each tendon	\$86.81	N/A	N/A	\$542.54
26531	Arthroplasty, metacarpophalangeal joint; with prosthetic implant, each joint	\$86.63	N/A	N/A	\$541.43
26591	Repair, intrinsic muscles of hand, each muscle	N/A	N/A	N/A	\$403.69
26861	Arthrodesis, interphalangeal joint, with or without internal fixation; each additional interphalangeal joint (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$96.46
26863	Arthrodesis, interphalangeal joint, with or without internal fixation; with autograft (includes obtaining graft), each additional joint (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$215.05
27054	Arthrotomy with synovectomy, hip joint	N/A	N/A	N/A	\$598.11
27071	Partial excision (craterization, saucerization) (e.g., osteomyelitis or bone abscess); deep (subfascial or intramuscular)	\$128.64	N/A	N/A	\$804.00
27096	Injection procedure for sacroiliac joint, arthrography and/or anesthetic/steroid	N/A	N/A	N/A	\$61.19
27256	Treatment of spontaneous hip dislocation (developmental, including congenital or pathological), by abduction, splint or traction; without anesthesia, without manipulation	N/A	N/A	N/A	\$219.80
27334	Arthrotomy, with synovectomy, knee; anterior or posterior	N/A	N/A	N/A	\$599.16
27335	Arthrotomy, with synovectomy, knee; anterior and posterior including popliteal area	N/A	N/A	N/A	\$677.42
27358	Excision or curettage of bone cyst or benign tumor of femur; with internal fixation (List in addition to code for primary procedure.)	\$42.19	N/A	N/A	\$263.66
27396	Transplant or transfer (with muscle redirection or rerouting), thigh (e.g., extensor to flexor); single tendon	\$86.56	N/A	N/A	\$541.02
27425	Lateral retinacular release, open	\$62.00	N/A	N/A	\$387.49

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
27427	Ligamentous reconstruction (augmentation), knee; extra-articular	\$101.62	N/A	N/A	\$635.12
27438	Arthroplasty, patella; with prosthesis	\$119.01	N/A	N/A	\$743.79
27450	Osteotomy, femur, shaft or supracondylar; with fixation	\$145.61	N/A	N/A	\$910.06
27605	Tenotomy, percutaneous, Achilles tendon (separate procedure); local anesthesia	N/A	N/A	N/A	\$182.06
27692	Transfer or transplant of single tendon (with muscle redirection or rerouting); each additional tendon (List separately in addition to code for primary procedure.)	\$16.45	N/A	N/A	\$102.82
27740	Arrest, epiphyseal (epiphysiodesis), any method, combined, proximal and distal tibia and fibula	\$100.87	N/A	N/A	\$630.41
27742	Arrest, epiphyseal (epiphysiodesis), any method, combined, proximal and distal tibia and fibula; and distal femur	\$94.89	N/A	N/A	\$593.07
27756	Percutaneous skeletal fixation of tibial shaft fracture (with or without fibular fracture) (e.g., pins or screws)	\$80.03	N/A	N/A	\$500.16
27871	Arthrodesis, tibiofibular joint, proximal or distal	\$98.99	N/A	N/A	\$618.70
28088		N/A	N/A	N/A	\$275.66
28160	Hemiphalangectomy or interphalangeal joint excision, toe, proximal end of phalanx, each	N/A	N/A	N/A	\$253.68
28344	Reconstruction, toe(s); polydactyly	\$44.34	N/A	N/A	\$277.13
28345	Reconstruction, toe(s); syndactyly, with or without skin graft(s), each web	N/A	N/A	N/A	\$376.55
28530	Closed treatment of sesamoid fracture	N/A	N/A	N/A	\$89.57
28725	Arthrodesis; subtalar	\$116.86	N/A	N/A	\$730.37
29000	Application of halo type body cast (see 20661—20663 for insertion)	N/A	N/A	N/A	\$148.89
29055	Application, cast; shoulder spica	N/A	N/A	N/A	\$117.51
29131	Application of finger splint; dynamic	N/A	N/A	N/A	\$27.71
29325	Application of hip spica cast; 1 and 1/2 spica or both legs	N/A	N/A	N/A	\$153.60
29445	Application of rigid total contact leg cast	N/A	N/A	N/A	\$101.47
29520	Strapping; hip	N/A	N/A	N/A	\$33.97
29819	Arthroscopy, shoulder, surgical; with removal of loose body or foreign body	\$83.33	N/A	N/A	\$520.81
29820	Arthroscopy, shoulder, surgical; synovectomy, partial	\$76.93	N/A	N/A	\$480.82
29821	Arthroscopy, shoulder, surgical; synovectomy, complete	\$84.05	N/A	N/A	\$525.29
29822	Arthroscopy, shoulder, surgical; debridement, limited	\$81.74	N/A	N/A	\$510.85
29825	Arthroscopy, shoulder, surgical; with lysis and resection of adhesions, with or without manipulation	\$83.27	N/A	N/A	\$520.46

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29834	Arthroscopy, elbow, surgical; with removal of loose body or foreign body	\$69.92	N/A	N/A	\$436.97
29835	Arthroscopy, elbow, surgical; synovectomy, partial	\$71.74	N/A	N/A	\$448.40
29836	Arthroscopy, elbow, surgical; synovectomy, complete	\$82.17	N/A	N/A	\$513.56
29837	Arthroscopy, elbow, surgical; debridement, limited	\$75.11	N/A	N/A	\$469.41
29838	Arthroscopy, elbow, surgical; debridement, extensive	\$84.09	N/A	N/A	\$525.57
29843	Arthroscopy, wrist, surgical; for infection, lavage and drainage	\$66.88	N/A	N/A	\$417.97
29844	Arthroscopy, wrist, surgical; synovectomy, partial	\$70.17	N/A	N/A	\$438.59
29846	Arthroscopy, wrist, surgical; excision and/or repair of triangular fibrocartilage and/or joint debridement	\$73.75	N/A	N/A	\$460.96
29850	Arthroscopically aided treatment of intercondylar spine(s) and/or tuberosity fracture(s) of the knee, with or without manipulation; without internal or external fixation (includes arthroscopy)	\$78.20	N/A	N/A	\$488.76
29871	Arthroscopy, knee, surgical; for infection, lavage and drainage	N/A	N/A	N/A	\$452.43
29873	Arthroscopy, knee, surgical; with lateral release	N/A	N/A	N/A	\$453.30
29874	Arthroscopy, knee, surgical; for removal of loose body or foreign body (e.g., osteochondritis dissecans fragmentation, chondral fragmentation)	\$75.51	N/A	N/A	\$471.95
29875	Arthroscopy, knee, surgical; synovectomy, limited (e.g., plica or shelf resection) (separate procedure)	\$70.27	N/A	N/A	\$439.17
29877	Arthroscopy, knee, surgical; debridement/shaving of articular cartilage (chondroplasty)	\$86.49	N/A	N/A	\$540.59
29884	Arthroscopy, knee, surgical; with lysis of adhesions, with or without manipulation (separate procedure)	\$86.15	N/A	N/A	\$538.43
29894	Arthroscopy, ankle (tibiotalar and fibulotalar joints), surgical; with removal of loose body or foreign body	\$73.92	N/A	N/A	\$462.00
29895	Arthroscopy, ankle (tibiotalar and fibulotalar joints), surgical; synovectomy, partial	\$71.98	N/A	N/A	\$449.85
29897	Arthroscopy, ankle (tibiotalar and fibulotalar joints), surgical; debridement, limited	\$75.30	N/A	N/A	\$470.65
29898	Arthroscopy, ankle (tibiotalar and fibulotalar joints), surgical; debridement, extensive	\$84.15	N/A	N/A	\$525.93
30150	Rhinectomy; partial	N/A	N/A	N/A	\$698.89
30160	Rhinectomy; total	\$111.24	N/A	N/A	\$695.25



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30580	Repair fistula; oromaxillary (combine with 31030 if antrotomy is included)	N/A	N/A	N/A	\$440.83
31233	Nasal/sinus endoscopy, diagnostic with maxillary sinusoscopy (via inferior meatus or canine fossa puncture)	\$20.08	N/A	N/A	\$125.53
31235	Nasal/sinus endoscopy, diagnostic with sphenoid sinusoscopy (via puncture of sphenoidal face or cannulation of ostium)	\$23.92	N/A	N/A	\$149.52
31239	Nasal/sinus endoscopy, surgical; with dacryocystorhinostomy	\$93.25	N/A	N/A	\$582.79
31240	Nasal/sinus endoscopy, surgical; with concha bullosa resection	\$23.74	N/A	N/A	\$148.39
31255	Nasal/sinus endoscopy, surgical; with ethmoidectomy, total (anterior and posterior)	\$60.40	N/A	N/A	\$377.53
31256	Nasal/sinus endoscopy, surgical, with maxillary antrostomy	\$29.58	N/A	N/A	\$184.90
31276	Nasal/sinus endoscopy, surgical with frontal sinus exploration, with or without removal of tissue from frontal sinus	\$76.12	N/A	N/A	\$475.74
31287	Nasal/sinus endoscopy, surgical, with sphenoidotomy	\$34.72	N/A	N/A	\$217.01
31288	Nasal/sinus endoscopy, surgical, with sphenoidotomy; with removal of tissue from the sphenoid sinus	\$40.27	N/A	N/A	\$251.70
31292	Nasal/sinus endoscopy, surgical; with medial or inferior orbital wall decompression	\$143.64	N/A	N/A	\$897.78
31293	Nasal/sinus endoscopy, surgical; with medial orbital wall and inferior orbital wall decompression	\$156.41	N/A	N/A	\$977.59
31512	Laryngoscopy, indirect; with removal of lesion	N/A	N/A	N/A	\$117.87
31513	Laryngoscopy, indirect; with vocal cord injection	N/A	N/A	N/A	\$120.74
31520	Laryngoscopy direct, with or without tracheoscopy; diagnostic, newborn	N/A	N/A	N/A	\$140.88
31528	Laryngoscopy direct, with or without tracheoscopy; with dilation, initial	N/A	N/A	N/A	\$130.60
31529	Laryngoscopy direct, with or without tracheoscopy; with dilation, subsequent	N/A	N/A	N/A	\$149.27
31535	Laryngoscopy, direct, operative, with biopsy	N/A	N/A	N/A	\$175.05
31535-SU	Laryngoscopy, direct, operative, with biopsy	N/A	N/A	N/A	\$175.05
31536	Laryngoscopy, direct, operative, with biopsy; with operating microscope or telescope	N/A	N/A	N/A	\$196.06
31540	Laryngoscopy, direct, operative, with excision of tumor and/or stripping of vocal cords or epiglottis	N/A	N/A	N/A	\$224.89

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31541	Laryngoscopy, direct, operative, with excision of tumor and/or stripping of vocal cords or epiglottis; with operating microscope or telescope	N/A	N/A	N/A	\$246.26
31560	Laryngoscopy, direct, operative, with arytenoidectomy	N/A	N/A	N/A	\$290.43
31561	Laryngoscopy, direct, operative, with arytenoidectomy; with operating microscope or telescope	N/A	N/A	N/A	\$317.44
31576	Laryngoscopy, flexible fiberoptic; with biopsy	N/A	N/A	N/A	\$111.62
31577	Laryngoscopy, flexible fiberoptic; with removal of foreign body	N/A	N/A	N/A	\$137.53
31601	Tracheostomy, planned (separate procedure); younger than 2 years	\$37.64	N/A	N/A	\$235.27
31603	Tracheostomy, emergency procedure; transtracheal	N/A	N/A	N/A	\$205.21
31605	Tracheostomy, emergency procedure; cricothyroid membrane	N/A	N/A	N/A	\$168.69
31615	Tracheobronchoscopy through established tracheostomy incision	N/A	N/A	N/A	\$114.79
31620	Endobronchial ultrasound (EBUS) during bronchoscopic diagnostic or therapeutic intervention(s) (List separately in addition to code for primary procedure[s].)	N/A	N/A	N/A	\$66.09
31622	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; diagnostic, with or without cell washing (separate procedure)	N/A	N/A	N/A	\$133.86
31623	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with brushing or protected brushings	N/A	N/A	N/A	\$135.15
31624	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with bronchial alveolar lavage	N/A	N/A	N/A	\$135.15
31625	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with bronchial or endobronchial biopsy(s), single or multiple sites	N/A	N/A	N/A	\$157.81
31628	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with transbronchial lung biopsy(s), single lobe	N/A	N/A	N/A	\$175.80
31629	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with transbronchial needle aspiration biopsy(s), trachea, main stem and/or lobar bronchus(i)	N/A	N/A	N/A	\$187.39
31630	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with tracheal/bronchial dilation or closed reduction of fracture	N/A	N/A	N/A	\$191.27

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31631	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with placement of tracheal stent(s) (includes tracheal/bronchial dilation as required)	N/A	N/A	N/A	\$213.75
31632	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with transbronchial lung biopsy(s), each additional lobe (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$50.49
31633	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with transbronchial needle aspiration biopsy(s), each additional lobe (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$62.08
31635	Bronchoscopy, rigid or flexible, with or without fluoroscopic guidance; with removal of foreign body	N/A	N/A	N/A	\$176.15
31643	Bronchoscopy (rigid or flexible); with placement of catheter(s) for intracavitary radioelement application	N/A	N/A	N/A	\$163.41
31645	Bronchoscopy (rigid or flexible); with therapeutic aspiration of tracheobronchial tree, initial (e.g., drainage of lung abscess)	N/A	N/A	N/A	\$147.80
31646	Bronchoscopy (rigid or flexible); with therapeutic aspiration of tracheobronchial tree, subsequent	N/A	N/A	N/A	\$128.44
31656	Bronchoscopy (rigid or flexible); with injection of contrast material for segmental bronchography (fiberscope only)	N/A	N/A	N/A	\$104.56
31730	Transtracheal (percutaneous) introduction of needle wire dilator/stent or indwelling tube for oxygen therapy	N/A	N/A	N/A	\$133.39
31825	Surgical closure tracheostomy or fistula; with plastic repair	N/A	N/A	N/A	\$424.79
32501	Resection and repair of portion of bronchus (bronchoplasty) when performed at time of lobectomy or segmentectomy (List separately in addition to code for primary procedure.)	\$36.84	N/A	N/A	\$230.27
32656	Thoracoscopy, surgical; with parietal pleurectomy	\$120.32	N/A	N/A	\$752.01
32657	Thoracoscopy, surgical; with wedge resection of lung, single or multiple	\$118.46	N/A	N/A	\$740.36
32658	Thoracoscopy, surgical; with removal of clot or foreign body from pericardial sac	\$108.05	N/A	N/A	\$675.34
32659	Thoracoscopy, surgical; with creation of pericardial window or partial resection of pericardial sac for drainage	\$109.81	N/A	N/A	\$686.30
32660	Thoracoscopy, surgical; with total pericardiectomy	\$154.46	N/A	N/A	\$965.35
32661	Thoracoscopy, surgical; with excision of pericardial cyst, tumor or mass	\$120.81	N/A	N/A	\$755.08
32662	Thoracoscopy, surgical; with excision of mediastinal cyst, tumor or mass	\$135.59	N/A	N/A	\$847.41

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32664	Thoracoscopy, surgical; with thoracic sympathectomy	\$126.49	N/A	N/A	\$790.54
33141	Transmyocardial laser revascularization, by thoracotomy; performed at the time of other open cardiac procedure(s) (List separately in addition to code for primary procedure.)	\$24.17	N/A	N/A	\$151.04
33207	Insertion or replacement of permanent pacemaker with transvenous electrode(s); ventricular	N/A	N/A	N/A	\$461.18
33508	Endoscopy, surgical, including video-assisted harvest of vein(s) for coronary artery bypass procedure (List separately in addition to code for primary procedure.)	\$2.43	N/A	N/A	\$15.19
33924	Ligation and takedown of a systemic-to-pulmonary artery shunt, performed in conjunction with a congenital heart procedure (List separately in addition to code for primary procedure.)	\$43.70	N/A	N/A	\$273.13
33961	Prolonged extracorporeal circulation for cardiopulmonary insufficiency; each additional 24 hours (List separately in addition to code for primary procedure.)	\$81.97	N/A	N/A	\$512.33
33968	Removal of intra-aortic balloon assist device, percutaneous	N/A	N/A	N/A	\$32.18
34101	Embolectomy or thrombectomy, with or without catheter; axillary, brachial, innominate, subclavian artery, by arm incision	\$93.16	N/A	N/A	\$582.24
34111	Embolectomy or thrombectomy, with or without catheter; radial or ulnar artery, by arm incision	\$93.05	N/A	N/A	\$581.54
35180	Repair, congenital arteriovenous fistula; head and neck	\$123.04	N/A	N/A	\$768.99
35188	Repair, acquired or traumatic arteriovenous fistula; head and neck	\$131.86	N/A	N/A	\$824.11
35190	Repair, acquired or traumatic arteriovenous fistula; extremities	\$114.47	N/A	N/A	\$715.44
35207	Repair blood vessel, direct; hand, finger	\$105.65	N/A	N/A	\$660.29
35390	Reoperation, carotid, thromboendarterectomy, more than 1 month after original operation (List separately in addition to code for primary procedure.)	\$24.99	N/A	N/A	\$156.18
35450	Transluminal balloon angioplasty, open; renal or other visceral artery	\$79.29	N/A	N/A	\$495.56
35454	Transluminal balloon angioplasty, open; iliac	\$48.69	N/A	N/A	\$304.34
35456	Transluminal balloon angioplasty, open; femoral-popliteal	N/A	N/A	N/A	\$368.14
35458	Transluminal balloon angioplasty, open; brachiocephalic trunk or branches, each vessel	\$75.58	N/A	N/A	\$472.35

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35475	Transluminal balloon angioplasty, percutaneous; brachiocephalic trunk or branches, each vessel	\$73.76	N/A	N/A	\$460.97
35482	Transluminal peripheral atherectomy, open; iliac	\$53.49	N/A	N/A	\$334.32
35483	Transluminal peripheral atherectomy, open; femoral-popliteal	\$65.50	N/A	N/A	\$409.39
35484	Transluminal peripheral atherectomy, open; brachiocephalic trunk or branches, each vessel	\$81.80	N/A	N/A	\$511.28
35485	Transluminal peripheral atherectomy, open; tibioperoneal trunk and branches	\$76.42	N/A	N/A	\$477.65
35612	Bypass graft, with other than vein; subclavian-subclavian	\$141.13	N/A	N/A	\$882.09
35642	Bypass graft, with other than vein; carotid-vertebral	\$155.69	N/A	N/A	\$973.04
35681	Bypass graft; composite, prosthetic and vein (List separately in addition to code for primary procedure.)	\$12.52	N/A	N/A	\$78.28
35682	Bypass graft; autogenous composite, 2 segments of veins from 2 locations (List separately in addition to code for primary procedure.)	\$55.82	N/A	N/A	\$348.90
35683	Bypass graft; autogenous composite, 3 or more segments of vein from 2 or more locations (List separately in addition to code for primary procedure.)	\$65.75	N/A	N/A	\$410.96
35685	Placement of vein patch or cuff at distal anastomosis of bypass graft, synthetic conduit (List separately in addition to code for primary procedure.)	\$31.41	N/A	N/A	\$196.34
35686	Creation of distal arteriovenous fistula during lower extremity bypass surgery (non-hemodialysis) (List separately in addition to code for primary procedure.)	\$26.12	N/A	N/A	\$163.23
35691	Transposition and/or reimplantation; vertebral to carotid artery	\$153.09	N/A	N/A	\$956.82
35700	Reoperation, femoral-popliteal or femoral (popliteal)-anterior tibial, posterior tibial, peroneal artery, or other distal vessels, more than 1 month after original operation (List separately in addition to code for primary procedure.)	\$23.99	N/A	N/A	\$149.92
35875	Thrombectomy of arterial or venous graft (other than hemodialysis graft or fistula)	\$91.56	N/A	N/A	\$572.25
35901	Excision of infected graft; neck	\$77.44	N/A	N/A	\$484.03
36120	Introduction of needle or intracatheter; retrograde brachial artery	N/A	N/A	N/A	\$94.00
36420	Venipuncture, cutdown; younger than age 1 year	N/A	N/A	N/A	\$44.75
36455	Exchange transfusion, blood; other than newborn	N/A	N/A	N/A	\$116.11
36460	Transfusion, intrauterine, fetal	N/A	N/A	N/A	\$319.41

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36471	Injection of sclerosing solution; multiple veins, same leg	N/A	N/A	N/A	\$91.12
36516	Therapeutic apheresis; with extracorporeal selective adsorption or selective filtration and plasma reinfusion	N/A	N/A	N/A	\$58.58
36555	Insertion of non-tunneled centrally inserted central venous catheter; younger than 5 years of age	N/A	N/A	N/A	\$117.84
36556	Insertion of non-tunneled centrally inserted central venous catheter; age 5 years or older	N/A	N/A	N/A	\$113.21
36557	Insertion of tunneled centrally inserted central venous catheter, without subcutaneous port or pump; younger than 5 years of age	N/A	N/A	N/A	\$277.74
36561	Insertion of tunneled centrally inserted central venous access device, with subcutaneous port; age 5 years or older	\$51.09	N/A	N/A	\$319.32
36563	Insertion of tunneled centrally inserted central venous access device with subcutaneous pump	N/A	N/A	N/A	\$335.47
36565	Insertion of tunneled centrally inserted central venous access device, requiring 2 catheters via 2 separate venous access sites; without subcutaneous port or pump (e.g., Tesio type catheter)	N/A	N/A	N/A	\$316.18
36566	Insertion of tunneled centrally inserted central venous access device, requiring 2 catheters via 2 separate venous access sites; with subcutaneous port(s)	N/A	N/A	N/A	\$338.16
36570	Insertion of peripherally inserted central venous access device, with subcutaneous port; younger than 5 years of age	N/A	N/A	N/A	\$282.89
36576	Repair of central venous access device, with subcutaneous port or pump, central or peripheral insertion site	N/A	N/A	N/A	\$174.10
36578	Replacement, catheter only, of central venous access device, with subcutaneous port or pump, central or peripheral insertion site	N/A	N/A	N/A	\$199.32
36582	Replacement, complete, of a tunneled centrally inserted central venous access device, with subcutaneous port, through same venous access	N/A	N/A	N/A	\$274.21
36583	Replacement, complete, of a tunneled centrally inserted central venous access device, with subcutaneous pump, through same venous access	N/A	N/A	N/A	\$276.43
36585	Replacement, complete, of a peripherally inserted central venous access device, with subcutaneous port, through same venous access	N/A	N/A	N/A	\$258.09
36589	Removal of tunneled central venous catheter, without subcutaneous port or pump	N/A	N/A	N/A	\$130.35

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
36598	Contrast injection(s) for radiologic evaluation of existing central venous access device, including fluoroscopy, image documentation and report	N/A	N/A	N/A	\$77.37
36620	Arterial catheterization or cannulation for sampling, monitoring or transfusion (separate procedure); percutaneous	N/A	N/A	N/A	\$47.58
36800	Insertion of cannula for hemodialysis, other purpose (separate procedure); vein to vein	N/A	N/A	N/A	\$148.57
36810	Insertion of cannula for hemodialysis, other purpose (separate procedure); arteriovenous, external (Scribner type)	N/A	N/A	N/A	\$201.22
36815	Insertion of cannula for hemodialysis, other purpose (separate procedure); arteriovenous, external revision, or closure	N/A	N/A	N/A	\$138.78
36821	Arteriovenous anastomosis, open; direct, any site (e.g., Cimino type) (separate procedure)	N/A	N/A	N/A	\$500.61
36825	Creation of arteriovenous fistula by other than direct arteriovenous anastomosis (separate procedure); autogenous graft	N/A	N/A	N/A	\$545.30
36830	Creation of arteriovenous fistula by other than direct arteriovenous anastomosis (separate procedure); nonautogenous graft (e.g., biological collagen, thermoplastic graft)	\$99.97	N/A	N/A	\$624.80
36832	Revision, open, arteriovenous fistula; without thrombectomy, autogenous or nonautogenous dialysis graft (separate procedure)	\$88.16	N/A	N/A	\$551.00
36834	Plastic repair of arteriovenous aneurysm (separate procedure)	\$92.49	N/A	N/A	\$578.09
36835	Insertion of Thomas shunt (separate procedure)	\$67.90	N/A	N/A	\$424.39
36860	External cannula declotting (separate procedure); without balloon catheter	N/A	N/A	N/A	\$93.97
36861	External cannula declotting (separate procedure); with balloon catheter	N/A	N/A	N/A	\$141.19
36870	Thrombectomy, percutaneous, arteriovenous fistula, autogenous or nonautogenous graft (includes mechanical thrombus extraction and intra-graft thrombolysis)	\$45.87	N/A	N/A	\$286.70
37207	Transcatheter placement of an intravascular stent(s) (non-coronary vessel), open; initial vessel	N/A	N/A	N/A	\$415.50
37208	Transcatheter placement of an intravascular stent(s) (non-coronary vessel), open; each additional vessel (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$200.76
37700	Ligation and division of long saphenous vein at saphenofemoral junction, or distal interruptions	\$37.63	N/A	N/A	\$235.16

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38102	Splenectomy; total, en bloc for extensive disease, in conjunction with other procedure (List in addition to code for primary procedure.)	\$37.28	N/A	N/A	\$233.01
38205	Blood-derived hematopoietic progenitor cell harvesting for transplantation, per collection; allogenic	N/A	N/A	N/A	\$73.66
38206	Blood-derived hematopoietic progenitor cell harvesting for transplantation, per collection; autologous	N/A	N/A	N/A	\$74.01
38220	Bone marrow; aspiration only	N/A	N/A	N/A	\$54.68
38221	Bone marrow; biopsy, needle or trocar	N/A	N/A	N/A	\$69.82
38240	Bone marrow or blood-derived peripheral stem cell transplantation; allogenic	N/A	N/A	N/A	\$113.08
38241	Bone marrow or blood-derived peripheral stem cell transplantation; autologous	\$18.15	N/A	N/A	\$113.42
38381	Suture and/or ligation of thoracic duct; thoracic approach	N/C	N/A	N/A	\$738.43
38747	Abdominal lymphadenectomy, regional, including celiac, gastric, portal, peripancreatic, with or without para-aortic and vena caval nodes (List separately in addition to code for primary procedure.)	\$38.05	N/A	N/A	\$237.81
39501	Repair, laceration of diaphragm, any approach	\$118.90	N/A	N/A	\$743.14
39545	Imbrication of diaphragm for eventration, transthoracic or transabdominal, paralytic or nonparalytic	\$129.09	N/A	N/A	\$806.81
40510	Excision of lip; transverse wedge excision with primary closure	N/A	N/A	N/A	\$309.31
40525	Excision of lip; full thickness, reconstruction with local flap (e.g., Estlander or fan)	N/A	N/A	N/A	\$488.15
40527	Excision of lip; full thickness, reconstruction with cross lip flap (Abbe-Estlander)	N/A	N/A	N/A	\$578.14
41114	Excision of lesion of tongue with closure; with local tongue flap	N/A	N/A	N/A	\$556.76
41510	Suture of tongue to lip for micrognathia (Douglas type procedure)	N/A	N/A	N/A	\$373.92
41825	Excision of lesion or tumor (except listed above), dentoalveolar structures; without repair	N/A	N/A	N/A	\$115.43
42106	Excision, lesion of palate, uvula; with simple primary closure	N/A	N/A	N/A	\$158.83
42280	Maxillary impression for palatal prosthesis	N/A	N/A	N/A	\$93.43
42440	Excision of submandibular (submaxillary) gland	\$65.33	N/A	N/A	\$408.33
42509	Parotid duct diversion, bilateral (Wilke type procedure); with excision of both submandibular glands	N/A	N/A	N/A	\$756.80



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42510	Parotid duct diversion, bilateral (Wilke type procedure); with ligation of both submandibular (Wharton's) ducts	\$89.01	N/A	N/A	\$556.34
42900	Suture pharynx for wound or injury	N/A	N/A	N/A	\$309.43
43020	Esophagotomy, cervical approach, with removal of foreign body	\$76.52	N/A	N/A	\$478.22
43100	Excision of lesion, esophagus, with primary repair; cervical approach	\$88.43	N/A	N/A	\$552.66
43200	Esophagoscopy, rigid or flexible; diagnostic, with or without collection of specimen(s) by brushing or washing (separate procedure)	N/A	N/A	N/A	\$93.47
43300	Esophagoplasty (plastic repair or reconstruction), cervical approach; without repair of tracheoesophageal fistula	\$88.69	N/A	N/A	\$554.29
43635	Vagotomy when performed with partial distal gastrectomy (List separately in addition to code[s] for primary procedure.)	\$15.97	N/A	N/A	\$99.82
44015	Tube or needle catheter jejunostomy for enteral alimentation, intraoperative, any method (List separately in addition to primary procedure.)	N/A	N/A	N/A	\$127.64
44121	Enterectomy, resection of small intestine; each additional resection and anastomosis (List separately in addition to code for primary procedure.)	\$34.49	N/A	N/A	\$215.59
44139	Mobilization (take-down) of splenic flexure performed in conjunction with partial colectomy (List separately in addition to primary procedure.)	\$17.22	N/A	N/A	\$107.63
44701	Intraoperative colonic lavage (List separately in addition to code for primary procedure.)	\$23.82	N/A	N/A	\$148.87
44955	Appendectomy; when done for indicated purpose at time of other major procedure (not as separate procedure) (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$74.92
45309	Proctosigmoidoscopy, rigid; with removal of single tumor, polyp, or other lesion by snare technique	N/A	N/A	N/A	\$84.24
46608	Anoscopy; with removal of foreign body	N/A	N/A	N/A	\$70.37
46610	Anoscopy; with removal of single tumor, polyp, or other lesion by hot biopsy forceps or bipolar cautery	N/A	N/A	N/A	\$69.28
46611	Anoscopy; with removal of single tumor, polyp, or other lesion by snare technique	N/A	N/A	N/A	\$73.53
46614	Anoscopy; with control of bleeding (e.g., injection, bipolar cautery, unipolar cautery, laser, heater probe, stapler, plasma coagulator)	N/A	N/A	N/A	\$64.33
46615	Anoscopy; with ablation of tumor(s), polyp(s), or other lesion(s) not amenable to removal by hot biopsy forceps, bipolar cautery or snare technique	N/A	N/A	N/A	\$91.65

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47001	Biopsy of liver, needle; when done for indicated purpose at time of other major procedure (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$92.38
47550	Biliary endoscopy, intraoperative (choledochoscopy) (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$146.93
47560	Laparoscopy, surgical; with guided transhepatic cholangiography, without biopsy	\$38.00	N/A	N/A	\$237.47
47561	Laparoscopy, surgical; with guided transhepatic cholangiography with biopsy	\$41.25	N/A	N/A	\$257.79
48400	Injection procedure for intraoperative pancreatography (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$93.50
49322	Laparoscopy, surgical; with aspiration of cavity or cyst (e.g., ovarian cyst) (single or multiple)	\$51.70	N/A	N/A	\$323.14
49568	Implantation of mesh or other prosthesis for open incisional or ventral hernia repair or mesh for closure of debridement for necrotizing soft tissue infection (List separately in addition to code for the incisional or ventral hernia repair.)	\$37.94	N/A	N/A	\$237.12
49905	Omental flap, intra-abdominal (List separately in addition to code for primary procedure.)	\$50.47	N/A	N/A	\$315.45
52327	Cystourethroscopy (including ureteral catheterization); with subureteric injection of implant material	N/A	N/A	N/A	\$254.08
56605	Biopsy of vulva or perineum (separate procedure); one lesion	N/A	N/A	N/A	\$55.51
56606	Biopsy of vulva or perineum (separate procedure); each separate additional lesion (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$27.40
56820	Colposcopy of the vulva	N/A	N/A	N/A	\$77.24
56821	Colposcopy of the vulva; with biopsy(s)	N/A	N/A	N/A	\$105.72
57065	Destruction of vaginal lesion(s); extensive (e.g., laser surgery, electrosurgery, cryosurgery, chemosurgery)	N/A	N/A	N/A	\$154.44
57100	Biopsy of vaginal mucosa; simple (separate procedure)	N/A	N/A	N/A	\$59.99
57150	Irrigation of vagina and/or application of medicament for treatment of bacterial, parasitic, or fungoid disease	N/A	N/A	N/A	\$27.05
57420	Colposcopy of the entire vagina, with cervix if present	N/A	N/A	N/A	\$81.73
57421	Colposcopy of the entire vagina, with cervix if present; with biopsy(s) of vagina/cervix	N/A	N/A	N/A	\$112.78
57455	Colposcopy of the cervix including upper/adjacent vagina; with biopsy(s) of the cervix	N/A	N/A	N/A	\$101.68

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57456	Colposcopy of the cervix including upper/adjacent vagina; with endocervical curettage	N/A	N/A	N/A	\$95.01
57460	Colposcopy of the cervix including upper/adjacent vagina; with loop electrode biopsy(s) of the cervix	N/A	N/A	N/A	\$149.80
57461	Colposcopy of the cervix including upper/adjacent vagina; with loop electrode conization of the cervix	N/A	N/A	N/A	\$173.53
57522	Conization of cervix, with or without fulguration, with or without dilation and curettage, with or without repair; loop electrode excision	N/A	N/A	N/A	\$217.95
58356	Endometrial cryoablation with ultrasonic guidance, including endometrial curettage, when performed	N/A	N/A	N/A	\$321.60
58555	Hysteroscopy, diagnostic (separate procedure)	N/A	N/A	N/A	\$174.27
58605	Ligation or transection of fallopian tube(s), abdominal or vaginal approach, postpartum, unilateral or bilateral, during same hospitalization (separate procedure)	\$47.73	N/A	N/A	\$298.34
58605-U7	Ligation or transection of fallopian tube(s), abdominal or vaginal approach, postpartum, unilateral or bilateral, during same hospitalization (separate procedure)	N/A	N/A	N/A	\$298.34
58611-TH	Ligation or transection of fallopian tube(s) when done at the time of cesarean delivery or intra-abdominal surgery (not a separate procedure) (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$71.89
58611	Ligation or transection of fallopian tube(s) when done at the time of cesarean delivery or intra-abdominal surgery (not a separate procedure) (List separately in addition to code for primary procedure.)	\$11.50	N/A	N/A	\$71.89
58615	Occlusion of fallopian tube(s) by device (e.g., band, clip, Falope ring) vaginal or suprapubic approach	N/A	N/A	N/A	\$230.31
58960	Laparotomy, for staging or restaging of ovarian, tubal or primary peritoneal malignancy (second look), with or without omentectomy, peritoneal washing, biopsy of abdominal and pelvic peritoneum, diaphragmatic assessment with pelvic and limited para-aortic lymphadenectomy	\$132.32	N/A	N/A	\$827.01
60271	Thyroidectomy, including substernal thyroid; cervical approach	\$147.99	N/A	N/A	\$924.93
60512	Parathyroid autotransplantation (List separately in addition to code for primary procedure.)	\$34.71	N/A	N/A	\$216.94
61001	Subdural tap through fontanelle, or suture, infant, unilateral or bilateral; subsequent taps	N/A	N/A	N/A	\$92.86

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61026	Ventricular puncture through previous burr hole, fontanelle, suture or implanted ventricular catheter/reservoir; with injection of medication or other substance for diagnosis or treatment	N/A	N/A	N/A	\$115.19
61050	Cisternal or lateral cervical (C1-C2) puncture; without injection (separate procedure)	N/A	N/A	N/A	\$96.71
61107	Twist drill hole(s) for subdural, intracerebral, or ventricular puncture; for implanting ventricular catheter, pressure recording device, or other intracerebral monitoring device	N/A	N/A	N/A	\$289.18
61210	Burr hole(s); for implanting ventricular catheter, reservoir, EEG electrode(s), pressure recording device, or other cerebral monitoring device (separate procedure)	N/A	N/A	N/A	\$337.05
61550	Craniectomy for craniosynostosis; single cranial suture	\$123.51	N/A	N/A	\$771.96
61720	Creation of lesion by stereotactic method, including burr hole(s) and localizing and recording techniques, single or multiple stages; globus pallidus or thalamus	\$159.72	N/A	N/A	\$998.22
62287	Decompression procedure, percutaneous, of nucleus pulposus of intervertebral disc, any method, single or multiple levels, lumbar (e.g., manual or automated percutaneous discectomy, percutaneous laser discectomy)	\$78.43	N/A	N/A	\$490.18
62290	Injection procedure for discography, each level; lumbar	N/A	N/A	N/A	\$152.63
62310	Injection, single (not via indwelling catheter), not including neurolytic substances, with or without contrast (for either localization or epidurography), of diagnostic or therapeutic substance(s) (including anesthetic, antispasmodic, opioid, steroid, other solution), epidural or subarachnoid; cervical or thoracic	N/A	N/A	N/A	\$89.16
62311	Injection, single (not via indwelling catheter), not including neurolytic substances, with or without contrast (for either localization or epidurography), of diagnostic or therapeutic substance(s) (including anesthetic, antispasmodic, opioid, steroid, other solution), epidural or subarachnoid; lumbar, sacral (caudal)	N/A	N/A	N/A	\$74.51
62318	Injection, including catheter placement, continuous infusion or intermittent bolus, not including neurolytic substances, with or without contrast (for either localization or epidurography), of diagnostic or therapeutic substance(s) (including anesthetic, antispasmodic, opioid, steroid, other solution), epidural or subarachnoid; cervical or thoracic	N/A	N/A	N/A	\$91.64

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62319	Injection, including catheter placement, continuous infusion or intermittent bolus, not including neurolytic substances, with or without contrast (for either localization or epidurography), of diagnostic or therapeutic substance(s) (including anesthetic, antispasmodic, opioid, steroid, other solution), epidural or subarachnoid; lumbar, sacral (caudal)	N/A	N/A	N/A	\$84.88
63035	Laminotomy (hemilaminectomy), with decompression of nerve root(s), including partial facetectomy, foraminotomy and/or excision of herniated intervertebral disc, including open and endoscopically-assisted approaches; each additional interspace, cervical or lumbar (List separately in addition to code for primary procedure.)	\$29.14	N/A	N/A	\$182.11
63057	Transpedicular approach with decompression of spinal cord, equina and/or nerve root(s) (e.g., herniated intervertebral disc), single segment; each additional segment, thoracic or lumbar (List separately in addition to code for primary procedure.)	\$47.99	N/A	N/A	\$299.96
63066	Costovertebral approach with decompression of spinal cord or nerve root(s) (e.g., herniated intervertebral disc), thoracic; each additional segment (List separately in addition to code for primary procedure.)	\$29.40	N/A	N/A	\$183.74
63076	Discectomy, anterior, with decompression of spinal cord and/or nerve root(s), including osteophyctectomy; cervical, each additional interspace (List separately in addition to code for primary procedure.)	\$37.15	N/A	N/A	\$232.20
63078	Discectomy, anterior, with decompression of spinal cord and/or nerve root(s), including osteophyctectomy; thoracic, each additional interspace (List separately in addition to code for primary procedure.)	\$29.35	N/A	N/A	\$183.43
63082	Vertebral corpectomy (vertebral body resection), partial or complete, anterior approach with decompression of spinal cord and/or nerve root(s); cervical, each additional segment (List separately in addition to code for primary procedure.)	\$40.04	N/A	N/A	\$250.23
63086	Vertebral corpectomy (vertebral body resection), partial or complete, transthoracic approach with decompression of spinal cord and/or nerve root(s); thoracic, each additional segment (List separately in addition to code for primary procedure.)	\$28.18	N/A	N/A	\$176.14

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63088	Vertebral corpectomy (vertebral body resection), partial or complete, combined thoracolumbar approach with decompression of spinal cord, cauda equina or nerve root(s), lower thoracic or lumbar; each additional segment (List separately in addition to code for primary procedure.)	\$38.32	N/A	N/A	\$239.47
63091	Vertebral corpectomy (vertebral body resection), partial or complete, transperitoneal or retroperitoneal approach with decompression of spinal cord, cauda equina or nerve root(s), lower thoracic, lumbar, or sacral; each additional segment (List separately in addition to code for primary procedure.)	\$26.26	N/A	N/A	\$164.10
63600	Creation of lesion of spinal cord by stereotactic method, percutaneous, any modality (including stimulation and/or recording)	N/A	N/A	N/A	\$722.50
64470	Injection, anesthetic agent and/or steroid, paravertebral facet joint or facet joint nerve; cervical or thoracic, single level	N/A	N/A	N/A	\$90.38
64472	Injection, anesthetic agent and/or steroid, paravertebral facet joint or facet joint nerve; cervical or thoracic, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$57.77
64475	Injection, anesthetic agent and/or steroid, paravertebral facet joint or facet joint nerve; lumbar or sacral, single level	N/A	N/A	N/A	\$71.69
64476	Injection, anesthetic agent and/or steroid, paravertebral facet joint or facet joint nerve; lumbar or sacral, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$43.26
64479	Injection, anesthetic agent and/or steroid, transforaminal epidural; cervical or thoracic, single level	N/A	N/A	N/A	\$107.77
64480	Injection, anesthetic agent and/or steroid, transforaminal epidural; cervical or thoracic, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$70.34
64483	Injection, anesthetic agent and/or steroid, transforaminal epidural; lumbar or sacral, single level	N/A	N/A	N/A	\$95.04
64484	Injection, anesthetic agent and/or steroid, transforaminal epidural; lumbar or sacral, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$59.60
64517	Injection, anesthetic agent; superior hypogastric plexus	N/A	N/A	N/A	\$104.97
64575	Incision for implantation of neurostimulator electrodes; peripheral nerve (excludes sacral nerve)	N/A	N/A	N/A	\$250.93

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64623	Destruction by neurolytic agent, paravertebral facet joint nerve; lumbar or sacral, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$42.94
64626	Destruction by neurolytic agent, paravertebral facet joint nerve; cervical or thoracic, single level	N/A	N/A	N/A	\$201.96
64627	Destruction by neurolytic agent, paravertebral facet joint nerve; cervical or thoracic, each additional level (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$50.40
64681	Destruction by neurolytic agent, with or without radiologic monitoring; superior hypogastric plexus	N/A	N/A	N/A	\$194.97
64708	Neuroplasty, major peripheral nerve, arm or leg; other than specified	\$64.11	N/A	N/A	\$400.71
64727	Internal neurolysis, requiring use of operating microscope (List separately in addition to code for neuroplasty.) (Neuroplasty includes external neurolysis)	N/A	N/A	N/A	\$167.77
64742	Transection or avulsion of; facial nerve, differential or complete	\$65.38	N/A	N/A	\$408.62
64752	Transection or avulsion of; vagus nerve (vagotomy), transthoracic	\$68.52	N/A	N/A	\$428.28
64778	Excision of neuroma; digital nerve, each additional digit (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$167.79
64787	Implantation of nerve end into bone or muscle (List separately in addition to neuroma excision.)	\$36.82	N/A	N/A	\$230.14
64832	Suture of digital nerve, hand or foot; each additional digital nerve (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$311.25
64859	Suture of each additional major peripheral nerve (List separately in addition to code for primary procedure.)	\$37.59	N/A	N/A	\$234.96
64868	Anastomosis; facial-hypoglossal	\$146.67	N/A	N/A	\$916.71
64870	Anastomosis; facial-phrenic	\$145.20	N/A	N/A	\$907.50
64872	Suture of nerve; requiring secondary or delayed suture (List separately in addition to code for primary neuroorrhaphy.)	\$17.50	N/A	N/A	\$109.39
64874	Suture of nerve; requiring extensive mobilization, or transposition of nerve (List separately in addition to code for nerve suture.)	\$26.11	N/A	N/A	\$163.18
64901	Nerve graft, each additional nerve; single strand (List separately in addition to code for primary procedure.)	\$87.34	N/A	N/A	\$545.88
65125	Modification of ocular implant with placement or replacement of pegs (e.g., drilling receptacle for prosthesis appendage) (separate procedure)	N/A	N/A	N/A	\$231.09

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65150	Reinsertion of ocular implant; with or without conjunctival graft	N/A	N/A	N/A	\$471.43
65410	Biopsy of cornea	N/A	N/A	N/A	\$83.31
65435	Removal of corneal epithelium; with or without chemocauterization (abrasion, curettage)	N/A	N/A	N/A	\$55.95
65600	Multiple punctures of anterior cornea (e.g., for corneal erosion, tattoo)	N/A	N/A	N/A	\$259.74
65710	Keratoplasty (corneal transplant); anterior lamellar	N/A	N/A	N/A	\$865.89
65730	Keratoplasty (corneal transplant); penetrating (except in aphakia or pseudophakia)	N/A	N/A	N/A	\$961.26
65750	Keratoplasty (corneal transplant); penetrating (in aphakia)	N/A	N/A	N/A	\$976.29
65755	Keratoplasty (corneal transplant); penetrating (in pseudophakia)	N/A	N/A	N/A	\$970.38
65805	Paracentesis of anterior chamber of eye (separate procedure); with therapeutic release of aqueous	N/A	N/A	N/A	\$105.84
65855	Trabeculoplasty by laser surgery, 1 or more sessions (defined treatment series)	N/A	N/A	N/A	\$236.99
65860	Severing adhesions of anterior segment, laser technique (separate procedure)	\$32.86	N/A	N/A	\$205.36
65900	Removal of epithelial downgrowth, anterior chamber of eye	N/A	N/A	N/A	\$764.13
66130	Excision of lesion, sclera	N/A	N/A	N/A	\$455.74
66225	Repair of scleral staphyloma; with graft	N/A	N/A	N/A	\$728.26
66250	Revision or repair of operative wound of anterior segment, any type, early or late, major or minor procedure	N/A	N/A	N/A	\$429.61
66625	Iridectomy, with corneoscleral or corneal section; peripheral for glaucoma (separate procedure)	N/A	N/A	N/A	\$338.95
66700	Ciliary body destruction; diathermy	N/A	N/A	N/A	\$309.33
66720	Ciliary body destruction; cryotherapy	N/A	N/A	N/A	\$329.65
66740	Ciliary body destruction; cyclodialysis	N/A	N/A	N/A	\$310.02
66770	Destruction of cyst or lesion iris or ciliary body (nonexcisional procedure)	N/A	N/A	N/A	\$373.27
66820	Discission of secondary membranous cataract (opacified posterior lens capsule and/or anterior hyaloid); stab incision technique (Ziegler or Wheeler knife)	N/A	N/A	N/A	\$320.29
66830	Removal of secondary membranous cataract (opacified posterior lens capsule and/or anterior hyaloid) with corneo-scleral section, with or without iridectomy (iridocapsulotomy, iridocapsulectomy)	N/A	N/A	N/A	\$555.50
66850	Removal of lens material; phacofragmentation technique (mechanical or ultrasonic) (e.g., phacoemulsification), with aspiration	N/A	N/A	N/A	\$618.15



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66920	Removal of lens material; intracapsular	N/A	N/A	N/A	\$591.24
66940	Removal of lens material; extracapsular (other than 66840, 66850, 66852)	N/A	N/A	N/A	\$609.60
66984	Extracapsular cataract removal with insertion of intraocular lens prosthesis (1 stage procedure), manual or mechanical technique (e.g., irrigation and aspiration or phacoemulsification)	N/A	N/A	N/A	\$602.53
67005	Removal of vitreous, anterior approach (open sky technique or limbal incision); partial removal	N/A	N/A	N/A	\$367.80
67010	Removal of vitreous, anterior approach (open sky technique or limbal incision); subtotal removal with mechanical vitrectomy	N/A	N/A	N/A	\$426.23
67028	Intravitreal injection of a pharmacologic agent (separate procedure)	N/A	N/A	N/A	\$135.84
67036	Vitrectomy, mechanical, pars plana approach	\$121.42	N/A	N/A	\$758.89
67107	Repair of retinal detachment; scleral buckling (such as lamellar scleral dissection, imbrication or encircling procedure), with or without implant, with or without cryotherapy, photocoagulation, and drainage of subretinal fluid	\$152.25	N/A	N/A	\$951.54
67221	Destruction of localized lesion of choroid (e.g., choroidal neovascularization); photodynamic therapy (includes intravenous infusion)	N/A	N/A	N/A	\$178.28
67225	Destruction of localized lesion of choroid (e.g., choroidal neovascularization); photodynamic therapy, second eye, at single session (List separately in addition to code for primary eye treatment.)	N/A	N/A	N/A	\$22.94
67227	Destruction of extensive or progressive retinopathy (e.g., diabetic retinopathy), 1 or more sessions, cryotherapy, diathermy	N/A	N/A	N/A	\$445.25
67250	Scleral reinforcement (separate procedure); without graft	N/A	N/A	N/A	\$627.17
67255	Scleral reinforcement (separate procedure); with graft	N/A	N/A	N/A	\$669.00
67311	Strabismus surgery, recession or resection procedure; 1 horizontal muscle	N/A	N/A	N/A	\$468.15
67335	Placement of adjustable suture(s) during strabismus surgery, including postoperative adjustment(s) of suture(s) (List separately in addition to code for specific strabismus surgery.)	N/A	N/A	N/A	\$122.87
67345	Chemodenervation of extraocular muscle	N/A	N/A	N/A	\$170.26
67415	Fine needle aspiration of orbital contents	N/A	N/A	N/A	\$86.27
67715	Canthotomy (separate procedure)	N/A	N/A	N/A	\$86.13
67825	Correction of trichiasis; epilation by other than forceps (e.g., by electrosurgery, cryotherapy, laser surgery)	N/A	N/A	N/A	\$95.65

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67830	Correction of trichiasis; incision of lid margin	N/A	N/A	N/A	\$109.45
67835	Correction of trichiasis; incision of lid margin, with free mucous membrane graft	N/A	N/A	N/A	\$350.28
67875	Temporary closure of eyelids by suture (e.g., Frost suture)	N/A	N/A	N/A	\$78.81
67882	Construction of intermarginal adhesions, median tarsorrhaphy, or canthorrhaphy; with transposition of tarsal plate	N/A	N/A	N/A	\$367.02
67901	Repair of blepharoptosis; frontalis muscle technique with suture or other material (e.g., banked fascia)	N/A	N/A	N/A	\$456.15
67903	Repair of blepharoptosis; (tarso) levator resection or advancement, internal approach	N/A	N/A	N/A	\$403.60
67906	Repair of blepharoptosis; superior rectus technique with fascial sling (includes obtaining fascia)	N/A	N/A	N/A	\$411.07
67908	Repair of blepharoptosis; conjunctivo-tarso-Muller's muscle-levator resection (e.g., Fasanella-Servat type)	N/A	N/A	N/A	\$349.07
67912	Correction of lagophthalmos, with implantation of upper eyelid lid load (e.g., gold weight)	N/A	N/A	N/A	\$398.03
67914	Repair of ectropion; suture	N/A	N/A	N/A	\$230.51
67916	Repair of ectropion; excision tarsal wedge	N/A	N/A	N/A	\$345.07
67921	Repair of entropion; suture	N/A	N/A	N/A	\$215.75
67923	Repair of entropion; excision tarsal wedge	N/A	N/A	N/A	\$371.79
67924	Repair of entropion; extensive (e.g., tarsal strip or capsulopalpebral fascia repairs operation)	N/A	N/A	N/A	\$358.61
67935	Suture of recent wound, eyelid, involving lid margin, tarsus, and/or palpebral conjunctiva direct closure; full thickness	N/A	N/A	N/A	\$363.42
67950	Canthoplasty (reconstruction of canthus)	N/A	N/A	N/A	\$377.25
68200	Subconjunctival injection	N/A	N/A	N/A	\$27.88
68320	Conjunctivoplasty; with conjunctival graft or extensive rearrangement	N/A	N/A	N/A	\$414.28
68720	Dacryocystorhinostomy (fistulization of lacrimal sac to nasal cavity)	\$96.03	N/A	N/A	\$600.21
69100	Biopsy external ear	N/A	N/A	N/A	\$41.69
69120	Excision external ear; complete amputation	N/A	N/A	N/A	\$351.17
69990	Microsurgical techniques, requiring use of operating microscope (List separately in addition to code for primary procedure.)	N/A	N/A	N/A	\$201.22
70130	Radiologic examination, mastoids; complete, minimum of 3 views per side	N/A	\$15.97	N/C	\$43.47
70134	Radiologic examination, internal auditory meati, complete	N/A	\$15.97	N/C	\$38.47

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70170	Dacryocystography, nasolacrimal duct, radiological supervision and interpretation	N/A	\$13.74	N/C	\$40.24
70190	Radiologic examination; optic foramina	N/A	\$9.65	N/C	\$30.65
70210	Radiologic examination, sinuses, paranasal, less than 3 views	N/A	\$7.81	N/C	\$24.31
70250	Radiologic examination, skull; less than 4 views	N/A	\$10.79	N/C	\$31.79
70260	Radiologic examination, skull; complete, minimum of 4 views	N/A	\$15.97	N/C	\$43.47
70320	Radiologic examination, teeth; complete, full mouth	N/A	\$10.38	N/C	\$34.37
71020	Radiologic examination, chest, 2 views, frontal and lateral	N/A	\$10.03	N/C	\$25.03
71022	Radiologic examination, chest, 2 views, frontal and lateral; with oblique projections	N/A	\$14.12	N/C	\$29.12
71030	Radiologic examination, chest, complete, minimum of 4 views	N/A	\$14.12	N/C	\$36.62
72050	Radiologic examination, spine, cervical; minimum of 4 views	N/A	\$14.12	N/C	\$40.62
72069	Radiologic examination, spine, thoracolumbar, standing (scoliosis)	N/A	\$10.38	N/C	\$27.74
72070	Radiologic examination, spine; thoracic, 2 views	N/A	\$10.03	N/C	\$31.03
72072	Radiologic examination, spine; thoracic, 3 views	N/A	\$10.03	N/C	\$31.53
72074	Radiologic examination, spine; thoracic, minimum of 4 views	N/A	\$10.03	N/C	\$31.53
72100	Radiologic examination, spine, lumbosacral; 2 or 3 views	N/A	\$10.03	N/C	\$32.53
72110	Radiologic examination, spine, lumbosacral; minimum of 4 views	N/A	\$14.12	N/C	\$36.62
72120	Radiologic examination, spine, lumbosacral, bending views only, minimum of 4 views	N/A	\$10.03	N/C	\$31.03
72190	Radiologic examination, pelvis; complete, minimum of 3 views	N/A	\$9.65	N/C	\$30.65
73510	Radiologic examination, hip, unilateral; complete, minimum of 2 views	N/A	\$9.65	N/C	\$26.15
73525	Radiologic examination, hip, arthrography, radiological supervision and interpretation	N/A	\$25.62	N/C	\$73.12
73542	Radiological examination, sacroiliac joint arthrography, radiological supervision and interpretation	N/A	\$26.10	N/C	\$82.04
73564	Radiologic examination, knee; complete, 4 or more views	N/A	\$10.03	N/C	\$32.45

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74301	Cholangiography and/or pancreatography; additional set intraoperative, radiological supervision and interpretation (List separately in addition to code for primary procedure.)	N/A	\$9.65	N/C	\$35.15
75809	Shuntogram for investigation of previously placed indwelling nonvascular shunt (e.g., LeVeen shunt, ventriculoperitoneal shunt, indwelling infusion pump), radiological supervision and interpretation	N/A	\$21.55	N/C	\$49.74
75900	Exchange of a previously placed intravascular catheter during thrombolytic therapy with contrast monitoring, radiological supervision and interpretation	N/A	\$23.02	N/C	\$670.71
75902	Mechanical removal of intraluminal (intracatheter) obstructive material from central venous device through device lumen, radiologic supervision and interpretation	N/A	\$18.19	N/C	\$65.61
75978	Transluminal balloon angioplasty, venous (e.g., subclavian stenosis), radiological supervision and interpretation	N/A	\$25.26	N/C	\$294.26
75993	Transluminal atherectomy, each additional peripheral artery, radiological supervision and interpretation (List separately in addition to code for primary procedure.)	N/A	\$17.43	N/C	\$299.93
75994	Transluminal atherectomy, renal, radiological supervision and interpretation	N/A	\$63.71	N/C	\$587.40
75995	Transluminal atherectomy, visceral, radiological supervision and interpretation	N/A	\$61.95	N/C	\$585.64
75996	Transluminal atherectomy, each additional visceral artery, radiological supervision and interpretation (List separately in addition to code for primary procedure.)	N/A	\$17.08	N/C	\$299.58
76120	Cineradiography/videoradiography, except where specifically included	N/A	\$17.81	N/C	\$52.81
76506	Echoencephalography, real time with image documentation (gray scale) (for determination of ventricular size, delineation of cerebral contents, and detection of fluid masses or other intracranial abnormalities), including A-mode encephalography as secondary component where indicated	N/A	\$30.75	N/C	\$78.25
76516	Ophthalmic biometry by ultrasound echography, A-scan	N/A	\$25.95	\$40.79	\$66.74
76519	Ophthalmic biometry by ultrasound echography, A-scan; with intraocular lens power calculation	N/A	\$26.30	\$44.27	\$70.57
76529	Ophthalmic ultrasonic foreign body localization	N/A	\$27.42	\$39.06	\$66.48
76800	Ultrasound, spinal canal and contents	N/A	\$50.66	N/C	\$101.64

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76801	Ultrasound, pregnant uterus, real time with image documentation, fetal and maternal evaluation, first trimester (aaa 14 weeks 0 days), transabdominal approach; single or first gestation	N/A	\$45.70	N/C	\$84.09
76811	Ultrasound, pregnant uterus, real time with image documentation, fetal and maternal evaluation plus detailed fetal anatomic examination, transabdominal approach; single or first gestation	N/A	\$88.40	\$120.49	\$208.89
76817	Ultrasound, pregnant uterus, real time with image documentation, transvaginal	N/A	\$34.56	N/C	\$87.59
76818	Fetal biophysical profile; with non-stress testing	N/A	\$49.01	N/C	\$107.10
76820	Doppler velocimetry, fetal; umbilical artery	N/A	\$23.74	\$39.45	\$63.19
76827	Doppler echocardiography, fetal, pulsed wave and/or continuous wave with spectral display; complete	N/A	\$26.75	\$49.89	\$76.64
76828	Doppler echocardiography, fetal, pulsed wave and/or continuous wave with spectral display; follow-up or repeat study	N/A	\$26.35	N/C	\$54.75
76941	Ultrasonic guidance for intrauterine fetal transfusion or cordocentesis, imaging supervision and interpretation	N/A	\$62.41	N/C	\$109.65
76945	Ultrasonic guidance for chorionic villus sampling, imaging supervision and interpretation	N/A	\$30.85	N/C	\$78.09
76946	Ultrasonic guidance for amniocentesis, imaging supervision and interpretation	N/A	\$17.46	\$35.95	\$53.41
76970	Ultrasound study follow-up (specify)	N/A	\$18.22	N/C	\$55.95
77079	Computed tomography, bone mineral density study, 1 or more sites; appendicular skeleton (peripheral) (e.g., radius, wrist, heel)	N/A	N/C	\$66.19	\$74.41
77261	Therapeutic radiology treatment planning; simple	N/A	N/A	N/A	\$66.02
77262	Therapeutic radiology treatment planning; intermediate	N/A	N/A	N/A	\$99.84
77263	Therapeutic radiology treatment planning; complex	N/A	N/A	N/A	\$148.47
77295	Therapeutic radiology simulation-aided field setting; 3-dimensional	N/A	\$212.85	\$642.93	\$855.78
77301	Intensity modulated radiotherapy plan, including dose-volume histograms for target and critical structure partial tolerance specifications	N/A	\$372.58	N/C	\$1,080.41
77326	Brachytherapy isodose plan; simple (calculation made from single plane, 1 to 4 sources/ribbon application, remote afterloading brachytherapy, 1 to 8 sources)	N/A	\$43.46	N/C	\$115.96
77333	Treatment devices, design and construction; intermediate (multiple blocks, stents, bite blocks, special bolus)	N/A	N/C	\$41.18	\$70.18

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77432	Stereotactic radiation treatment management of cranial lesion(s) (complete course of treatment consisting of 1 session)	N/A	N/A	N/A	\$375.85
77610	Hyperthermia generated by interstitial probe(s); 5 or fewer interstitial applicators	N/A	\$70.01	N/C	\$179.50
77615	Hyperthermia generated by interstitial probe(s); more than 5 interstitial applicators	N/A	\$96.64	N/C	\$242.49
77620	Hyperthermia generated by intracavitary probe(s)	N/A	\$75.34	N/C	\$184.83
77781	Remote afterloading high intensity brachytherapy; 1—4 source positions or catheters	N/A	\$59.62	N/C	\$179.62
77782	Remote afterloading high intensity brachytherapy; 5—8 source positions or catheters	N/A	\$98.61	N/C	\$278.61
77784	Remote afterloading high intensity brachytherapy; over 12 source positions or catheters	N/A	\$243.85	N/C	\$633.85
77789	Surface application of radiation source	N/A	\$53.46	N/C	\$66.81
78006	Thyroid imaging, with uptake; single determination	N/A	\$22.66	N/C	\$60.16
78111	Plasma volume, radiopharmaceutical volume-dilution technique (separate procedure); multiple samplings	N/A	\$10.38	N/C	\$34.38
78120	Red cell volume determination (separate procedure); single sampling	N/A	\$10.76	N/C	\$29.76
78121	Red cell volume determination (separate procedure); multiple samplings	N/A	\$14.85	N/C	\$42.35
78135	Red cell survival study; differential organ/tissue kinetics (e.g., splenic and/or hepatic sequestration)	N/A	\$30.06	N/C	\$195.06
78201	Liver imaging; static only	N/A	\$20.44	N/C	\$66.94
78220	Liver function study with hepatobiliary agents, with serial images	N/A	\$22.66	N/C	\$66.66
78271	Vitamin B-12 absorption study (e.g., Schilling test); with intrinsic factor	N/A	\$9.30	N/C	\$28.30
78456	Acute venous thrombosis imaging, peptide	N/A	\$47.48	N/C	\$154.14
78480	Myocardial perfusion study with ejection fraction (List separately in addition to code for primary procedure.)	N/A	\$16.88	N/C	\$56.48
78496	Cardiac blood pool imaging, gated equilibrium, single study, at rest, with right ventricular ejection fraction by first pass technique (List separately in addition to code for primary procedure.)	N/A	\$24.44	N/C	\$72.87
78586	Pulmonary ventilation imaging, aerosol; single projection	N/A	\$18.57	N/C	\$61.07
78593	Pulmonary ventilation imaging, gaseous, with rebreathing and washout with or without single breath; single projection	N/A	\$22.66	N/C	\$66.66
78606	Brain imaging, minimum 4 static views; with vascular flow	N/A	\$29.71	N/C	\$88.71

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78607	Brain imaging, tomographic (SPECT)	N/A	\$57.54	N/C	\$279.73
78660	Radiopharmaceutical dacryocystography	N/A	\$24.88	N/C	\$82.38
78725	Kidney function study, non-imaging radioisotopic study	N/A	\$17.81	N/C	\$82.36
78730	Urinary bladder residual study (List separately in addition to code for primary procedure.)	N/A	\$8.80	N/C	\$44.22
79005	Radiopharmaceutical therapy, by oral administration	N/A	N/C	\$72.88	\$146.07
79101	Radiopharmaceutical therapy, by intravenous administration	N/A	N/C	\$75.67	\$155.65
79200	Radiopharmaceutical therapy, by intracavitary administration	N/A	N/C	\$78.11	\$143.11
79300	Radiopharmaceutical therapy, by interstitial radioactive colloid administration	N/A	\$77.49	N/C	\$184.99
79403	Radiopharmaceutical therapy, radiolabeled monoclonal antibody by intravenous infusion	N/A	N/C	\$117.09	\$211.63
80410	Calcitonin stimulation panel (e.g., calcium, pentagastrin) This panel must include the following: Calcitonin (82308 x 3)	N/A	N/A	N/A	\$62.79
81020	Urinalysis; 2 or 3 glass test	N/A	N/A	N/A	\$4.30
82308	Calcitonin	N/A	N/A	N/A	\$20.93
82330	Calcium; ionized	N/A	N/A	N/A	\$8.85
82565	Creatinine; blood	N/A	N/A	N/A	\$6.41
82672	Estrogens; total	N/A	N/A	N/A	\$13.92
82710	Fat or lipids, feces; quantitative	N/A	N/A	N/A	\$4.02
82977	Glutamyltransferase, gamma (GGT)	N/A	N/A	N/A	\$9.36
84060	Phosphatase, acid; total	N/A	N/A	N/A	\$8.06
84075	Phosphatase, alkaline	N/A	N/A	N/A	\$6.37
84155	Protein, total, except by refractometry; serum, plasma or whole blood	N/A	N/A	N/A	\$4.67
84295	Sodium; serum, plasma or whole blood	N/A	N/A	N/A	\$6.50
85041	Blood count; red blood cell (RBC), automated	N/A	N/A	N/A	\$4.02
85475	Hemolysin, acid	N/A	N/A	N/A	\$10.91
86309	Heterophile antibodies; titer	N/A	N/A	N/A	\$8.58
86631	Antibody; Chlamydia	N/A	N/A	N/A	\$9.88
86729	Antibody; lymphogranuloma venereum	N/A	N/A	N/A	\$9.88
87340	Infectious agent antigen detection by enzyme immunoassay technique, qualitative or semiquantitative, multiple-step method; hepatitis B surface antigen (HBsAg)	N/A	N/A	N/A	\$14.17
87517	Infectious agent detection by nucleic acid (DNA or RNA); hepatitis B virus, quantification	N/A	N/A	N/A	\$39.65
87522	Infectious agent detection by nucleic acid (DNA or RNA); hepatitis C, quantification	N/A	N/A	N/A	\$39.65

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88302	Level II—Surgical pathology, gross and microscopic examination Appendix, incidental Fallopian tube, sterilization Fingers/toes, amputation, traumatic Foreskin, newborn Hernia sac, any location Hydrocele sac Nerve Skin, plastic repair Sympathetic ganglion Testis, castration Vaginal mucosa, incidental Vas deferens, sterilization	N/A	\$6.29	N/C	\$11.29
88304	Level III—Surgical pathology, gross and microscopic examination Abortion, induced Abscess Aneurysm—arterial/ventricular Anus, tag Appendix, other than incidental Artery, atheromatous plaque Bartholin's gland cyst Bone fragment(s), other than pathologic fracture Bursa/synovial cyst Carpal tunnel tissue Cartilage, shavings Cholesteatoma Colon, colostomy stoma Conjunctiva—biopsy/pterygium Cornea Diverticulum—esophagus/small intestine Dupuytren's contracture tissue Femoral head, other than fracture Fissure/fistula Foreskin, other than newborn Gallbladder Ganglion cyst Hematoma Hemorrhoids Hydatid of Morgagni Intervertebral disc Joint, loose body Meniscus Mucocele, salivary Neuroma—Morton's/traumatic Pilonidal cyst/sinus Polyps, inflammatory—nasal/sinusoidal Skin—cyst/tag/debridement Soft tissue, debridement Soft tissue, lipoma Spermatocele Tendon/tendon sheath Testicular appendage Thrombus or embolus Tonsil and/or adenoids Varicocele Vas deferens, other than sterilization Vein, varicosity	N/A	\$10.03	N/C	\$16.53
88311	Decalcification procedure (List separately in addition to code for surgical pathology examination.)	N/A	N/A	N/A	\$16.72
88314	Decalcification procedure (List separately in addition to code for surgical pathology examination.)	N/A	\$21.52	N/C	\$30.11
88318	Determinative histochemistry to identify chemical components (e.g., copper, zinc)	N/A	\$20.03	N/C	\$23.57
88332	Pathology consultation during surgery; each additional tissue block with frozen section(s)	N/A	\$28.18	N/C	\$35.97
88349	Electron microscopy; scanning	N/A	\$36.34	N/C	\$60.94
88355	Morphometric analysis; skeletal muscle	N/A	\$84.77	N/C	\$116.27
88358	Morphometric analysis; tumor (e.g., DNA ploidy)	N/A	\$45.31	N/C	\$62.49
89230	Sweat collection by iontophoresis	N/A	N/A	N/A	\$3.85
92270	Electro-oculography with interpretation and report	N/A	\$37.86	\$40.40	\$78.26



## NOTICES

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<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
92283	Color vision examination, extended, e.g., anomaloscope or equivalent	N/A	\$8.16	N/C	\$11.70
92284	Dark adaptation examination with interpretation and report	N/A	\$10.79	N/C	\$52.79
92285	External ocular photography with interpretation and report for documentation of medical progress (e.g., close-up photography, slit lamp photography, gonioscopy, stereo-photography)	N/A	\$10.00	N/C	\$13.25
92516	Facial nerve function studies (e.g., electroneurography)	N/A	N/A	N/A	\$21.10
92541	Spontaneous nystagmus test, including gaze and fixation nystagmus, with recording	N/A	\$19.27	N/C	\$27.21
92542	Positional nystagmus test, minimum of 4 positions, with recording	N/A	\$15.93	N/C	\$25.31
92543	Caloric vestibular test, each irrigation (binaural, bithermal stimulation constitutes 4 tests), with recording	N/A	\$5.18	N/C	\$20.11
92544	Optokinetic nystagmus test, bidirectional, foveal or peripheral stimulation, with recording	N/A	\$12.60	N/C	\$19.91
92545	Oscillating tracking test, with recording	N/A	\$11.11	N/C	\$18.42
92546	Sinusoidal vertical axis rotational testing	N/A	\$13.74	N/C	\$22.00
92565	Stenger test, pure tone	N/A	N/A	N/A	\$12.92
92577	Stenger test, speech	N/A	N/A	N/A	\$19.56
92586	Auditory evoked potentials for evoked response audiometry and/or testing of the central nervous system; limited	N/A	\$24.84	\$37.25	\$62.09
92587	Evoked otoacoustic emissions; limited (single stimulus level, either transient or distortion products)	N/A	\$6.29	\$37.35	\$43.64
92588	Evoked otoacoustic emissions; comprehensive or diagnostic evaluation (comparison of transient and/or distortion product otoacoustic emissions at multiple levels and frequencies)	N/A	\$17.42	N/C	\$64.25
92612	Flexible fiberoptic endoscopic evaluation of swallowing by cine or video recording	N/A	N/A	N/A	\$62.88
92613	Flexible fiberoptic endoscopic evaluation of swallowing by cine or video recording; physician interpretation and report only	N/A	N/A	N/A	\$36.57
92614	Flexible fiberoptic endoscopic evaluation, laryngeal sensory testing by cine or video recording	N/A	N/A	N/A	\$62.88
92615	Flexible fiberoptic endoscopic evaluation, laryngeal sensory testing by cine or video recording; physician interpretation and report only	N/A	N/A	N/A	\$32.48

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
92616	Flexible fiberoptic endoscopic evaluation of swallowing and laryngeal sensory testing by cine or video recording	N/A	N/A	N/A	\$93.22
92617	Flexible fiberoptic endoscopic evaluation of swallowing and laryngeal sensory testing by cine or video recording; physician interpretation and report only	N/A	N/A	N/A	\$40.63
93000	Electrocardiogram, routine ECG with at least 12 leads; with interpretation and report	N/A	N/A	N/A	\$21.41
93224	Wearable electrocardiographic rhythm derived monitoring for 24 hours by continuous original waveform recording and storage, with visual superimposition scanning; includes recording, scanning analysis with report, physician review and interpretation	N/A	N/A	N/A	\$129.48
93270	Wearable patient activated electrocardiographic rhythm derived event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; recording (includes connection, recording, and disconnection)	N/A	N/A	N/A	\$29.31
93272	Wearable patient activated electrocardiographic rhythm derived event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; physician review and interpretation	N/A	N/A	N/A	\$25.20
93303	Transthoracic echocardiography for congenital cardiac anomalies; complete	N/A	\$62.25	N/C	\$157.25
93313	Echocardiography, transesophageal, real-time with image documentation (2D) (with or without M-mode recording); placement of transesophageal probe only	N/A	N/A	N/A	\$40.05
93503	Insertion and placement of flow directed catheter (e.g., Swan-Ganz) for monitoring purposes	N/A	N/A	N/A	\$104.65
93875	Noninvasive physiologic studies of extracranial arteries, complete bilateral study (e.g., periorbital flow direction with arterial compression, ocular pneumoplethysmography, Doppler ultrasound spectral analysis)	N/A	\$10.03	N/C	\$46.03
93886	Transcranial Doppler study of the intracranial arteries; complete study	N/A	\$44.90	N/C	\$164.24
93888	Transcranial Doppler study of the intracranial arteries; limited study	N/A	\$30.04	N/C	\$82.84
93890	Transcranial Doppler study of the intracranial arteries; vasoreactivity study	N/A	N/C	\$87.88	\$130.78
93892	Transcranial Doppler study of the intracranial arteries; emboli detection without intravenous microbubble injection	N/A	N/C	\$87.87	\$136.97

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
93893	Transcranial Doppler study of the intracranial arteries; emboli detection with intravenous microbubble injection	N/A	N/C	\$87.87	\$136.97
93925	Duplex scan of lower extremity arteries or arterial bypass grafts; complete bilateral study	N/A	\$27.47	N/C	\$146.81
93926	Duplex scan of lower extremity arteries or arterial bypass grafts; unilateral or limited study	N/A	\$18.56	N/C	\$97.16
93931	Duplex scan of upper extremity arteries or arterial bypass grafts; unilateral or limited study	N/A	\$14.84	N/C	\$93.44
93965	Noninvasive physiologic studies of extremity veins, complete bilateral study (e.g., Doppler waveform analysis with responses to compression and other maneuvers, phleborheography, impedance plethysmography)	N/A	\$16.35	N/C	\$52.35
93979	Duplex scan of aorta, inferior vena cava, iliac vasculature, or bypass grafts; unilateral or limited study	N/A	\$21.15	N/C	\$99.75
93981	Duplex scan of arterial inflow and venous outflow of penile vessels; follow-up or limited study	N/A	\$20.79	N/C	\$77.79
94240	Functional residual capacity or residual volume: helium method, nitrogen open circuit method, or other method	N/A	\$11.55	N/C	\$29.55
94260	Thoracic gas volume	N/A	\$5.59	N/C	\$19.99
94375	Respiratory flow volume loop	N/A	\$13.43	N/C	\$31.47
94400	Breathing response to CO <sub>2</sub> (CO <sub>2</sub> response curve)	N/A	\$18.23	N/C	\$30.65
94450	Breathing response to hypoxia (hypoxia response curve)	N/A	\$17.53	N/C	\$43.09
94660	Continuous positive airway pressure ventilation (CPAP), initiation and management	N/A	N/A	N/A	\$34.26
94662	Continuous negative pressure ventilation (CNP), initiation and management	N/A	N/A	N/A	\$33.90
94681	Oxygen uptake, expired gas analysis; including CO <sub>2</sub> output, percentage oxygen extracted	N/A	\$8.95	N/C	\$31.45
95027	Intracutaneous (intra-dermal) tests, sequential and incremental, with allergenic extracts for airborne allergens, immediate type reaction, including test interpretation and report by a physician, specify number of tests	N/A	N/A	N/A	\$4.92
95075	Ingestion challenge test (sequential and incremental ingestion of test items, e.g., food, drug or other substance such as metabisulfite)	N/A	N/A	N/A	\$44.20
95812	Electroencephalogram (EEG) extended monitoring; 41–60 minutes	N/A	\$51.55	N/C	\$90.48

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
95830	Insertion by physician of sphenoidal electrodes for electroencephalographic (EEG) recording	N/A	N/A	N/A	\$80.90
95831	Muscle testing, manual (separate procedure) with report; extremity (excluding hand) or trunk	N/A	N/A	N/A	\$13.71
95832	Muscle testing, manual (separate procedure) with report; hand, with or without comparison with normal side	N/A	N/A	N/A	\$14.45
95833	Muscle testing, manual (separate procedure) with report; total evaluation of body, excluding hands	N/A	N/A	N/A	\$22.60
95834	Muscle testing, manual (separate procedure) with report; total evaluation of body, including hands	N/A	N/A	N/A	\$29.26
95851	Range of motion measurements and report (separate procedure); each extremity (excluding hand) or each trunk section (spine)	N/A	N/A	N/A	\$7.78
95852	Range of motion measurements and report (separate procedure); hand, with or without comparison with normal side	N/A	N/A	N/A	\$5.56
95903	Nerve conduction, amplitude and latency/velocity study, each nerve; motor, with F-wave study	N/A	\$28.92	N/C	\$37.90
95926	Short-latency somatosensory evoked potential study, stimulation of any/all peripheral nerves or skin sites, recording from the central nervous system; in lower limbs	N/A	\$25.97	N/C	\$58.43
95927	Short-latency somatosensory evoked potential study, stimulation of any/all peripheral nerves or skin sites, recording from the central nervous system; in the trunk or head	N/A	\$27.02	N/C	\$59.48
95955	Electroencephalogram (EEG) during nonintracranial surgery (e.g., carotid surgery)	N/A	\$46.82	N/C	\$119.35
95991	Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular); administered by physician	N/A	N/A	N/A	\$33.96
96153	Health and behavior intervention, each 15 minutes, face-to-face; group (2 or more patients)	N/A	N/A	N/A	\$4.48
96920	Laser treatment for inflammatory skin disease (psoriasis); total area less than 250 sq cm	N/A	N/A	N/A	\$58.68
96921	Laser treatment for inflammatory skin disease (psoriasis); 250 sq cm to 500 sq cm	N/A	N/A	N/A	\$59.10

<i>Procedure Code/ Modifier SU, TH, NU or U7 where indicated</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or Pricing Modifiers SU, TH, NU or U7</i>
97597	Removal of devitalized tissue from wound(s), selective debridement, without anesthesia (e.g., high pressure waterjet with/without suction, sharp selective debridement with scissors, scalpel and forceps), with or without topical application(s), wound assessment, and instruction(s) for ongoing care, may include use of a whirlpool, per session; total wound(s) surface area less than or equal to 20 square centimeters	N/A	N/A	N/A	\$34.79
97598	Removal of devitalized tissue from wound(s), selective debridement, without anesthesia (e.g., high pressure waterjet with/without suction, sharp selective debridement with scissors, scalpel and forceps), with or without topical application(s), wound assessment, and instruction(s) for ongoing care, may include use of a whirlpool, per session; total wound(s) surface area greater than 20 square centimeters	N/A	N/A	N/A	\$45.16
97605	Negative pressure wound therapy (e.g., vacuum assisted drainage collection), including topical application(s), wound assessment, and instruction(s) for ongoing care, per session; total wound(s) surface area less than or equal to 50 square centimeters	N/A	N/A	N/A	\$24.91
99183	Physician attendance and supervision of hyperbaric oxygen therapy, per session	N/A	N/A	N/A	\$106.80
A4615	Cannula, nasal	N/A	N/A	N/A	\$0.83
A4620	Variable concentration mask	N/A	N/A	N/A	\$0.69
E2373-NU	Power wheelchair accessory, hand or chin control interface, compact remote joystick, proportional, including fixed mounting hardware	N/A	N/A	N/A	\$675.92
G0108	Diabetes outpatient self-management training services, individual, per 30 minutes	N/A	N/A	N/A	\$25.07
G0109	Diabetes outpatient self-management training services, group session (2 or more), per 30 minutes	N/A	N/A	N/A	\$14.28
L3764	Elbow-wrist-hand orthotic (EWHO), includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment	N/A	N/A	N/A	\$701.82
Q0035	Cardiokymography	N/A	\$7.81	\$11.85	\$19.67

#### *Fiscal Impact*

It is anticipated that these revisions will result in savings of \$0.485 million (\$0.190 million in State funds) in the MA Outpatient Program in Fiscal Year (FY) 2009-2010 and annualized savings of \$0.529 million (\$0.233 million in State funds) in FY 2010-2011. These State fund estimates are based on the increased Federal Medical Assistance Percentages as determined under the American Recovery and Reinvestment Act of 2009.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-601. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-1034. Filed for public inspection June 5, 2009, 9:00 a.m.]

### **Payment for Nursing Facility Services Provided by County Nursing Facilities; Change in Methods and Standards of Setting Payment Rates**

*Purpose*

This announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services for qualified county nursing facilities for Fiscal Years (FY) 2009-2010, 2010-2011 and 2011-2012.

For FY 2006-2007 through 2008-2009 the Department provided pay for performance incentive payments to qualified county nursing facilities. The qualifying criteria and formula used to determine those payments is set forth in the Commonwealth's approved State Plan.

The Department intends to continue the pay for performance incentive payments to qualifying county nursing facilities for FYs 2009-2010, 2010-2011 and 2011-2012. To qualify for these payments a county nursing facility must be a county nursing facility at the time of payment and its MA case mix index (CMI) for the picture date within the pay for performance payment period must be higher than its facility MA CMI for the previous picture date. To determine the payments, the Department will ascertain the total quarterly funds available for the performance incentive payments and divide that amount by the total MA days for all county nursing facilities meeting the qualifying criteria. The MA days used for each county nursing facility will be the paid MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share payments.

To authorize the continuation of the payments for FYs 2009-2010, 2010-2011 and 2011-2012, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

Contingent upon the approval by CMS of the SPA, the Department will continue pay for performance incentive payments to qualified county nursing facilities for FYs 2009-2010, 2010-2011 and 2011-2012. The first payment for 2009-2010 will not be made prior to the second quarter of FY 2009-2010. The payments will be made quarterly to qualified county nursing facilities according to the criteria and formula set forth in the Commonwealth's approved State Plan.

*Fiscal Impact*

The change in payment rates is estimated to cost the Department \$6.500 million (\$2.245 million in State funds) in FY 2009-2010, \$6.500 million (\$2.578 million in State funds) in FY 2010-2011.

*Public Comment*

Interested persons are invited to submit written comments to the Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-599. (1) General Fund; (2) Implementing Year 2009-10 is \$2,245,000; (3) 1st Succeeding Year 2010-11 is \$2,578,000; 2nd Succeeding Year 2011-12 is \$2,578,000; 3rd Succeeding Year 2012-13 is NA; 4th Succeeding Year 2013-14 is NA; 5th Succeeding Year 2014-15 is NA; (4) 2007-08 Program—\$692,585,000; 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1035. Filed for public inspection June 5, 2009, 9:00 a.m.]

### **Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Change in Methods and Standards of Setting Payment Rates**

*Purpose*

This notice is to announce that the Department of Public Welfare (Department) is proposing to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by nonpublic and county nursing facilities beginning Fiscal Year (FY) 2009-2010.

*Background*

Act 52 of 2007 (Act 52) was enacted in Pennsylvania on July 20, 2007. Act 52, among other things, requires all Pennsylvania nursing facilities to electronically report health care-associated infection (HAI) data to the Department of Health (DOH) and the Patient Safety Authority (Authority). Act 52 also requires that, commencing July 1, 2008, each nursing facility shall pay the DOH an annual HAI surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to the Act. Act 52 specifies that the HAI surcharge fees for FY 2008-2009 shall not, in the aggregate, exceed \$1,000,000 and that the total HAI surcharge amount in each succeeding FY will be increased according to the Consumer Price Index.

Act 52 directs the Department to recognize the MA portion of the annual HAI surcharge paid by a nursing facility as an allowable cost under the MA Program. Contingent upon Federal approval the Department is directed to pay each nursing facility a separate pass-through payment in an amount equal to the HAI surcharge fee paid by a facility multiplied by the facility's MA occupancy rate as reported on its annual cost report.

Beginning FY 2008-2009, the DOH assessed and collected the HAI surcharge from all nursing facilities. MA nursing facilities shall report the HAI surcharge on the cost report on line 33 of Schedule C for cost report periods beginning on or after January 1, 2008.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) to seek Federal approval to make a HAI pass-through payment to MA nursing facilities to recognize the MA portion of the HAI surcharge. The HAI pass-through payment will be based on the nursing facility's MA occupancy rate as reported on the cost report in which the HAI surcharge is reported multiplied by the surcharge paid minus any penalties assessed by the DOH.

The HAI pass-through payments will be made annually within 120 days after the submission of an acceptable cost report provided that payment will not be made before 210 days of the close of the nursing facility FY and DOH has received the HAI surcharge fee.

*Fiscal Impact*

This change will result in an estimated cost of \$0.717 million in total funds (\$0.248 million in State funds) in FY 2009-2010.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Attention Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 33 days of publication of this notice in the *Pennsylvania Bulletin* will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-600. (1) General Fund; (2) Implementing Year 2009-10 is \$248,000; (3) 1st Succeeding Year 2010-11 is \$286,000; 2nd Succeeding Year 2011-12 is \$327,000; 3rd Succeeding Year 2012-13 is \$327,000; 4th Succeeding Year 2013-14 is \$327,000; 5th Succeeding Year

2014-15 is \$327,000; (4) 2007-08 Program—\$692,585,000; 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1036. Filed for public inspection June 5, 2009, 9:00 a.m.]

## Public Hearing for the Child Care Development Fund State Plan

*Purpose*

This notice is to announce that on June 19, 2009, the Office of Child Development and Early Learning will hold a hearing to provide the public an opportunity to comment on Pennsylvania's draft State Plan required by the Federal Child Care Development Fund.

Interested persons are invited to attend the public hearing scheduled to commence at 1 p.m. on June 19, 2009, at 6340 Flank Drive, Harrisburg, PA 17112. Directions and additional information can be found at: <http://www.pattan.k12.pa.us/about/Harrisburg.aspx>.

A draft version of the State Plan will be available online at least 1 week prior to the public hearing. To view or print a copy of the plan visit <http://www.dpw.state.pa.us/About/OCDEL/>.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 09-1037. Filed for public inspection June 5, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Fayette County

Under section 2002(b) of The Administration Code of 1929 (71 P.S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation are planning to widen SR 0021 to install a westbound left-turn lane and to widen the Easy Street approach to provide separate left and right-turn lanes on Easy Street. In addition, a traffic signal is proposed at the intersection. The project is located in Fayette County.

The project will require shifting the alignment of the driveway to the Hillcrest/O.M. Boughner House property, which is eligible for the National Register of Historic Places, and therefore, qualifies as a section 4(f)/section 2002 resource. The existing driveway access to SR 0021 is partially on the adjacent property with stone walls along the driveway that extend into the SR 0021 right-of-way. The driveway alignment shift will move the driveway

entirely onto the historic property. The stone walls will be relocated along the new driveway alignment and outside the SR 0021 right-of-way.

The Historical and Museum Commission concurred that the project will have no adverse effect on the Hillcrest/O.M. Boughner House property. The FHWA has determined that this project will have a *Deminimis Use* of the Hillcrest/O.M. Boughner House property.

Therefore, a "Determination of Section 4(f) *Deminimis Use*/Section 2002 No Adverse Use, Historic Properties" Programmatic section 4(f)/section 2002 Evaluation has been prepared and approved to evaluate the potential environmental impacts caused by the project.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation and the Programmatic section 4(f)/section 2002 Evaluation. The mitigation measures include replacement of the existing stone walls in-kind.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
Director  
Bureau of Design

[Pa.B. Doc. No. 09-1038. Filed for public inspection June 5, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 21, 2009, and announced the following:

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

Pennsylvania Gaming Control Board #125-86: Slot Machine Licensing (amends 58 Pa. Code § 441a.7)

Pennsylvania Gaming Control Board #125-93: Rules of Practice and Procedures (amends 58 Pa. Code Chapters 401a, 403a, 405a, 491a, 493a, 494a, 495a, 497a, 499a and 511a)

### Approval Order

Public Meeting held  
May 21, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

### *Pennsylvania Gaming Control Board— Slot Machine Licensing; Regulation No. 125-86 (#2695)*

On May 1, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code § 441a.7. The proposed regulation was published in the May 17, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 11, 2009. At its March 19, 2009 public meeting, the Commission voted to disapprove the final-form regulation. On April 22, 2009, the Board submitted its report containing the revised final-form regulation to the Commission.

This final-form regulation expands the provisions related to licensing hearings for potential slot machine licensees.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30), 1205 and 1206) 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  
May 21, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

### *Pennsylvania Gaming Control Board— Rules of Practice and Procedures; Regulation No. 125-93 (#2723)*

On September 24, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a, 403a, 405a, 491a, 493a, 494a, 495a, 497a, 499a and 511a. The proposed regulation was published in the October 4, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 22, 2009. At its March 19, 2009 public meeting, the Commission voted to disapprove the final-form regulation. On April 22, 2009, the Board submitted to the Commission its report containing the revised final-form regulation.

This revised final-form regulation amends existing practice and procedure regulations to improve clarity, conform to current practice and simplify some existing requirements.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30) and 1205) 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. 09-1039. Filed for public inspection June 5, 2009, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-265	Pennsylvania Public Utility Commission Standards and Billing Practices for Residential Utility Services  39 Pa.B. 925 (February 14, 2009)	4/20/09	5/20/09

**Pennsylvania Public Utility Commission  
Regulation #57-265 (IRRC #2743)**

**Standards and Billing Practices for  
Residential Utility Services**

**May 20, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the February 14, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (Commission) to respond to all comments received from us or any other source.

**1. Whether the regulation is consistent with the intent of the General Assembly.**

Act 201 of 2004 (Act) was signed into law on November 30, 2004, and became effective on December 14, 2004. This Act amends Title 66 of Pennsylvania’s Consolidated Statutes by adding Chapter 14 (66 Pa.C.S. §§ 1401—1418), titled *Responsible Utility Consumer Protection* (Chapter 14). As noted by the Commission, the purpose of this rulemaking is to promulgate regulations to imple-

ment Chapter 14. In particular, Section 6 of the Act requires the Commission to amend “the provisions of 52 Pa. Code Chapter 56 to comply with the provisions of 66 Pa.C.S. Ch. 14.”

The policy behind Chapter 14 is articulated in Section 1402. It states:

The General Assembly finds and declares as follows:

(1) Formal service rules were first adopted by the Pennsylvania Public Utility Commission in 1978 with the stated goal of enforcing uniform, fair and equitable residential utility service standards governing eligibility criteria, credit and deposit practices, account billing, termination and restoration of service procedures and customer complaint procedures. These rules have not successfully managed the issue of bill payment. Increasing amounts of unpaid bills now threaten paying customers with higher rates due to other customers’ delinquencies.

(2) The General Assembly believes that it is now time to revisit these rules and provide protections against rate increases for timely paying customers resulting from other customers’ delinquencies. The General Assembly seeks to achieve greater equity by eliminating opportunities for customers capable of paying to avoid the timely payment of public utility bills.

(3) Through this chapter, the General Assembly seeks to provide public utilities with an equitable means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections and by increasing timely collections. At the same time, the General Assembly seeks to ensure service remains available to all customers on reasonable terms and conditions.

(4) The General Assembly believes that it is appropriate to provide additional collection tools to city natural gas distribution operations to recognize the financial circumstances of the operations and protect their ability to provide natural gas for the benefit of city residents. 66 Pa.C.S. § 1402.

Developing a set of rules that eliminates opportunities for customers capable of paying to avoid timely payment of their bills with the equally important goal of ensuring utility service remains available to all other customers on reasonable terms and conditions is not an easy task. We acknowledge the amount of time and effort the Commission has dedicated to this endeavor.

However, some commentators are concerned that, in general, the proposed rulemaking does not accurately reflect the intent of Chapter 14 as expressed in Subsections (3) and (4) of Section 1402. They believe that the proposed rulemaking does not provide public utilities with a means to reduce their uncollectible accounts and that the rulemaking does not provide any *additional* collection tools to city natural gas distribution operations. We ask the Commission to explain, in the Preamble to the final-form regulation, how the proposed regulation allows utilities to reduce their uncollectible accounts and to identify what *additional* tools have been provided to city natural gas distribution operations.

Commentators also believe that certain sections of the proposed rulemaking conflict with specific sections of Chapter 14. Of particular concern are the 25 sections of 52 Pa. Code Chapter 56 (Chapter 56) identified in the Historical and Statutory Notes to Chapter 14 (66 Pa.C.S. § 1401), which are superseded to the extent the requirements imposed by those sections are inconsistent with Chapter 14. The Commission has amended 24 of those sections to some degree and reserved one of those sec-

tions. We ask the Commission to explain, in the Preamble to the final-form regulation, the amendments being made and how those amendments make the section consistent with Chapter 14. The specific sections of Chapter 56 are:

§ 56.32	§ 56.53	§ 56.93	§ 56.101	§ 56.115
§ 56.33	§ 56.81	§ 56.94	§ 56.111	§ 56.116
§ 56.35	§ 56.82	§ 56.95	§ 56.112	§ 56.117
§ 56.41	§ 56.83	§ 56.96	§ 56.113	§ 56.181
§ 56.51	§ 56.91	§ 56.100	§ 56.114	§ 56.191

## 2. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The explanation of the regulation in the Preamble and the information contained in the RAF are not sufficient to allow IRRC to determine if the regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Commission should provide more detailed information required under § 745.5(a) of the RRA, including a description of the amendments proposed for each section of the regulation and why the amendments are required.

## 3. Economic or fiscal impact of the regulation.

A commentator has estimated that this rulemaking will cost the utility industry approximately \$50 million annually. This additional cost would have to be absorbed by the ratepayers of the utilities. If the proposed regulation substantially increases costs to the utility industry, such a result would conflict with Section 1402(2) of Chapter 14 and the General Assembly's desire to "provide protections against rate increases for timely paying customers resulting from other customers' delinquencies." Creating a regulatory framework that increases the costs of utilities attempting to reduce their uncollectible accounts is contrary to Chapter 14 and also conflicts with the Commission's contention that the rulemaking will not have a fiscal impact on the regulated community.

As noted above in our comments pertaining to "determining whether the regulation is in the public interest," there is insufficient information in the RAF and Preamble to enable us to determine what fiscal impact, if any, the rulemaking will have on the regulated utilities and their customers. In the final-form regulation, the Commission needs to provide a more detailed cost-benefit and fiscal impact analysis of the regulation.

## 4. Reasonableness; Need.

Sections 56.21(5), 56.35 (b)(3), 56.36(a) and 56.191(e) of the proposed rulemaking would require public utilities to include various information in their tariffs. Examples of additions include: fee information for utilizing a payment option, procedures and standards for determining liability for outstanding payment balances, credit and application procedures, and credit scoring and methodology standards.

Both public utilities and consumer advocacy groups questioned whether some of these additions are appropriate. Concerns related to whether their implementation

would have a micromanaging effect on the utility management's discretion to conduct business, and whether implementation would place undue burdens on the public utilities themselves, including costs. Commentators questioned whether these additions would result in the disclosure of proprietary information of third-parties and other confidential information. A commentator also stated that the Commission should not require utilities to file tariff changes on "collection-related initiatives" that do not impact the basic credit and application procedures in the tariff. The commentator further states that this requirement could result in a "chilling" effect on collection efforts, due to possible consequences imposed on the utility such as the filing of a tariff supplement and litigation before the Commission.

In the final-form regulation, the Commission should explain the need for requiring this information in the tariff.

## 5. Advanced Notice of Final Rulemaking.

This proposed rulemaking has received extensive public comment. As noted above, the utility industry is concerned that the rulemaking does not follow the legislative intent of Chapter 14. In addition, the lack of information provided in the Preamble and the RAF makes it difficult for us to analyze the rulemaking in comparison to the criteria set forth in the RRA (71 P. S. § 745.5b). For these reasons, we suggest that the Commission issue an Advanced Notice of Final Rulemaking. This would allow interested parties and the Commission the opportunity to resolve as many concerns as possible prior to the submittal of the final-form regulation.

### Subchapter A. PRELIMINARY PROVISIONS FOR UTILITIES AND CUSTOMERS SUBJECT TO CHAPTER 14 OF THE PUBLIC UTILITY CODE

## 6. Section 56.2. Definitions.—Statutory authority; Reasonableness; Need; Implementation procedures; Clarity.

### *Terms that Need Definitions*

There are several terms that are used in the proposed regulation but are not defined.

The final-form regulation should include definitions for the following terms: "change in income;" "complainant;" "Federal poverty level;" "significant change in circumstance" and "third-party guarantor." Both "change in income" and "significant change in circumstance" are defined in 66 Pa.C.S. § 1403 and a cross-reference is appropriate for definitions of these terms.

### *Applicant*

Like Chapter 14, this definition not only refers to a "natural person" but it also refers to an "adult occupant." Based on the use of "natural person," can someone under 18 be considered an applicant? The definitions for "customer" and "occupant" should also include the same clarification.

### *Basic service*

The definition refers to the delivery of residential service, however it does not mention default supply. Has the Commission considered the inclusion of default supply in the definition of basic service? If the Commission includes default supply in the definition of basic service, it should also separately define "default supply" in the final-form regulation. The definition for "nonbasic service" should also be consistent with the language in the definition for "basic service."

*Customer*

The definition for “customer” mirrors the definition of the same term in 66 Pa.C.S. § 1403, except the regulation includes the following additional sentence: “[a] natural person remains a customer after discontinuance or termination until the final bill for service is past due.” What is the Commission’s statutory authority for expanding the scope of a definition provided by the General Assembly? If the Commission believes it has the authority, then it should explain the need for this change to the definition.

*Electronic billing*

It is our understanding that electronic billing and electronic payment are separate and distinct from each other. However, this definition includes both billing and payment. To improve clarity, the final-form regulation should include separate definitions for the terms “electronic billing” and “electronic payment.”

*Household income*

Section 1403 of Chapter 14 defines “household income” as “[t]he combined gross income of all adults in a residential household who benefit from the public utility service.” Subsection (ii) of the regulatory definition excludes income intended for the use of a minor from the household income, and includes examples of what would constitute a minor’s income. Commentators are concerned that these examples exceed not only the scope of the statute, but also are inconsistent with how the term is used in various programs, such as LIHEAP. What is the Commission’s statutory authority for including these changes in the regulation? If the Commission can demonstrate it has the authority, then it should explain the need for these provisions.

*Informal complaint*

The proposed definition states that an informal complaint is “a complaint *filed*. . . by a *customer*. . .” (Emphasis added.) The word “filed” is vague because informal complaints can be made telephonically. It is our understanding that an informal complaint can be made not only by a customer, but also by an applicant or an occupant. The final-form regulation should clarify who can make an informal complaint, and the available methods of filing.

*Informal dispute settlement agreements*

The first sentence is vague, as it refers to a “mutually agreeable statement,” but then it only mentions a “customer or applicant” as entering into one. The final-form regulation should clarify who the parties are in the “mutual agreement.”

In addition, commentators suggest this definition will result in confusion and increased formal complaint proceedings at the Commission. What is the need for including this definition in the regulation?

Finally, the definition specifically provides what must be included in an informal dispute settlement agreement. Section 1.7 of the *Pennsylvania Code and Bulletin Style Manual* states: “substantive (that is, regulatory) provisions may not be contained in a definition section.” Therefore, the Commission should remove the second, third and fourth sentences of the definition and move them to a provision establishing the parameters of and requirements for informal dispute settlement agreements.

*Occupant*

The proposed definition is vague for two reasons. First, while other related terms like “customer” or “applicant”

use the descriptor “natural person,” this definition uses “person.” To improve consistency, “person” should be replaced with “natural person.” Second, when does a natural person officially become an occupant and when does the natural person cease being one?

*User without contract*

This definition includes “unauthorized use” as an exception to what would be considered a “user without contract.” Given that the existing regulation already includes a definition for “unauthorized use,” has the Commission considered simply amending this definition to include the substance of this proposed definition for “user without contract”?

## Subchapter B. BILLING AND PAYMENT STANDARDS

### BILLING

#### 7. Section 56.11. Billing frequency.—Implementation procedures; Clarity.

This section permits a public utility to use electronic billing instead of mailed paper billing. We raise three issues.

First, Subsection (b)(1) states that a customer must provide the public utility with one month notice to revert to paper billing. Commentators for both public utilities and consumer groups question whether a one month notice is an appropriate amount of time. Why is one month adequate, given that a commentator representing consumers believes that one month notice may not always be possible, while utility commentators would like more time to process the request? The Commission should consider adding language suggested by a commentator that the request for paper billing be processed “one billing cycle after the request is made.”

Second, Subsection (b)(5) requires an electronic bill to: “include the option for the customer to contribute to the utility’s hardship fund.” Does this requirement also apply to paper billing? If not, why is it being added to electronic billing requirements?

Finally, Subsection (b)(8) requires the public utility to maintain a “sufficient system security.” How will the Commission determine what is “sufficient”? The final-form regulation should further explain the requirements for a “sufficient system security.” We raise the same issue with Paragraph (5) in Section 56.25.

#### 8. Section 56.12. Meter reading; estimated billing; customer readings.—Reasonableness; Need; Clarity.

This section describes bills based on meter readings, and Paragraph (7) specifically addresses the budget billing process. We have three concerns with this paragraph.

First, the proposed paragraph changes the billing mechanism from “equal monthly” to “budget billing,” yet the Commission does not explain the reason for the change. As a result, many commentators expressed concerns that changing the method was inappropriate. What was the Commission’s intent in making this change?

Second, Paragraph (7) allows a public utility, as part of budget billing, to amortize over a 3 to 12-month period any amount exceeding \$25 resulting from reconciliation. How did the Commission determine that both the amount triggering amortization and the time periods were reasonable?

Finally, the last sentence of Paragraph (7) states that: “[p]ayment agreements for heating customers shall be

based upon equal monthly billing.” What is the need for this sentence and why is it being included in this section of the regulation?

**9. Section 56.13. Billings for merchandise, appliances and nonrecurring and recurring services.—Reasonableness; Clarity.**

Rather than have a separate billing, the proposed regulation would now include miscellaneous merchandise as part of the bill for basic service. A commentator suggests there is no justification for this change, and that it could unfairly result in termination of service if termination is based on overdue miscellaneous merchandise charges. What was the Commission’s intent in making this change? Will a utility be able to terminate a customer’s basic service as a result of unpaid miscellaneous merchandise charges? If not, then the Commission should clarify in the final-form regulation that basic service cannot be terminated as a result of unpaid miscellaneous merchandise charges.

**10. Section 56.14. Previously unbilled public utility service.—Possible conflict with the statute; Reasonableness; Clarity.**

This section allows for a utility to render a make-up bill for previously unbilled public utility service which accrued within the last four years. However, 66 Pa.C.S. § 1303 appears to require utilities to charge the approved (tariff) rates for services provided. How is the four-year accrual time period consistent with this statutory provision? Does the customer have up to four years to pay the bill?

**11. Section 56.16. Transfer of accounts.—Possible conflict with the statute; Clarity.**

This section describes billing procedures for account transfers. Subsection (d) addresses transfers from terminated residential customers to third-party guarantors. However, this subsection states that the transfer may be “any portion of the unpaid balance which is equivalent to the cash deposit requirements of the customer.” A commentator suggested that this language is inconsistent not only with 66 Pa.C.S. § 1404(b), but also with the proposed language in Section 56.33(2)(ii) of the regulation, which both require the guarantor to be responsible for *all* missed payments. Subsection (d) should be consistent with the statute and Section 56.33(2)(ii), and not limit payment transfers simply to cash deposit amounts.

While Section 56.16 (d) refers to “unpaid balance,” Section 56.33 (2)(ii) refers to “missed payments.” For purposes of consistency not only with the statute but also within the regulation itself, “unpaid balances” should be replaced with “missed payments.”

**PAYMENTS**

**12. Section 56.21. Payment.—Reasonableness; Need; Clarity.**

This section relates to transmitting payments. The first paragraph states that the due date of a bill may be no less than 20 days from the date of transmittal. The paragraph seems to define “date of transmittal” occurring on either the date of mailing or delivery. How can the transmittal date be one or the other when, in all likelihood, the payments will be received on different dates in each circumstance? The Commission should explain how this section will be implemented for the transmittal of paper bills and electronic bills.

Also, the proposed regulation removes the word “physical,” whereas other sections of the regulation continue to use the phrase “physical delivery.” What is the reason for this deletion?

**13. Section 56.22. Accrual of late payment charges.—Statutory authority.**

Subsection (e) prevents additional late payment charges once an account is no longer actively billed. A commentator argues that there is no justification in Chapter 14 to support this change. What is the Commission’s statutory authority for this revision?

**14. Section 56.25. Electronic bill payment.—Need; Implementation procedures; Clarity.**

This section describes the procedures for electronic bill payments. We raise three issues.

First, Paragraph (2) refers to electronic bill payments via automatic withdrawals from a customer’s checking account. A commentator notes that automatic electronic payments can be made from types of accounts other than checking accounts and suggests using the term “financial account.” We agree and recommend that the Commission incorporate this change in the final-form regulation.

Second, Paragraph (4) requires the public utility to provide an electronic or paper receipt to the customer upon payment through the electronic method. What is the need for a receipt in these circumstances? Has the Commission considered requiring a paper receipt for notice of an unsuccessful electronic payment?

Finally, Paragraph (5) requires the public utility to maintain a “sufficient system security.” How will the Commission determine what is “sufficient”? The final-form regulation should further explain the requirements for a “sufficient system security.”

**Subchapter C. CREDIT AND DEPOSITS  
STANDARDS POLICY**

**PROCEDURES FOR NEW APPLICANTS**

**15. Section 56.35. Payment of outstanding balance.—Reasonableness; Need; Clarity.**

Subsection (b)(3) requires public utilities to include in the tariff procedures and standards for determining an applicant’s liability for any outstanding balance. Several commentators have objected to this requirement, noting that including the procedures and standards in the tariff would hinder a public utility’s flexibility to revise its business practices and that the standards for determining liability are already set forth in Chapter 14 and the Commission’s regulations. What is the need for including standards and procedures in the tariff?

Subsection (b)(3) also states that “any outstanding residential account with the public utility may be amortized *in accordance with § 56.191* . . .” (Emphasis added.), which establishes processes for restoration of service after termination. However, this rulemaking deletes existing language in Subsection (b)(3) that prohibits a condition of restoration of service being payment of an outstanding balance of an account in the name of a person other than the applicant. Without this language, a commentator is concerned how to apply § 56.191 to applicants under § 56.35. The final-form regulation should clarify the provision regarding restoration of service.

**16. Section 56.36. Written procedures.—Reasonableness; Need; Clarity.**

This section requires public utilities to establish written credit and application procedures. We raise two issues.

First, Subsection (b)(1) states that if credit is denied, the public utility shall inform the customer orally and in writing. What is the need for oral notification?

Second, commentators have stated that the Fair Credit Reporting Act (15 U.S.C. § 1681 et. seq.) (FCRA) prohibits a utility from providing a customer or applicant with a specific credit score. The final-form regulation should explain whether the FCRA prohibits disclosure of a consumer's credit score to the consumer, and why providing this information is necessary.

**17. Section 56.37. General rule.—Reasonableness; Clarity.**

This section allows a utility to provide service to an approved applicant within three days. How did the Commission determine this was a reasonable time frame?

In addition, approval is contingent on the applicant meeting "all requirements," yet the regulation does not explain what these are. The final-form regulation should clarify this phrase.

**18. Section 56.38. Payment period for deposits by applicants.—Statutory authority; Clarity.**

The proposed language adds a sentence permitting applicants to pay the security deposit in installments. However, Chapter 14 specifically prohibits the Commission from prohibiting a utility from requiring a cash deposit "prior to or as a condition of providing utility service." The final-form regulation should explain how this provision is consistent with 66 Pa.C.S. §§ 1404(a) and (e). Also, Chapter 14 does not make a distinction between security deposits paid by applicants and new applicants. Therefore, to whom does this requirement apply?

**19. Section 56.41. General rule.—Clarity.**

Subsection (1)(ii) refers to "equal monthly billing plans." In order to be consistent with Section 56.12, the final-form regulation should replace this term with "budget billing."

**CASH DEPOSITS**

**20. Section 56.54. Application of deposit to bills.—Possible conflict with existing regulations.**

The existing language in this section allows a customer to seek a refund of a deposit; however, a commentator is concerned that this language conflicts with proposed language in Subsections 56.53 (c), (d) and (e) which allows only partial refunds, based on various circumstances. How is the process for refund consistent with each of these subsections?

**Subchapter E. TERMINATION OF SERVICE**

**NOTICE PROCEDURES PRIOR TO TERMINATION**

**21. Section 56.91. General notice provisions and contents of termination notices.—Implementation procedures; Clarity.**

Subsection (b) identifies the information that must be provided in termination notices. We have four concerns.

First, under Subsection(b)(3), a commentator has noted that including a specific reconnection fee in the termination notice is not feasible, because the amount of the fee is not known at the time the termination notice is delivered. The commentator suggests removing the word "specific" and including a range of fees or maximum fee in the notice. The Commission should consider including this option in the final-form regulation.

Second, under Subsection (b)(7), has the Commission considered allowing informal complaints to be filed by electronic mail?

Third, Subsection (b)(17) lacks clarity because it requires a utility to include certain information in a termination notice "when census data indicates a *significant population* using that language resides in the public utility's service territory." (Emphasis added.) We recommend that the language be amended to clarify what constitutes a "significant population."

Fourth, could the contact information required under Subsection (b)(18) be the customer service telephone number for the utility?

**22. Section 56.94. Procedures immediately prior to termination.—Clarity.**

Under Paragraph (1), would termination be prohibited if evidence is presented that the customer is participating in a customer assistance program? If so, we recommend that this be added to Paragraph (1).

**23. Section 56.96. Notice.—Clarity.**

The inclusion of the word "substantially" in this section is problematic because that term is vague and does not provide a specific standard that must be met. It should be deleted or replaced with more precise language.

**24. Section 56.97. Procedures upon customer or occupant contact prior to termination.—Statutory authority; Clarity.**

Subsection (a)(2)(iii) requires public utilities to tell customers they may avoid termination by "[p]aying what is past-due on the most recent previous company negotiated or Commission payment agreement." A commentator is concerned that this subsection exceeds the scope of Chapter 14, which specifically allows a public utility to terminate service for failure to comply with a payment agreement. See 66 Pa.C.S. §§ 1405(f) and 1406(a). We agree with the commentator and ask the Commission to explain how this provision, when applied to customers with existing payment agreements, is consistent with Chapter 14.

As recommended by a commentator, we suggest the language found in Subsection (a)(2)(iv) be consistent with the language found in Section 56.91(b)(4)(iv), which pertains to universal service programs.

**25. Section 56.100. Winter termination procedures.—Legislative intent; Implementation procedures; Fiscal impact; Need; Protection of the public health, safety and welfare.**

*Subsection (b) Electric distribution and natural gas distribution utilities.*

Commentators have questioned the inclusion of the qualifying term "heat related," as it pertains to termination of service during the winter. We also question the inclusion of this term and note that 66 Pa.C.S. § 1406 (e) does not make any distinction between "service" and "heat related service."

*Subsection (e) Identification of accounts protected during the winter.*

This subsection requires utilities to use household income and size information that they have on file to identify accounts that cannot be terminated in the winter. It also requires utilities to solicit household size and income information from customers who contact the utility in response to notices of termination "to determine eligibility for termination." Commentators have raised issues related to verification of household income and contact with the customer during the termination process. What is the procedure for verifying household income? Additionally, why does this subsection require the utility

to gather household income and size information after the termination notice has been issued to determine eligibility for termination, rather than prior to issuance? These issues should be addressed in the final-form regulation.

*Subsection (i) Reporting of survey results.*

The need for and the cost associated with producing additional winter surveys required by this subsection have been questioned by several commentators. They note that similar information is required under the reporting requirements found in Section 56.231, pertaining to reporting requirement of public utilities. What is the need for the additional reporting requirement in this subsection?

*Subsection (j) Reporting of deaths at locations where public utility service was previously terminated.*

This subsection has generated interest from both the utility industry and the consumer advocacy community. The utility industry questions the need for reporting deaths, and the consumer advocacy community has suggested that the provision be amended to require the reporting of deaths *and* injuries. The Commission should explain the need for the reports, why this provision presents an appropriate level of reporting and how the information will be used.

#### EMERGENCY PROVISIONS

**26. Section 56.111. General provisions and Section 56.113. Medical certifications.—Statutory authority; Implementation procedures; Clarity.**

These sections of the rulemaking implement 66 Pa.C.S. § 1406(f), pertaining to medical certification. They prevent a utility from terminating service when a licensed physician or nurse practitioner certifies that the customer or member of the customer's household is ill or has a condition that will be aggravated by cessation of service. The sections also require a customer to obtain a letter from a physician verifying the condition. We have three concerns. First, § 1406(f) only refers to customers, and not applicants. Why have applicants been included in this section of the regulation? Second, § 1406(f) refers to authorized termination of service, not the refusal to restore of service. What is the Commission's authority to include service restoration in Section 56.111? Third, while § 1406(f) requires a letter from a licensed physician verifying the condition of the customer, why does the regulation also allow nurse practitioners to provide verification letters?

**27. Section 56.114. Length of postponement; renewals.—Protection of the public health, safety and welfare; Reasonableness.**

Medical certificates are valid for 30 days under this section. Has the Commission considered providing procedures that would allow customers to request longer periods of time for instances involving chronic illness or other extenuating circumstances?

#### Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS

##### INFORMAL COMPLAINT PROCEDURES

**28. Section 56.166. Informal complaints.—Implementation procedures; Clarity.**

The first sentence of this section provides Bureau of Consumer Services (BCS) with primary authority over "customer, applicant and occupant complaints arising

under this chapter." To improve clarity, we recommend that the word "informal" be included before "complaints" in this section.

This section also provides that BCS will "establish appropriate internal procedures to implement this chapter." However, we note that 66 Pa.C.S. § 308(d)(1) requires the Commission to "adopt, publish and generally make available rules by which a consumer may make informal complaints." The Commission should explain how this regulatory provision is consistent with the statute.

#### Subchapter G. RESORATION OF SERVICE

**29. Section 56.191. General rule.—Statutory authority.**

Most of the language found in this section is the exact same language found in 66 Pa.C.S. § 1407, pertaining to reconnection of service. However, certain subsections contain different or additional language. For example, Subsection (b)(2) of the statute references three days and Subsection (b)(2) of the regulation references three calendar days. We ask the Commission to explain why the different or additional language is needed and how the language is consistent with the intent of the General Assembly.

**30. Miscellaneous clarity.**

The formatting for Section 56.163 (2), as published in the *Pennsylvania Bulletin*, is unclear because the reader cannot tell what language is being deleted and what language is being added. Will any parties have to sign the settlement agreement?

#### Subchapters L through V

**31. Determining whether the agency has the statutory authority to promulgate the regulation.**

Pursuant to 66 Pa.C.S. § 1401, "[t]his Chapter relates to protecting responsible customers of public utilities." A public utility is defined as: "[a]ny electric distribution utility, natural gas distribution utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Pennsylvania Public Utility Commission." 66 Pa.C.S. § 1403. It is clear that the General Assembly intended Chapter 14 to apply to specific types of public utility.

This rulemaking adds 11 new subchapters to Chapter 56. The new subchapters apply to wastewater, steam heat and small natural gas distribution utilities and victims of domestic violence with a protection from abuse order. While we do not question the policy behind adding these new subchapters, we ask the Commission to further explain its statutory authority for promulgating the new subchapters.

**32. Incorporation of comments.**

The language in these subchapters is similar, and at times verbatim, to the corresponding sections of Subchapters A through K. To the extent this occurs, we incorporate our comments from Subchapters A through K. The Commission should respond to our comments on both sets of subchapters and amend the final-form rulemaking in a consistent manner.

**33. Section 56.453. Inconsistent tariff provisions.—Statutory authority; Need; Implementation procedures.**

Subchapter U is titled "General Provisions," and contains chapters that discuss the availability of pursuing other Commission procedures not described in the Chap-

ter, as well as permitted applications for modifications or temporary exemptions based on hardship.

However, Section 56.453 states that: “[a] tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter.” What is the Commission’s statutory authority for this section? Also, what is the need for this section, and how will the Commission implement it since the section says the inconsistent tariff provisions are simply “deemed” nonoperative?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1040. Filed for public inspection June 5, 2009, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 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 an individual can obtain a copy from our 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>
16A-5318	State Board of Osteopathic Medicine	5/22/09	6/11/09

Prescriptive Privileges for  
Physician Assistants

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1041. Filed for public inspection June 5, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Main Line Nursing and Rehabilitation Center; Prehearing

#### Appeal of Main Line Nursing and Rehabilitation Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-05-008

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 8, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s March 25, 2009, determination. The statement may be in narrative

form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 7, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 2, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 22, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 6, 2009.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1042. Filed for public inspection June 5, 2009, 9:00 a.m.]

### Narinder Malhotra, M. D.; Prehearing

#### Appeal of Narinder Malhotra, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-05-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 8, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s March 24, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 7, 2009, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 2, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 22, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 6, 2009.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1043. Filed for public inspection June 5, 2009, 9:00 a.m.]

### PMSLIC; Prehearing

**Appeal of PMSLIC under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-05-014**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 8, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 21, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 8, 2009, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 6, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 23, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 7, 2009.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1044. Filed for public inspection June 5, 2009, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Jonathan R. and Bambi Elich Spavelko; file no. 09-302-69694; Motorists Mutual Insurance Company; Doc. No. PI09-05-019; August 27, 2009, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1045. Filed for public inspection June 5, 2009, 9:00 a.m.]

### Claire Robinson, M. D.; Prehearing

**Appeal of Claire Robinson, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-05-002**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before June 8, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 13, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 8, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 6, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any,



must be filed on or before June 23, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 7, 2009.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1046. Filed for public inspection June 5, 2009, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Smoking in Licensed Facilities; Withdrawal of Regulation #125-92

On March 19, 2009, the Independent Regulatory Review Commission (IRRC) disapproved the final-form Regulation #125-92 (IRRC #2731). Under § 7 of the Regulatory Review Act, the Board had the option of proceeding with the adoption of the final-form regulation without revisions, revising or modifying the final-form regulation to respond to the objections raised by IRRC, or withdrawing the final-form regulation.

Because all of the operating licensed facilities have reached the maximum level for the designated smoking areas permitted under the Clean Indoor Air Act of 2008 (35 P. S. §§ 637.3 and 637.4) which eliminated the need for the regulation and because of the objections raised in IRRC's March 19, 2009 disapproval order, the Board voted on April 22, 2009, to withdraw this final-form rulemaking.

FRANK DONAGHUE,  
*Acting Executive Director*

[Pa.B. Doc. No. 09-1047. Filed for public inspection June 5, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 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 June 22, 2009. 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-2009-2106848. Mapemawa, Inc.** (122A Ericson Avenue, Essington, Delaware County, PA 19025), a corporation of the Commonwealth—persons, in limousine service from points in the Counties of Bucks, Chester, Delaware and Montgomery to points in Pennsylvania, and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, Gallagher, Malloy & Georges, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-4104.

**A-2009-2106858. Imtiaz Shaikh-Ahmad** (549 Highland Avenue, Wayne, Chester County, PA 19087), persons, upon call or demand service, in the Counties of Chester, Delaware and Montgomery.

**A-2009-2109403. Juan Genet Enterprises, LLC t/a Safe Destinations** (3311 Hartel Avenue, Philadelphia, Philadelphia County, PA 19136)—persons, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.*

**A-2009-2106757. Shlomo Sudai, t/a Capital Van Lines** (3505 West Moreland Road, F423, Willow Grove, Montgomery County, PA 19090), household goods is use, between points in the Townships of Lower Makefield, Newtown, Bensalem, Falls, Bristol, Buckingham and Middletown, and the Boroughs of Yardley, Morrisville, Tulleytown, Langhorne and New Hope, all located in Bucks County, from points in said territory to points in Pennsylvania, and vice versa, which is to be a transfer of all the rights authorized under the Certificate issued at A-00116323 to Roger Sharma, t/d/b/a Phoenix Movers.

### Applications 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 each application.*

**A-00121501, Fs. 1 and 2. Dan Reitz, Inc., t/a Silver Bullet Cab** (911 South Brady Street, P. O. Box 502, Dubois, Clearfield County, PA 15801)—discontinuance of service—(1) persons, upon call or demand, in the City of Dubois, Clearfield County and points located within an airline distance of 10 statute miles of the limits of said City; and (2) persons, in paratransit service, from points in the City of Dubois, Clearfield County, and points located within an airline distance of 10 statute miles of the limits of said city, to points in Pennsylvania, and return.

**A-2009-2102231. Thomas R. Hagberg** (646 Hatch Run Road, Warren, Warren County, PA 16365), for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle at A-00123320, authorizing the transportation of persons, upon call or demand, in the Borough of Warren, Warren County; which was a transfer of all the right authorized

under the Certificate issued at A-00097613 to Homer F. Phillips, t/d/b/a Warren Taxi Service, subject to the same limitations and conditions.

**A-00108457. Munksgard Limousine, Inc., t/d/b/a Munksgard Limousine Service** (911 Fourth Avenue, Warren, Warren County, PA 16365)—discontinuance of service-persons, in limousine service between points in Pennsylvania, excluding the right to transport between points in Allegheny County.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1048. Filed for public inspection June 5, 2009, 9:00 a.m.]

### Tentative Order

Public Meeting held  
May 14, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson, Statement; Kim Pizzingrilli; Wayne E. Gardner; Robert F. Powelson, Statement

*PPL Electric Utilities Corporation Retail Markets;  
Doc. No. M-2009-2104271*

### Tentative Order

*By the Commission:*

Two years ago we approved PPL Electric Utilities Corporation's (PPL's) revised Competitive Bridge Plan which allows the company to begin purchasing generation supplies for default electric generation service after the expiration of a current generation rate cap. *Petition of PPL Electric Utilities Corporation for Approval of a Competitive Bridge Plan*, Docket No. P-00062227, Order entered May 17, 2007. That plan was designed, *inter alia*, to provide a transition from the existing capped rates to market-based prices for default electric generation service for PPL consumers.

At this time, PPL consumers are paying capped generation rates pursuant to the Electricity Generation Customer Choice and Competition Act (Competition Act), 66 Pa.C.S. §§ 2801—2812 and the PPL Restructuring Settlement.<sup>1</sup> The Competition Act also requires electric utilities to provide open and non-discriminatory access to their transmission and distribution systems so that competitive electric generation suppliers (EGSs) can sell electricity directly to consumers. 66 Pa.C.S. § 2802(14). As part of the transition to a competitive retail market, the legislature directed that transmission, distribution and generation rates be capped for a period of time. 66 Pa.C.S. § 2804(4). PPL's final remaining rates caps—those on electric generation rates—will expire December 31, 2009.

The Competition Act requires electric distribution companies (EDCs) such as PPL, or a Commission-approved alternative supplier, to provide default electric generation service to customers who have not selected an alternative generation supplier. After the rate caps expire, the default service prices for electric generation service will be based on the results of competitive procurement processes. 66 Pa.C.S. § 2807(e)(3.1). Thus, the price of electricity charged to default service customers will be determined largely by market forces, as opposed to cost-based regulation. However, this in and of itself will not guarantee that retail customers will have competitively priced alterna-

tives to the default service still offered by incumbent EDCs. Rather, it is essential that alternative suppliers of retail generation service have the non-discriminatory access to customer data and utility facilities necessary to fulfill the legislative goal of a competitive retail market for generation in Pennsylvania.

In the years following the enactment of Chapter 28, the actual market-based costs of obtaining wholesale electricity have escalated above the level of capped generation rates under the various restructuring settlements approved by the Commission. Due to this escalation in wholesale costs, many alternative providers of retail generation service have been unable to offer service to consumers in Pennsylvania at rates that allow those firms to be profitable and, accordingly, these firms have left the market. In the PPL service territory, for example, the percent of customers obtaining generation service from alternative suppliers is virtually zero. See Office of Consumer Advocate statistics as of April 1, 2009 at <http://www.oca.state.pa.us/Industry/Electric/elecstats/Stats0409.pdf>. While the expiration of rate caps will bring about default service rates that approximate current market-based costs for wholesale electricity, that fact alone will not ensure the success of retail competition. Rather, the operating rules for EGS firms that seek to enter Pennsylvania's market and offer retail generation service must be non-discriminatory and must not unduly favor the incumbent EDC. Otherwise, the efficiencies, innovations and potential costs savings of a fully competitive retail market will not be realized.

Therefore, in order to promote the goals of Chapter 28 and to assure an orderly transition to a market which is truly competitive, we find it necessary and in the public interest to consider and direct actions that are necessary to achieve these goals in the PPL service territory, given the scheduled expiration of PPL's rate caps later this year.

Over the past several years the Commission has presided over the end of capped generation rates for several small and mid-sized electric distribution companies. Based upon our experience with those companies, we believe there are certain standards, rules and operational protocols which will make the retail market viable for those EGSs which wish to offer retail generation service to PPL customers. Insofar as PPL is one of the largest EDCs in the Commonwealth, it is important that its market contain competitive alternatives for its customers, that its customers are aware of these competitive alternatives and that there are no barriers to entry from the incumbent EDC.

We have identified eight areas in which we believe PPL, and later other EDCs, can improve the conditions for retail competition in its service territory in accordance with the policy goals and statutory provisions of Chapter 28. We expressly recognize and appreciate that PPL has taken many important steps, beginning with the PPL Restructuring Settlement, to allow retail competition for generation in its service territory. Nevertheless, we are concerned that some additional impediments remain which may act as barriers to entry to EGS firms seeking to offer retail generation service.

The Legislature has given us broad authority to ensure that customers will have the ability to make meaningful choices among competing suppliers of electricity:

[T]he commission shall allow customers to choose among electric generation suppliers in a competitive generation market through direct access. Customers should be able to choose among alternatives such as firm and interruptible service, flexible pricing and alternate generation sources, including reasonable and fair opportunities to self-generate and interconnect. These alternatives may be provided by different electric generation suppliers.

66 Pa.C.S. § 2804(2). Moreover, the Competition Act defines “direct access” as:

The **right** of electric generation suppliers and end-use customers to utilize and interconnect with the electric transmission and distribution system on a nondiscriminatory basis at rates, terms and conditions of service comparable to the transmission and distribution companies’ own use of the system to transport electricity from any generator of electricity to any end-use customer.

66 Pa.C.S. § 2803, emphasis supplied. Thus, this grant of authority is accompanied by the responsibility to ensure that it is more than an empty promise of an open market for retail electric power. We are instructed to make competition not just possible, but also a reality.

Moreover, we are taking this action at this time because PPL is not only the first of a group of large and mid-sized EDCs which will come out from under the rate caps beginning at the end of this year, but because we also believe it is well suited to assist the Commission in developing and implementing the measures necessary to improve competition and remove barriers to market entry by competitive suppliers. This opportunity gives the Commission the ability to apply the knowledge gained from prior EDCs to develop a competitive market in the second largest EDC in PA, and develop the final details necessary for competition statewide about 18 months from now. We believe that PPL possesses the technical know-how to address difficult problems, and will rise to the challenge and make retail competition work in its service territory.

Therefore, pursuant to our authority under Sections 501(a), 2801—2809, and 2811, we are directing that PPL take certain actions to reduce barriers to entry for competitive retail suppliers of generation. Those actions, and the reasons for them, are discussed below. Also, in order that the company not be financially harmed by the implementation costs that may be associated with some of these actions, we are also offering it the opportunity to recover its incremental costs of implementing these measures through a trued-up surcharge on all customers, which is also discussed below.

### 1. Customer Information Database (Customer List)

Communication remains the cornerstone of an effective competitive market place. If buyers and sellers cannot reach each other to make offers and acceptances, and speak in the same “language,” commerce will be impeded and, even if it can take place, additional and unnecessary costs are incurred. Therefore, it is of utmost importance that the distribution utility and the EGSs seeking to sell electricity to end-users exchange information in an accurate and consistent manner. In order to do this, EGSs must first have the information they need on the customer base they wish to serve. Therefore, they must be able to have up-to-date and precise information on the utility’s customers.

PPL should review its customer list for accuracy and refresh it, if it has not done so recently. If PPL has not refreshed the list at least quarterly, it should be refreshed

now. Going forward, the database should be updated monthly, on a pre-set date, and on the same day of the month each month. This will allow customers to set a narrow access window if they only want to remove the restriction on access for a few suppliers for a limited time. Moreover, customers that have restricted access should be able to authorize the release of their information using a web-based form or by providing the EGS or EDC with a letter of authorization. Customers should be able to do this with respect to multiple accounts at a time. This is important particularly with respect to customers who take service at more than one location and have multiple utility accounts.

With regard to the necessary standard data set itself, we have provided a template which is appended to this tentative order as Attachment A. The recommended data elements are included. Interval data would be included, but should be accessible separately. Interval energy data is a detailed record of energy consumption, with readings made at regular intervals throughout the day, every day.

The process by which customers may opt out of providing their information to EGSs should be repeated prior to the removal of the generation cap and annually thereafter. PPL’s continuing education efforts should inform customers that if they wish to receive and consider competitive offers they should not opt out. Customers cannot take advantage of better offers for service, if they are unaware that they exist. We recognize that we cannot require PPL to provide phone numbers of residential and small business customers without their permission, but it should provide EGSs with the numbers for commercial and industrial accounts. Those customers should be able to restrict that information through an opt-out option, if they choose.

### 2. Data Access

By order entered June 19, 1998, this Commission mandated that all EDCs and EGSs operating in Pennsylvania shall use Electronic Data Interchange (EDI) to implement Electric Choice. EDI is a standard industry format that facilitates automated communication of customer data through the use of ASC X12 standard open architecture that can be administered in-house or by a third party. The most recent Commission approved EDI standards and business practices are found in the Revised Plan Version 2.6.<sup>2</sup>

#### (a) EDI and Validation, Estimation and Editing

One area that EDI does not address is validation, estimation and editing (VEE) of customer data. VEE is basically the process of converting raw meter data to billing quality usage data. For implementing smart metering, this becomes a big issue for EGSs and Conservation Service Providers (CSPs). If there are any gaps in interval data, the EDC has to estimate customer usage. If raw, unedited interval data has significant data gaps, then the company has to validate and edit this information. PPL and other EDCs are doing VEE today or they have set up an intermediary to perform this task. EGSs want and need post-VEE interval data, especially for larger currently interval-metered commercial and industrial accounts, and later for potentially all customer accounts once the smart metering provisions of Act 129 are fully implemented. We, therefore, direct PPL to provide EGSs automated electronic access to customer post VEE interval data at no incremental fee.

<sup>2</sup> *Standards for Electronic Data Transfer and Exchange Between Electric Distribution Companies And Electric Generation Suppliers*, Docket No. M-00960890F0015, Tentative Order entered December 8, 2008.

**(b) EDI 867 and EDI 814****(b)(1) Background**

The EDI 867 standard addresses energy sales information.<sup>3</sup> In Pennsylvania, the EDI 867 standard has been adapted to provide customer usage information needed for billing for all customers regardless of the billing scenario (as defined below at (3) Bill Ready vs. Rate Ready Options). The EDI 867 Monthly Usage (MU) transaction is used to transmit current month usage information as captured from the meter for non-interval metered customers, and we use the EDI 867 Interval Usage (IU) to transmit interval monthly usage information as captured from the advanced meter for interval metered customers. EDI 867 is also used to transmit un-metered usage for non-metered accounts. An EDI 867 Historical Usage (HU) transaction transmits the previous 12 months of customer data regardless of the way the customer is metered. Currently, there is no requirement for the EDC to provide Historical Interval Data through an EDI transaction.

The EDI 814 standard addresses general request, response or confirmation information.<sup>4</sup> The EDI 814 standard has been adapted for use in Pennsylvania to communicate enrollment information and the customer/EGS relationship information between the EDC and the EGS. EDI 814 standards address the following scenarios: (a) the 814 Enrollment (E) is used to enroll the customer's selection of an EGS; (b) the 814 (E) is used for customer account maintenance and is used to request customer historical usage; and (c) the 814 ND is used to provide an advanced notice of potential customer drops, where required by Commission order.

All EDI 867 and 814 definitions and scenarios are defined in the Revised Plan Version 2.6.

**(b)(2) Historical Usage**

The Pennsylvania electric industry implemented the 867 Historical Usage (HU) for communicating 12 months of historical monthly data for "eligible" customers. Eligible customers are those who authorized PPL to release this information to EGSs because they are interested in receiving offers. To successfully market their competitive services, EGSs prefer the opportunity to obtain historical usage information on behalf of a customer on the eligible customer list, without the necessity of a written customer authorization. If a customer is not included on the eligible customer list, PPL should allow the EGS to obtain their prospective customer's permission and upon the EGS's request, send the 867 HU. The manual sending of the customer's authorization by the EGS to PPL is not required, but the EGS may be audited by PPL or the Commission for compliance with customer authorization documentation after the fact.

The Commission's Electric Choice implementation technology stakeholder group, the Electronic Data Exchange Working Group (EDEWG), recently approved an EDC's request to update the EDI 814 Enrollment (E) transaction to allow requests for historical interval data, and to create an EDI 867 Historical Interval Usage (HIU) transaction for providing interval detail data at the lowest level recorded by the EDC. *See EDEWG Change Request*

<sup>3</sup>The ASC X12 definition for the 867 "Product Transfer and Resale Report" transaction is: "The transaction set can be used to: (1) report information about product that has been transferred from one location to another; (2) report sales of product from one or more locations to an end customer; or (3) report sales of a product from one or more locations to an end customer, and demand beyond actual sales (lost orders). Report may be issued by either buyer or seller."

<sup>4</sup>The ACS X12 definition for the 814 "General Request, Response or Confirmation" transaction is: "This standard can be used to request actions to be performed, to respond to a request for actions to be performed or to confirm information related to actions performed."

#050 and 09/04/2008 EDEWG Meeting Minutes at [ww.w.puc.state.pa.us](http://ww.w.puc.state.pa.us) "Electricity" "Issues" EDEWG Files for Downloading. As approved, these EDI changes are optional in Pennsylvania. Although PPL currently provides monthly metered interval data, this data is handled manually and is very time consuming for PPL and EGSs. EGSs have complained of the cost to acquire this data and that there are still gaps of missing information in PPL's response to their requests for interval data.

Therefore, to best serve the billing needs of customers who have advanced interval meters or who purchase smart meters, PPL needs to be able to provide complete and accurate post-VEE metered interval data upon request by EGSs. To meet these requirements, we direct PPL to implement the recent EDI 814 E updates and the newly created EDI 867 HIU transaction as approved by the EDEWG no later than 60 days of the entered date of a final order in this proceeding.

Another issue related to the EDI 814 is that EGSs are not receiving timely notice of PPL's permanent termination of their customer's service. A customer that is in arrears for payment of distribution service can be terminated by PPL, but the EGS is informed of this fact when PPL sends an EDI 814 Drop transaction that notifies the EGS that a final bill will be issued for the customer. If the EGS were to receive from PPL an EDI 814 Advance Notice of Intent to Drop (ND), which currently is applicable only in Duquesne Light's service area, the EGS could manage the customer's account more effectively and provide assistance in getting the account current. We, therefore, require PPL to initiate an EDI change request with the EDEWG and to implement the EDI 814 ND within 90 days of the final entered date of a final order in this proceeding.

**(b)(3) Interval Usage**

Similar to the 867 MU that provides actual monthly billing cycle usage data, the electricity industry communicates actual monthly billing cycle interval metered data through the EDI 867 Interval Usage (IU) transaction. To meet the ongoing, monthly billing needs of customers who have advanced interval meters or who purchase smart meters, we require PPL to implement the EDI 867 IU transaction. Additionally, we require PPL to initiate an EDI change request with the EDEWG as may be necessary to update cross reference EDI transactions related to the 867 IU. It should be noted that the most recently approved EDI 867 IU transaction states "as of September 1999, the PUC has not determined if the date and timestamp will be required with every interval, or only with the first interval with the subsequent intervals being marked with a sequence number." *See page 9, Implementation Guideline for Electronic Data Interchange 867 Interval Usage Ver/Rel 004010 IG867IUv4-0.* To resolve this outstanding issue, we direct PPL to initiate discussion with the EDEWG and recommend to the Commission no later than 60 days of the entered date of this order, a date/time stamp resolution that best serves the data needs of competitive providers and the smart metering requirements of Act 129.

**(b)(4) Transmission and Capacity PLCs**

In August 2008, PPL implemented a change request related to the EDI 867 HU transaction, to be used by all PJM EDCs for communicating capacity and transmission contribution factors to their respective partner EGSs. EGSs have raised an issue that the Peak Load Contribution (PLC) is not being communicated by PPL and that there is a significant difference in the pricing of services without the PLC data.

Therefore, to address this concern, we direct PPL to implement the EDI 867 HU changes if it is not already doing so, and to determine whether we should require PPL to initiate changes to the EDI 867 HU, we solicit comments from suppliers to explain why the PLC is needed.

#### **(b)(5) Meter Read Cycle Information**

Meter read cycle information is defined by the EDC to identify the number of days that comprises a customer's billing period for previous usage and to designate the date that the customer's meter is read for determining that period of usage. For example, a residential customer's bill dated May 15, could be based on thirty days' of usage commencing April 1 through April 30 with the last meter reading having been taken on April 30. EGSs need to have an idea of the customer's meter read cycle if they are to successfully enroll a customer within PPL's designated billing window. If unsuccessful, the customer continues to pay the "old" price for energy from PPL or the customer's former EGS. PPL should provide the EGS with a customer's meter read cycle information in the EDI 814 response transaction or in the EDI 867 HU transaction; it does not need to be communicated in both. We direct PPL to select which EDI transaction it will utilize to provide this information to EGSs. We also direct PPL to initiate an EDI change request as necessary with the EDEWG no later than 60 days of the entered date of the final order.

#### **(c) Multiple Accounts**

EGSs have experienced a delay in PPL's response to their data requests for multiple accounts. Every customer represents a single account and multiple accounts refer to multiple customer accounts. Pennsylvania has no approved guidelines for the handling of multiple account information; each EDI transaction is used to handle a single customer. To ensure that customer data is secure and accurate and handled in a timely manner, specific timelines for requests and responses to all EDI transmissions have been approved on an individual account basis. This timeline is found on page 17 of the Revised Plan Version 2.6. If PPL is not already following the maximum allowable time standards established for an EDC to send or respond to an EGS request for a customer's account, we direct PPL to comply with these standards within 30 days of the entered date of the final order.

#### **(d) Sync List**

Some EGSs have asked for an updated "sync list," which is a monthly list of customer usage and account information, specific to the customers who are already enrolled by an individual EGS. This list is different from an eligible customer list or any customer information database. It would be unique to the EGS and would contain confidential, customer account information that would allow the EGS to audit its system to ensure congruity with PPL's data. Such account information would include service start/end date, bill method, PLC values, etc. PPL is already providing customer usage information through the EDI 867 transactions that many EGSs find useful for updating their data base. Nonetheless, to satisfy the data needs of those EGSs who request it, we direct that PPL consider developing a sync list that would be accessed through an FTP (file transfer protocol) site that the requestor may navigate to download the text or comma separated value file. PPL may use the services of a third party to provide this sync list in a format that is suitable to the respective needs of the requestor.

Therefore, to address this concern, we require PPL to provide a monthly, updated sync list on an FTP site for

any EGS that requests it. PPL may use the services of a third party to provide this sync list in a format that is suitable to the respective needs of the requestor.

#### **3. Bill Ready and Rate Ready Options**

An EDI 810 Billing transaction is used by the billing party to transmit monthly usage and billing components to generate a customer invoice. By order entered August 13, 1998, we recognized that the settlement agreement process resulted in two different options for EDC consolidated billing—"Bill-Ready" and "Rate-Ready."

"Bill-Ready" means the company doing the billing receives calculated results from the other party for the other party's charges and prints them on a consolidated bill. "Rate-Ready" means the company doing the billing knows the rates of the other party, calculates the other party's charges, and prints them on a consolidated bill.

In the August 13, 1998 Order, we emphasized that over time we expect to have a uniform approach among the EDCs. Since its last major rate case, PPL has supported the "Bill-Ready" option exclusively. To accommodate PPL market penetration by all EGSs licensed to operate within the Commonwealth, we propose requiring PPL to support Bill-Ready and Rate-Ready consolidated billing options as set forth in the Revised Plan Version 2.6.

Additionally, to facilitate customer participation in Act 129 smart metering deployment and Time-of-Use rates, we also direct PPL to initiate a Change Request for the EDI 810 Billing transaction and other EDI transactions as may be appropriate, to manage a minimum of 50 separate and discrete rates per customer across rate classes. This minimum number of rates may vary upon order by the Commission.

#### **4. Timely EDI Testing—2 Month Maximum**

Since the adoption of EDI, PPL has actively participated in the EDEWG and contributed to the development of an Internet EDI Plan and Test Plan for Electronic Data Exchange for Electric Generation Deregulation. Both documents can be found on the Commission's web site at [www.puc.pa.us](http://www.puc.pa.us). See *Electricity, Issues, EDEWG Files for Downloading*, Revised Plan Version 2.6 which contains changes to compliance testing for the re-certification process for EGSs that have been inactive in the EDC's service area. Inactivity is defined as a minimum of 12 months since the last EDI 867 Monthly Usage transaction had been sent, regardless of billing scenario of the EDC.

With the expiration of PPL's capped generation rates, we anticipate that an increasing number of EGSs will want to serve PPL customers. To accommodate market participation in a timely manner, we direct PPL to schedule testing and complete the certification and recertification testing process no later than 60 days from the date an initial request is received by a licensed EGS to the date that PPL issues a notification of certification.

#### **5. Purchase of Receivables**

In the Commission's judgment, the use of purchase of receivables (POR) programs can reduce barriers to market entry. We explained this with respect to the natural gas industry, but it is just as applicable to the electric industry:

In a "Purchase of Receivables" (POR) program, the NGDC purchases a NGS's accounts receivable, most often at a discount. The discount may be attributable to uncollectible expense, *i.e.*, bad debt of the NGS's customers, and the NGDC's administrative costs for billing and collection. Purchase of receivables was

also discussed as a means to satisfy security requirements for suppliers operating on certain NGDC systems. *SEARCH Report*, pp. 18, 20. Decreasing the security requirement for suppliers would remove a barrier to market entry for some suppliers and, thus, would increase supplier participation in the market.<sup>5</sup>

This can also translate into reduced costs to consumers. Some Pennsylvania EDCs have POR programs now.<sup>6</sup> Recently we proposed regulations for voluntary POR programs for the natural gas industry as a means of increasing supplier participation in the retail natural gas supply market. *Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets*, Docket No. L-2008-2069114, Proposed Rulemaking Order entered on March 27, 2009 (Natural Gas Rulemaking Order), 52 Pa. Code § 62.224.

Because the availability of POR programs will likely enhance the viability of retail generation competition in the PPL service territory, we will direct PPL to use proposed section 62.224 as a template for its POR plan, but with the following differences. There should be little or no discount in the purchase of receivables. The purpose of the POR program is to facilitate the growth of the competitive market. It should not become a mechanism by which PPL makes or loses money.

Insofar as PPL is taking possession of the receivable from the EGS, the EGS should be kept whole and, therefore, there is no need to revert to separate billing when the arrearage exceeds 90 days. The EGS will recover its full bill. PPL will still retain the ability to terminate customers for no payment subject, of course, to Chapter 14 of the Public Utility Code and the consumer protection provisions of Chapter 56 of our regulations. PPL can also still offer its customers payment plans.

Additionally, PPL is not to require an EGS to sell it all accounts receivable or none at all. If an EGS wishes to sell only a portion of its accounts receivable, it may do so. There should not be any "all-in/all-out" provisions.

Finally, an EGS can bill only for basic supply service via POR. However, there are no limitations on the provision of other billing options if the EGS is participating in the POR program. EGSs have unique programs, such as green power for example, which require billing needs the utility cannot supply. Thus, EGSs may still need to separately bill for complex supply pricing options or environmental/renewable products.

Because PPL's rate caps come off on December 31, 2009, we ask PPL to implement a POR program to commence on January 1, 2010.

#### **6. Customer Awareness Education Program**

Consumer education remains a critical pillar of a vibrant competitive retail market for electricity in Pennsylvania and PPL's service territory in particular. The market with the greatest number of shopping choices is of no use if no one knows that it is there. Therefore, it is necessary that PPL undertake a program of customer education to make sure that its consumers know not only that the rate caps are coming off, but that there are choices that they now have as users of electric power.

The program is intended to educate the consumer and not market any brand of electric power. It should begin no later than the first billing cycles 30 days after this order

<sup>5</sup> *Investigation into the Natural Gas Supply Market: Report on Stakeholders' Working Group (SEARCH): Action Plan for Increasing Effective Competition in Pennsylvania's Retail Natural Gas Supply Services Market*, Docket No. I-00040103F0002, Final Order and Action Plan entered September 11, 2008 at 10 (Action Plan).

<sup>6</sup> PECO Energy Company and Duquesne Light Company.

becomes final and last at least six months after the rate cap has terminated. The intent is to make consumers aware of their choices for electric power and educate them as to how to contact those EGSs. PPL may use bill inserts, media advertising and the Internet and any other medium it normally uses to reach its customers. The costs of this program may be recoverable through the surcharge for competition related activities discussed below, subject to the limitation established under Docket M-2008-2032279.

#### **7. Commit To A Process For Development Of A Uniform Supplier Tariff**

As we stated in our Policy Statement on default service:

The public interest would be served by the adoption of supplier tariffs that are uniform as to both form and content. Uniform supplier tariffs may facilitate the participation of EGSs in the retail market of this Commonwealth and reduce the potential for mistake or misunderstandings between EGSs and EDCs.

*Default Service and Retail Electric Markets: Final Policy Statement*, Docket No. M-00072009, Order entered May 10, 2007 (Policy Statement). It would be in the interest of all parties to standardize supplier tariffs for EGSs operating in PPL's service territory as well as those in the Commonwealth as a whole. Such standardization is absent in Pennsylvania at this time. While we acknowledge that the PPL Restructuring Settlement included a supplier tariff, there are variation in terms and operational rules among different EDCs. This results in inefficiencies across the retail market for electricity.

Therefore, we direct PPL to convene a working group with other interested parties including licensed EGSs and other Pennsylvania EDCs to develop a uniform supplier tariff for use in its retail market. The working group should commence not later than 60 days after this order becomes final and propose a uniform tariff for adoption not later than six months thereafter.

#### **8. Ombudsman For Supplier Issues**

No system, no matter how well designed and no matter how finely tuned, is free from flaws. It is important that, when problems arise, EGSs are able to quickly contact the appropriate person at PPL to address the difficulty. We have considered requiring each EDC to appoint an ombudsman to fulfill this function as part of our Policy Statement. See 52 Pa. Code § 69.1817. The ombudsman should be responsible for promptly responding to questions from EGSs, monitoring competitive market complaints and facilitating informal dispute resolution between EGSs as well as default service providers.

Therefore, we will direct PPL to appoint such an ombudsman. Furthermore, we must stress that person should be familiar with the EDC/EGS interface and with the inner workings of the EDC, but must also be fully independent from the EDC sales function so that he or she may act impartially.

So as to assist the industry with respect to the final phase of the transition into a retail market without rate caps, we will expand the mission of our Office of Competitive Market Oversight, which was established for the natural gas industry, to include oversight of the electric markets as well. When needed, EGSs may turn to it as the office of the Commission ombudsman.

#### **9. PPL Costs of Competition Related Activities**

The Commission recognizes that some of these actions to reduce barriers to market entry by EGS firms may

require PPL to incur incremental costs, not presently included in customer rates, and which should be recoverable on a timely basis. We are guided here by our recent action with respect to natural gas utilities making the transition to fully competitive markets.

In our *Action Plan* for natural gas distribution companies (NGDCs), we concluded that the NGDCs “should be able to recover *reasonable* costs that are *prudently* incurred in connection with the implementation of any changes designed to promote the development of effective competition in the retail market.” *Action Plan* at 21. At that time, we noted that these costs also include expenses associated with increasing customer participation in the market such as modifications to NGDC billing systems or increased consumer education activities. *Id.* Therefore, in a recent rulemaking proceeding, we determined to allow NGDCs to recover these costs through a surcharge with an automatic adjustment mechanism. *Natural Gas Rule-making Order* at 7.

Consequently, we will allow PPL to implement a surcharge mechanism under 66 Pa.C.S. § 1307(a) whereby it recovers its incremental implementation costs. It is of no difference that here we are addressing the electric utility to the extent it helps promote retail competition, the surcharge for implementing these competition related activities will benefit all customers. As such, it should be paid by all customers. Therefore, PPL may implement a rate surcharge mechanism similar to that which we proposed in our rulemaking order for codification at 52 Pa. Code § 62.226.

**Conclusion**

In sum, the above measures are intended to create standard rules and operating protocols that will remove barriers to entry and promote retail competition in the PPL service territory, in accordance with the policy and statutory directives in Chapter 28. With the expiration of rate caps in the PPL service territory presently scheduled for December 31, 2009, and the end of rate caps in the remaining EDCs 1 year later, the Commission is obligated to insure that, when those caps are lifted, customers have real choices from alternative suppliers for their generation service needs, choices that can bring those customers lower prices, innovative services and options, and the alternatives to default service offered by the incumbent EDC.

However, before we make a final decision as to each of the specific measures to be implemented, the Commission is inviting comments from PPL and interested persons on

whether these measures or others are reasonable, lawful and appropriate to further the legislative goal of a competitive retail market for generation in each EDC’s service territory. To the extent any of these measures require the amendment, waiver or modification of any existing Commission orders or regulations, we are providing, by this order and by publication in the *Pennsylvania Bulletin*, notice to all interested persons of the potential for amendment of such orders and regulations, as well as an opportunity to provide comments before our decision becomes final.

Accordingly, under our authority under sections 501, 2801—2809 and 2811 of the Public Utility Code, 66 Pa.C.S. §§ 501, 2801—2809 and 2811, we shall direct PPL to take the actions described previously so that its customers may have meaningful alternatives from which to choose when purchasing electric power; *Therefore,*

*It Is Ordered That:*

1. The Secretary serve a copy of this Tentative Order upon PPL Electric Utilities Corporation, all electric generation suppliers licensed to do business in its service territory, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff.
2. The Secretary shall certify this Tentative Order and Attachment A, and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
3. An original and 15 copies of any comments referencing the docket number of the Tentative Order be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.
4. The contact person for this rulemaking is Assistant Counsel Lawrence F. Barth, Law Bureau (717) 772-8579, lbarth@state.pa.us.
5. Absent the filing of adverse public comment within 30 days after the publication of this Tentative Order, it shall become final without further action by the Commission.
6. Unless specified otherwise herein, that within 30 days of this Order becoming final PPL Electric Utilities Corporation shall file tariffs necessary to implement the directives discussed within this Tentative Order.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

**Attachment A**

*Customer Database Data Elements*

<i>PPL</i>	<i>Additional Items Requested</i>
Customer Account #	X
Meter #	X
Name	X
Service Address, including Zip +4	X
Billing Address, including Zip +4	X
Budget Indicator (is customer on a budget billing program)	X
Meter Read Cycle date	X
Meter Type	X

<i>Customer Database Data Elements</i>	
<i>PPL</i>	<i>Additional Items Requested</i>
Interval Meter Flag	X
Load Profile Group Indicator	X
Rate Code Indicator	X
Loss Factor (in some EDCs, this doesn't map directly to the rate code, so it is necessary)	X
12 Individual Months Consumption (kWh)	X This should be expanded to cover 24 months of consumption (kWh) and should be provided by billing period, i.e. for individual months. Total kWh, and On/off peak values should be provided if applicable
12 Individual Months Demand (kW)	X This should be expanded to cover 24 months of billing demand (kW) and should be provided by billing period
	Monthly peak demand by billing month (note that this is different from billing demand)
	End of billing period date for each billing month
	# days in billing period for each billing month
	2 years of interval data should be available but should be accessible separately from monthly summary data, so EGSs that only want summary data can access it without downloading data intensive interval data
	Effective dates for current and pending rate class and procurement group classifications.
	POLR indicator (is the customer a POLR customer as of the date of the list update)
	Minimum stay date, if applicable. For PPL this would be an indicator if the customer is subject to the GRA and the date the GRA liability expires.
	Business contact name (this may be different than the customer name)
	Business contact phone number
	Business contact address
	Email address
	Customer service start date
	Municipal Tax Code (if there is a city/county tax that applies to electricity)
	Sales tax percentage or sales tax exemption percentage
	PLC Value (capacity obligation) and effective date of this value
	Transmission obligation and effective date of this value
	Date the list was last updated
	Identifier for whether a customer is enrolled in rate mitigation pre-payment plan
	Identifier for whether customer is enrolled in rate mitigation deferral/phase-in plan
	Price to compare (most recent known price to compare for the customer)

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accessed by contacting the SCC's Odor Management Program office in Tunkhannock at (570) 836-2181. The SCC will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

All SCC actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a formal Right-To-Know request to the Department of Agriculture to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the SCC are invited to submit a written statement outlining their comments on the plan to the SCC's Odor Management Program within 21 days from the plan notice date provided on the SCC's listing of plans under review. Persons with a question relating to the submission of comments on a plan under review may contact the SCC Odor Management Program office by phone to discuss the process for the submission of comments. Comments should include the name, address and tele-

phone number of the writer, and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

Persons with a disability who wish to provide comments 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.

The address for the SCC's Odor Management Program office is the Pennsylvania Agriculture Building, Route 92 South, P. O. Box C, Tunkhannock, PA 18657-0318. The phone number for the SCC's Odor Management Program Coordinator, Karl Dymond is (570) 836-2181.

JOHN HANGER,  
*Secretary*

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