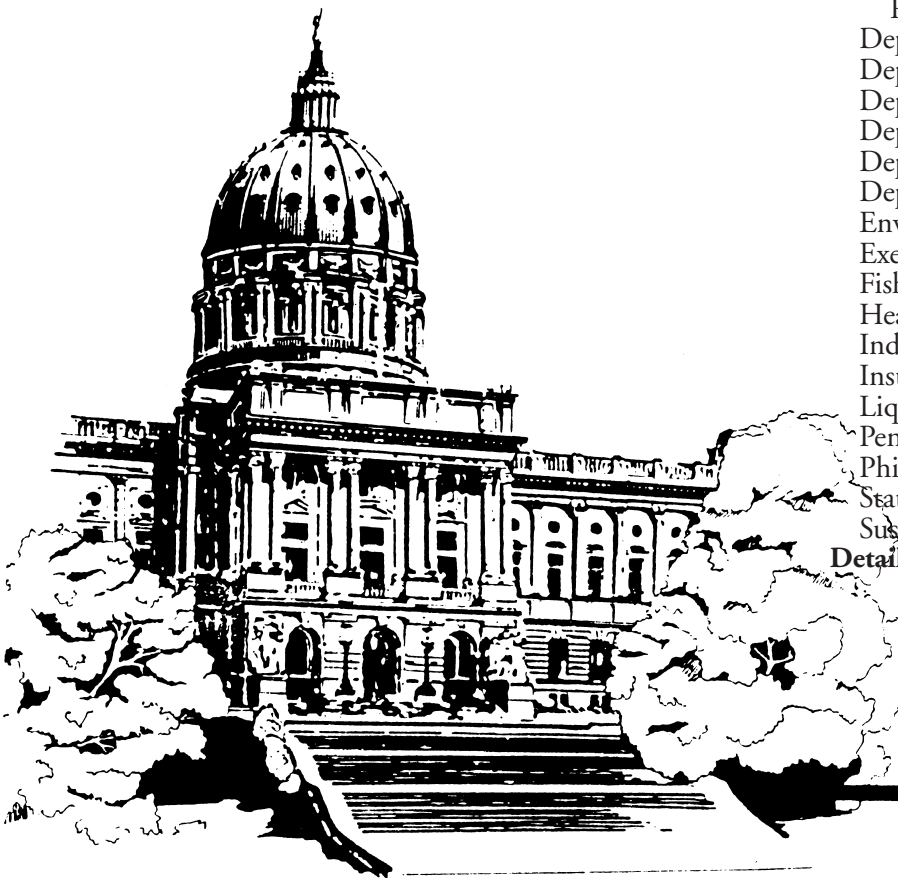


PENNSYLVANIA BULLETIN

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No. 419, October 2009

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 5 and 11]

Proposed New Pa.Rs.Crim.P. 151 and 152; amendments to Pa.R.Crim.P. 1101; and revisions to the Comments to Pa.Rs.Crim.P. 107 and 517

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules 151 and 152 and amend Rules 107, 517 and 1101, to provide procedures for the issuance of orders to detain and orders for the temporary transfer of prisoners. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed new Rules 151 and 152 and the changes to Rules 107, 517 and 1101 precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055

fax: (717) 795-2106
e-mail: criminal.rules@pacourts.us

no later than Friday, November 13, 2009.

*By the Criminal Procedural
Rules Committee*

D. PETER JOHNSON,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. BUSINESS OF THE COURTS

Rule 107. Contents of Subpoena.

A subpoena in a criminal case shall order the witness named to appear before the court at the date, time, and place specified, and to bring any items identified or described. The subpoena shall also state on whose behalf the witness is being ordered to testify and the identity, address, and phone number of the attorney, if any, who applied for the subpoena.

Comment

The form of subpoena was deleted in 1985 because it is no longer necessary to control the specific form of subpoena by rule.

It is intended that the subpoena shall be used not only for trial but also for any other stage of the proceedings when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and post-trial motions, etc.

When the subpoena is for the production of documents, records, or things, these should be specified.

For the procedures for the temporary transfer of prisoners to law enforcement, see Rule 152.

Official Note: Previous Rule 9016 adopted January 28, 1983, effective July 1, 1983; rescinded November 9, 1984, effective January 2, 1985. Present Rule 9016 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 107 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2009, effective , 2009.

* * * * *

Committee Explanatory Reports

* * * * *

Report explaining proposed Comment revision referencing the new Rule 152 procedures for orders for the temporary transfer of prisoners published at 39 Pa.B. 5896 (October 10, 2009).

PART E. MISCELLANEOUS WARRANTS

(Editor's Note: The following text is new and has been printed in regular print to enhance readability.)

Rule 151. Orders to Detain.

(A) When a defendant is being confined in a place of incarceration in the Commonwealth on matters unrelated to a pending case, a judge in a pending summary or court case, upon an oral or written request or *sua sponte*, may issue an order to detain to be lodged with the place of incarceration.

(B) The order to detain:

(1) shall order the place of incarceration to detain a defendant after the defendant has completed his or her obligation to the place of incarceration;

(2) shall include the reason for which the order to detain the defendant has been issued;

(3) shall set forth, if a court case, any bail or conditions of release and, if a summary case, the conditions upon which the order may be lifted;

(4) shall designate the name and contact information of the person the place of incarceration must inform when the defendant is about to be released; and

(5) may be lodged with the place of incarceration by use of advanced communications technology.

(C) The place of incarceration shall inform the defendant when an order to detain is lodged against him or her and provide a copy of that order.

(D) In a court case, when bail has been set for a defendant in the pending case or, in a summary case, when there are conditions the defendant may meet to have the order to detain lifted, if the defendant posts bail

and meets the conditions of release, the defendant shall not be held under the order to detain and shall be released from that order immediately.

(E) When the place of incarceration becomes aware of the date upon which a defendant, against whom one or more orders to detain have been lodged, will complete his or her obligation to the place of incarceration, the place of incarceration shall inform any detaining authority of the date and time of release and of any other orders to detain lodged against the defendant.

(F) Duration of the Order to Detain

(1) The place of incarceration shall allow a reasonable time, not to exceed three business days from the time when the defendant is scheduled to be released from the place of incarceration, for the detaining authority to take custody of the defendant.

(2) Except as provided in paragraph (F)(3), if the detaining authority does not take custody of the defendant within the three-day time period following the scheduled release, then the order to detain shall expire by operation of law at the conclusion of the three-day time period and the place of incarceration shall not hold the defendant pursuant to the order to detain beyond the expiration.

(3) If the order to detain is lodged against a defendant who has been convicted or sentenced in the present case, the order to detain shall not expire by operation of law. The detaining authority promptly shall take custody of defendant.

(G) When more than one order to detain is lodged against a defendant,

(1) the detaining authorities shall enter into an agreement as to which authority will take custody of the defendant first.

(2) Following the resolution of each order to detain, the place of incarceration or detaining authority shall notify all the remaining detaining authorities.

(3) Except as provided in paragraph (G)(4), if none of the detaining authorities take custody of the defendant within the three-day period following release or the three-day period following resolution of an order to detain, then the order to detain shall expire by operation of law at the conclusion of the three-day time period and the place of incarceration shall release the defendant.

(4) If the order to detain is lodged against a defendant who has been convicted or sentenced in the present case, the order to detain shall not expire by operation of law. The detaining authority to whom priority had been agreed pursuant to paragraph (G)(1) promptly shall take custody of defendant.

(H) If a defendant is transferred to a different place of incarceration or to a detaining authority, the original place of incarceration shall insure that any orders to detain are lodged with the new place of incarceration or detaining authority.

Comment

New Rule 151 was adopted in 2009 to provide procedures for the issuance of orders to detain in summary and court cases. The concept of an “order to detain,” or more colloquially a “detainer,” is a document filed with a prison or jail directing that a defendant be held after the original release date pending resolution of other court matters, has been known in Pennsylvania practice but is without firm statutory or rule authority. The purpose of

this rule is to provide procedures for the use of orders to detain as well as protections to the defendant subject to an order to detain.

For purposes of this rule, the term “judge” includes common pleas judges, Philadelphia Municipal Court judges, Philadelphia Traffic Court judges, and magisterial district judges.

A defendant may be subject to more than one order to detain at a time. The orders to detain may be issued by judges of the courts of common pleas or minor court judges in summary and court cases.

As used in this rule, “detaining authority” is the individual judge who issued the order to detain and the proper issuing authority if the issuer is unavailable.

The term “lift” is used in the rule because it was the term used in the previously undefined detainer practice. To “lift” or the “lifting” of an Order to Detain has the same operative effect as would an Order vacating the Order to Detain.

This rule is not applicable to probation and parole detainers or detainers issued pursuant to the Interstate Agreement on Detainers, 42 Pa.C.S. § 9101 et sec.

Reasons for which an order to detain may be issued include, but are not limited to, the following:

(a) an arrest warrant has been issued against the defendant in the pending court case;

(b) an arrest warrant in the pending case has been executed against the defendant, the defendant has been preliminarily arraigned pursuant to Rule 517, and the defendant is returned to the original place of incarceration;

(c) the pending case has been held for court after a preliminary hearing and the defendant is returned to the original place of incarceration;

(d) a bench warrant has been filed against the defendant in the pending case pursuant to Rule 150;

(e) a bench warrant has been executed against the defendant, a bench warrant hearing held pursuant to Rule 150, and the defendant has been returned to the original place of incarceration;

(f) the defendant has pled guilty or been convicted in the pending case but not yet sentenced;

(g) the defendant has been sentenced in the pending case but the execution of the sentence has not yet begun as a result of the defendant having received a sentence in the pending case that is consecutive to a sentence already being served in the place of incarceration;

(h) the defendant has been sentenced in the pending case but the service of the sentence has not yet begun;

(i) the defendant has begun serving a sentence in the pending case but before the sentence is complete, and the defendant has been released to another jurisdiction; and

(j) an arrest warrant or bench warrant has been issued pursuant to Rules 430 or 150 in the pending summary case.

An unexecuted arrest or bench warrant may form the basis for requesting an order to detain; the warrant itself may not serve as an order to detain. When an unexecuted arrest warrant is the basis for an order to detain, the out-of-county arrest procedures in Rules 517 and 518 may be used to execute the warrant. For the procedures when a bench warrant is executed, see Rule 150. If the place of incarceration determines that there is an outstanding

warrant for an individual about to be released but no order to detain has been lodged, the provisions of Rule 517 should be followed in cases involving an arrest warrant and the provisions of Rule 150 should be followed in cases involving a bench warrant before the defendant may be released.

Orders to detain may be used for circumstances in which a defendant has already completed some of the procedures in one case while still serving a sentence in another case. For example, when an arrest warrant has been executed, the defendant preliminarily arraigned pursuant to Rule 517 and returned to the original place of incarceration, an order to detain may be lodged to ensure the return of the defendant to the issuing jurisdiction for completion of any pending procedures. Similarly, a defendant serving a sentence in one jurisdiction could be brought to another jurisdiction to enter a guilty plea on a new charge. The defendant is then returned to the first jurisdiction to serve the remainder of the original sentence and an order to detain is filed to ensure the defendant's return to the jurisdiction in which the plea was entered.

In summary cases, orders to detain may be issued in any of the circumstances listed in Rule 430 for which an arrest warrant or bench warrant are issued, including the defendant's failure to respond to a citation or failure to pay the fine and costs on a summary case.

Under Rule 430, there are several means by which a defendant may avoid being taken into custody in some summary cases, particularly those in which only a fine or collateral is owed. When an order to detain is placed upon a defendant, he or she has the same right to purge himself or herself of the order to detain as the defendant would have if he or she were at liberty and an arrest warrant was executed against him or her as provided in Rule 431.

Paragraph (C) is intended to ensure that the defendant receives notice of what steps may be taken to be released from the order to detain, such as by posting bail.

Paragraph (F) emphasizes that an order to detain may not be used as an unfettered means of continuing the incarceration of a defendant beyond the time when he or she would otherwise be released by placing a 3-day limit on the detention following expiration of the incarceration. When an order to detain is lodged well in advance of a defendant's release from the place of incarceration, the detaining authority should make arrangements in advance of the defendant's release for the defendant's return to the detaining county. Under no circumstances may an order to detain be permitted to hold the defendant longer than three business days solely on the basis of the order to detain. Even this length of time may be avoided in court cases if the defendant meets the bail conditions and in summary cases if the defendant meets the conditions for lifting the order to detain.

The rule contemplates that, when there are multiple orders to detain placed on a defendant, all of the detaining authorities, who have been notified of the defendant's impending release pursuant to paragraph (G), are required to consult with each other to determine who will be first to take custody of the defendant. This process of notification and consultation shall be continued until all orders to detain have been resolved. In other words, after each order to detain is resolved, notice must be given to the remaining detaining authorities to act on their respective orders to detain. At each occasion when the defendant is made available to multiple detaining au-

thorities, those detaining authorities have no more than three business days in which to act upon their order to detain.

"Advanced Communications Technology" as defined in Rule 103 includes the use of facsimile or electronic mail.

Sections 9161—9165 of the Act of July 11, 1991, P. L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165, are suspended by Rule 1101(E) in so far as the statute is inconsistent with Rules 151 and 517. This suspension is intended to insure that Rule 151 provides the exclusive procedure for inter-county detention and that Rule 517 provides the exclusive procedures for the execution of an arrest warrant outside of the county of issuance.

Official Note: New Rule 151 adopted , 2009, effective , 2009.

Committee Explanatory Reports:

* * * * *

Report explaining proposed new Rule 151 establishing procedures for orders to detain published at 39 Pa.B. 5896 (October 10, 2009).

(Editor's Note: The following text is new and has been printed in regular print to enhance readability.)

Rule 152. Orders for Temporary Transfer of Custody of Prisoner to Law Enforcement.

(A) A judge, upon request of counsel or *sua sponte*, may order the custodian of the person confined in a place of incarceration in the Commonwealth to temporarily transfer custody of that person to a designated law enforcement officer or agency.

(B) The order for temporary transfer shall:

(1) designate the law enforcement officer or agency to whom the custody is to be transferred;

(2) specify the purpose for which the transfer is being ordered;

(3) permit the designated law enforcement officer or agency to lodge the person transferred in a suitable place of incarceration for the duration of the event or proceeding for which the order has been issued.

(4) act as an order to detain upon any other place of incarceration in which the person has been placed pursuant to the order for temporary transfer; and

(5) direct the law enforcement officer or agency at the conclusion of the event or proceeding for which the order to transfer had been issued to ensure the return of the person to the place of incarceration from whose custody the person was acquired.

(C) A copy of the order shall be given to the person who is the subject of the order and to the designated law enforcement agency. A copy of the order also shall be given to the original place of incarceration and to any other place of incarceration in which the person is lodged during the event or proceeding for which the order has been issued.

Comment

New Rule 152 was adopted in 2009 to provide for the issuance of orders for the temporary transfer of a person in custody for the purpose to be specified in the order. This purpose ordinarily will be for the person to appear for a court proceeding, either as a witness or as a defendant. The procedures contained in this rule replace the traditional practice of writs of *habeas corpus ad*

prosequendum and of habeas corpus ad testificandum or other writs used to compel appearance before the judge of a person in custody.

For purposes of this rule, the term "judge" includes common pleas judges, Philadelphia Municipal Court judges, Philadelphia Traffic Court judges, and magisterial district judges.

The rule recognizes that often a law enforcement agency such as a county Sheriff's Office may have primary responsibility for the transfer of prisoners. An order issued pursuant to this rule may designate the agency in general rather than designating a specific officer to whom custody is transferred.

Nothing in this rule is intended to preclude the continued use of other local procedures to obtain the intra-county release of prisoners, such as the use of "transport lists" used for transporting prisoners from a county jail to the same county's courthouse.

In addition to the transfer of a prisoner for a court proceeding, the rule also may be used to transfer the custody of a prisoner to law enforcement for purposes of interrogation or discussion of cooperation. In such circumstances, the request for the order is required to be made by the attorney for the Commonwealth.

Prior to the actual transfer of the prisoner, it is highly recommended that the issuing authority or the designated law enforcement officer or agency contact the place of incarceration to coordinate the actual transfer.

For orders to detain, see Rule 151.

Official Note: New Rule 152 adopted , 2009, effective , 2009.

Committee Explanatory Reports:

Report explaining proposed new Rule 152 establishing procedures for orders for the temporary transfer of prisoners published at 39 Pa.B. 5896 (October 10, 2009).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). ARREST PROCEDURES IN COURT CASES

(a) Arrest Warrants

Rule 517. Procedure in Court Cases When Warrant of Arrest is Executed Outside the Judicial District of Issuance.

* * * * *

Comment

* * * * *

Sections 9161—9165 of the Act of July 11, 1991, P. L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165, are suspended by Rule 1101(E) in so far as the statute is inconsistent with Rules 151 and 517. This suspension is intended to insure that Rule 151 provides the exclusive procedure for inter-county detention and that Rule 517 provides the exclusive procedure for the execution of an arrest warrant outside of the county of issuance.

Official Note: Original Rule 117 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 117 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 123 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 124 and amended August 9, 1994, effective

January 1, 1995; amended December 27, 1994, effective April 1, 1995; renumbered Rule 517 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006; **Comment revised , 2009, effective , 2009.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision regarding the suspension of Sections 9161—9165 of the Act of July 11, 1991, P. L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165 published 39 Pa.B. 5896 (October 10, 2009).

CHAPTER 11. ABOLITIONS AND SUSPENSIONS

Rule 1101. Suspension of Acts of Assembly.

The rule provides for the suspension of the following Acts of Assembly:

* * * * *

(8) Sections 9161—9165 of the Act of July 11, 1991, P. L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165, which authorize procedures for arrest prior to requisition, are suspended only insofar as the sections are inconsistent with Rules 151 and 517.

Comment

This rule is derived from former Rules 39, 159, 340, 1415, and 2020, the rules previously providing for the suspension of legislation.

Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 2020 adopted September 3, 1993, effective January 1, 1994; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. New Rule 1101 adopted March 1, 2000, effective April 1, 2001; **amended , 2009, effective , 2009.**

Committee Explanatory Reports:

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Report explaining the proposed amendments regarding the suspension of Sections 9161—9165 of the Act of July 11, 1991, P. L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165, published at 39 Pa.B. 5896 (October 10, 2009)

REPORT

Proposed New Pa.Rs.Crim.P. 151 and 152; amendments to Pa.R.Crim.P. 1101; and revisions to the Comments to Pa.Rs.Crim.P. 107 and 517.

ORDERS TO DETAIN AND ORDERS FOR THE TEMPORARY TRANSFER OF PRISONERS

As a result of reports of wide variations in practice across this Commonwealth, the Committee has been studying the issues of intrastate orders for the detention of incarcerated individuals, or more colloquially “detainers,” in summary and court cases. As a result of this examination, including an extensive survey of the courts, county prisons, and the Bureau of Corrections in this Commonwealth, the Committee concluded that: (1) the use of intrastate detainers is widespread; (2) there is considerable divergence in practice across the State, especially with regard to what document will be accepted as a detainer, the procedures for lodging detainers and the length of time an individual is held solely on the basis of a detainer; and (3) there is no authority for the use of such orders intrastate either by rule or by statute.¹

The Committee also has been examining the issue of orders to release or transfer prisoners for court proceedings. As with detainer practice, there is wide variation in practice regarding the release or transfer of prisoners.

In our earliest discussions, the Committee considered order to detain or transfer as separate issues. As the development of these procedures progressed, the Committee determined that there is some overlap of procedures between these two types of orders, especially in the area of ensuring the return of a prisoner from one jurisdiction to another. The Committee considered that a consolidated approach might be better to address the question of how to hold, release, and transfer prisoners. The Committee therefore is proposing two complimentary rules that would provide uniformity of procedures for orders to detain and for orders to temporarily transfer prisoners.

Orders to Detain

The concept of an “order to detain,” or a “detainer,” is that of a document filed with a prison or jail directing that a defendant be held after the original release date pending resolution of other court matters. The purpose of proposed Rule 151 is to provide procedures for the use of these orders to detain, as well as protections to the defendant subject to an order to detain. The order to detain would be available for both intra- and inter-county use within this Commonwealth. Interstate detainers, which are covered by the Interstate Agreement on Detainers, 42 Pa.C.S. § 9101, and probation and parole detainers, which are addressed in 37 Pa. Code § 71.1 (relating to Initiation of proceedings), are specifically excluded from the provisions of this rule.

As noted previously, there currently is wide divergence in what jurisdictions will accept as a “detainer,” from formal judicial orders to simple phone calls. The purpose of the rule is to provide structure and uniformity to these procedures. Since the order to detain, in effect, places a restriction upon an individual’s liberty, the rule requires some judicial review before this is permitted. However, the idea is not to create a difficult or lengthy process. For this reason, the order to detain may be issued by any judge including a judge of the court of common pleas, a magisterial district judge, and the judges of the Philadel-

phia Municipal and Traffic Courts. An order to detain may be issued upon an oral or written request or *sua sponte*.

Originally, the Committee considered a rule that contained an exclusive list of all of the circumstances for which an order to detain could be issued. This idea ultimately was rejected since it would be difficult to be sure all the circumstances were covered by the rule. Rather, the *Comment* contains a nonexclusive list of examples of the types of situations for which detainers could be issued.

As part of the discussion of the situations for which an order to detain may be issued, the Committee debated whether or not unexecuted bench and arrest warrants should be excluded since Rule 517 provides for the execution of arrest warrants outside of the judicial district of issuance, and Rule 150 provides for similar procedures in the execution of bench warrants. However, the Committee was aware that reliance upon unexecuted warrants to act as detainers is a widespread practice and that forbidding the use of unexecuted warrants as a basis for a detainer was too radical a departure at this time. Under the proposed rules, however, an unexecuted warrant may not act in and of itself as an order to detain without any judicial review. Therefore, as described in the *Comment* to proposed New Rule 151, the preferred method in such situations is to accomplish the execution of the warrant using the provisions of Rules 150 or 517, whichever is applicable. If this would be too burdensome, then an unexecuted warrant may be used as the grounds for requesting an order to detain.

Additionally, there may be occasions in which law enforcement become aware of an outstanding warrant shortly before a defendant is to be released and there is not sufficient time to obtain an order to detain. In such cases, the procedures in Rules 150 or 517 can be utilized once a defendant is released from incarceration.

Based on the current ambiguity within rule procedures, one of the main concerns in the development of this rule was the danger that an individual could be held for long periods of time solely on the basis of a detainer without any sort of review. Part of the protection against this potential type of abuse is to require that the order to detain state, in court cases, any conditions of bail, or in summary cases, any circumstances, that the defendant might meet to obtain his or her release. In these cases, when the defendant’s period of incarceration ends, the defendant must be released subject to the conditions of bail or release stated in the order to detain.

To further protect the defendant from languishing in prison for lengthy periods of time following the completion of his or her incarceration, the Committee agreed that the rule should include a time limit on the order to detain and on the time the detaining authority has to take the defendant into custody. After extensive discussions during which numerous time frames were examined, the Committee reasoned that providing the detaining authority with a maximum of 3 days after the original scheduled release date to make arrangements to take custody of the defendant did not impose a hardship on the detaining authority and protected the defendant from unreasonable detention. As a further safe guard, the Committee is recommending that the 3-day time limit expires by operation of law if the defendant has not been taken into custody by the detaining authority. However, Rule 151 specifically excludes from this expiration provision an order to detain issued to hold a defendant who already has been convicted or sentenced. This provision is

¹ There is statutory authority for interstate detainers, contained in the Interstate Agreement on Detainers, 42 Pa.C.S. § 9101 et seq., regulatory authority for probation and parole detainers, 37 Pa. Code § 71.1. The term “detainer” also is used in juvenile practice and domestic relations matters.

intended to ensure that an already convicted or sentenced defendant would not be inappropriately released. In these situations, the detaining authority must make arraignments to take custody of the defendant promptly.

The Committee also considered the situation in which there are multiple orders to detain for the same defendant. The Committee rejected formulating an "order of priority" procedure in which, for example, the first order to detain lodged is the first order to detain on which the defendant would be released, as being too restrictive and having the possibility of causing a defendant to be held multiple times past his or her release date on consecutive detaining orders. Those members of the Committee regularly working with such situations reported that currently all detaining authorities agree to which one will take custody of the defendant first. Proposed Rule 151 codifies this practice by requiring that all detaining authorities be informed of a defendant's impending release and placing the burden on all detaining authorities to agree on who has priority to take custody of the defendant. If the parties do not agree or fail to take custody of a defendant in a timely fashion, the orders to detain would expire by operation of law.

A final issue considered by the Committee is whether the rule should provide a mechanism for the defendant to challenge the order to detain. Ultimately, the members concluded that the existing procedures for challenging orders to detain, such as the procedures for motions for writs of habeas corpus, are well established and afford the necessary protections. Therefore, the new rule does not include specific procedures for challenging the order to detain.

Orders for the Temporary Transfer of Prisoners

Around the same time the Committee began examining orders to detain, the Committee received reports from several judges concerning problems with obtaining the release of defendants held in other counties for proceedings in their courts. Of particular concern was a report that one county's policy was that, in the absence of any rule or statute related to the release of prisoners for court proceedings, it would rely solely upon the common law practice of requiring writs of habeas corpus *ad prosequendum* or *ad testificandum* for releasing prisoners to another jurisdiction. The Committee was concerned that the reliance on these common law writs might preclude their issuance by magisterial district justices.

The Committee concluded that this was another area that requires clarification and Statewide uniformity of procedures. Proposed New Rule 152 provides a single procedure by which a person who is incarcerated may be ordered released into the custody of law enforcement for a proceeding, either as a defendant or as a witness. The new rule also specifically provides for the subsequent return of the prisoner when the proceeding is completed, a procedure as important as providing for the release of a prisoner.

One issue that frequently was raised with the Committee was whether magisterial district judges have the authority to issue orders for temporary transfer of prisoners. The Committee examined the various criminal proceedings conducted by magisterial district judges and agreed that the judges should be given authority to require the presence of prisoners at proceedings in their courts in the interests of justice and to promote judicial economy. Proposed Rule 152 provides that the temporary transfer order may be issued by any judge. "Any judge," as used in this rule, includes judges of the court of

common pleas, magisterial district judges, and judges of the Philadelphia Municipal and Traffic Courts.

The new rule would replace the current varied procedures, such as the various writs, "release orders," and subpoenas. The order is intended to be the sole document required to ensure the presence of an incarcerated person for a court proceeding. Correlative to proposing New Rule 152, the Committee also is proposing that a cross-reference to the new rule be added to the subpoena rule, Rule 107, explaining that the transfer order is the means of obtaining the release of a prisoner to transfer for a proceeding.

To effectuate this process, the order for temporary transfer of prisoners is designed to accomplish four things. First, the order directs the warden or other authority who is originally holding the prisoner to transfer custody to a law enforcement officer or agency. Second, the order permits the law enforcement officer or agency to lodge the prisoner temporarily at a different place of incarceration for the duration of the event for which the order has been issued. Third, the order instructs the warden or other authority of the new place of incarceration to hold the prisoner until he or she can be returned to the original jurisdiction. Fourth, the order directs the law enforcement officer or agency to return the prisoner to the original place of incarceration when the event for which the order had been issued is completed. In addition to these four things, to ensure that all the parties are aware of the reason for the transfer, the rule requires that the order specify the reason for the release in the order itself.

The New Rule 152 *Comment* addresses two other points. First, the *Comment* explains that, in addition to releasing a prisoner for a court proceeding, the transfer order could be used to obtain the release of a prisoner for interrogation or discussion of cooperation with law enforcement/prosecution. This provision, however, may not be used to interfere with a defendant's right to counsel.

The *Comment* also makes it clear that the current practice of using less formal procedures for intra-county transfers, such as the use of transfer lists, is permitted under the new rule. The Committee agreed this is one area where the local practices should not be prohibited.

Arrest Prior to Requisition Statute

Finally, the Committee examined the statutory provisions for intrastate arrest prior to requisition, 42 Pa.C.S. §§ 9161–9165, that provide procedures comparable to the procedures in Rules 517, 518 and proposed New Rule 151.² 42 Pa.C.S. § 9161 provides that an issuing authority may issue a warrant for any person that has been charged, anywhere in this Commonwealth, with the commission of a crime, with having fled from justice, having been convicted of a crime and having escaped from confinement, or having broken the terms of his bail, probation or parole, or is the subject of a complaint made before any issuing authority, or have a complaint filed on the basis of information received electronically that the individual is charged with a crime, has fled justice, or has escaped from confinement or has broken the terms of bail, probation, or parole after conviction. 42 Pa.C.S. § 9162 provides for the arrest without warrant of any person charged with a crime the penalty of which is death or imprisonment greater than 1 year and the subsequent

² It is not clear why this statute was deemed necessary since it was enacted subsequent to the promulgation of Rule 515 that provides for statewide execution of warrants and Rule 517 that provides the procedures to be followed when a warrant is executed outside of the jurisdiction of issuance.

filing a complaint under Section 9161. 42 Pa.C.S. § 9163 provides that an issuing authority may commit to the county jail for up to 5 days any person who has been charged under Section 9161. Bail may be set for this individual under Section 9164. 42 Pa.C.S. § 9165 provides for the costs of these procedures to be borne by the county in which the charges of the alleged crime were filed.

During the development of New Rule 151, the Committee received reports that the commitment to await requisition provisions of Section 9163 occasionally are being used as detainers. After reviewing the statute, the Committee concluded this use does not seem to be the intent of this statute. Rather, the procedures in this statutory provision appear to be an application to intrastate arrest warrants of the provisions of the Interstate Agreement on Detainers.

The Committee concluded that this statute conflicts with existing Statewide procedural rules, particularly Rule 517, since the statute provides for acting upon a warrant outside the judicial district of issuance at variance with the procedures in Rule 517. These statutory procedures would also be at variance with the proposed New Rule 151 governing the procedures for orders to detain. The Committee concluded that the statute therefore impinges on the Pennsylvania Supreme Court's exclusive rulemaking authority. Accordingly, the Committee is proposing an amendment to Rule 1101 (Suspension of Acts of Assembly) that adds a paragraph suspending §§ 9161—9165 of the Act of July 11, 1991, P.L. 76, No. 13, § 1, 42 Pa.C.S. §§ 9161—9165, only in so far as they are inconsistent with Rules 151, 152 and 517. Correlative explanatory provisions have been added to the *Comments* to Rules 151, 152 and 517.

[Pa.B. Doc. No. 09-1861. Filed for public inspection October 9, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY Local Orphans' Court Rules

Order

And Now, this 28th day of September 2009, the Blair County Local Orphans' Court Rules, as indicated, shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File seven (7) certified copies of the within Order and Orphans' Court Local Rules with the Administrative Office of Pennsylvania Courts;
2. Forward two (2) certified copies and a disk containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Forward one (1) certified copy to the Civil Procedural Rules Committee of The Supreme Court of Pennsylvania;
4. Forward one (1) copy to the *Blair County Legal Bulletin* for publication.

Copies shall be kept continuously available for public inspection in the Office of the Blair County Prothonotary, the Office of the Court Administrator and the Blair County Law Library.

HONORABLE JOLENE GRUBB KOPRIVA,
President Judge

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RULE 1

JUDGES—LOCAL RULES

Rule 1.2.1. Local Rules.

(a) These rules shall be known as the Blair County Orphans' Court Rules and shall be cited as B.C.O.C.R.

(b) These Blair County Orphans' Court Rules, in conjunction with the Supreme Court Orphans' Court Rules and all Acts of Assembly regulating the practice and procedure in the Orphans' Court, shall regulate the practice and procedure in the Orphans' Court Division of this Court.

(c) The Blair County Local Rules (B.C.L.R.) for the Court of Common Pleas of the Twenty-fourth Judicial District shall, except where inconsistent with these rules, apply in Orphans' Court cases.

Note: See Pa.O.C. Rule 3.1.

RULE 2

CONSTRUCTION AND APPLICATION OF RULES

Rule 2.1.1. Notes.

Notes and footnotes in these rules are for informational purposes and shall not be considered as part of these rules.

Rule 2.3.1. Definitions.

When used in these rules, the following words shall have the meanings ascribed to them in this rule, unless the context clearly indicates otherwise.

"Exception" means a disagreement with any decree, adjudication, confirmation, or other decision of this Court or any act of an auditor, master, or official examiner appointed by this Court.

"Objection" means a disagreement with any matter relating to the family exemption, surviving spouse's allowance, or with any act or omission of a fiduciary or as otherwise defined or permitted by these rules.

“PEF Code” means the “Probate, Estates and Fiduciaries Code,” 20 Pa.C.S. § 101, et seq.

Note: For local rules applicable to exceptions, see B.C.O.C.R. 7.1.1 and 7.1.2. The Court may disregard any misnomer of an exception or objection, and no such misnomer shall be grounds for dismissal. See Pa.O.C.R. 2.1 and Pa.R.C.P. 126.

RULE 3

PLEADING AND PRACTICE

Rule 3.2.1. Pleadings. Limitation.

The pleadings in matters before this Court shall be limited to a petition, an answer, new matter, a reply to new matter, preliminary objections, and an answer to preliminary objections.

Rule 3.2.2. Pleadings. Failure to Answer.

(a) *Failure to Answer.* If the respondent fails to answer a petition as required by the Citation, all material averments of fact in the petition shall be taken as admitted and the Court may, at any time after the return day and upon proof of service of the Citation upon the respondent at least ten (10) days prior to the return date, upon motion, enter a decree granting the prayer of the petition or such other relief deemed appropriate by the Court.

(b) *Failure to Reply to New Matter.* If the petitioner fails to reply to new matter contained in an answer, the averments of fact set forth as new matter shall be deemed admitted and the case will be at issue.

Rule 3.4.1. Form of Petition. Petitions and Motions.

(a) Every original petition or motion filed shall set forth in its first paragraph the citation of any statute, rule of court, or other authority relied upon to justify the relief requested.

(b) Every petition or motion filed shall state with particularity the grounds on which it is based and shall be accompanied by a proposed order which, if approved by the Court, would grant the relief sought by the pleading. Every response in opposition to a motion or petition shall be accompanied by a proposed order which, if approved by the Court, would deny or amend the relief sought by the pleading.

(c) The Court may direct that a Rule or Citation be issued, or may schedule a hearing or conference as the issues in the case may dictate.

Rule 3.4.2. Form of Petition. Exhibits.

(a) There shall be attached to all petitions as exhibits the originals or copies of all wills, codicils, agreements, and other written instruments relied upon. If the petitioner is unable to attach a necessary exhibit, he shall so state in his petition together with the reason.

(b) The signature of an attorney to a petition shall constitute a certification by that attorney that all copies of written or printed instruments, records, or documents which are not certified or authenticated are true and correct copies of the original.

Rule 3.4.3. Form of Petition. Consents.

(a) All petitions shall aver that all parties in interest are petitioners, or that consents or joinders of all necessary parties are attached. If the petitioner is unable to attach a necessary consent or joinder, he shall so state in his petition together with the reason.

(b) Whenever a party other than a petitioner desires to consent to or join in the prayer of a petition, there shall be appended to the petition a written “Consent” or “Joinder” signed by the party in the following form:

I, _____, having read and considered the contents of the foregoing petition, do herewith waive the benefit of all requirements of notice of the presentation, or service upon me, of said petition, do authorize the Court to note my general appearance in said proceeding as though I had appeared personally or by counsel, do herewith waive all objections to the Court’s jurisdiction over my person, and I do herewith consent to or join in [add specifics of prayer for relief]

All “Consents” and “Joinders” shall be signed by at least two (2) witnesses.

Rule 3.5.1. Mode of Proceeding. Citation. Proof of Service.

(a)(1) *Personal Service.* Proof of personal service of a citation shall conform to the provisions of § 766 of the P.E.F. Code. The return shall set forth the date, time, place and manner of service and that true copies of the citation, petition, and preliminary order awarding the citation were handed to the respondent.

(2) *Service by Registered or Certified Mail.* Proof of service of a citation by registered or certified mail shall be by affidavit of the person making service, which shall set forth that true and correct copies of the citation, petition, and preliminary order awarding the citation were mailed to the respondent postage prepaid, return receipt requested, the date of mailing, the address to which notice was mailed and that attached to the return is the signed return receipt card which accompanied the letter.

(3) *Service by Publication.* Proof of service of a citation by publication shall consist of proofs of publication together with affidavits by the publisher.

(b) Except as otherwise provided, a return of notice shall be filed with the Clerk on or before the date set for the occurrence of the event of which notice has been given.

Rule 3.5.2. Method of Proceeding. Hearings.

(a) When an issue of fact is raised by the pleadings, including preliminary objections to jurisdiction, any party may move for a hearing, and the Court, in its discretion, will hear the matter, or refer the same to a master to hear the testimony and to report his findings of fact, conclusions of law and recommendations to the Court.

Note: See PEF Code § 751.

(b) When the pleadings are closed, any party in interest may move the Court for disposition of a question of law, upon briefs and oral argument, as needed.

Rule 3.5.3. Mode of Proceeding. Briefs and Argument.

(a) The Court after conference or hearing or in lieu thereof, and whether requested by an interested party or on its own motion, may direct disposition of the issues upon briefs.

(b) Any party or his attorney may request oral argument upon a motion or issue involved in any controverted proceeding and the Court shall have the right to require oral argument.

(c) Unless oral argument is requested or specifically directed, the Court will decide the issues on briefs as submitted per briefing schedule set by the Court.

Rule 3.5.4. Mode of Proceeding. Procedure Where Briefs are Filed. Contents of Briefs.

When a matter is directed for disposition on briefs, the attorney for the moving party, following a briefing schedule set by the Court, shall furnish the Court with a typewritten brief containing:

(a)(1) an index; (2) a history of the case; (3) a statement of the questions involved; (4) a statement of the facts of the case; (5) a copy of the exceptions, if any; (6) in cases begun by petition, copies of the pertinent docket entries and of the pleadings; (7) a copy of the will and codicils or trust instrument and any other documents the construction of which is involved; (8) a brief of argument; and (9) a certificate of service per (c) of this rule.

(b) The brief of the respondent may contain a counter-statement of the questions involved, a counter-statement of the facts of the case, and shall contain a brief of the argument.

(c) Copies of briefs shall be delivered to counsel of record for opposing parties at the same time a copy is delivered to the Court.

Rule 3.5.5. Mode of Proceeding. Practice. Pre-Trial Conference.

In any action the Court, of its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- (a) the simplification of the issues;
- (b) the necessity or desirability of amendments to the pleadings;
- (c) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) the limitation of the number of expert witnesses; and
- (e) such other matters as may aid in the disposition of the action.

The Court may make an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such order when entered shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

Note: Practice as to pretrial conferences shall be governed by this Blair County Orphans' Court Rule 3.6.2. rather than Blair County Civil Rule 365.

Rule 3.5.6. Mode of Proceeding. Non-Jury Trials.

Cases requiring a hearing before a judge shall include, but shall not be limited to, voluntary relinquishments of parental rights, involuntary terminations of parental rights, adoptions, appointments of guardians, hearings on objections to accounts and hearings on challenges to grants of letters. Hearings on all such cases shall be scheduled by the Court.

Rule 3.5.7. Mode of Proceeding. Appointment of Guardians or Trustees ad Litem.

Guardians or trustees ad litem may be appointed to represent the interests of any prospective parties in interest who are not sui juris or who are absentees and

for whom no guardian or trustee has previously been appointed. Such appointments may be made upon the presentation of the petition to the Court or at any time during the course of the proceeding when the Court deems such action necessary.

Rule 3.5.8. Mode of Proceeding. Inter Vivos Trust.

When the Court is first required to exercise its jurisdiction over an inter vivos trust, the original trust instrument or a copy of it certified by counsel to be true and correct and any amendments thereto shall be filed with the Prothonotary. These instruments shall be indexed and recorded by the Prothonotary. Any revocation shall be likewise filed, indexed and recorded. The Rules of Court applicable to testamentary trusts shall apply, generally, to inter vivos trusts.

Rule 3.5.9. Mode of Proceeding. Sureties.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall make an affidavit to the Prothonotary, setting forth such information as the Prothonotary shall require. Each affidavit shall be filed together with its respective bond. No member of the Bar or any employee of this Court shall act as surety in any proceeding in this Court, except by special leave of Court.

(b) *Corporate Sureties.* Any corporate surety allowed to do business in Pennsylvania may act as surety, providing that a current certificate evidencing approval by the Insurance Department of the Commonwealth of Pennsylvania, together with a designation of attorney in fact, is on file with the Prothonotary.

Rule 3.6.1. Depositions, Discovery, Production of Documents, and Perpetuation of Testimony.

(a) Leave to take depositions, to obtain discovery or production of documents, or to perpetuate testimony may be granted only on petition upon cause shown except upon agreement of counsel.

(b) The procedure relating to depositions, discovery, production of documents, and perpetuation of testimony shall be governed by special order of the Court in every case.

RULE 4

COMPUTATION OF TIME

Rule 4.1.1. Generally. [Reserved.]

RULE 5

NOTICE

Rule 5.1.1. Method. Form of Notice.

Except as otherwise provided in these rules or as provided by Act of Assembly, every notice shall contain at least the following information:

- (a) the caption of the case;
- (b) a description of the nature of the proceeding;
- (c) the date, time, and place when the matter is to be heard by the Court to the extent then known;
- (d) the name of the decedent, settlor, minor, or incapacitated person, if not disclosed by the caption;
- (e) the names and addresses of all fiduciaries; and
- (f) the name and address of counsel for each fiduciary.

[*Note to Pa.O.C. 5.1:* Pa.R.C.P. 422, 423 and 424 specify to whom notice shall be given when serving the Commonwealth of Pennsylvania and its subdivisions, partnerships and unincorporated associations, and corporations, respectively.]

Rule 5.1.2. Method. Legal Publication.

The *Blair County Legal Bulletin* shall be the legal periodical for the publication of notices whenever publication in a legal periodical is required by Act of Assembly, by Rule, or by Order of Court.

Rule 5.1.3. Service on Attorneys.

Written notice served personally on an attorney of record or on a partner or employee of his office, or by mail addressed to his office, shall be notice to the party whom he represents, except where personal service on the party is specifically required.

Rule 5.2.1. Method. When No Fiduciary.

Except where otherwise provided by a rule adopted by the Supreme Court or by an Act of Assembly, notice to a person who is not sui juris and whose interest is not represented by a guardian or trustee shall be given:

- (a) to the person, if the person is not sui juris solely by reason of minority but is over fourteen years of age; and
- (b) unless the Court by special order shall otherwise direct, to such one or more of the following persons as may exist:
 - (1) the parents of the person, if the person is an unmarried minor and one or both of the parents are sui juris;
 - (2) the spouse of the person;
 - (3) the individual with whom the person resides or by whom the person is maintained;
 - (4) the superintendent or other official of the institution having custody of the person;
 - (5) the attorney-in-fact with power to act on behalf of the person under a durable general power of attorney, if known; and
- (c) to such other persons as the Court by special order may direct.

Rule 5.3.1. Advance Notice.

In any proceeding in which no preliminary decree is required, the notice may be given in advance of the filing of the petition or other application to the Court. In such case the return of notice required by Pa.O.C.R. 5.4 and B.C.O.C.R. 5.4.1 may be included in or attached to the petition. The Court may direct additional notice whenever that is deemed advisable by the nature of the proceeding or the circumstances.

Rule 5.4.1. Return of Notice. Additional Requirements.

In addition to the requirements of Pa.O.C.R. 5.4 (relating to the return of notice), the following requirements shall be satisfied:

- (a) A copy of the notice required to be given shall be attached to the return.
- (b) *Personal Service.* Return of personal service shall set forth the date, time, place and manner of such service, and that a true and correct copy of the petition and notice were handed to the person served.
- (c) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing and shall include the return receipt or a copy thereof. When the person who gives notice by registered or certified mail has personal knowledge or has cause to believe that the notice was not received by the person to be notified, he shall so state in the return. When the address of the person to be served by registered

or certified mail is in a country other than the United States of America, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise specifically ordered by the Court.

(d) Publication. Return of notice by publication shall set forth the date(s) and newspapers and/or legal periodicals of publication and shall include proofs of publication, including an affidavit of publication by the publisher or agent of the publisher.

[*Note to Pa.O.C.R. 5.4:* See Pa.R.C.P. 76 for the definition of "affidavit."]

RULE 6**ACCOUNTS AND DISTRIBUTION****Rule 6.1.1. Form. Additional Requirements.**

- (a) Accounts shall substantially conform to the model account forms approved by the Supreme Court.
- (b) In addition to all other applicable information required by the model account forms approved by the Supreme Court, the first page of the account shall include the following information:
 - (1) a caption;
 - (2) the name, address and telephone number of the accountant; and,
 - (3) the name, address and telephone number of the attorney representing the accountant.
- (c) In cases where a distribution is proposed, the account shall include a statement of proposed distribution in substantially the form shown in the model account forms approved by the Supreme Court.
- (d) The following items shall be attached at the end of the account in the following order:
 - (1) an affidavit or verified statement of the accountant in substantially the form set forth in the model account forms approved by the Supreme Court;
 - (2) a certificate of notice as required by Local Rule 6.2.1; and,
 - (3) for the first account of a personal representative, proofs of publication of the grant of letters as required by section 3162 of the Probate, Estates and Fiduciaries Code.

Note: See Pa.O.C. Rule 2.1 for the authority of the Court to disregard any error or defect of procedure which does not affect the substantial rights of the parties in interest.

Rule 6.2.1. Notice. Additional Requirements.

- (a) Notice of the filing of the account shall include the following:
 - (1) a statement that the account was or will be filed with the Clerk of the Orphans Court, Blair County Courthouse, Hollidaysburg, Pennsylvania on or not later than a specified date and that it will be confirmed nisi on a specified date, and thereafter confirmed absolutely on a specified date unless written objections are filed thereto;
 - (2) a statement that any person who objects to transactions shown in the account must file written objections with the Clerk of the Orphans' Court at the Blair County, Courthouse, Hollidaysburg, Pennsylvania on any date prior to the date the account will be confirmed absolutely;
 - (3) a statement of any question of interpretation or distribution which will be presented to the Court for determination and the position taken on the question by

the accountant, if any, together with a statement that any person who wishes to take a position on the question or a position different from the accountant must file with the Clerk of the Orphans' Court at the Blair County Courthouse, Hollidaysburg, Pennsylvania on any date prior to the date the account will be confirmed absolutely file in writing a statement of their position on the question of interpretation or distribution; and,

(4) a description of the nature and value or amount of any unresolved claim; a statement whether the claim is admitted or contested; if the claim is admitted, a statement whether it will be paid in full or in part; and if the claim is contested, a statement that the claimant must file written objections with the Clerk of the Orphans' Court at the Blair County Courthouse, Hollidaysburg, Pennsylvania on any date prior to the date the account will be confirmed absolutely;

(5) The accountant shall attach to the account a certificate signed by the accountant or the attorney for the accountant that he or she has given notice as required in writing of the date the account will be confirmed nisi and the date the account will be confirmed absolutely. The certificate shall also set forth the names and addresses of the persons to whom notice of the filing of the account is being given.

Rule 6.3.1. Advertisement of Accounts.

All accounts required by law to be filed with the Clerk of the Orphans' Court Clerk shall be advertised by the Clerk in the manner prescribed by law. The notices shall specify the date the accounts will be confirmed nisi and the date the accounts will be confirmed absolutely. The notice shall also state that unless written objections are filed with the Clerk of the Orphans' Court at the Blair County Courthouse, Hollidaysburg, Pennsylvania on or before the date the Account is to be confirmed absolutely, the account will be confirmed absolutely and that thereafter distribution may be decreed by the Court, without reference to an auditor, in accordance with any statement of proposed distribution filed with the account.

Rule 6.10.1. Objections to Accounts or Statements of Proposed Distribution.

Objections to an account or statement of proposed distribution must be in writing, numbered consecutively, signed by the objector or his or her attorney, and each objection shall:

(a) be specific as to the item in the account or the item omitted from the account to which the objection is being filed;

(b) raise but one issue of law and fact for each item in the account or omitted from the account to which the objection is being filed. If there are several objections to one item included in or omitted from the account, all such objections shall be included in the same objection; and,

(c) set forth briefly the reason or reasons in support thereof for each objection.

Rule 6.10.2. Objections to Accounts or Statements of Proposed Distribution-Filing-Service of Copy.

(a) *Time of Filing.* Objections must be filed in writing with the Clerk of the Orphans' Court, Courthouse, Blair County, Pennsylvania no later than the day the account is scheduled to be confirmed absolutely.

(b) *Service of Copy.* A copy of the objections shall be served without delay after filing on accountant's attorney.

Rule 6.10.3. Objections to Accounts or Statements of Proposed Distribution-Procedure.

(a) When objections to an account or statement of proposed distribution have been filed, the Clerk of the Orphans' Court shall immediately transmit the objection to the President Judge.

(b) The President Judge shall enter such orders or order regarding the objections for disposition including but not limited to scheduling a hearing thereon or referring the objections to an auditor for disposition.

(c) An order of court the objections to an auditor for disposition shall set forth therein the name, address and telephone number of the auditor, any time limits given the auditor for disposition of the objections, the method of calculating the payment of the auditor and such other matters as the President Judge deems appropriate for the efficient disposition of the objections.

(d) An auditor shall be a licensed attorney who is a member in good standing of the Blair County Bar Association. The auditor shall have been licensed to practice law in the Commonwealth of Pennsylvania for a period of no less than five years.

Rule 6.11.1. Small Estates.

Petitions under § 3102 of the PEF Code for distribution of small estates shall set forth:

(a) the name and address of the petitioner and petitioner's relationship to the decedent;

(b) the name, date of death, and domicile of the decedent;

(c) whether the decedent died testate or intestate, the date of the probate of the will, if applicable, and the date of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount of the bond;

(d) the name and relationship of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the PEF Code, or otherwise, and whether any of them is a minor, incompetent or deceased, as well as the name of any decedent's fiduciary;

(e) the person or persons, if any, entitled to the family exemption and, if a claim therefore is made in the petition, any additional facts necessary to establish the person's right to the family exemption;

(f) an inventory of the real and personal estate of the decedent, the value ascribed to each item, either incorporated in the petition or attached as an exhibit;

(g) a list showing the nature, amounts, and preferences of all unpaid claims against the estate and indicating which claims are admitted;

(h) if any unpaid beneficiary, heir, or claimant has not joined in the petition, a statement that notice of the intention to present the petition has been given as required by these Rules; and

(i) a prayer for distribution of the personal property to those entitled and, if appropriate, for the discharge of the personal representative.

(j) There shall be attached to the petition the following exhibits:

(1) the original of the decedent's will if it has not been probated, or a copy thereof if it has been probated;

(2) the joinders or consents of unpaid beneficiaries, heirs and claimants insofar as they are obtainable;

(3) an itemized list of disbursements made prior to the filing of the petition, indicating the payor and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, items of distribution or the family exemption; and,

(4) a certificate of the Register showing the status of payment of the inheritance tax.

(k) No appraisalment shall be required unless ordered by the Court.

Note: See PEF Code § 3102.

Rule 6.11.2. Confirmation Absolute.

Unless objections are filed in accordance with B.C.O.C.R. 6.10.1., the confirmation of accounts and statements of proposed distribution filed with accounts shall be made absolute by the Clerk, without further order of Court.

Rule 6.11.3. Confirmation of Title to Real Property.

In General—When the account and the statement of proposed distribution filed therewith have been finally confirmed as hereinbefore provided. Such confirmation shall be in the nature of confirmation of title to real property in the respective distributees.

Separate Awards—A schedule of distribution shall set forth separate awards of real property in separate paragraphs.

Description—Real property shall be described in the manner appearing in the last deed of record, or in some other proper manner, and in addition, shall include information pertinent to the derivation of title.

Certification by Prothonotary—The Prothonotary may, at the request of any party in interest, certify excerpts from a decree of distribution for recording in any public office for recording deeds.

RULE 7 EXCEPTIONS

Rule 7.1.1. Exceptions. Generally.

No exceptions shall be filed to decrees, adjudications, confirmations, or other decisions or orders of Court or in proceedings unless the right to except is expressly conferred by an Act of Assembly, by a general rule, or by a special order. All decrees, adjudications, confirmations or other decisions or orders of Court, other than those to which the exceptions are so allowed to be taken, shall be final and definitive.

Note: See B.C.O.C.R. 2.3.1.

Rule 7.1.2. Exceptions. Time and Place of Filing.

(a) Decrees, adjudications, confirmations or other decisions of the Court shall be confirmed absolutely, as of course, unless written exceptions thereto are filed within ten (10) days after the date the decision or order is filed.

(b) If timely exceptions are filed by a party, any other party may file exceptions within ten (10) days after the date on which the first exceptions were filed. However, such exceptions shall in no event raise questions which could have been, but were not, raised by objections to an account or by claims presented in accordance with B.C.O.C.R. 6.10.1.

(c) Exceptions shall be filed with the Prothonotary.

Rule 7.1.3. Exceptions. Partial Distribution.

When the matters which are the subject of an adjudication, schedule of distribution, or the report of an auditor or master, are so separate and distinct that an exception to any one or more, whether sustained or dismissed, cannot affect the remainder, and the accountant will not be prejudiced by the distribution of such remainder, confirmation of the adjudication, schedule of distribution, or report, shall not be suspended, except as to those matters to which exceptions have been filed; distribution may proceed as to the remainder, and any party from whom such distribution has been withheld may petition the Court to order distribution.

Rule 7.1.4. Exceptions. Form.

Exceptions shall be in writing, numbered consecutively, signed by the exceptant or by his or her attorney, and each exception shall

(a) be specific as to description and amount;

(b) raise but one issue of law or fact, but if there are several exceptions to items included in or omitted from the adjudication relating to the same issue, all such exceptions shall be included in the same exception; and

(c) set forth briefly the reason or reasons in support thereof.

RULE 8

AUDITORS AND MASTERS

Rule 8.1.1. Appointment.

An auditor shall be appointed only when all parties in interest or their counsel consent thereto in writing. A master may be appointed by the Court on its own motion or upon the petition of the accountant or of any party in interest. All auditors and masters shall be members of the Bar of the Supreme Court of Pennsylvania.

Rule 8.1.2. Notice of Hearings.

Once appointed, an auditor shall schedule a hearing and give notice thereof to all parties in interest at least ten (10) days prior to the hearing. The notice of the auditor shall be given in accordance with B.C.O.C.R. 5.1.

Rule 8.1.3. Masters.

Rules pertaining to auditors shall extend to masters insofar as applicable.

Rule 8.2.1. Filing of Report. Place. Time.

(a) The report of an auditor or master who has been appointed to assist the Court in the audit of an account or the disposition of an issue of fact in a matter shall be filed with the Prothonotary.

(b) The report of the auditor or master shall be filed within ninety (90) days after his appointment and shall be extended only upon application to the Court for good cause shown.

Rule 8.3.1. Form of Auditor's Report.

[No local rule.]

Rule 8.4.1. Form of Master's Report.

[No local rule.]

Rule 8.5.1. Transcript of Testimony.

[No local rule.]

Rule 8.6.1. Notice of Intention to File. Proof of Notice.

An auditor or master shall give ten (10) days notice in writing to all parties in interest or their counsel of record of his intention to file his report with the Court on a day certain.

Rule 8.7.1. Confirmation of Report. Exceptions.

Exceptions to the report may be filed with the auditor within ten (10) days after the receipt of the notice required by B.C.O.C.R. 8.6.1. If exceptions are filed, the auditor shall reconsider his or her report and present it to the Court with the exceptions attached. Immediately upon filing the report, the auditor shall give notice thereof to the attorney for each party in interest. Thereafter, no exceptions may be filed without leave of Court for good cause shown. When exceptions are filed by the auditor or by leave of Court for good cause shown, the Court may schedule the matter for argument.

Rule 8.7.2. Confirmation.

Following the notice and exception procedures of B.C.O.C.R. 8.6.1. and 8.7.1., an auditor's report and any exceptions thereto shall be filed with the Court. If no exceptions have been filed with the auditor, it will be confirmed absolutely.

Rule 8.8.1. Compensation and Security.

The auditor or master shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Court shall direct.

RULE 9**OFFICIAL EXAMINERS****Rule 9.1.1. Appointment of Official Examiners.**

Rules pertaining to auditors shall extend to official examiners insofar as applicable.

RULE 10**REGISTER OF WILLS****Rule 10.2.1. Form of Appeal.**

When an appeal is taken from a judicial act or from a proceeding before the Register, the records of the matter shall be certified to the Court in accordance with 20 Pa.C.S.A. Section 907 (relating to certification of records to the Court). The appeal shall be in the form of a petition to the Court and shall set forth:

- (a) the nature of the proceedings before the Register;
- (b) the basis of the appeal, including the facts or circumstances upon which it is based;
- (c) the names and the addresses of all parties in interest, including those who have not been parties of record.
- (d) a request that a Citation be issued directed to all parties in interest including those not represented on the record to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed.

Rule 10.2.2. Citation.

Upon allowance of the petition, a citation shall be issued by the Court, to which an answer must be filed on a date set forth in the citation, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside. The Court may then schedule the matter for hearing. The citation and a copy of the petition shall be served by the party taking the appeal in the manner provided by the Probate, Estates and Fiduciaries Code § 765.

Rule 10.2.3. Disposition-No Answer.

If no answer is filed, upon proof of service of the citation, the Court may grant the relief requested.

RULE 11**JURY TRIALS****Rule 11.1.1. Selection of Jurors. [Reserved.]****RULE 12****SPECIAL PETITIONS****Rule 12.1.1. Family Exemption. Additional Contents of Petition.**

In addition to the requirements of Pa.O.C. Rule 12.1. a petition for the family exemption shall also set forth:

- (a) the name, residence, and date of death of the decedent;
- (b) the name, address, and relationship of the petitioner to the decedent, and whether the petitioner was a member of the same household as the decedent on the date of his or her death;
- (c) if petitioner be the surviving spouse, the date and place of the marriage; and if a common law marriage is asserted, all averments necessary to establish the validity of the marriage;
- (d) whether the decedent died testate or intestate; whether, when and to whom letters were granted; and the names, relationship, and addresses of those interested in the estate; and
- (e) the location, description and value of the property claimed.

Note: See Pa.O.C. Rule 3.4., B.C.O.C.R. 3.4.1, 3.4.2 and 3.4.3., and PEF Code §§ 3121 to 3126.

Rule 12.2.1. Allowance to Surviving Spouse. Additional Contents of Petition.

A petition for the allowance to the surviving spouse of an intestate shall also set forth the information required in a petition for the family exemption under B.C.O.C.R. 12.1.1 insofar as is appropriate. Such a petition shall have a copy of the inventory attached to it.

Note: See PEF Code §§ 2102 to 2110.

Rule 12.3.1. Elective Share. Extension of Time-Contents of Petition.

A petition for extension of time in which the surviving spouse may file an election to take against the will shall set forth the facts relied upon to justify the extension sought.

Note: See PEF Code §§ 2201 to 2211.

Rule 12.4.1. Appointment of a Guardian ad Litem of a Trustee ad Litem.

[No local rule.]

Rule 12.5.1. Appearance in Court-Minor Over Fourteen.

If the minor is over the age of fourteen years old, the minor shall appear at the presentation of the petition and nominate the guardian in open Court. If the minor is unable to appear in person, the reasons for the minor's absence shall be set forth in the petition.

Note: See Pa.O.C. Rule 12.5(e) and PEF Code § 5113.

Rule 12.5.2. Small Estates of Minors.

- (a) A petition for the award of an estate of a minor without the appointment of a guardian or the entry of security shall contain the following:

(1) a statement that the net value of the entire real and personal estate of the minor does not exceed the statutory limitations; and

(2) the name of a bank or insured savings and loan association with at least one office in Blair County as the suggested depository.

(b) In the absence of satisfactory reasons for doing otherwise, the Court shall direct that any cash be deposited in an interest bearing account in such a depository in the name of the minor or the name of a natural guardian of the minor. In all cases, the account shall be expressly restricted by means of a notation on the records of the depository that no withdrawals may be made from the account until the minor attains the age of majority, except as authorized by a prior order of the Court. Further, evidence of the marking of the account to indicate the restriction shall be filed promptly as part of the record.

(c) Any authorization by the Court given to a parent or other person or institution maintaining the minor to execute a receipt, deed, mortgage or other instrument affecting real or personal property of the minor within the statutory limit shall be conditioned on the deposit of the proceeds therefrom in an account restricted as in (b) above.

Note: See PEF Code §§ 5101 to 5103.

Rule 12.5.3. Allowances from Minor's Estate.

A petition for an allowance from a minor's estate shall set forth:

(a) the manner of the guardian's appointment and qualification and the dates thereof;

(b) the age and residence of the minor, whether his or her parents are living, the name of the person with whom he or she resides, and the name and age of his or her spouse and children, if any;

(c) the value of the minor's estate, real and personal, and his or her annual income;

(d) the circumstances of the minor, whether employed or attending school; whether a parent or other person charged with the duty of supporting the minor is living, the financial condition and income of the person and why the person is not discharging his or her duty of support; and whether there is adequate provision for the support and education of the minor, his or her spouse and children;

(e) the date and amount of any previous allowance by the Court; and

(f) the financial requirements of the minor and his or her family, in detail, and the circumstance making the allowance necessary.

Note: See PEF Code § 5164.

Rule 12.6.1. Appointment of Trustee. Exhibit attached to Petition.

A copy of the instrument creating the trust shall be attached as an exhibit to the petition.

Rule 12.7.1. Discharge of a Fiduciary of Surety.

[No local rule.]

Rule 12.8.1. Partition.

[No local rule.]

Rule 12.9.1. Public Sale of Real Property.

[No local rule.]

Rule 12.10.1. Private Sale of Real Property.

[No local rule.]

Rule 12.11.1. Mortgage or Lease of Real Property.

[No local rule.]

Rule 12.12.1. Inalienable property.

[No local rule.]

Rule 12.13.1. Designation of a Successor Custodian.

[No local rule.]

Rule 12.14.1. Confirmation of Appointment of Trustee.

[No local rule.]

Rule 12.12.1. Cemetery Companies.

[No local rule.]

RULE 13

DISTRIBUTION; SPECIAL SITUATIONS

Rule 13.1.1. Representation by Counsel.

If, pursuant to Pa.O.C. Rule 13.1, a foreign distributee or claimant is represented by counsel who possesses a valid duly authenticated power of attorney executed by the distributee or claimant, said power of attorney shall be filed in the office of the Prothonotary and a copy thereof served upon the fiduciary.

Rule 13.2.1. Existence and Identity.

If notice to a foreign consulate is required pursuant to Pa.O.C. Rule 13.2, a copy of said notice shall be attached to the Petition for Adjudication and, at the audit, the fiduciary shall provide a report as to any information resulting from such notice.

Rule 13.3.1. Report by Fiduciary.

If, pursuant to Pa.O.C. Rule 13.3, a report is submitted, said report shall be submitted with the schedule of distribution and shall include, substantially, the following:

(a) *Unknown Distributee.* If it appears that the identity or whereabouts of a distributee is unknown or there are no known heirs, a written report verified by the fiduciary or counsel setting forth:

(1) the nature of the investigation made to locate the heirs of the decedent in complete detail; and

(2) in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain.

(b) *Non-resident Distributee.* If the fiduciary requests the Court to withhold distribution to a non-resident distributee, a written report verified by the fiduciary or counsel setting forth:

(1) the relationship of the distributee to the decedent and any available information concerning his or her present whereabouts;

(2) in cases of intestacy, a family tree, as complete as possible, supported by such documentary evidence as the fiduciary has been able to obtain; and

(3) the reasons for the request that distribution be withheld and the suggested manner of withholding.

RULE 14

INCOMPETENTS' ESTATES

Rule 14.2.1. Petition to Adjudicate Incapacity. By Whom Filed.

[No local rule.]

Note: See 20 Pa.C.S. § 5511(a): *The petitioner may be any person interested in the alleged incapacitated person's welfare.*

Note: See Pa.O.C. Rule 12.5. (a): *A petition for the appointment of a guardian for the estate or person of a minor shall be filed by the minor, if over fourteen years of age, and if under such age, by his parent or parents, the person with whom he resides or by whom he is maintained or by any person as next friend of the minor.*

Rule 14.2.2. Petition to Adjudicate Incapacity. Contents.

[No local rule.]

Note: See Pa.O.C. Rule 12.4 and 12.5.

Note: See 20 Pa.C.S. § 5511(e): **PETITION CONTENTS.**—*The petition, which shall be in plain language, shall include the name, age, residence and post office address of the alleged incapacitated person, the names and addresses of the spouse, parents and presumptive adult heirs of the alleged incapacitated person, the name and address of the person or institution providing residential services to the alleged incapacitated person, the names and addresses of other service providers, the name and address of the person or entity whom petitioner asks to be appointed guardian, an averment that the proposed guardian has no interest adverse to the alleged incapacitated person, the reasons why guardianship is sought, a description of the functional limitations and physical and mental condition of the alleged incapacitated person, the steps taken to find less restrictive alternatives, the specific areas of incapacity over which it is requested that the guardian be assigned powers and the qualifications of the proposed guardian. If a limited or plenary guardian of the estate is sought, the petition shall also include the gross value of the estate and net income from all sources to the extent known.*

Note: See Pa.O.C. Rule 12.5.(b) [where petition is for appointment of a guardian of a minor]: *“The petition shall set forth (1) the name, address and age of the minor; and the names and addresses of his parents, if living; (2) the name, address and relationship to the minor of the petitioner, if the petition is not filed by the minor; (3) that the minor's parents consent to the petition, if it is not filed by them, or the reason why they do not consent; (4) the necessity of the appointment of a guardian and that the minor has no guardian or that a guardian already appointed has died or has been discharged or removed by the court, together with the date of such death, discharge or removal and a reference to the court record of such discharge or removal; (5) the name, address and age of the proposed guardian and his relationship to the minor, if any; (6) the nature of any interest of the proposed guardian adverse to that of the minor including inter alia a reference to any estate in which the minor is interested and in which the proposed guardian is a fiduciary or surety or employee of a fiduciary or surety therein; (7) if the petition is for the appointment of a guardian of the person, the religious persuasion of the parents of the minor and of the proposed guardian; (8) if the petition is for the appointment of a guardian of the estate, an itemization of the assets of such estate, their location, approximate value and income, if any; (9) if the minor is entitled to receive any money as a party to any action or proceeding in any court, a reference to the court record and the amount to which the minor is entitled; and (10) that notice has been given to the United States Veterans' Administration or its successor, if the minor is the child of*

a veteran and insurance or other gratuity is payable to him by the United States Veterans' Administration, or its successor.”

Rule 14.2.3. Petition. Contents. Written Consent.

(a) If the proposed guardian is an individual, the written consent of the proposed guardian shall be attached to the petition pursuant to Pa.O.C. Rule 12.5(c), and shall include:

- (1) the place of residence of the proposed guardian;
- (2) the occupation of the proposed guardian;
- (3) a statement that the proposed guardian speaks, reads and writes the English language;

(4) a statement that the proposed guardian does not have any interest adverse to the alleged incapacitated person;

(5) a statement that the proposed guardian is not a fiduciary, or an officer or employee or a corporate fiduciary, of an estate in which the alleged incapacitated person has an interest; not the surety, or an officer or employee of a corporate surety of such a fiduciary.

(b) If the proposed guardian is a corporate guardian, the written consent of the proposed guardian shall contain a statement that it is not the fiduciary of an estate in which the alleged incapacitated person has an interest, nor the surety of such a fiduciary, and that the proposed guardian does not have any adverse interest to the alleged incapacitated person.

Rule 14.2.4. Notice. To Whom Given.

[No local rule.]

Note: See 20 Pa.C.S. § 5511(a): *“... notice of the petition and hearing shall be given in such manner as the court shall direct to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the court may direct, including other service providers.”*

Rule 14.2.5. Notice. Service on Incapacitated Person.

[No local rule.]

Note: See Pa.O.C. Rule 5.2.

Note: See 20 Pa.C.S. § 5511(a): *“Written notice of the petition and hearing shall be given in large type and in simple language to the alleged incapacitated person. The notice shall indicate the purpose and seriousness of the proceeding and the rights that can be lost as a result of the proceeding. It shall include the date, time and place of the hearing and an explanation of all rights, including the right to request the appointment of counsel and to have counsel appointed if the court deems it appropriate and the right to have such counsel paid for if it cannot be afforded. . . . A copy of the petition shall be attached. Personal service shall be made on the alleged incapacitated person, and the contents and terms of the petition shall be explained to the maximum extent possible in language and terms the individual is most likely to understand. Service shall be no less than 20 days in advance of the hearing.”*

Rule 14.2.6. Notice. Service on Others.

Notice required in matters involving adjudication of incapacity or appointment or removal of a guardian for an incapacitated person, other than notice upon the alleged

or adjudicated incapacitated person, shall be by personal service, by service in such manner as the Court directs and/or as directed by statute in that particular case, or may be made by first-class mail, postage prepaid, to the known or last known address. In the latter case, a certificate of service shall be prepared and filed verifying that the address used is the proper known or last known address, and attaching a postal certificate of mailing.

Note: See 20 Pa.C.S. § 5511(a): “In addition, notice of the petition and hearing shall be given in such manner as the court shall direct to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the court may direct, including other service providers.”

Rule 14.2.7. Hearing. Evidence in Support of Petition.

[No local rule.]

Note: See 20 Pa.C.S. § 5518.

Rule 14.2.8. Small Estates.

If at hearing incapacity is established, and it appears that the gross estate does not exceed the statutory limitation as defined in § 5505 of the P.E.F. Code, the Court may award the entire estate to the person or institution maintaining the incapacitated person, or make such order as may be appropriate under the circumstances.

Rule 14.2.9. Special Petitions for Allowances.

(a) A petition for an allowance from an incapacitated person’s estate for maintenance and support of the incapacitated person or for payment of counsel fees, shall set forth:

(1) the name of the guardian and date of appointment, or, if the petitioner is not the guardian, the petitioner’s relationship to the incapacitated person or the nature of the petitioner’s interest;

(2) a summary of the inventory, the date it was filed and the nature and present value of the estate and its income;

(3) the address and occupation, if any, of the incapacitated person;

(4) the names and addresses of the incapacitated person’s dependents, if any;

(5) a statement of all claims of the incapacitated person’s creditors known to petitioner;

(6) a statement of all previous distribution allowed by the Court;

(7) a statement of the requested distribution and the reasons therefor.

(8) If any portion of the incapacitated person’s estate is received from the United States Veterans’ Administration or its successor, that notice of the request for allowance has been given to that agency.

Rule 14.2.10. Reports of Guardian. Notice.

(a)(1) *Guardian of the Person.* At least once within the first twelve months of the appointment and annually thereafter, the guardian of the person shall file a report with the Court outlining the guardian’s performance. The form of the report shall be substantially the same as the

form available in the office of the Prothonotary. A final report shall be filed within sixty (60) days after the death of the incapacitated person.

(2) *Guardian of the Estate.* In addition to the filing of an inventory which must be filed within ninety (90) days of appointment, the guardian of the estate shall file a report with the Court at least once within the first twelve months of the appointment and annually thereafter as to the administration of the ward’s estate. The Court, in its discretion, may require that the report be filed more frequently. The form of the report shall be substantially the same as the form available in the office of the Prothonotary. A final report shall be filed within sixty (60) days after the death of the ward.

(b) *Notice.* The guardian shall serve written notice of the filing of the report upon each care provider, next-of-kin, and all parties in interest by first-class mail within ten (10) days of filing the report in substantially the following form:

COURT OF COMMON PLEAS OF
BLAIR COUNTY, PENNSYLVANIA
ORPHANS’ COURT DIVISION

ANNUAL REPORT OF GUARDIAN

In the matter of the Estate of _____, an Incapacitated Person. To the care providers, next-of-kin, and all parties in interest in said affairs:

Notice is hereby given that _____, (guardian of the estate-guardian of the person) has filed in the office of the Prothonotary of the said Court the annual report concerning the affairs of the ward. A copy of the report is available for inspection in the office of the Prothonotary, Blair County Courthouse, 423 Allegheny Street, Hollidaysburg, PA 16648.

Rule 14.3.1. Review Hearing.

[No local rule.]

Rule 14.4.1. Proceedings Relating to Real Estate.

[No local rule.]

Rule 14.5.1. Form of Citation and Notice.

[No local rule.]

RULE 15

ADOPTIONS

See the Adoption Act, 23 Pa.C.S. § 2101 et seq. As to adoption jurisdiction in the Orphans’ Court Division in Blair County, see PEF Code, 20 Pa.C.S. §§ 711(7).

Rule 15.1.1. Practice and Procedure.

All reports and petitions relating to adoption shall be filed with the Prothonotary and shall be in such form as is designated from time to time by the Court. All filing fees shall be paid at the time of filing. Upon the completion of any proceedings relative to adoption, all documents in connection therewith shall be handled in the manner set forth in Pa.O.C. Rule 15.7.

Rule 15.4.1.

In every proceeding brought to terminate any parental rights as to a child born in the Commonwealth of Pennsylvania, petitioner shall obtain and provide to the Court at the time of the hearing thereon official certificates obtained from the Pennsylvania Department of Welfare (formerly obtained from the Pennsylvania Department of Health, Bureau of Vital Statistics) identifying any paternity acknowledgements or paternity claims on

file with the Department in accordance with 23 Pa.C.S. § 5103(b) as to each such child as to whom termination of parental rights is sought.

Rule 15.5.3. Adoption. Certification of Receipt of Consent.

Where a Petition for Adoption contains the Consent of a natural parent whose parental rights have not previously been terminated, petitioner's attorney shall aver in the subject petition that the natural parent has received a copy of the Consent to adoption that he/she signed.

RULE 16

PROCEEDINGS PURSUANT TO SECTION 3206 OF THE ABORTION CONTROL ACT

[Reserved.]

RULE 17

SHORT TITLE

Rule 17.1. Short Title.

These rules shall be known as Blair County Orphans' Court Rules and shall be cited as B.C.O.C. Rules.

[Pa.B. Doc. No. 09-1862. Filed for public inspection October 9, 2009, 9:00 a.m.]

CHESTER COUNTY

In Re: Imposition of Monthly Adult Probation and Parole Administrative Fee; Administrative Order No. 4-2009

And Now, this 29th day of September, 2009, it is hereby *Ordered* that a monthly administrative fee of Ten dollars (\$10.00) shall be imposed on any offender whom this Court places under the supervision of the Chester County Adult Probation and Parole Department. Assessment of this fee will commence 30 days after publication in the *Pennsylvania Bulletin*, and the monthly fee will be assessed on all individuals placed on supervision after that date and on all individuals on supervision as of that date. Payments of any and all Court-imposed financial obligations must be allocated to satisfy the payment of this fee, on a monthly basis.

This Administrative Fee shall be deposited into the Adult Probation and Parole Department Administrative Fee Account established by the Chief Adult Probation Officer. Disbursement of the funds collected from the assessment of this fee shall be allocated first to the salary and benefits of the Collection Unit of the Adult Probation and Parole Department Office, and second, to supplement any reduction in the Grant In Aid Revenues. Any excess revenues shall be disbursed only at the direction of the President Judge.

An accounting of this administrative fee shall be made quarterly to the President Judge.

It is *Further Ordered* that in accordance with Pa.R.Crim.P. 105(E) and (F), the District Court Administrator of Chester County shall:

1. Distribute two certified paper copies of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
2. Distribute to the Legislative Reference Bureau a copy of the Administrative Order on a computer diskette or on a CD-ROM, that complies with the requirements of 1 Pa. Code § 13.11(b).
3. Contemporaneously with publishing the Administrative Order in the *Pennsylvania Bulletin*, shall:

a. File one certified copy of the Administrative Order with the Administrative Office of Pennsylvania Courts; and

b. Publish a copy of the [Administrative Order] on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleslection.aspx>.

By the Court

PAULA FRANCISCO OTT,
President Judge

[Pa.B. Doc. No. 09-1863. Filed for public inspection October 9, 2009, 9:00 a.m.]

MONROE COUNTY

In Re: Administrative Order; Establishing a Standard for the Return of Overpayments in the Magisterial District Courts; No. 2 AD 2009

Order

And Now, this 16th day of September, 2009, it is *Ordered* that the Magisterial District courts of the Forty-Third Judicial District are to return all overpayments where the remitter can be identified that are in excess of two dollars (\$2.00). Overpayments that are less than two dollars are to be forwarded to the County in the normal course of fiscal business as established in the procedures for unidentified remittances by the Administrative Office of Pennsylvania Courts Procedures manual(s).

The effective date of this Order will be November 1, 2009.

By the Court

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 09-1864. Filed for public inspection October 9, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Alan S. Toppelberg having been suspended from the practice of law in the District of Columbia for a period of sixty days, with thirty days held in abeyance, by Opinion and Order of the District of Columbia Court of Appeals decided September 21, 2006, and for a period of one year by Opinion and Order of the Court decided March 5, 2009; the Supreme Court of Pennsylvania issued an Order dated September 22, 2009 suspending Alan S. Toppelberg from the practice of law in this Commonwealth consistent with the Opinions and Orders of the District of Columbia Court of Appeals. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 09-1865. Filed for public inspection October 9, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CHS. 806 AND 808]

Amendments to Project Review Regulations

Summary: This document contains amendments to the project review regulations of the Susquehanna River Basin Commission (Commission) including provisions restricting the use of docket reopening petitions to avoid abuses of process; amending the “Approval by Rule” (ABR) process to allow for project sponsors to utilize approved water sources at approved drilling pad sites without the need for modification of the ABR; clarifying that the public hearing requirement for rulemaking shall be applicable to the proposed rulemaking stage of that process; and further providing for the time period within which administrative appeals must be filed. These amendments were first proposed in a Notice of Proposed Rulemaking (NOPR) that appeared at 74 FR 31647 on July 2, 2009.

Dates: These rules are effective on November 1, 2009.

Address: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

For Further Information Contact: Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Also, for further information on the final-form rulemaking, visit the Commission’s web site at www.srbc.net.

Supplementary Information

Background and Purpose of Amendments

The Commission convened public hearings on August 4, 2009, in Harrisburg, PA and on August 5, 2009, in Elmira, NY. A written comment period was held open until August 15, 2009. Comments were received at both the hearings and during the comment period. A summary of the comments and the Commission’s responses thereto follows.

Comments by Section, Part 806

Section 806.4. Projects requiring review and approval.

Comment: The Commission’s proposal to require review and approval for any hydroelectric project regulated by the Federal Energy Regulatory Commission (FERC) and initiating a licensing or licensing amendment is defective and should not be adopted because: 1) As currently worded, the proposed amendment to 18 CFR 806.4(a) would exceed the Commission’s project review powers under Section 3.10 of the Susquehanna River Basin Compact (Compact); 2) The proposed amendment to 18 CFR 806.4(a) would produce duplicative and redundant licensing proceedings for review of hydroelectric projects and run afoul of the intent of Congress under the Federal Power Act and paragraph (w) of the Federal Reservations to the Compact to retain sole, unimpeded licensing authority in FERC; and 3) the Commission already has sufficient powers under its existing regulations and its compact authority to review aspects of hydroelectric and nuclear projects that affect water resources, and there is

no need to single out these facilities for review in the proposed amendment to 18 CFR 806.4(a).

Despite the Commission’s claim in the Notice of Proposed Rulemaking (NOPR) that it is merely codifying its current practice, the proposal represents a break with past Commission practice regarding both hydroelectric facility and nuclear power plant review without any explanation or justification for the change, and is therefore arbitrary and capricious.

The NOPR seeks to infringe on the exclusive authority of FERC granted to it under the Federal Power Act and reserved by Congress when it consented to the Compact. Nothing in the Compact provides, or even suggests, that the United States and the other parties to the Compact intended to grant the Commission review and approval authority of licensing or license amendment proceedings before FERC.

There is no need for the additional language proposed in the NOPR in that the Commission has ample authority to review and approve “projects” that are separately undertaken and that affect the water resources of the basin under its existing regulatory program. With regard to projects regulated by the Nuclear Regulatory Commission (NRC), the Compact, the Commission’s existing regulatory program and current practices are clear enough, well-established, and fully recognized by NRC, thus questioning the need for the suggested modification.

The Commission appears to be proposing that before an application can even be submitted to FERC or the NRC, application and approval must first be obtained from the Commission, which directly and materially interferes with FERC and NRC’s procedures and processes.

Response: The Commission exercises concurrent jurisdiction with FERC and the NRC and believes that its exercise of same is both appropriate and authorized under the Compact. Furthermore, it has no intention of exercising that authority in a manner that conflicts or interferes with that exercised by these two Federal agencies. Nor was it the intention of the proposed change to require Commission approval prior to the submission of licensing applications to the Federal agencies. Rather, the intention was to have the initiation of Federal licensing likewise initiate project review by the Commission. As was the case in a recent hydroelectric facility licensing process, the Commission undertakes a single, coordinated review with all Federal and State resource agencies that serves both regulatory schemes.

However, it is apparent from the comments received and the Commission’s own reconsideration that the proposed changes, as drafted, do not provide the clarification originally sought. Therefore, the Commission believes it is appropriate to suspend final action on this element of the NOPR so that it can be redrafted, particularly to ensure that it does not interfere with FERC and NRC procedures. (This is especially the case with respect to the comment that the proposal could be interpreted as requiring both review and approval prior to initiating licensing actions.) The Commission will move forward with publication of a new NOPR at such time as it completes development of a revised set of proposed changes for projects involved in licensing procedures.

Licensing and licensing amendment actions are projects that often have significant effects upon the water resources of the basin and the SRBC Comprehensive Plan.

Federal Reservations, Section 2, paragraph w of the Compact, while preserving the authority of Federal licensing authorities, also makes clear that use of the waters of the basin shall be subject to approval in accordance with the terms of the Compact.

Both the Compact and the Commission's current regulations require review and approval for, but not limited to: (1) projects on or crossing the boundary between signatory states; (2) projects in one signatory state having a significant effect on the water resources within another signatory state; and (3) projects included in the Commission's Comprehensive Plan or which would have a significant effect upon the plan. All hydroelectric and nuclear facilities in the basin meet one or more of these requirements. The Commission will therefore continue, as appropriate and as it has done in the past, to exercise concurrent authority with Federal licensing authorities to review and approve such projects.

Comment: The deletion of the existing § 806.4(a)(8) language, which requires Commission review and approval of any natural gas well development project targeting the Marcellus or Utica shale formations and involving a withdrawal, diversion or consumptive use of water, regardless of quantity, was alarming. The Commission's acknowledgement that the deletion of § 806.4(a)(8) was a drafting error, the public recognition of the error it posted on its web site upon discovery of the error, and its willingness to correct the error at the final rulemaking stage is appreciated.

Response: The Commission regrets the inadvertent proposed deletion of the provision and any confusion resulting from the error. Given that the Commission is not moving forward with any revisions to § 806.4(a)(8) as a part of this final-form rulemaking action, the error is of no affect and the provision in question remains effective. At such time as the Commission moves forward with revisions to § 806.4 as part of a new NOPR, it will be certain not to repeat the error.

Section 806.22. Standards for consumptive use of water.

Comment: Deletion of the contiguous landowner notification requirement in exchange for a display ad newspaper notice would leave such landowners without direct or effective notice, nor any guarantee that newspaper notification would provide adequate time for meaningful participation in the Approval by Rule (ABR) process. Any participation in the process would be markedly diminished, even though they remain the citizens most immediately affected. Moreover, some contiguous landowners do not reside on the affected land and thus may not be reached by the general newspaper notice. And as more newspapers fold as a result of declining readership and advertisement revenue, such notice will become increasingly inadequate.

Do not eliminate the requirement that project sponsors notify contiguous landowners as part of the ABR process; it is only fair that notice be given to the persons who are directly affected by such projects, and adjacent landowners are well placed to inform the Commission about potential adverse impacts of the approval.

Contiguous landowners need to have notice concerning water withdrawals since the presence of streams, pond or wetlands, and groundwater, contributes significantly to the value of the property. They should be entitled to notice and allowed a sufficient amount of time to comment on the impact of proposed withdrawals.

If the Commission wants to enhance public transparency, it should make information concerning applications

submitted to it available on the Commission's web site. In addition to providing information on the name of applicants, amount of water requested, location of withdrawals, date, and details of final action taken by the Commission, it should also plot withdrawals on a map display so that it is easy to see how much water is being withdrawn in a given area.

Response: The Commission acknowledges the concerns raised in the comments, but notes that there is some confusion about the scope of the ABR process. First, the process does not involve approvals for withdrawals from surface or groundwater sources. A number of the comments received spoke to the legitimate right of contiguous landowners to receive notice of proposed withdrawals because of the potential impact of their use and enjoyment and potentially diminished value to their land. Withdrawals are regulated separately by the Commission, they require separate docket approval, and contiguous landowner notification is required in advance of any Commission action. The proposed revisions do not modify those notification provisions in any way.

The ABR process involves an administrative approval for consumptive use at the natural gas well drilling pad site and enables the Commission to track all sources of water transported to the site, the quantities used in development of the well, and the fate of flowback and produced fluids. These data are important to assess the cumulative impact of this industry's activity on the water resources of the basin. A number of the comments received, however, spoke to the appropriateness of landowner notification if well drilling and hydrofracing activity was occurring adjacent to their property. The ABR process does not involve approval to drill or hydrofrac; it is limited to regulating the consumptive use of water involved in either of those activities. Approval to drill (and to undertake the related hydrofracture development activity) is a separate governmental action undertaken by the Commission's member states in the form of gas well permitting.

The impetus behind the Commission's proposal to modify contiguous landowner notice provisions in the ABR process stem from the fact that they have been problematic, administratively burdensome, and often lead to confusion at the landowner level. And while those shortcomings are pronounced with the ABR process, given the recent level of natural gas development activity, the Commission acknowledges that a number of those shortcomings are likewise present with its contiguous landowner notification requirements for docket applications as well. Therefore, after review and consideration of the comments received, as well as its own reconsideration of the appropriate scope of amendments to its existing notification procedures, the Commission believes it is appropriate to suspend action on this element of the NOPR as part of this final-form rulemaking action. Accordingly, it will move forward with publication of a new NOPR at such time as it completes development of a revised set of proposed changes to its general application notification requirements.

With respect to public transparency, note that the Commission continues to increase the amount of information contained on its web site, www.srbc.net, for the benefit of the public. Further improvements are underway, with completion anticipated by the end of 2009, that will afford greater access to approvals, requests for approval, lists of approved water sources by project sponsor, location information about approved withdrawal and consumptive use sites, and mapping features to display information to better inform the public.

Comment: The flexible use of approved water withdrawal sources by gas well developers at various drill pad sites without modification of their pad site ABR under proposed regulation § 806.22(f)(11) and (12) will mean that such withdrawals, and the ABR approved well pad sites they serve, will receive less regulatory scrutiny.

Response: All such withdrawals will have already been fully reviewed and approved by the Commission prior to any use and will have met all public notice requirements at the time of their initial approval. This means that the impacts of withdrawals will have been fully evaluated and appropriate conditions such as passby requirements included. All users of these approved sources will be subject to the same limitations and conditions contained in the approved docket.

In approving a withdrawal, the Commission exercises continuing regulatory oversight and can, at any time, reopen the docket approval and add new conditions or make further orders to meet any changed conditions and otherwise protect the public welfare and the environment. In addition, the main purpose of the proposed change is to simplify administrative procedures without compromising regulatory oversight.

Again, as noted previously, the ABR process involves an administrative approval for consumptive use at the natural gas well drilling pad site and enables the Commission to track all sources of water transported to the site, the quantities used in development of the well, and the fate of flowback and produced fluids. The substantive evaluation of withdrawals and the conditions under which they may be undertaken without impact to the environment or other users occurs under the Commission's withdrawal regulations, and not the ABR process for which changes are proposed under this NOPR.

Comment: The proposed changes to § 806.22(f)(11) and (12) would eliminate core safeguards for the water-related values that the Commission is committed to protect by allowing project sponsors to shift water from one project to another without even registering the transfer with the Commission.

Response: This is a misreading of the NOPR and implies that project sponsors will be shifting water sources from one drilling pad site to another without oversight by the Commission. To the contrary, what the Commission is proposing is a system whereby each project sponsor engaged in natural gas development will have an approved list of water sources for which it has received docket approvals, with accompanying conditions to properly limit and monitor its withdrawals from each of those sources. The sources are added to the list at the time of docket approval, which effectively registers them for use at the project sponsor's approved drilling pad sites. The Commission sees no need to require a separate registration action by the project sponsor when it can be done administratively at the time of docket approval. All other sources that the project sponsor may use at its approved drilling pad sites must first be registered or otherwise approved by the Commission.

Comment: The proposed changes to § 806.22(f)(12) would permit project sponsors to share and trade water sources without obtaining new or modified ABRs, and without certifying to the Commission their intention to comply with all terms and conditions of each other's ABRs, and would authorize new sources of water without modifying the existing ABRs.

Response: The terms and conditions incorporated into every water source approval, and every ABR issued by

the Commission, must be adhered to by project sponsors. The purposes of the proposed modifications are to facilitate efficient water use and water sharing by the natural gas industry, and to streamline administrative processes so that the Commission's resources are better focused on substantive review and management of water resources, not inefficient bureaucracy. Issuing a single approval for a given water source and allowing its use at any of the project sponsor's approved drilling pad sites, with appropriate conditions and monitoring requirements, is far preferable than requiring the project sponsor, and the Commission, to modify each and every ABR issued to the project sponsor, which could number in the hundreds over time. From a water resources management standpoint, the issue is whether the source is approvable for use without adverse effect, regardless of whether the project sponsor intends to utilize the source at one site, or multiple sites. Allowing water sharing limits the number of withdrawals across the basin and limits tanker truck traffic by allowing project sponsors to use the closest approved water source site, even if the withdrawal approval was first issued to another operator. Adherence to all docket conditions, and ABR recordkeeping and reporting conditions, will continue to be required of all project sponsors, resulting in a full daily accounting of all water withdrawn across the basin (by source, by date, by project sponsor), where it was delivered to, and quantities used onsite.

Comment: The new proposed § 806.22(f)(11) and (12)(ii) contain language requiring the project sponsor to obtain all necessary approvals required for the project from the state agency. However, such reference to the need for state agency approval is absent from new proposed § 806.22(f)(12)(i). For the regulation to be internally consistent and for member state agency coordination purposes, a sentence should be added at the end of § 806.22(f)(12)(i) that is similar to the one contained in § 806.22(f)(12)(ii), indicating that registrations "shall be subject to any approval or authorization required by the member State to utilize such source(s)." The proposed language would put the project sponsor on notice that it would also need State-level authorization to use such source at the time it is registered with the Commission and before its use for natural gas well development.

Response: The Commission agrees with the commentator and the final-form rulemaking incorporates the proffered language.

Section 806.32. Reopening/modification.

Comment: This procedural change will allow interested parties' to fully participate in Commission processes, while avoiding unnecessary or duplicative proceedings.

Response: The Commission agrees.

Comment: Due process requires that the Commission narrowly construe its proposal to prevent persons whose administrative appeals are denied from petitioning for reopening of the approval seeking the same or similar relief absent new facts not known or readily discernable at the time of the appeal. Concern is raised about the use of the term "similar" being applied in such a way as to frustrate legitimate new claims, and the term "functionally equivalent" is recommended to be inserted in its place.

Response: The Commission agrees and the final-form rulemaking incorporates the proffered language.

Comment: We oppose the proposed restrictions to petitioning and reopening a docket.

Response: The Commission believes that any interested party should have the right to petition for a reopening of a project approval, but believes that parties attempting to use this provision to obtain administrative review of matters for which administrative appeals were denied constitutes an abuse of process and should be restricted.

Comments by Section, Part 808

Section 808.1. Public hearings.

Comment: We agree that the Commission should hold at least one public hearing within a reasonable period after rules revisions are initially proposed. The rule leaves open the option of convening additional hearings if, for example, the Commission recommends substantial changes in response to comments on the initial proposed rulemaking.

Response: The Commission agrees with the interpretation of the commentator. As structured, the rule would require the Commission to convene at least one additional hearing in the event changes to an NOPR are substantial and result in republication.

Section 808.2. Administrative appeals.

Comment: The proposed constructive notice rule allowing the appeal period for persons other than project sponsors to run 30 days from the date of publication of the action in the *Federal Register* is respectful of due process rights and is commendable.

Response: The Commission agrees that this modification advances the due process rights of interested parties and has retained it in this final-form rulemaking action.

Comment: This procedural change will maximize interested parties' ability to fully participate in Commission processes.

Response: The Commission agrees.

List of Subjects in 18 CFR Parts 806 and 808

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Parts 806 and 808 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

Subpart C—Standards for Review and Approval

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq.

2. In § 806.22, revise paragraph, (f)(11) and add paragraph (f)(12) to read as follows:

§ 806.22—Standards for consumptive use of water.

* * * * *

(f) * * *

* * * * *

(11) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any water source approved for use by the project sponsor for natural gas well development pursuant to § 806.4 or this section, at the applicable drilling pad site subject to any approval or authorization required by the member state to utilize such source(s).

(12) The following additional sources of water may be utilized by a project sponsor in conjunction with an approval by rule issued pursuant to subsection (f)(9) of this section:

(i) Water withdrawals or diversions approved by the Commission pursuant to § 806.4(a) and issued to persons other than the project sponsor, provided any such source is approved for use in natural gas well development, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in a manner as prescribed by the Commission, and provides a copy of same to the appropriate agency of the member state. Any approval issued hereunder shall be further subject to any approval or authorization required by the member state to utilize such source(s).

(ii) Sources of water other than those subject to paragraph (f)(12)(i) of this section, including, but not limited to, public water supply, wastewater discharge or other reclaimed waters, provided such sources are first approved by the Executive Director pursuant to this section. Any request to utilize such source(s) shall be submitted on a form and in a manner as prescribed by the Commission, and shall be subject to review pursuant to the standards set forth in subpart C of this part. Any approval issued hereunder shall be further subject to any approval or authorization required by the member state to utilize such source(s). The notice requirements related to agencies of member states, municipalities and counties contained in paragraph (f)(2) of this section, and the notice requirements contained in paragraph (f)(3) of this section, shall likewise be applicable to any request submitted hereunder.

Subpart D—Terms and Conditions of Approval

3. In § 806.32, revise paragraph (a) to read as follows:

§ 806.32—Reopening/modification.

(a) Once a project is approved, the Commission, upon its own motion, or upon petition of the project sponsor or any interested party, may at any time reopen any project approval and make additional orders or otherwise modify or impose such additional conditions that may be necessary to mitigate or avoid adverse impacts or to otherwise protect the public health, safety, and welfare or water resources. Whenever a petition for reopening is filed by an interested party, the burden shall be upon that interested party to show, by a preponderance of the evidence, that a significant adverse impact or a threat to the public health, safety and welfare or water resources exists that warrants reopening of the docket. Notwithstanding the foregoing, any petition filed by a party who previously sought the same or functionally equivalent relief identified in the petition pursuant to the administrative appeals process under § 808.2 will not be eligible for consideration by the Commission absent new facts not known or readily discernable at the time of consideration of the petitioner's previous request for administrative appeal filed pursuant to 18 CFR 808.2.

* * * * *

PART 808—HEARINGS AND ENFORCEMENT ACTIONS

Subpart A—Conduct of Hearings

4. The authority citation for Part 808 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq.

5. In § 808.1, revise paragraphs (a)(2) and (c) to read as follows:

§ 808.1—Public hearings.

(a) * * *

(2) Proposed rulemaking.

* * * * *

(c) Notice of public hearing. At least 20 days before any public hearing required by the compact, notices stating the date, time, place and purpose of the hearing including issues of interest to the Commission shall be published at least once in a newspaper of general circulation in the area affected. Occasions when public hearings are required by the compact include, but are not limited to, amendments to the comprehensive plan, drought emergency declarations, and review and approval of diversions. In all other cases, at least 10 days prior to the hearing, notice shall be posted at the office of the Commission (or on the Commission web site), mailed by first class mail to the parties who, to the Commission's knowledge, will participate in the hearing, and mailed by first class mail to persons, organizations and news media who have made requests to the Commission for notices of hearings or of a particular hearing. With regard to rulemaking, the Commission shall convene at least one public hearing on any proposed rulemaking it approves for public review and comment. For any such hearing(s), notices need only be forwarded to the directors of the New York Register, the Pennsylvania Bulletin, the Maryland Register and the Federal Register, and it is sufficient that this notice appear only in the Federal Register at least 20 days prior to the hearing and in each individual state publication at least 10 days prior to any hearing scheduled in that state.

6. In § 808.2, revise paragraph (a) to read as follows:

§ 808.2—Administrative appeals.

(a) A project sponsor or other person aggrieved by any action or decision of the Commission or Executive Director may file a written appeal requesting a hearing. Except with respect to project approvals or denials, such appeal shall be filed with the Commission within 30 days of the action or decision. In the case of a project approval or denial, such appeal shall be filed by a project sponsor within 30 days of receipt of actual notice, and by all others within 30 days of publication of notice of the action taken on the project in the Federal Register.

Dated: September 16, 2009.

THOMAS W. BEAUDUY, Deputy Director

(Editor's Note: The regulations of the Commission, 25 Pa. Code Chapters 806 and 808, are amended by amending §§ 806.1 and 808.1 to read as set forth in Annex A.)

Fiscal Note: Fiscal Note 72-7 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IV. SUSQUEHANNA RIVER BASIN COMMISSION

CHAPTER 806. REVIEW AND APPROVAL OF PROJECTS

§ 806.1. Incorporation by reference.

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2009) (relating to review and approval of projects) are incorporated by reference and made part of this title.

CHAPTER 808. HEARINGS AND ENFORCEMENT ACTIONS

§ 808.1. Incorporation by reference.

The regulations and procedures for hearings/enforcement actions as set forth in 18 CFR Part 808 (2009) (relating to hearings and enforcement actions) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 09-1866. Filed for public inspection October 9, 2009, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 147]

[Correction]

Annual Audited Insurers' Financial Report Required

Errors occurred in the final-form rulemaking which appeared at 39 Pa.B. 5730, 5735 (October 3, 2009) in § 147.6 (relating to recognition, qualification and responsibilities of an independent certified public accountant). The correct version of § 147.6(h) and (j) is as follows, with ellipses referring to the existing text of the regulations.

§ 147.6. Recognition, qualification and responsibilities of an independent certified public accountant.

* * * * *

(h) The following provisions apply to applications for relief and exemptions.

(1) An insurer may apply to the Commissioner for relief from subsection (b)(5) or subsection (d), or both, on the basis of unusual circumstances. In determining whether relief should be granted, the Commissioner may consider the following factors:

(i) The number of partners, the expertise of the partners or the number of insurance or continuing care provider clients in the currently registered firm.

(ii) The premium volume of the insurer or revenue volume of the continuing care provider.

(iii) The number of jurisdictions in which the insurer transacts business.

(2) If relief is granted, the insurer shall include a copy of the granted relief with its audited financial report filed under § 147.3(a) (relating to filing and extensions for filing required reports and communications).

(3) An insurer with direct written and assumed premium less than \$100,000,000 in a calendar year may apply for exemption from subsection (b)(6) on the basis of financial or organizational hardship under § 147.13(g) (relating to effective date and exemption).

(4) The requirements of subsection (b)(5) and (6) and subsections (e), (f) and (g) do not apply to continuing care providers.

(i) The Commissioner will not recognize as a qualified independent certified public accountant, nor accept an annual audited financial report prepared in whole or in part by a natural person who meets one of the following conditions:

(1) The person has been convicted of fraud, bribery, a violation of 18 U.S.C.A. Chapter 96 (relating to the Racketeer Influenced and Corrupt Organizations) or any dishonest conduct or practice under Federal or state law.

(2) The person has been found to have violated the insurance laws of the Commonwealth with respect to previous reports submitted under this chapter.

(3) The person has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under this chapter.

(j) The Commissioner may hold a hearing in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and Chapters 56 and 57

(relating to special rules of administrative practice and procedure; and publication of citations and notice of hearings) to determine whether a certified public accountant is qualified and, considering the evidence presented, may rule that the accountant is not independent or qualified, or both, for purposes of expressing an opinion on the financial statements in the audited financial report made under this chapter and may require the insurer to replace the certified public accountant.

[Pa.B. Doc. No. 09-1831. Filed for public inspection October 2, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

CANINE HEALTH BOARD

[7 PA. CODE CHS. 28 AND 28a]

Canine Health Board Regulations; Public Hearing

The Department of Agriculture (Department) gives notice that a public hearing has been scheduled in this Commonwealth regarding the proposed Canine Health Board regulations, published under section 221(g) of the Dog Law (Law) (3 P. S. § 459-221(g)). Section 902 of the Law (3 P. S. § 459-902) requires a public hearing to be held prior to the promulgation of a regulation. Section 902 of the Law states, "The secretary, after due notice and a public hearing, may promulgate rules and regulations to carry out the provisions and intent of this act." As such, this public hearing is being held under the statutory mandate of the act and is not part of the regulatory review process.

There is a formal process, under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), under which written public comments (by means of hardcopy or e-mail) on the Board regulations may be submitted to the Department. Persons who wish to submit comments for response, must be submitted by means of the regulatory review process. The proposed regulations are available for viewing at 39 Pa.B. 5315 (September 12, 2009) or online at www.pabulletin.com. This document describes the 45-day window (September 12 through October 27) within which interested persons may submit written comments on the proposed Board regulations.

The public hearing will be held on Friday, October 16, 2009, from 9 a.m. to 12 p.m. at the Department of Agriculture, Conference Room 309, 2301 North Cameron Street, Harrisburg, PA 17110 to address the proposed regulation. The purpose of the public hearing is to take testimony and hear public opinion regarding the proposed Board regulations. Testimony will be limited to issues regarding the proposed regulations.

Persons are welcome to attend the hearing and offer oral or written testimony to be included in the record of the hearing. Persons wishing to offer written testimony at the public hearing must submit written testimony no later than 2 days prior to the hearing. All written testimony will be identified and entered into the record at the beginning of the hearing. Individuals wishing to offer oral testimony should schedule a time to testify by contacting Jill Brownfield at (717) 214-3758 no later than 2 days prior to the hearing. Each person testifying will be allotted 5 minutes for oral testimony. The Department will try to allot time for walk-in testimony.

RUSSELL C. REDDING,
Acting Secretary

[Pa.B. Doc. No. 09-1867. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

[Correction]

Industrialized Housing

An error occurred in the preamble to the proposed rulemaking which appeared at 39 Pa.B. 4423, 4424 (August 1, 2009). The correct version of the affected paragraphs is as follows:

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the agency submitted a copy of this proposed rulemaking on July 20, 2009, to the Independent Regulatory Review Commission (IRRC), the Chairperson of the House Urban Affairs Committee and the Chairperson of the Senate Community, Economic and Recreational Development Committee (Committees). In addition to submitting the proposed rulemaking, the agency has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed rulemaking, it will notify the agency by September 30, 2009. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the agency, the General Assembly and the Governor of objections raised.

Effective Date/Sunset Date

(a) The regulations will become effective 60 days after final publication of the amendments in the *Pennsylvania Bulletin*.

(b) These regulations are monitored on a regular basis and updated as needed.

Contact Person

Interested persons are invited to submit in writing, by August 31, 2009, any comments, suggestions or objections regarding the proposed regulation to Mark Conte, Chief, Housing Standards Division, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 720-7416.

[Pa.B. Doc. No. 09-1372. Filed for public inspection July 31, 2009, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 111.56 (relating to Somerset County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendment is described in more detail under the summary of the proposal. On June 9, 2009, the Commission's Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

E. Summary of Proposal

A recent review of § 111.56 shows that subsections (c), (d) and (e) regarding Lake Somerset, High Point Lake, and Cranberry Glade Lake, were not included when the Commission reorganized its boating regulations in 1994. These subsections were inadvertently omitted at the time and thus were not part of the rulemaking package that was published in the *Pennsylvania Bulletin*. The Commission therefore proposes that § 111.56 be amended to add these overlooked subsections as set forth in Annex A. It is noted that because these lakes are owned or controlled by the Commission, it is already illegal to operate boats with internal combustion motors under § 53.8(a) (relating to boats).

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commis-

sion, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-214. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

Subpart C. BOATING

§ 111.56. Somerset County.

* * * * *

(c) **Lake Somerset.** The operation of boats powered by internal combustion motors is prohibited.

(d) **High Point Lake.** The operation of boats powered by internal combustion motors is prohibited.

(e) **Cranberry Glade Lake.** The operation of boats powered by internal combustion motors is prohibited.

[Pa.B. Doc. No. 09-1868. Filed for public inspection October 9, 2009, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

[Correction]

EFDA Program Approval

An error occurred in the proposed rulemaking which appeared at 39 Pa.B. 5597 (September 26, 2009).

The State Board of Dentistry (Board) proposes to amend §§ 33.1, 33.3, 33.102 (relating to definitions; fees; and professional education) and to add § 33.117 (relating to EFDA program approval), to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The proposed rulemaking is authorized under section 3(a) and (b), (d.1)(1) and (o) of the Dental Law (63 P. S. § 122(a), (d.1)(1) and (o)). Section 3(a) authorizes the Board to "establish and alter, from time to time, the standards of preliminary and professional education and training required for . . . certification for expanded func-

tion dental assistants.” Section 3(b) authorizes the Board to “investigate and determine the acceptability and to approve and disapprove institutions and colleges of this State and of other states and countries for the education of students desiring to be . . . certified as expanded function dental assistants, and to revoke approvals where such institutions and colleges are no longer deemed proper.” Section 3(d.1)(1) provides the general authority for the Board to provide for and to regulate the certification of expanded function dental assistants. Section 3(o) provides the general authority of the Board “to adopt, promulgate and enforce such rules and regulations as may be deemed necessary by the Board.”

Background and Purpose

The act of December 27, 1994, (P. L. 1361, No. 160) (Act 160) amended the Dental Law to require the certification and regulation of expanded function dental assistants (EFDAs). Act 160 required dental assistants who desired to be certified as EFDAs to complete an education program and pass an examination approved by the Board. The Board, through regulations published on May 13, 2000, determined that the examination would include both a written component and a clinical component to ensure that certificateholders possess the requisite knowledge and skills to properly and safely perform their job functions. At the time, many interested parties and stakeholders, including dentists, dental hygienists, dental assistants and their professional associations participated in the development of the rulemaking. A major impetus for including the clinical component came from the dental assisting community itself, who felt that a clinical exam was necessary.

Ultimately, after years of attempts at obtaining a suitable examination through “requests for proposals” as well as through sole-source contracting, the Board was unable to identify a vendor who could provide a valid, reliable and defensible clinical exam that was also affordable to candidates. Because there is no widely available regional or National examination for EFDAs, the costs of developing and administering a Pennsylvania-specific examination for EFDAs would have to be borne by a rather small pool of candidates. Due in part to the projected costs of the clinical component of the examination, temporary permit holders and members of the legislature asked the Board to take another look at the clinical component requirement. As a result, the Board held a public hearing on July 21, 2001. Based upon the testimony received, as well as written comments, the Board was persuaded that the clinical component could be eliminated while still meeting its goals of public protection by placing more emphasis on standardizing EFDA education. Thereafter, the Board initiated proposed rulemaking to eliminate the clinical component of the examination and developed nonbinding “guidelines” for EFDA education programs.

In the intervening years, the Board developed five drafts of the “EFDA curriculum guidelines” by working with members of the dental community as well as dental educators. Eventually, the Board determined that the guidelines should be promulgated as regulations in order to assure that all EFDA education programs meet minimum requirements and that all candidates for EFDA certification must demonstrate competence in performing each of the dental procedures permitted under the Dental Law prior to graduation from an EFDA program. An “exposure draft” of the proposed rulemaking was distributed to over 150 interested parties and stakeholders in September of 2006, including each of the EFDA training programs currently operating in the Commonwealth. The

Board received comments from the Pennsylvania Dental Hygienist’s Association, the Pennsylvania Dental Association, the Pennsylvania Academy of General Dentistry, the Pennsylvania Association of Private School Administrators, Harcum College’s EFDA Program Director, the Bradford School, Temple University School of Dentistry, the Independent Regulatory Review Commission (IRRC) and five individual dentists. As a result of the comments received, the Board is proposing the following amendments to its regulations relating to EFDA program approval.

Description of Proposed Amendments

The Board proposes to amend § 33.1 (relating to definitions) to include a definition of “EFDA program.” Section 33.3 (relating to fees) would be amended to include a fee of \$80 for EFDA program approval applications.

Section 33.102 (relating to professional education) would be amended to provide for the certification of an EFDA who graduates from a “board-approved” EFDA program that meets the criteria set forth in proposed § 33.117 (relating to EFDA program approval).

Section 33.117(a) proposes definition of terms relating to EFDA program approval including: “clinical setting,” “clinical evaluation,” “clinical instruction,” “competencies,” “competent” and “laboratory or preclinical instruction.” Subsection (b) sets forth the requirement for EFDA programs to apply for approval and pay an application fee. It also outlines the contents of the application for EFDA program approval.

Subsection (c) sets forth the criteria for EFDA program approval. Paragraph (1) sets forth standards relating to planning and assessment. It requires EFDA programs to establish program goals and objectives and to develop specific criteria for measuring levels of competency to reflect the acceptable and prevailing standards and expectations of the dental community for each of the procedures an EFDA is authorized to perform under § 33.205a (relating to practice as an expanded function dental assistant). Paragraph (2) sets forth the requirements for institutional accreditation. Paragraph (3) sets forth the requirement of a program director who is responsible for the operations of the EFDA program. Paragraph (4) sets forth the qualifications required of EFDA program faculty. Paragraph (5) sets forth the requirement for physical facilities and equipment, and provides for off-campus clinical facilities and extramural dental offices for internships or externships. Paragraph (6) sets forth the minimum requirements for EFDA program curriculum. Paragraph (7) requires candidates for graduation from an EFDA program to demonstrate certain required competencies, and that clinical competency be determined by at least one licensed dentist evaluator in a clinical setting. It also provides for documentation of the student’s competency attainment to be maintained by the EFDA program for a minimum of 5 years from graduation or completion of the program and that the documentation be provided to the Board as part of the student’s initial application for certification as an expanded function dental assistant.

Finally, subsection (d) sets forth the procedure for denying approval to an EFDA program or for removing an EFDA program from the approved list.

Fiscal Impact and Paperwork Requirements

The proposed amendments should have no fiscal impact on the Commonwealth or its political subdivisions because the costs associated with processing EFDA program approval applications will be borne by applicants.

The proposed amendments will require the Board to develop an application for EFDA program approval, but

should not result in any additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 16, 2009, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking.

JOHN V. REITZ, D.D.S.,
Chairperson

Fiscal Note: 16A-4616. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

EFDA program—An expanded function dental assisting training program.

* * * * *

§ 33.3. Fees.

(a) Following is a schedule of fees charged by the Board:

* * * * *

EFDA program approval application fee \$ 80

* * * * *

Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS AND CERTIFICATION OF EXPANDED FUNCTION DENTAL ASSISTANTS

§ 33.102. Professional education.

* * * * *

(c) Expanded function dental assistants.

(1) Candidates for certification as expanded function dental assistants shall show compliance with section 3(d.1) of the act by submitting verification of one of the following:

(i) Graduation from [an expanded function dental assisting program] a Board-approved EFDA program at a 2-year college or other institution accredited or provisionally accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation which offers an Associate Degree.

(ii) Graduation from a dental hygiene school which required the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions accredited or provisionally accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association.

(iii) Completion of a Board-approved certification program in expanded function dental assisting of at least 200 hours of clinical and didactic instruction from a dental assisting program accredited by one of the following:

(A) The Commission on Dental Accreditation (CODA) of the American Dental Association.

* * * * *

(2) The Board will approve EFDA programs that meet the criteria in § 33.117 (relating to EFDA program approval).

[(2)](3) Candidates for certification who receive their professional education outside the United States or from a nonaccredited program may satisfy the education requirement by submitting their credentials to a program listed in paragraph (1) and obtaining additional training that will lead to the awarding of a degree by that school.

[(3)](4) This subsection does not apply to persons who are not required to meet the educational requirements under section (3)(d.1)(2) of the act.

(Editor's Note: Proposed § 33.117 is new and printed in regular text to enhance readability.)

§ 33.117. EFDA program approval.

(a) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Clinical setting—

(i) A setting in which expanded function dental assisting procedures are performed through direct patient care.

(ii) The term does not include any setting where procedures are performed on typodonts, manikins or by other simulation methods.

Clinical evaluation—An evaluation system based on observation of a student's performance of clinical skills in contexts that resemble those the student will be expected to encounter as an expanded function dental assistant in a dental office.

Clinical instruction—A learning experience in a clinical setting where the student performs expanded functions on patients under the supervision of an instructor.

Competencies—Statements describing the necessary requirements to perform each procedure in § 33.205a (relating to practice as an expanded function dental assistant) to the level required to meet the acceptable and prevailing standard of care within the dental community in this Commonwealth.

Competent—Having sufficient knowledge, skill and expertise in performing expanded functions to meet and maintain the acceptable and prevailing standard of care within the dental community in this Commonwealth.

Laboratory or preclinical instruction—A learning experience in which students perform expanded functions using study models, typodonts, manikins or other simulation methods under the supervision of the instructor.

(b) *Application.* EFDA programs shall apply for Board approval on forms to be provided by the Board and pay the fee set forth in § 33.3 (relating to fees). The application must include the following information:

- (1) EFDA program goals and objectives.
- (2) Criteria for measuring competencies.
- (3) Documentation of accreditation as required under section 3(d.1) of the act (63 P. S. § 122(d.1)).
- (4) The curriculum vitae and job description of the EFDA program director.
- (5) The curriculum vitae and job description of each faculty member assigned to the EFDA program.
- (6) A description of the physical facilities and equipment used by the EFDA program for laboratory, preclinical and clinical instruction.
- (7) A copy of the formal written agreement for the use of off-campus laboratory, preclinical or clinical facilities, if applicable.
- (8) Course outlines, course descriptions or syllabi for the EFDA program curriculum.
- (9) Other information requested by the Board.

(c) *Requirements for approval.* The Board will approve EFDA programs that meet the following requirements:

- (1) *Planning and assessment.*
 - (i) The EFDA program shall delineate its program goals and objectives for preparing individuals in the expanded function dental assisting procedures set forth in § 33.205a to a level consistent with the acceptable and prevailing standard of care within the dental community in this Commonwealth.
 - (ii) The EFDA program shall develop specific criteria for measuring levels of competency for the procedures set forth in § 33.205a which must reflect the acceptable and prevailing standards and expectations of the dental community. Students shall be evaluated by faculty according to these predetermined criteria.
 - (iii) The EFDA program shall record and retain student clinical evaluations as documentation of student competency for a minimum of 5 years from the student's graduation or completion of the EFDA program.

(2) *Institutional accreditation.* The EFDA program shall comply with the accreditation requirements of section 3(d.1) of the act and § 33.102(c) (relating to professional education).

(3) *Program director.* The EFDA program shall identify a program director who is responsible for and involved in the following:

- (i) Student selection.
- (ii) Curriculum development and implementation.
- (iii) Ongoing evaluation of program goals, objectives, content and outcomes assessment.
- (iv) Annual evaluations of faculty performance including a discussion of the evaluation with each faculty member.
- (v) Evaluation of student performance and maintenance of competency records for 5 years from graduation or completion of the EFDA program.
- (vi) Participation in planning for and operation of facilities used in the EFDA program.
- (vii) Evaluation of the clinical training and supervision provided in affiliated offices and off-campus facilities, as applicable.
- (viii) Maintenance of records related to the EFDA program, including instructional objectives and course outcomes.

(ix) Instruction of all licensed dentists overseeing off-campus clinical procedures performed by EFDA students to ensure that the policies and procedures of the off-campus facility are consistent with the philosophy and objectives of the EFDA program.

(4) *Faculty.* An EFDA program faculty member shall either be a dentist who holds a current license in good standing from the Board, or shall have or possess the following:

- (i) A current expanded function dental assistant certificate issued by the Board.
- (ii) A minimum of 2 years of practical clinical experience as an expanded function dental assistant.
- (iii) Current National certification as a certified dental assistant (CDA) issued by the Dental Assisting National Board.

(iv) Completed, or is in the process of completing, a course in education methodology of at least 3 credits or 45 hours offered by an accredited institution of postsecondary education.

(5) *Facilities.*

(i) The EFDA program shall provide adequate physical facilities and equipment for laboratory, preclinical and clinical instruction.

(ii) If the EFDA program contracts for off-campus laboratory, preclinical or clinical instruction facilities, the following conditions must be met:

(A) There must be a formal written agreement between the EFDA program and the laboratory, preclinical or clinical facility.

(B) In off-campus clinical facilities, a licensed dentist shall oversee all dental procedures performed on patients by EFDA program students. The licensed dentist shall receive instruction to ensure that the policies and procedures of the off-campus facility are consistent with the philosophy and objectives of the EFDA program.

(iii) The standards in this paragraph are equally applicable to extramural dental offices or clinic sites used for clinical practice experiences, such as internships or externships.

(6) *Curriculum.* The curriculum of an EFDA program must consist of the following components:

(i) *General education.* The EFDA program shall include general education subjects as determined by the educational institution with a goal of preparing the student to work and communicate effectively with patients and other health care professionals.

(ii) *Dental sciences.* The EFDA program shall include content in general dentistry related to the expanded functions set forth in § 33.205a, including courses covering the following topics:

- (A) Dental anatomy.
- (B) Occlusion.
- (C) Rubber dams.
- (D) Matrix and wedge.
- (E) Cavity classification and preparation design.
- (F) Bases and liners.
- (G) Amalgam restoration.
- (H) Composite restoration.
- (I) Sealants.
- (J) Crown and bridge provisional fabrication.
- (K) Dental law and ethics.

(iii) *Clinical experience component.* The EFDA program shall include a minimum of 120 hours of clinical experience performing expanded function dental assisting procedures as an integral part of the EFDA program. The clinical experience component shall be designed to achieve a student's clinical competence in each of the expanded function dental assisting procedures set forth in § 33.205a.

(7) *Demonstrating competency.*

(i) *General education.* Students of the EFDA program shall be required to demonstrate competency in general education subjects by attaining a passing grade on written or oral examinations.

(ii) *Laboratory and preclinical instruction.* Students of the EFDA program shall be required to demonstrate competency by attaining a score of at least 80% in all laboratory and preclinical courses. Students shall be required to demonstrate the knowledge and skills required to:

- (A) Carve the anatomy of all teeth.
- (B) Establish proper contact areas, embrasures, marginal adaptation, as well as facial and lingual heights of contour so as to restore the proper tooth form and function in all restorative materials.
- (C) Apply the basic concepts and terms of occlusion and carving concepts in the restoration of proper occlusal relationships.
- (D) Describe the problems associated with improper contouring of restorations.
- (E) Identify and differentiate G.V. Black's cavity classifications.
- (F) Select, prepare, assemble, place and remove a variety of matrices and wedges.
- (G) Place and finish Class I-VI restorations with correct marginal adaptation contour, contact and occlusion.
- (H) Assemble, place and remove rubber dams.

(I) Place sealants.

(J) Crown and bridge provisional fabrication.

(K) Understand the act and this chapter as they apply to an expanded function dental assistant's responsibilities.

(iii) *Clinical experience.* EFDA program students shall be evaluated and deemed clinically competent by at least one licensed dentist evaluator in a clinical setting. The EFDA program director shall instruct the dentist clinical evaluators regarding the required competencies to ensure consistency in evaluation. Clinical competency is achieved when the dentist evaluator confirms the student has sufficient knowledge, skill and expertise in performing expanded functions to meet and maintain the acceptable and prevailing standard of care within the dental community in this Commonwealth.

(iv) *Documenting competency.*

(A) The EFDA program faculty and program director shall document the student's general education, preclinical and laboratory competency attainment.

(B) The licensed dentist evaluator shall document the student's clinical competency attainment prior to graduation from the EFDA program.

(C) The EFDA program director shall provide documentation of the student's competency attainment to the Board as part of the student's application for certification as an expanded function dental assistant.

(D) The EFDA program shall retain the student's competency documentation for a minimum of 5 years from graduation or completion of the EFDA program.

(d) *Refusal or withdrawal of approval.* The Board may refuse to approve an EFDA program or may remove an EFDA program from the approved list if it fails to meet and maintain the requirements in this section, in accordance with the following:

(1) The Board will give an EFDA program notice of its provisional denial of approval or of its intent to remove the program from the approved list.

(2) The notice will set forth the requirements that are not being met or maintained by the EFDA program.

(3) A program served with a provisional denial or notice of intent to remove will be given 45 days in which to file a written answer to the notice.

(4) The EFDA program will be provided an opportunity to appear at a hearing to demonstrate why approval should not be refused or withdrawn.

(5) The Board will issue a written decision.

(6) The Board's written decision is a final decision of a governmental agency subject to review under 2 Pa.C.S. § 702 (relating to appeals)

[Pa.B. Doc. No. 09-1785. Filed for public inspection September 25, 2009, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES DEPARTMENT OF AGRICULTURE

[70 PA. CODE CH. 110]

State Metrology Laboratory Fee Schedule

The Department of General Services (DGS) and the Department of Agriculture (PDA) propose to amend the fees for testing services performed by the State Metrology Laboratory (Laboratory) by amending the PDA's current regulation in 70 Pa. Code § 110.2 (relating to State Metrology Laboratory fee schedule). The proposed amendment would read as set forth in Annex A.

Statutory Authority

The Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101—4194) (act) is the legal authority for the proposed amendment. The act requires that DGS establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. See 3 Pa.C.S. § 4178 (relating to fees). In section 4190 (relating to rules and regulations), it provides PDA's authority to regulate as necessary to implement the act.

Purpose of the Regulation

The amendment will fulfill the statutory requirement that DGS establish, charge and collect the fees described in section 4178 of the act. Currently, the Laboratory provides these services based upon a fee schedule established over 5 years ago, and promulgated in 2005. The proposed amendment is necessary to comply with the act. The amendment will ensure that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required.

Background

Reorganization Plan No. 1 of 1986 (71 P.S. § 751-38) transferred PDA's statutory functions, powers and duties relating to weights and measures laboratory testing to DGS. PDA retained general weights and measures enforcement responsibility. This division of responsibilities between DGS and PDA was repeated in the act, which took effect in 1997.

DGS manages and operates the Laboratory, as part of the Division of Quality Assurance in the Bureau of Purchases under the Deputy Secretary for Procurement.

In 2005, PDA promulgated regulations under authority of the act. These regulations appear in Title 70 (relating to weights, measures and standards). In particular, 70 Pa. Code § 110.1 (relating to metrology services) states that a Laboratory will charge a fee for conducting tests that may be required for device type approval under this chapter, and for Laboratory calibration, type evaluation and any other testing services it performs under authority of the act. A fee schedule was first included in the regulations adopted in 2005.

The proposed amendment would update the schedule of fees.

Overview of the Proposed Regulation

The proposed amendment would amend § 110.2 to update the fees charged by DGS for Laboratory testing services.

Affected Individuals and Organizations

Each year, the Laboratory provides metrology calibration, type evaluation and testing for several hundred persons, who sell, install, service or repair commercially used weighing and measuring devices and who must have the accuracy of their field standards verified under 70 Pa. Code § 6.3 (relating to field standards). Last year the Laboratory provided approximately 991 services—including services to approximately 414 private persons.

Cities and counties which are required to procure standards of weights and measures and any additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment) are exempt from the fee requirements with respect to the calibration, evaluation or other testing of those standards and equipment. See 3 Pa.C.S. § 4178.

The general public will benefit because the fees generated will pay for services which are now paid for in part by taxpayer dollars.

Fiscal Impact

Commonwealth

The estimated annual revenue to the Commonwealth (DGS) from the proposed amendment is approximately \$125,000. The proposed amendment should not result in additional costs to the Commonwealth.

Public Sector

No other government entity will incur any costs or realize any savings.

General Public

The proposed amendment will impose no costs and have no fiscal impact upon the general public.

Affected Businesses

The affected businesses, which use Laboratory services, will have to pay the fees set in the proposed amendment. The anticipated average fee per user is estimated to be \$302.

Paperwork Requirements

The proposed amendment will not result in an increase in paperwork for the Laboratory, which already is required to issue invoices, collect payments and transmit payments to the State Treasury. Similarly, under section 4193(c) of the act (relating to disposition of funds), the Treasury Department will have no increase in paperwork.

Effective Date

The proposed amendment will take effect upon publication in the *Pennsylvania Bulletin* as a final-form regulation.

Public Comments and Contact Person

Interested persons are invited to submit written comments regarding the proposed amendment to Michael C. Barrett, Senior Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 787-5599 within 30-calendar days after the date of publication of this proposed amendment in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 29, 2009, DGS submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC). On that same date DGS submitted a copy to the House and Senate Committees on State Government (Committees). DGS and

PDA also provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by DGS. A copy of this material is available to the public upon request.

In accordance with section 5(g) of the Regulatory Review Act, if IRRC has comments, recommendations or objections regarding any portion of the proposed amendment, it must so notify DGS within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act sets forth detailed procedures for review of these objections by DGS, the General Assembly and the Governor prior to the final publication of the proposed amendment.

JAMES P. CREEDON,
Secretary

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

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART V. STATE METROLOGY LABORATORY

CHAPTER 110. GENERAL PROVISIONS

§ 110.2. State Metrology Laboratory fee schedule.

* * * * *

(c) *Schedule of fees.* The State Metrology Laboratory [**shall charge**] **charges** the following fees for the indicated testing services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30 per weight
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	[\$ 12] 30 per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	[\$ 2] 6 per weight (without adjustment) \$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	[\$ 5] 10 per weight (without adjustment) [\$ 10] 20 per weight (with adjustment)

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2,500 kg. or 5,500 lb.	[\$ 15] 20 per weight (without adjustment) [\$ 25] 40 per weight (with adjustment)
Ordinary mass	Weight carts	[\$ 50] 210 per cart
Volume transfer	5 gallon/20 liter test measures	[\$ 15] 45 per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	[\$ 50] 150 per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150 plus [\$50 per each additional 100 gallons or fractions thereof] \$1 per each additional gallon over 100 gallons
Gravimetric calibrations	Metal test measures to 5 gallon or 20 liters or 1 cubic foot	[\$ 35] 180 per item
Length calibrations	Metal tapes or rules	\$15 per point tested
Timing devices	Stopwatches	\$30
Wheel load weighers		[\$ 6] 20 per scale
Special tests		\$75 per man-hour

* * * * *

[Pa.B. Doc. No. 09-1869. Filed for public inspection October 9, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective September 9, 2009.

The organization chart at 39 Pa.B. 5925 (October 10, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 09-1870. Filed for public inspection October 9, 2009, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

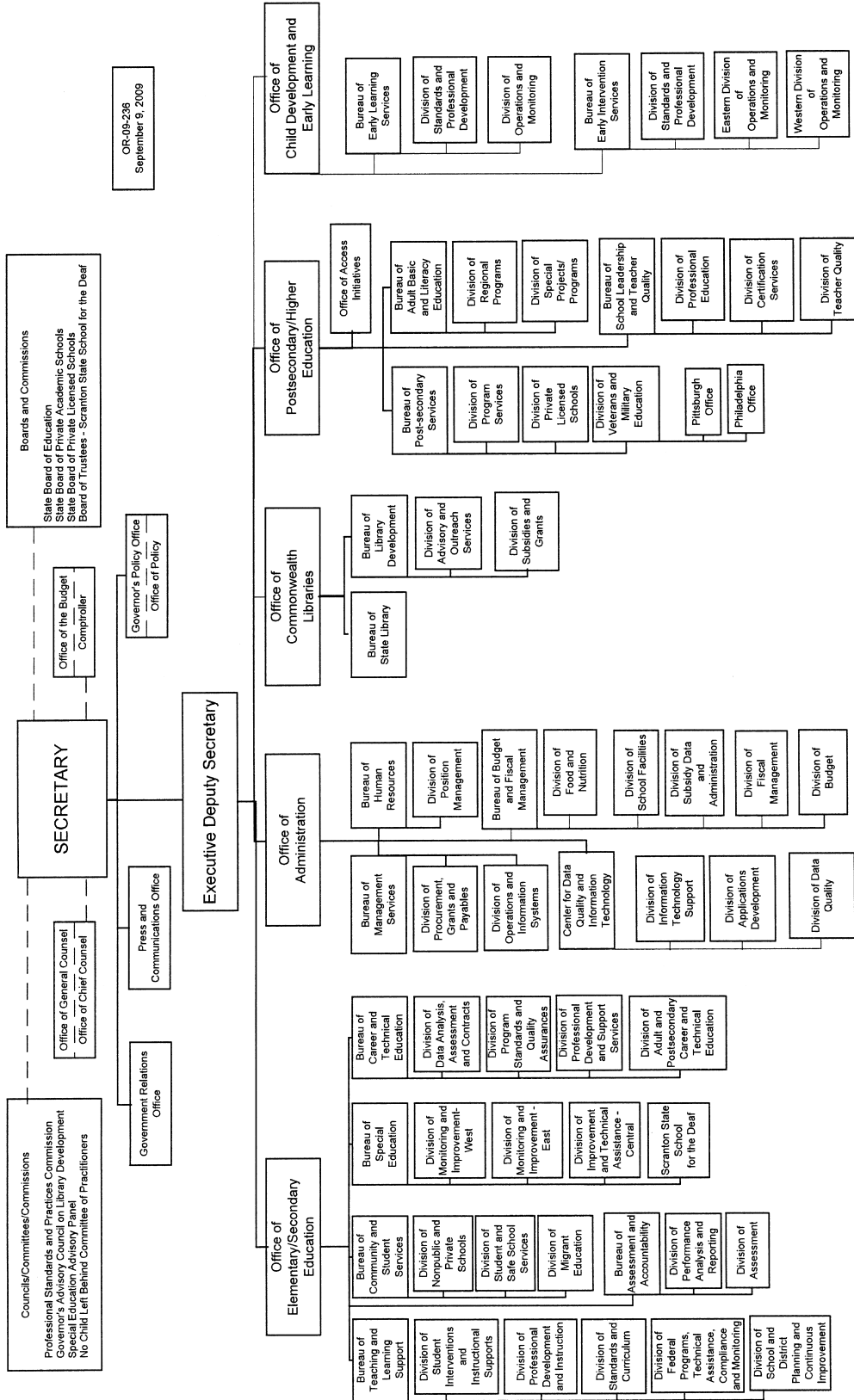
The Executive Board approved a reorganization of the Department of Public Welfare effective September 9, 2009.

The organization chart at 39 Pa.B. 5926 and 5927 (October 10, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

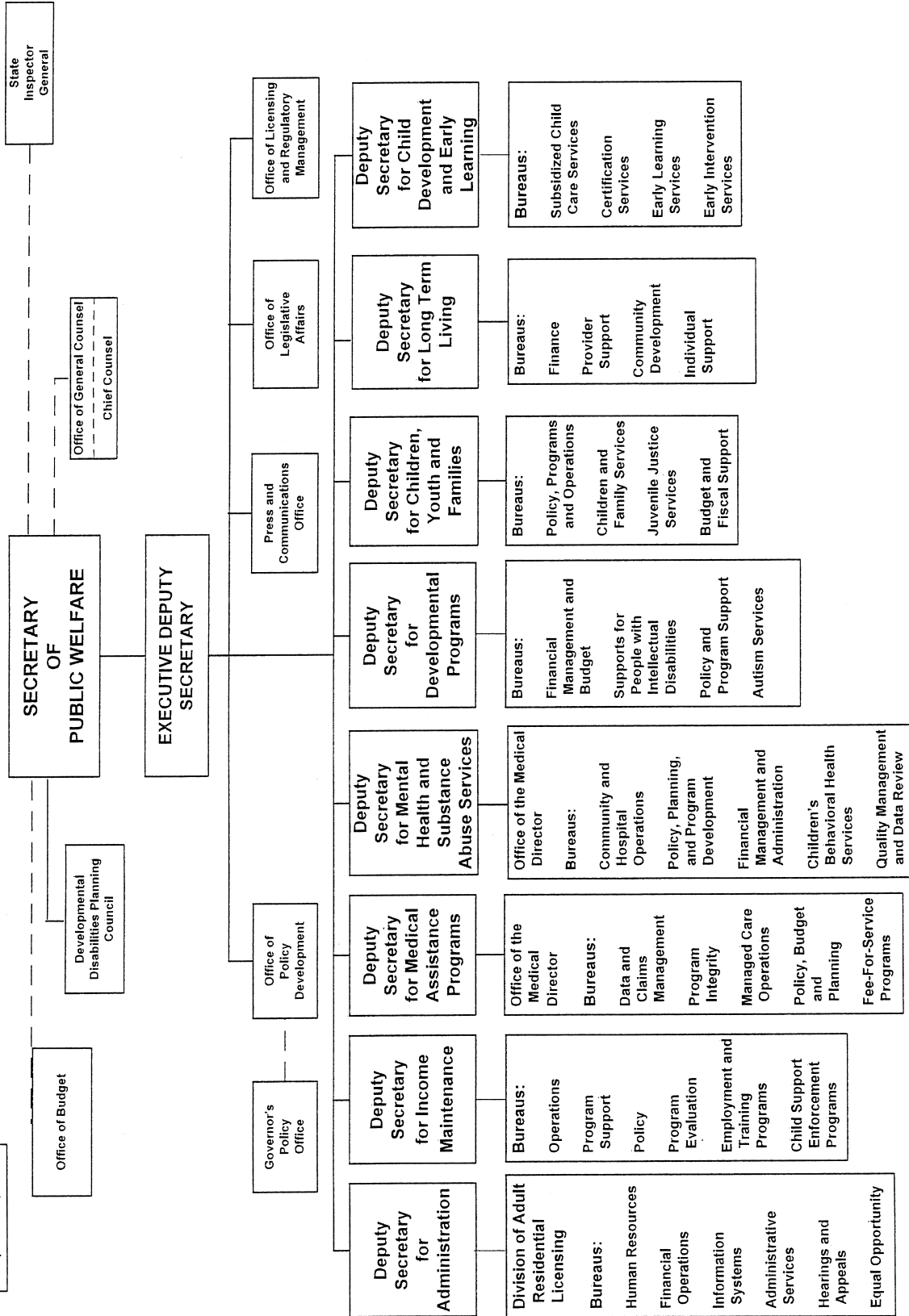
[Pa.B. Doc. No. 09-1871. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION



DEPARTMENT OF PUBLIC WELFARE

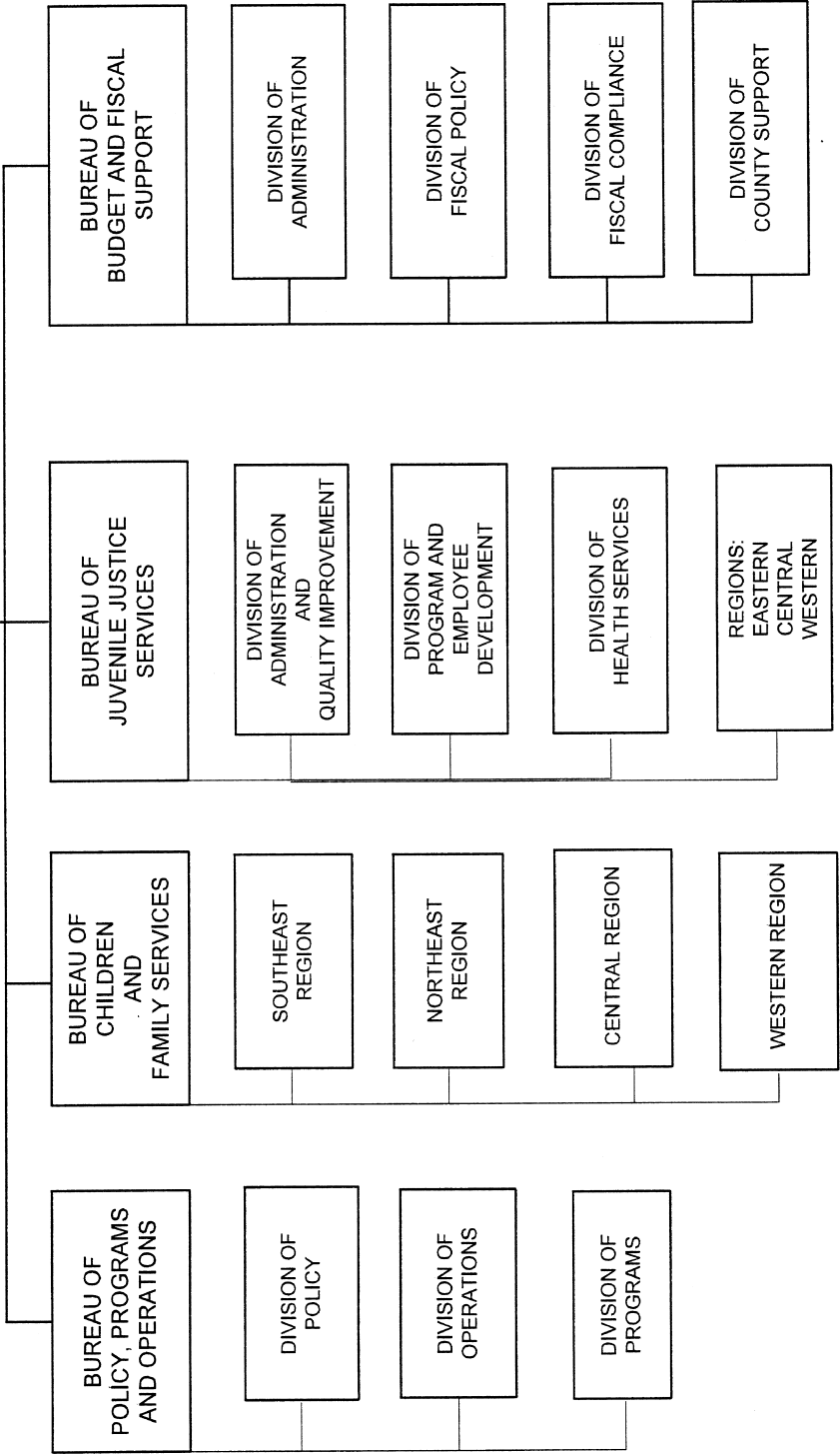
OR-09-244
September 9, 2009



DEPARTMENT OF PUBLIC WELFARE
 DEPUTY SECRETARY FOR CHILDREN, YOUTH AND FAMILIES

OR-09-244
 September 9, 2009

DEPUTY SECRETARY FOR CHILDREN,
 YOUTH AND FAMILIES



NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Thursday, October 22, 2009. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:45 a.m. and will consist of an update on implementation of the 2004 Water Resources Plan for the Delaware River Basin; recommendations of the Flood Advisory Committee on floodplain management; and a presentation by a Decree Party representative on New York City's planned temporary tunnel shutdown.

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

1. *Knoll, Inc., D-1974-162-3*. An application for the renewal of a 0.073 mgd discharge of industrial waste and noncontact cooling water from Knoll, Inc.'s industrial wastewater treatment plant (IWTP). The project IWTP discharges to the Perkiomen Creek, which is a tributary of the Schuylkill River. The project IWTP is located in Upper Hanover Township, Montgomery County, PA.

2. *Doylestown Borough, D-1979-018 CP-4*. An application for the renewal of a groundwater withdrawal project with an expired Commission docket, to continue a withdrawal of up to 50.6 mg/30 days to supply the applicant's public water supply system from existing Well Nos. 7—12 in the Stockton Formation. The project is located in the Neshaminy Creek Watershed in the Borough of Doylestown, Bucks County, PA, and is located in the southeastern Pennsylvania Ground Water Protected Area.

3. *Nestle Purina PetCare Company, D-1984-002-4*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 25.92 mg/30 days to supply the applicant's industrial processes from existing Wells Nos. 2 and 4—6, completed in the Beekmantown Formation Aquifer. The project is located in the Jordan Creek Watershed in South Whitehall Township, Lehigh County, PA and within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

4. *Leidy's, Inc., D-1993-021-2*. An application for the renewal of a groundwater withdrawal project with an expired Commission docket, to continue a withdrawal of up to 3.45 mg/30 days to supply the applicant's industrial manufacturing processes from existing Well Nos. PW-1, PW-2, and PW-3 in the Brunswick and Locketong Formations. The project is located in the Skippack Creek Watershed in Souderton Borough, Montgomery County, PA, and is located in the southeastern Pennsylvania Ground Water Protected Area.

5. *Deerwood Country Club, D-1994-006-3*. An application for renewal of a groundwater and surface water withdrawal project to continue the withdrawal of 6.7 mg/30 days to supply the irrigation system at the

Deerwood Country Club from existing Wells Nos. 1 and 2 and two existing surface water intakes. The project wells are located in the Englishtown Formation, and all wells and intakes are located in the Assiscunk Creek Watershed in Westhampton Township, Burlington County, NJ, in New Jersey Critical Water Supply Area 2.

6. *Upper Hanover Authority, D-2004-017 CP-2*. An application to approve the renewal of the Upper Hanover Authority Perkiomen (WWTP). The WWTP will continue to discharge 0.098 mgd of treated sewage effluent to Perkiomen Creek, a tributary of the Schuylkill River. The facility is located in Upper Hanover Township, Montgomery County, PA.

7. *City of Bethlehem, D-1971-078 CP-2*. An application to update the docket for the City of Bethlehem's WWTP to reflect an increase in the hydraulic design capacity of the WWTP from 15.5 mgd to 20 mgd. The expansion occurred in 1995 without the Commission's approval. The WWTP will continue to discharge primarily to the Lehigh River at River Mile 183.66—9.51 (Delaware River—Lehigh River). Additionally, the old discharge outfall (Outfall 006 now acts as an emergency outfall and is located at River Mile 183.66—9.5—0.3 (Delaware River—Lehigh River—Saucon Creek). The project WWTP is located within the drainage area to the portion of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters, in Bethlehem, Northampton County, PA.

8. *New Jersey American Water Company, D-1981-073 CP-4*. An application for an existing groundwater withdrawal project to continue the withdrawal of 12.8 mg/30 days to supply the applicant's Homestead public water supply system from existing Well Nos. 1 and 2 completed in the Upper Potomac/Raritan/Magothy Aquifer. The project is located in the Assiscunk Creek Watershed in Mansfield Township, Burlington County, NJ and is located in the New Jersey Critical Water Supply Area 2.

9. *Stroudsburg Borough, D-1986-011 CP-2*. An application for the approval of an expansion to the existing Stroudsburg Borough WWTP. The applicant proposes to expand the WWTP by adding a sequencing batch reactor (SBR) system, along with new headworks, equalization tanks, tertiary cloth media filters, UV disinfection, and a new outfall. The 2.5 mgd WWTP will be expanded to treat an average annual daily flow rate of 4.5 mgd. The WWTP will continue to discharge to McMichael's Creek. McMichael's Creek is a tributary to the Brodhead Creek, and the project WWTP is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The facility is located in the Borough of Stroudsburg, Monroe County, PA.

10. *Delaware County Solid Waste Authority, D-1989-018 CP-4*. An application for the approval of the modification and expansion of the Delaware County Solid Waste Authority's Rolling Hills leachate treatment plant (LTP) from 0.08 million gallons per day (mgd) to 0.115 mgd. Modifications include a clarifier, new ozone system, additional blowers, new pumps, and new boilers to ensure treatment process comply with permit limitations such as color, ammonia, and total dissolved solids. The LTP treats leachate from the Rolling Hills landfill and discharges to the Manatawny Creek at River Mile 92.47—54.15—12.2 (Delaware River—Schuylkill River—Manatawny Creek)

through a diffused outfall. The project LTP is located in Earl Township, Berks County, PA.

11. *Baer Aggregates, Inc., D-1990-018-3*. An application for the modification of an existing groundwater withdrawal project to include the addition of a surface water withdrawal from a groundwater-fed dewatering pit. The project proposes to continue withdrawal of 38.0 mg/30 days to supply the applicant's sand and gravel washing operations from existing Well Nos. 1—4 and the proposed dewatering pit. The project withdrawals are located in the Kittatinny Formation in Pohatcong Township, Warren County, NJ.

12. *Gloucester County Utilities Authority, D-1990-074 CP-3*. An application for the continued approval of a 27 mgd discharge of treated wastewater from the Gloucester County Utilities Authority (GCUA) WWTP. On May 6, 2009, the Commission approved Docket No. D-2008-27-1 for the West Deptford Energy Station (WDES). WDES was approved to withdraw up to 7.5 mgd of GCUA's effluent for cooling water purposes and to discharge approximately 2.0 mgd of contact cooling water back into GCUA's effluent stream. As a result of the WDES approval, a TDS and thermal mixing zone are required for the GCUA discharge (Outfall No. DSN001A). This application includes a thermal mixing zone of 164 feet and a TDS mixing zone of 105 feet, both applicable to Outfall No. DSN001A. The project WWTP is located in Water Quality Zone 4 at River Mile 89.7 (Delaware River), in West Deptford Township, Gloucester County, NJ.

13. *Evesham Municipal Utilities Authority, D-1991-015 CP-3*. An application for approval to construct three new infiltration basins and the related force main required for conveyance. Docket No. D-1991-015 CP-2 approved the discharge of treated effluent to two infiltration basins and a spray field for the Kings Grant WWTP. The three new infiltration basins will replace the spray field component of the treatment process. The project WWTP and appurtenant facilities are located adjacent to a UNT to the South Branch Rancocas Creek near River Mile 111.06—15.41—8.65—0.36 (Delaware River—Rancocas Creek—South Branch Rancocas Creek—UNT). The facilities are located along Tomlinson Mill—Taunton Road, in Evesham Township, Burlington County, NJ.

14. *Borough of Woodstown, D-1999-004 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 13 mg/30 days of water to the applicant's public supply distribution system from new Well No. 6 and to increase the existing withdrawal from all wells from 18.1 mg/30 days to 18.843 mg/30 days. The project is located in the Salem River and Oldmans Creek Watersheds in Woodstown Borough, Salem County, NJ.

15. *Quakertown Borough, D-2000-064 CP-2*. The purpose of this project is to approve the addition of new Well No. 9 to the docket holder's distribution system and to continue to provide up to 51.1 mg/30 days of water to the docket holder's distribution system. The proposed total allocation of groundwater is not an increase in allocation from the prior docket. New Well No. 9 will replace existing Well No. 7 due to declining production rates. The docket holder will retain Well No. 7 as a back-up source of water. The project is located in the Brunswick Formation in the Tohickon Creek Watershed in Quakertown Borough, Bucks County, PA and is located in the southeastern Pennsylvania Ground Water Protected Area. This

withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

16. *Penn Estates Utilities, Inc., D-2003-036 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 1.296 mg/30 days of water to the applicant's public water supply system from new Well No. 8 and to increase the existing withdrawal from all wells from 10.80 mg/30 days to 12.025 mg/30 days. The increased allocation is requested to meet current needs in service area demand. The project is located in the Trimmers Rock Formation in the Brodhead Creek Watershed in Stroud Township, Monroe County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.

17. *City of Bordentown, D-2004-011 CP-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 96 mg/30 days to 118 mg/30 days to supply the applicant's public water supply system from existing Well Nos. 1—4 completed in the Potomac/Raritan/Magothy Aquifer. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Crosswicks Creek Watershed in Hamilton Township, Mercer County, NJ.

18. *U.S. Army Corps of Engineers (USACE), D-2005-32 CP-2*. An application for approval to modify the existing spillway of the Prompton Dam. The project proposes to extend the existing 85-foot long spillway to approximately 130 feet. The project also includes the construction of a soil retention wall and other improvements to the spillway, as well as a new operations building and access bridge. The Prompton Dam is a flood control structure located on the West Branch Lackawaxen River in Prompton Borough, Wayne County, PA. The dam is located within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware which is classified as Special Protection Waters.

19. *Ruscombmanor Township, D-2007-034 CP-2*. An application to modify the hydraulic design capacity of the Golden Oaks WWTP. On March 11, 2009, the Commission approved Docket No. D-2007-34 CP-1 providing for an expansion of the Golden Oaks WWTP from 0.025 mgd to 0.075 mgd. However, due to funding constraints, the expansion is being curtailed to 0.05 mgd. The WWTP is located in the Schuylkill River Watershed at River Mile 92.47—54.15—16.75—1.03—3.63—2.17 (Delaware River—Schuylkill River—Manatawny Creek—Little Manatawny Creek—Furnace Creek—UNT) in Ruscombmanor Township, Berks County, PA.

20. *Yukiguni Maitake Manufacturing Corporation of America, D-2003-026-1*. An application for approval of a groundwater withdrawal project to supply up to 13.14 mg/30 days of water to the applicant's mushroom facility from new Well No. 001. The project is located in the Lower Devonian and Sulurian Formations in the Basher Kill Watershed in Mamakating Township, Sullivan County, NY. The site is located within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

21. *Gemstar Development Corporation, D-2008-018-1*. An application for approval to construct the new 24,000 gallons per day (gpd) Heiden Road WWTP. The WWTP will discharge to Sheldrake Stream, a Class B tributary that flows into the Neversink River, a tributary to the

section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters. The project is located in the Town of Thompson, Sullivan County, NY.

22. *CBH20, LP, D-2008-026-1*. An application for approval of a groundwater withdrawal project to supply up to 5.71 mg/30 days of water to the applicant's public water supply system from existing Well No. PWS-4 and new Well Nos. PWS-2 and PWS-3. The project is located in the Devonian-age, Long Run Member of the Catskill Formation in the Pocono Creek Watershed in Pocono Township, Monroe County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.

23. *Yukiguni Maitake Manufacturing Corporation of America, D-2008-035-1*. An application for approval of the construction of the Yukiguni Maitake Mushroom growing facility [pilot mushroom growing facility (1 story, 44,100 square-foot building)], with three land discharges. The first and second discharges are to a three-bay infiltration basin system. The third is a leach field discharge from an onsite septic tank. The three-bay infiltration basin system will accept up to 55,000 gpd, 51,000 gpd of which will be from the geothermal system (Outfall No. 005) and the remaining 4,000 gpd will be from process water (Outfall No. 002). The leach field will discharge up to 1,000 gpd of sanitary wastewater (Outfall No. 001) from the onsite septic tank. The project is located in the Basher Kill Watershed in Mamakating Township, Sullivan County, NY, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

24. *FiberMark, Inc., D-2009-005-1*. An application for the approval of an existing 0.09 mgd discharge of noncontact cooling water (NCCW). The facility discharges NCCW to an injection well in accordance with Docket No. D-82-31 Renewal 3. The surface discharge related to this application is to be used only during the emergency conditions also described in Docket No. D 82-31 Renewal 3. The project will continue to discharge to River Mile 157.00—11.75—11.68—0.86 (Delaware River—Tohickon Creek—Beaver Run—UNT). The NCCW discharge is located on a UNT of Beaver Run, which is a tributary to the Lower Delaware Special Protection Water Area, and has been classified as Significant Resource Waters. The facility is located in Quakertown Borough, Bucks County, PA.

25. *Fleischmanns Village, D-2009-008 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 9.75 mg/30 days of water to the applicant's public water supply from existing Well Nos. 2 and 4, new Well No. 5, rehabilitated existing Well No. 3, and existing spring-fed surface water source (Spring Nos. 3—5). The allocation is requested to meet existing and projected demands in the project service area. The project wells are located in the Lower Walter Formation, and all water sources are located in the Bush Kill Watershed in the Village of Fleischmanns, Delaware County, NY. The site is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

26. *National Gypsum Company, D-2009-009-1*. An application for approval of a groundwater withdrawal project to supply up to 5.27 mg/30 days of water to the applicant's existing industrial processes from existing Well No. 2 and replacement Well No. 1R and to limit the existing withdrawal from each well to 2.635 mg/30 days.

The applicant has not previously applied for a docket for its existing industrial process. The project is located in the Raritan Aquifer in the Delaware River Watershed in the City of Burlington, Burlington County, NJ.

27. *DMV International, D-2009-011-1*. An application for approval of an existing 0.72 mgd discharge of NCCW from Outfall No. 001 to the West Branch Delaware River. Outfall No. 001 is located at River Mile 330.70—52.93 (Delaware River—West Branch Delaware River) within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters. The facility is located in the Town of Delhi, Delaware County, NY.

28. *Essroc Cement Corporation, D-2009-016-1*. An application for approval of an existing NCCW discharge of 0.264 mgd from the Essroc Cement Corporation Portland Cement manufacturing facility. The manufacturing facility is located in the Lower Special Protection Waters drainage area and discharges to a UNT of Shoeneck Creek that the Department of Environmental Protection has classified as a WWF. It is located at River Mile 184.03—5.85—4.1—0.15 (Delaware River—Bushkill Creek—Shoeneck Creek—UNT) in Upper Nazareth Township, Northampton County, PA.

The business meeting also will include adoption of the Minutes of the Commission's July 15, 2009, business meeting; announcements of upcoming Commission advisory committee meetings and other events relating to watershed management in the basin; a report on hydrologic conditions; a report by the Executive Director; a report by the Commission's General Counsel; and consideration by the Commission of resolutions to: (a) approve the Fiscal Year 2010-2015 Water Resources Program; (b) authorize the Executive Director to enter into contracts with consultants to upgrade the Commission's web site; (c) authorize the Executive Director to establish an integral part trust and adopt the ICMA Retirement Corporation's VantageCare Retirement Health Savings Employer Investment Program for purposes of GASB 45 compliance; and (d) amend the Commission's Investment Policy Manual to provide guidelines for the investment of assets placed in an integral part trust for purposes of GASB 45 compliance. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on October 22, 2009, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the

Telecommunications Relay Services at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,
Secretary

[Pa.B. Doc. No. 09-1872. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

In-State Production Levels and Infrastructure Sufficient to Trigger 2% Biodiesel Content in Diesel Fuel Sold for On-Road Use

The Department of Agriculture (Department) hereby publishes notice that the In-State production levels and infrastructure requirements established by Act 78 of 2008, known as the Biofuel Development and In-State Production Incentive Act (act) (73 P. S. §§ 1650.1—1650.7) have been certified as having been met and that the biodiesel content requirement of section 3(a)(1) of the act shall be enforced by the Department effective May 1, 2010. As set forth as follows, this date is at least 1 year after the required in-State production volume of biodiesel was reached, in accordance with section 3(a)(1) of the act, and at least 6 months after the issuance of a joint certification of infrastructure, as required by sections 3(a)(1) and 6(a), (b) and (c) of the act (73 P. S. §§ 1650.3(a)(1) and 1650.6(a)(b) and (c)).

The act requires the Department to certify that: (1) in-State production volume levels of biodiesel—as established by the act—have been met; and (2) sufficient infrastructure, including, transportation, distribution, rail capacity and terminal facilities exist within this Commonwealth to meet the requirements of the act. The second certification is a joint certification of the Department and the Department of Transportation (DOT).

More specifically, section 3 of the act requires, “All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth, for use in on-road compression ignition engines must contain at least 2% biodiesel . . . one year after the In-State production volume of 40,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis . . .” See 73 P. S. § 1650.3(a)(1). The Department has the duty and authority to make such a determination. See 73 P. S. § 1650.3(a)(1).

Section 6 of the act requires, “At least six months prior to the effective dates of the mandated content requirements . . . the department and the Department of Transportation shall jointly make certification as to whether there is sufficient transportation, distribution and other necessary infrastructure, including rail capability and terminal facilities, in this Commonwealth to meet the requirements of the act.” (73 P. S. § 1650.6(a).) In addition, both Departments were required to hold at least three public hearings across the Commonwealth and submit an infrastructure report to the General Assembly and post such reports on each Department’s publicly accessible web site. See 73 P. S. § 1650.6(b) and (c).

The Department issued a memorandum in January 2009 (Attachment A) notifying and certifying the required production volume triggers had been met as of September 1, 2008. The memorandum explained the Department

utilized production volumes reported in June—August 2008 to determine the annualized production volume of 40,000,000 gallons of biodiesel had been attained.

The Department and the DOT held three public hearings across the Commonwealth (May 18, 2009, in Pittsburgh, May 20, 2009, in State College and May 22, 2009, in Whitehall, PA). The times, dates and agendas for those public hearings were published at 39 Pa.B. 2349 (May 9, 2009).

The Departments drafted a joint “Report to the Pennsylvania General Assembly on 2% Biodiesel Infrastructure Certification.” The report was delivered to the General Assembly and Governor on August 27, 2009. Section IX of the report certified that sufficient infrastructure existed in the Commonwealth to meet the 2% biodiesel requirements of section 3(a)(1) of the act. The report can be found in its entirety at http://www.agriculture.state.pa.us/agriculture/lib/agriculture/pdfdocs/Biodiesel_B2_Infrastructure_Certification_to_General_Assembly_08.27.2009_Digital_Ver.pdf or by contacting Michael Rader, Bureau of Ride and Measurement Standards at (717) 787-9089.

RUSSELL C. REDDING,
Acting Secretary

ATTACHMENT A

Pursuant to requirements outlined in Act 78 (House Bill 1202 of 2007-2008), the Department of Agriculture collects in-state production volumes for all biodiesel manufactured throughout the Commonwealth. This memo serves as notification and certification that production volume triggers have been met effective September 1, 2008, as outlined in Section 3(A)(1).

SECTION 3. BIODIESEL CONTENT IN DIESEL FUEL SOLD FOR ON-ROAD USE.

(A) VOLUME STANDARDS.—THE FOLLOWING STANDARDS SHALL APPLY:

- (1) ALL DIESEL FUEL SOLD OR OFFERED FOR SALE TO ULTIMATE CONSUMERS IN THIS COMMONWEALTH FOR USE IN ON-ROAD COMPRESSION IGNITION ENGINES MUST CONTAIN AT LEAST 2% BIODIESEL BY VOLUME ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF 40,000,000 GALLONS OF BIODIESEL HAS BEEN REACHED AND SUSTAINED FOR THREE MONTHS ON AN ANNUALIZED BASIS AS DETERMINED BY THE DEPARTMENT.**

Production volumes reported to the Department for June (3,901,225), July (2,943,757) and August (3,199,406) 2008, have been used in our calculation. The calculation used to determine the mandate trigger is the total gallons produced over a three month period (*quarterly*), and then annualized.

$$[\text{June } (3,901,225) + \text{July } (2,943,757) + \text{August } (3,199,406)] \times 4 = 40,177,552$$

[Pa.B. Doc. No. 09-1873. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 29, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-21-2009	Northwest Savings Bank Warren Warren County	2113 Chili Avenue Gates Monroe County, NY	Opened
9-24-2009	First Columbia Bank & Trust Co. Bloomsburg Columbia County	300 Market Street Berwick Columbia County	Filed
9-24-2009	Northwest Savings Bank Warren Warren County	71 Railroad Street Youngsville Warren County	Filed
9-24-2009	PeoplesBank, A Codorus Valley Company York York County	Senior Commons on Powder Mill 1775 Powder Mill Road York County (Limited Service Facility)	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-29-2009	Mifflinburg Bank and Trust Company Mifflinburg Union County	<i>To:</i> 2894 North Susquehanna Trail Shamokin Dam Snyder County <i>From:</i> 8 North Routes 11 and 15 Selinsgrove Snyder County	Filed

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-24-2009	Northwest Savings Bank Warren Warren County	<i>Into:</i> 370 West Governor Road Hershey Dauphin County <i>From:</i> 10 West Chocolate Avenue Hershey Dauphin County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-29-2009	New Century Bank Phoenixville Chester County	Filed

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1874. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notice of Execution of Oil and Gas Lease for State Forest Lands

Effective August 7, 2009, an Oil and Gas Lease for State Forest Lands, Contract No. M-110293-12, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and Exxon Mobil Corporation, with its principal place of business located at 222 Benmar Drive, CORP-GP8-367, Houston, TX 77060.

The lease is for Tract 293, located in Cummings and McHenry Townships, Lycoming County, within the Tiadaghton State Forest. The lease was issued to the second-highest winning and qualified bidder for the tract at the lessor's competitive lease sale held on September 3, 2008, after the highest winning bidder defaulted on executing the lease. The lease was recorded at the Lycoming County courthouse on August 21, 2009, deed book no. 6731, pages 257 through and including 326, instrument no. 200900012133. Contract No. M-110293-12 may be viewed online at <http://contracts.patresury.org/View.aspx?ContractID=57871>.

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section at (717) 787-2703.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 09-1875. Filed for public inspection October 9, 2009, 9:00 a.m.]

Notice of Execution of Oil and Gas Lease for State Forest Lands

Effective August 7, 2009, an Oil and Gas Lease for State Forest Lands, Contract No. M-110322-12, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and Exxon Mobil Corporation, with its principal place of business located at 222 Benmar Drive, CORP-GP8-367, Houston, TX 77060.

The lease is for Tract 322, located in Cummings and McHenry Townships, Lycoming County, within the Tiadaghton State Forest. The lease was issued to the second-highest winning and qualified bidder for the tract at the lessor's competitive lease sale held on September 3, 2008, after the highest winning bidder had defaulted on executing the lease. The lease was recorded at the Lycoming County courthouse on August 21, 2009, deed book no. 6732, page 1 through and including page 69, instrument no. 200900012134. Contract No. M-110322-12 may be viewed online at <http://contracts.patresury.org/View.aspx?ContractID=57870>.

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section at (717) 787-2703.

JOHN QUIGLEY,
Aging Secretary

[Pa.B. Doc. No. 09-1876. Filed for public inspection October 9, 2009, 9:00 a.m.]

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS202208	Kraft Foods Global, Inc. 7352 Industrial Boulevard Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084964 (Sew)	Bethel Township Sewer Authority 283 Pigeon Cove Road Warfordsburg, PA 17267	Fulton County Bethel Township	Little Tonoloway Creek WWF 11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0041131 (Sewage)	Columbia Montour Area Vocational Technical School 5050 Sweppenheiser Drive Bloomsburg, PA 17815-8920	Columbia County South Centre Township	Locally known as Cambell's Run UNT to Susquehanna River SWP 5D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060062 (Sewage)	Red Rock Job Corp Center P. O. Box 218 Lopez, PA 18628-0218	Sullivan County Colley Township	Mehoopany Creek SWP 4G	Y

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043826	United Erie 1432 Chestnut Street Erie, PA 16502	Erie County City of Erie	City of Erie storm sewer to Presque Isle Bay 15	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.

PA0054402, Industrial Waste, SIC 3824, **Emerson Electric Co.**, 8000 West Florissant Avenue, St. Louis, MO 63136. This facility is located in Hatfield Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated groundwater from an air stripper treatment unit located at Brooks Instrument, 407 West Vine Street. This is an existing discharge to West Branch Neshaminy Creek.

The receiving stream, West Branch Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036-mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Trichloroethylene			0.005	0.010	0.013
Tetrachloroethylene			0.005	0.010	0.013
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

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

1. Remedial Measures.
2. Acquire Necessary Property Rights.
3. Dry Stream Discharge.
4. BAT/ELG Reopener.
5. EPA Test Methods.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. TMDL/WLA Analysis.
9. Quarterly Groundwater Monitoring.
10. Annual Groundwater Report.
11. Stripping Tower Wastewater.
12. Laboratory Certification.

PA0057401, Sewage, SIC 5999, **S and S Styles, Inc.**, 6801 Easton Road, Pipersville, PA 18947. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: Renewal of a National Pollutant Discharge Elimination System (NPDES) permit to discharge 600 gpd of treated sewage into a UNT to Cabin Run.

The receiving stream, a UNT to Cabin Run, is in the State Water Plan Watershed 2D and is classified for: CWF. The nearest downstream public water supply intake for PA American Water Company is located on the Delaware River and is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,405 gpd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Total Nitrogen	36	72
Total Residual Chlorine	1.2	2.0
Fecal Coliform	200 colonies/100 ml	1,000
Dissolved Oxygen	Minimum of 3 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	
Phosphorus	Monitor	Monitor

PA0020397, Sewage, SIC 4952, **Bridgeport Borough**, 4th and Mill Streets, Bridgeport, PA 19405. This facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from the Bridgeport Borough sewage treatment plant. There are six combined sewer overflows in the collection system that discharge to the Schuylkill River or canal.

The receiving stream, the Schuylkill River, is in the State Water Plan Watershed 3F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is 10.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.9 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N	20			40
Fecal Coliform (col/100 ml)	200 #/100 ml			1,000*
Dissolved Oxygen	Monitor			
pH (Standard Units)	6.0, 1-Minimum			
Total Residual Chlorine	0.5			1.2
Total Dissolved Solids	1,000			2,500

* Not to exceed 1,000 col/100 ml in greater than 10% of the samples.

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

1. Designation of Responsible Operator.
2. Definition of "Average Weekly."
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. TRC Requirement.
7. Proper Sludge Disposal.
8. Instantaneous Maximum Limitations.
9. Specification of Sampling Location.
10. CSO Requirement to Implement Nine Minimum Controls and Long Term Control Plan.
11. Operator Training.
12. Operations and Maintenance Plan.
13. Laboratory Certification.
14. Fecal Coliform Reporting.
15. Condition for Schuylkill River PCB TMDL.

PA0026603, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit for discharge of treated effluent and site stormwater from Ambler Borough Sewage Treatment Plant.

The receiving stream, Wissahickon Creek, is in the State Water Plan Watershed 3F and is classified for: TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Dissolved Oxygen	7.0, Instantaneous Minimum			
pH (Standard Units)	6.0, Instantaneous Minimum			
Fecal Coliform (col/100ml)	200			9.0
Ortho-Phosphorus as P:				1,000*
(4-1 to 10-31)	1.0			2.0
(11-1 to 3-31)	4.0			8.0
Aluminum:				
(Issuance—Year 3)			Monitor	
(Year 4—Expiration)	0.742		1.158	
Copper, Total	Monitor		Monitor	
Chromium, Hexavalent	Monitor		Monitor	
Chromium, Total	Monitor		Monitor	
Silver, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Arsenic, Total	Monitor		Monitor	
Cadmium, Total	Monitor		Monitor	
Mercury, Total	Monitor		Monitor	
Nickel, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Cyanide, Free	Monitor		Monitor	
Selenium, Total	Monitor		Monitor	
Phenolics, Total	Monitor		Monitor	
Hardness as CaCO ₃	Monitor		Monitor	
Total Residual Chlorine	0.1			0.3
(NO ₂ +NO ₃) as N	Monitor		Monitor	
Total Dissolved Solids	1,000			2,500

* Not to exceed 1,000 col/100 ml in greater than 10% of the samples.

The proposed effluent limits for Stormwater Outfall 006 are based on a design flow of an average storm event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH (Standard Units)	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Iron, Dissolved	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	

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

1. Definition of Average Weekly.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sanitary Sewers.
4. Necessary Property Rights.
5. Specification of Test Methods.
6. Upstream Monitoring.
7. Instantaneous Maximum Limitations.
8. Proper Sludge Handling.
9. Whole Effluent Toxicity Testing with Renewal.
10. Pretreatment Program.

- 11. Stormwater Requirements.
 - 12. Notification of Designation of Responsible Operator.
 - 13. Operator Training.
 - 14. Operations and Maintenance Plan.
 - 15. Laboratory Certification.
 - 16. Fecal Coliform Reporting.
- The EPA waiver is not in effect.

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

Application No. PA 0247464, Sewage, **East Hanover Township**, 8848 Jonestown Road, Grantville, PA 17028. This facility is located in East Hanover Township, **Dauphin County**.

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

The receiving stream, Bow Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.25 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	5.0		10
(11-1 to 4-30)	15		30
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
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	

Chesapeake Bay Requirements

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

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.

Application No. PA 0024384, Sewage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water is located on the Conodoguinet Creek, approximately 14.7 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	9.0		18
(11-1 to 4-30)	16		34
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

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

Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia N	Report	Report	Report**
Kjeldahl N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	22,020*
Net Total Phosphorus	XXX	Report	2,253*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2010.

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

The EPA waiver is not in effect.

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

PA0216500, Industrial Waste, SIC 9999, **CBS Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated groundwater from Beaver in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, of the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located on the Ohio River, 8 miles below the discharge point.

Outfall 001GW: existing discharge, design flow of 0.0432 mgd.

<i>Parameter</i>	<i>Mass (lbs/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 (mgd)	0.072				
Suspended Solids			20	40	
Trichloroethylene			0.02	0.04	
Manganese			2.0	4.0	
Total Dissolved Solids			Monitor and Report		
Magnesium			Monitor and Report		
pH	Not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0254045, Industrial Waste, SIC 2086, **Chestnut Ridge Beverage Company**, 11 Lloyd Avenue, Latrobe, PA 15650. This application is for issuance of an NPDES permit to discharge untreated backwash water from Chestnut Ridge Beverage Co. in Latrobe Borough, **Westmoreland County**.

The following monitoring requirements are proposed for discharge to the receiving water, Loyalhanna Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at Freeport, PA, 53 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.084 mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			10	20	
Total Dissolved Solids			500	1,000	
Trihalomethanes			Monitor and Report		
pH			from 6.0 to 9.0 inclusive		

The EPA waiver is in effect.

Outfall 002—007: new discharge, design flow varies mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Discharges shall consist solely of uncontaminated stormwater runoff.					

PA0219461-A1, Sewage, **Center-West Joint Sewer Authority**, 235 Main Street, West Brownsville, PA 15417. This application is for amendment of an NPDES permit to discharge treated sewage from Center-West Joint Sewer Authority STP in Centerville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, 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 intake from this facility is the Tri-County Joint Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.28 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 6.0 nor greater than 9.0			
pH	The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.42 mgd.			
Other Conditions:				

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 6.0 nor greater than 9.0			
pH				

The EPA waiver is in effect.

PA0254011, Sewage, **James Gnagey, J. G. Food Marts**, R. D. 1, Box 620-G, Uniontown, PA 15401. This application is for issuance of an NPDES permit to discharge treated sewage from J. G. Food Marts STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to a UNT of Redstone Creek, which is classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority.

Outfall 001: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205761, Sewage, **S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 15234-4509. This application is for renewal of an NPDES permit to discharge treated sewage from Harshbarger MHP in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Traverse Creek, 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 intake from this facility is the Midland Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0125 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
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	0.08			0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0023124, Amendment No. 1, Sewage, **Albion Borough**, 26 Smock Avenue, Albion, PA 16401. This proposed facility is located in Conneaut Township, **Erie County**.

Description of Proposed Activity: Permit amendment for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA/OH State Line is located on Conneaut Creek and is approximately 14 miles below the point of discharge.

The receiving stream, Conneaut Creek, is in Watershed 15 and classified for: WWF, aquatic life, water supply and recreation.

This amendment proposes to remove the Copper and Chronic Whole Effluent Toxicity limitations as well as move the location of the stormwater outfall.

The EPA waiver is not in effect.

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

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

WQM Permit No. 0909410, Sewerage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Expansion of the existing plant to provide additional treatment capacity for projected wastewater flows from Doylestown Borough and Township.

WQM Permit No. 2308404, Amendment, Sewerage, **Borough of Brookhaven**, 2 Cambridge Road, Brookhaven, PA 19015. This proposed facility is located in Brookhaven Borough, **Delaware County**.

Description of Action/Activity: Modify existing primary settling tanks, extended aeration tanks and mechanical final clarifiers to replace existing trickling filters.

WQM Permit No. 1509410, Sewerage, **Uwchlan Township Municipal Authority**, 715 North Ship Road, Exton, PA 19341. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station.

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

WQM Permit No. 2109408, Sewerage, **Ross F. Garner**, 343 East Louther Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for construction/operation of a small flow sewage treatment plant to serve their single-family residence on 311 Hoy Road, Carlisle, PA 17013.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

WQM Permit No. 1009403, Sewerage, **Winfield Township**, 194 Brose Road, Cabot, PA 16023. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: This project will provide public sewer service to the Cabot, Marwood and Knox Chapel areas in Winfield Township as well as Cooper Road and Chapelview Estate areas. It will be comprised of gravity sewers and individual grinder pumps and will result in an addition of 96,000 gpd of flow to the existing Buffalo Creek Wastewater Treatment Plant.

WQM Permit No. 3773412, Sewerage, **Amendment No. 1, Norman J. Cutri, d/b/a Twilight Mobile Home Park**, 1324 South Shore Drive 601, Erie, PA 16505. This existing facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This project proposes the addition of a sodium aluminate chemical feed to remove phosphorus from the Sewage Treatment Plant wastewater to meet the current effluent limitations in the new NPDES permit.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025204005R	Bill Goodwin Excavating, Inc. 1186 Owego Turnpike Honesdale, PA 18431	Pike	Palmyra Township	Decker Creek HQ-CWF, MF

Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI021309004	Green Energy Capital Partners, LLC Attn: John Curtis 319 Barren Hill Road Suite 400 Conshohocken, PA 19248	Carbon	Nesquehoning Borough	Broad Run HQ-CWF, MF Deep Run EV, MF Nesquehoning Creek CWF, MF

Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064, (610) 746-1971.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024809009	PP&L Renewable Energy, LLC Two North Ninth Street GENPL8 Allentown, PA 18101	Northampton	Forks Township	Tributary to Bushkill Creek HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033609005	Pravin Patel 2845 Lebanon Road Manheim, PA 17545	Lancaster	Rapho Township	Shearers Creek HQ

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032109007	Lexington Land Developers Corp. Morgan's Crossing 336 West King Street Lancaster, PA 17603	Cumberland	South Middleton Township	Letort Spring EV
PAI032804002-R	Frank Plessinger PMC P. O. Box 712 McConnellsburg, PA 17233	Franklin	Antrim Township	UNT to Muddy Run HQ-CWF

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

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

STATE CONSERVATION COMMISSION

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

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 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>
Ronald Maurer 1366 Ridge Road Klingerstown, PA 17941	Schuylkill	106.5	324.13	Layers/Beef	None—CWF	Renewal
Benner Family Farms Dan Benner 12647 Willian Penn Highway Thompsontown, PA 17094	Juniata	389.1	532.3	Swine	N/A	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>Application or Action</i>
Rowe Family Farm David Rowe 216 Pawling Station Road Selinsgrove, PA 17870	Snyder	117.0 Acres But 0 for manure App.	421.56	Swine, Poultry	N/A	Application

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2809504, Public Water Supply.
 Applicant **Sandy Hook Water Association**
 Township or Borough Hamilton Township
 County **Franklin**
 Responsible Official Richard Mellott
 Association Member
 5103 Mountain Road
 Chambersburg, PA 17201
 Type of Facility Public Water Supply
 Consulting Engineer Harry E. Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Road
 Camp Hill, PA 17011
 Application Received September 11, 2009
 Description of Action Cartridge filtration and disinfection.

Permit No. 6709509, Public Water Supply.
 Applicant **The York Water Company**
 Township or Borough West Manheim Township
 County **York**
 Responsible Official J T Hand
 Chief Operating Officer
 130 East Market Street
 P. O. Box 15089
 York, PA 17405-7089
 Type of Facility Public Water Supply
 Consulting Engineer Mark S. Snyder, P. E.
 The York Water Company
 130 East Market Street
 P. O. Box 15089
 York, PA 17405-7089
 Application Received September 11, 2009
 Description of Action Installation of a chlorine booster in the West Manheim Booster Station.

Permit No. 3609508, Public Water Supply.
 Applicant **Manheim Borough Authority**
 Township or Borough Manheim Borough
 County **Lancaster**
 Responsible Official David Fenicle
 Operations Manager
 15 East High Street
 Manheim, PA 17545
 Type of Facility Public Water Supply
 Consulting Engineer Yves E. Pollart BCEE, P. E.
 Rettew Associates, Inc.
 2500 Gettysburg Road
 Camp Hill, PA 17011
 Application Received September 25, 2009
 Description of Action Addition of sequestering chemical to reduce tuberculation and scaling.

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

Permit No. 1109503, Public Water Supply.
 Applicant **Nanty Glo Water Authority**
 827 Chestnut Street
 Nanty Glo, PA 15943
 Township or Borough Nanty Glo Borough
 Cambria and Blacklick Townships
 Responsible Official Diane Holby
 Chairperson
 Nanty Glo Water Authority
 827 Chestnut Street
 Nanty Glo, PA 15943
 Type of Facility Water treatment plant
 Consulting Engineer Stiffler, McGraw & Associates, Inc.
 19 North Juniata Street
 P. O. Box 462
 Hollidaysburg, PA 16648
 Application Received September 29, 2009
 Date

Description of Action Installation of waterlines, a pressure reducing station, interconnection with the Municipal Authority of the Borough of Ebensburg and the installation of an aeration system in the Cardiff water storage tank.

Permit No. 6309502, Public Water Supply.

Applicant **Authority of the Borough of Charleroi**
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Township or Borough Speers Borough

Responsible Official Ed Golanka, Manager
Authority of the Borough of Charleroi
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Type of Facility Water treatment plant

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received Date September 28, 2009

Description of Action Internal lining of an existing waterline using trenchless techniques.

Permit No. 6309503, Public Water Supply.

Applicant **Tri-County Joint Municipal Authority**
P. O. Box 758
Fredericktown, PA 15333

Township or Borough East Bethlehem Township

Responsible Official Jeffrey Kovach, Manager
Tri-County Joint Municipal Authority
P. O. Box 758
Fredericktown, PA 15333

Type of Facility Water treatment plant

Consulting Engineer Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Application Received Date September 18, 2009

Description of Action Construction of the Deemston pump station.

Permit No. 5604502A1, Public Water Supply.

Applicant **Somerset County General Authority**
c/o Barbera, Clapper, Beener,
Rullo and Melvin
146 West Main Street
Somerset, PA 15501

Township or Borough Boswell and Jennerstown
Boroughs

Responsible Official Chris Meyer, Manager
Somerset County General
Authority
c/o Barbera, Clapper, Beener,
Rullo and Melvin
146 West Main Street
Somerset, PA 15501

Type of Facility Water treatment plant

Consulting Engineer CME Management, LLC
165 East Union Street
Somerset, PA 15501

Application Received Date September 8, 2009

Description of Action Addition of SuperFloc N300 to the treatment process.

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:

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

Former R & D Fuels/Nevin Kemmerling Trust Property, 733 North 17th Street, Allentown City, **Lehigh County**. Michael A. Bingaman has submitted a Notice of Intent to Remediate, on behalf of his client, Gary Weiland, 4159 Wilson Avenue, Bethlehem, PA 18020, concerning the remediation of soil found to have been impacted by used motor oil and No. 2 fuel oil as a result of surface spills due to leaking trucks that had been parked on the site and leakage from an aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The current and future use of the property is commercial. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 20, 2009.

Regan Property, 56 Flintlock Trail, Tobyhanna Township, **Monroe County**. Gretchen Regan, 13 North Morgan Avenue, Havertown, PA 19083 has submitted a Notice of Intent to Remediate, concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property will be residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Fisher Property, 500 Little Gap Road, Lower Towamensing Township, **Carbon County**. Kevin Van Kuren, Hydrocon Services, Inc., 644 Shrewsbury Commons, PMB 179, Shrewsbury, PA 17361 has submitted a Notice of Intent to Remediate, on behalf of his client, John E. Fisher, Jr., 500 Little Gap Road, Palmerton, PA 18701, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an exterior 275-gallon storage tank. The site is commercial and will remain commercial. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Handy's Fuel Service—Williams Residence, City of Harrisburg, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsylvania, PA 18073, on behalf of Joseph Williams, 1738 Market Street, Harrisburg, PA 17103, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and will remain residential.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Andrew Basalla Residence, Snow Shoe Township, **Centre County**. Environmental Maintenance Co., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lucas Oil Co., 697 Market Street, Karthaus, PA 16845 has submitted a Notice of Intent to Remediate soil contaminated with kerosene at 180 Dairy Street, Clarence, PA 16829. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on September 2, 2009. The future use of the property will remain residential.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Bestrans, Inc., 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Received on August 21, 2009.

Geisinger System Services, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-AH 0141. Received on September 10, 2009.

Altoona Regional Health System, 620 Howard Avenue, Altoona, PA 16601. License No. PA-AH 0124. Received on September 3, 2009.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-8472.

General Permit Application No. WMGR068D003. Glatfelter Pulpwood Co., 228 South Main Street, Spring Grove, PA 17362-1000. For the beneficial use as a fuel of carbonaceous wastes as alternate fuels combined coal/waste coal, and the beneficial use as a soil additive of the resulting ash in accordance with 25 Pa. Code §§ 287.661—287.666 (relating to beneficial use of coal ash). The application for determination of applicability was accepted as administratively complete by the Division of Municipal and Residual Waste on September 21, 2009.

Persons interested in obtaining more information about the general permit application may contact the General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Rachel Carson State Office Building,

P. O. Box 8472, Harrisburg, PA 17101-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

09-0174C: Liberty Coating Co., LLC (21 South Steel Road, Morrisville, PA 19067) for modification to the line surface coating operation, at their facility at 21 South Steel Road, Morrisville, PA 19067 in Falls Township, **Bucks County**. This facility is a Synthetic Minor facility. There will be increase in VOC emissions due to this modification but the company has proposed operational restriction to be less than 25 tons of VOC per year. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

63-00951A: Rice Drilling B, LLC (171 Hillpointe Drive, Suite 301, Canonsburg, PA 15317-9554) for construction of three compressor engines and an ethylene glycol reboiler at their Sims Compressor and Processing Plant in Amwell Township, **Washington County**.

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

43-011F: Greenville Metals, Inc. (99 Crestview Drive Ext., Transfer, PA 16154) for modification of plan approval 43-011E to include the Drying Tube (Source 201) being controlled by the new baghouse (C205) in Pymatuning Township, **Mercer County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (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.

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

36-05001H: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for replacing the prime paint dryer in their East Donegal Township, **Lancaster County**. The larger dryer and increased throughput has the potential to increase CO emissions by 2 tpy, NOx by 1 tpy and VOCs by 6 tpy. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

30-00108A: River Processing Corp. (158 Portal Road, Waynesburg, PA 15370) for construction of a coal preparation facility consisting of equipment for transferring, crushing, screening, washing, and stockpiling of coal from their Freeport deep mine, in Jefferson Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a coal preparation facility consisting of equipment for transferring, crushing, screening, washing,

and stockpiling of coal from the Freeport deep mine, located in Jefferson Township, **Greene County**.

Annual emissions from the facility are estimated to be 29 tons of PM, 11.5 tons of PM₁₀, 2 tons PM_{2.5}, 26 tons of VOCs and 1 ton of NO_x. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources, and the applicable requirements of 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation Plants. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

1. This Plan Approval authorizes the construction of a coal preparation plant at River Processing Corporation's site located in Jefferson Township, Greene County. (25 Pa. Code § 127.12b)

2. Emission sources at this facility will include multiple conveyors and transfer points, screening and rotary sizing equipment, stockpiles, wet coal cleaning circuit, and use of roadways. (25 Pa. Code § 127.12b)

3. The throughput of the plant shall be limited to 8,000,000 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

4. (a) No person may permit the emission into the outdoor atmosphere of a fugitive air contaminant from a source other than the following:

(1) N/A.

(2) Grading, paving and maintenance of roads and streets.

(3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.

(4) Clearing of land.

(5) Stockpiling of materials.

(6) Open burning operations.

(7) Blasting in open pit mines. Emissions from drilling are not considered as emissions from blasting.

(8) N/A

(b) N/A

(c) A person responsible for any source specified in 25 Pa. Code § 123.1(a)(1)—(7) or (9) shall take all reasonable actions to prevent PM from becoming airborne. These actions include, but shall not be limited to, the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.

(2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means. (25 Pa. Code § 123.1)

5. Fugitive emissions that remain after all reasonable control activities have taken place are determined to be of minor significance in accordance with 25 Pa. Code § 123.1(a)(9)(i) and (ii).

6. A person may not permit fugitive PM to be emitted to the outdoor atmosphere from a source specified at 25 Pa. Code § 123.1(a)(1)—(9) if the emissions are visible at the point the emissions pass outside the person's property. (25 Pa. Code § 123.2)

7. All outside conveyors shall be partially enclosed. At a minimum, 1/2 enclosures (90°) shall be employed for 72 inch conveyors, and 3/4 enclosures (135°) shall be employed for all other outside conveyor systems.

8. All transfer points shall be fully enclosed except where such configuration is determined to not be practical. (25 Pa. Code § 127.12b)

9. All sizing and screening activities shall take place within a building. If necessary, water sprays shall be used to minimize fugitive emissions coming from the building. (25 Pa. Code § 127.12b)

10. Material shall be deposited to raw and clean coal stockpiles using stacking tubes. Material shall be removed from raw and clean coal stockpiles using underground reclaim systems. Stockpiles shall be equipped with rainbirds to be used for dust suppression when needed. Rainbirds shall be designed to spray up, out and across coal storage piles. (25 Pa. Code § 127.12b)

11. Permittee shall sweep or water all plant access roads to suppress dust whenever necessary, including 250 feet of public highway on either side of the plant access road. (25 Pa. Code § 127.12b)

12. A pressurized water truck shall be kept onsite at all times. The truck shall be maintained in an operational condition and used to suppress dust whenever necessary. (25 Pa. Code § 127.12b)

13. All trucks transporting materials that are subject to spillage and/or generation of dust shall be tarped and the permittee shall place clearly legible notices concerning the requirement to tarp these trucks. (25 Pa. Code § 127.12b)

14. Permittee shall post clearly legible signs limiting the speed of all vehicles traveling on haul roads to 15 mph. (25 Pa. Code § 127.12b)

15. A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated. (25 Pa. Code § 123.31)

16. Owner/operator shall visually observe the operation of the entire facility at least once each day to determine compliance with the malodor and fugitive emission limits established previously. (25 Pa. Code § 127.12b)

17. Owner/operator shall keep records of the daily observations of malodor and fugitive emission observations. Owner/operator shall also keep daily records of all actions taken to ensure compliance with the malodor and fugitive emission limitations. (25 Pa. Code § 127.12b)

18. Permittee shall keep monthly records of raw coal throughput, clean coal yield, and consumption of each individual chemical used. Records shall be kept onsite and maintained for a period of 5 years, and be made available to the Department upon request. (25 Pa. Code § 127.12b)

19. This plant is subject to applicable requirements of 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation Plants. Permittee shall comply with the Notification and Recordkeeping of 40 CFR 60.7. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall

be forwarded to both the Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted. (40 CFR 60, Subpart Y)

Director, Air Toxics and Radiation
U.S. EPA, Region III
841 Chestnut Street
Philadelphia, PA 19107

Department of Environmental Protection
Office of Air Quality Control
400 Waterfront Drive
Pittsburgh, PA 15222-4745

20. The owner/operator shall, on or before March 1 of each year, submit to the Department of Environmental Protection-Air Quality an Annual Inventory and Emission Statement for the previous year on forms provided by the Department. (25 Pa. Code § 127.12b)

21. This approval to construct shall become invalid if: (1) the construction, modification or installation is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification or installation. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. (25 Pa. Code § 127.13(c))

22. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit. Submit an Operating Permit application within 180 days of commencement of construction.

23. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

24. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the (APCA), or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

25. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of

commencement of operation, provided the Department receives notice from the permittee under subsection (a), previously.

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

(e) The notice submitted by the permittee under subpart (a) previously, prior to the expiration of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

26. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

27. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

28. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in subsection (a) of this condition.

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code § 127.12(c) and (d) and 35 P. S. § 4013.2)

29. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

(a) Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at

the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension, and
- (ii) A schedule for the completion of the construction.

(c) If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(d) If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

30. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

31. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

32. This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

33. Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

34. The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

35. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. §§ 4008 and 114 of the CAA)

36. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

37. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

38. No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

39. Reports, test data, monitoring data, notifications shall be submitted to the following:

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 153222

40. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(a) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(b) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(c) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(i) The date on which a regulated substance is first present above a threshold quantity in a process.

(ii) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(iii) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(iv) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

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

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

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

24-166A: National Fuel Gas—Bowen Compressor Station (Highland Township, PA 16365) for construction of a new gas compressor station in Highland Township, **Elk County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Compressor Engine Unit 1 (Source 101):
- Subject to 25 Pa. Code § 123.21.
- The internal combustion engine shall be designed and operated so emissions do not exceed the following:
 - NO_x at rated brake horsepower and operating at rated speed—2.0 grams per brake horsepower-hour (gms/bhp-hr) for gas fired units;
 - VOC at rated bhp and operating at rated speed—1.0 gms/bhp-hr;
 - CO at rated bhp and operating at rated speed—2.0 gms/bhp-hr; and,
 - At operating conditions less than rated capacity, internal combustion engines shall, on a pounds per hour basis, emit no more than they emit at rated bhp and rated speed.
- Visible emissions in excess of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
 - Equal to or greater than 30% at any time.

- The emission limitations shall apply at all times except during periods of start-up and shut-down, provided, however, that the duration of start-up and shut-down do not exceed 1 hour per occurrence.

- This source is subject to 25 Pa. Code §§ 123.1 and 123.31 for fugitive and odor emissions, respectively.

- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of filterable PM in the effluent gas exceeds 0.02 gr/dscf.

- The stack test shall be conducted for NO_x, CO and VOC (NMOC). Testing shall be performed initially and annually thereafter. In lieu of performing the annual stack test, the facility may show compliance with the emission limitations by the use of a Department approved portable analyzer.

- The permittee shall maintain comprehensive accurate records which, at a minimum, shall include the following. Recordkeeping shall commence at the time of the start-up of each source.

- The number of hours that each engine operated on a 12-month rolling total.

- The amount of fuel used in each engine on a 12-month rolling total.

- When a new internal combustion engine is installed and is required to conduct a performance test, the permittee shall maintain records or report the following. Recordkeeping shall commence at the time of the start-up of each source.

- Records including a description of testing methods, results, all engine operating data collected during the tests, including but not limited to engine horsepower and engine speed, and a copy of the calculations performed to determine compliance with emission standards.

- These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. The Department reserves the right to expand the list contained in this condition as it may reasonably prescribe under the provisions of section 4 of the APCA (35 P. S. §§ 4001—4015), and as it may deem necessary to determine compliance with any condition contained herein.

- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed. Recordkeeping shall commence at the time of the start-up of each source.

- The permittee shall maintain a record of the following from the operational inspections. Recordkeeping shall commence at the time of the start-up of each source.

- Engine Speed.

- The permittee shall perform operational inspections of the source at least twice per week, for any week the source is in operation.

- The permittee shall install, maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- The source is subject to 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

42-004E: American Refining Group (77 North Kendall Avenue, Bradford, PA 16701) for revisions in Plan Approval 42-004C permit associated with the Hydrotreater Unit and the LO-CAT Desulfurization Unit on their Bradford facility in Bradford City, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for revisions in Plan Approval 42-004C permit associated with the Hydrotreater Unit and the LO-CAT Desulfurization Unit the Bradford facility in Bradford City, McKean County. The facility currently has a Title V Permit No. 42-00004 that was issued January 1, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to this plan approval:

The following requirements are applicable to NSPS Affected Heaters: H-510 Hydrotreater Stripper Heater (Source No. 051) and the H-501 Hydrotreater Heater (Source No. 050):

1.

(a) ARG will monitor the recycle gas H₂S concentration at least once per week with colorimetric tubes.

(b) If any single recycle gas H₂S result exceeds 24 ppmv, ARG shall immediately begin collecting daily colorimetric tube samples of both the Platformer V-11 and ISOM UV-102 gas streams for 7 consecutive days. ARG will also notify the Department within 24 hours if the recycle gas H₂S content is found to be in excess of 24 ppmv. (Note: 24 ppmv H₂S in the recycle gas correlates with 80 ppmv in the fuel gas stream.)

(c) If the 7 day average plus three standard deviations for each gas stream (Platformer V-11 and ISOM UV-102) is less than 81 ppm, ARG will continue with the daily recycle gas colorimetric tube sampling schedule described in item (a) previously.

2. The H₂S limit fuel combusted in the hydrotreater heaters is 0.1 gr/dscf.

3. This source shall operate using only refinery fuel gas or natural gas as a fuel.

The following requirements are applicable to the Hydrotreater Unit (Source No. 1001):

1. (a) Within 180 days of the date the plan approval is issued or a schedule approved by the Department, a stack test shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for VOC and H₂S at the exhaust from the LO-CAT Oxidizer (S1001).

(b) The following methods shall be used to conduct emission testing unless another method is approved by the Department.

If VOC < 50 ppm C: THC M25A + M18 (methane/ethane)

If VOC >50 ppm C: NMOC M25

H₂S: M11

2. (a) This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

(b) No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.04 gr/dscf.

3. No person may permit the emission into the outdoor atmosphere of SO_x from a source in a manner that the concentration of the sulfur oxides, expressed as SO₂, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

4. ARG shall not direct any refinery gas from the LO-CAT absorber to any combustion sources which are subject to NSPS requirement.

The plan approval contains additional monitoring and recordkeeping requirements. This plan approval supercedes Plan Approval 42-004C.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at (814) 332-6340.

Any persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period, from the date of this publication, will be held for the submission of comments. Each written comment must contain the following:

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

- Identification of the proposed Plan Approval (No. 42-004E).

- Concise statements regarding the relevancy of the information or objections to the issuance of the Plan Approval. Written comments should be directed to:

John F. Guth
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Northwest Region—Field Operations
230 Chestnut Street
Meadville, PA 16335

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. The persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, P. E., New Source Review Section, Department of Environmental Protection, Air Quality Program, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact the Department or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

AMS 07034: Convention Center (1101 Arch Street, Philadelphia, PA 19107) for installation of two 500 kW Detroit Diesel emergency generator firing No. 2 fuel oil one 600 kW Detroit Diesel emergency generator firing No. 2 fuel oil.

One 270 hp Peerless fire protection pump firing No. 2 fuel oil.

Two 20.4 mmBtu/hr Cleaver Brooks Boiler firing No. 2 fuel oil and natural gas.

Two 8.76 mmBtu/hr York Chillers firing No. 2 fuel oil and natural gas in the City of Philadelphia, Philadelphia County.

The Facility will be limited to less than 25 tons of NO_x emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable 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.

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

40-00002: Transcontinental Gas Pipe Line Corp. (P. O. Box 1396, Houston, TX 77251-1396) for a renewal of Title V Operating Permit for a gas transmission station in Buck Township, **Luzerne County**. The facility's main sources include: one natural gas fired boiler, 16 natural gas fired space heaters, five natural gas fired compressors, one emergency generator, one parts washer/degreaser and one gas turbine. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

40-00019: Cascades Tissue Group PA, Inc. (901 Sathers Drive, Pittston, PA 18640-9589) for renewal of a Title V Operating Permit in Pittston Township, **Luzerne County**. Sources at the facility include flexographic printers and adhesive equipment lines. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

65-00634: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for operation of a natural gas transmission station at their J.B. Tonkin Station located in Murrysville Borough, **Westmoreland County**. The facility's representative for the Title V application and proposed permit is Scott R. Kingston, Environmental Specialist III, Dominion Transmission, Inc., 501 Martindale Street, Suite 400, Pittsburgh, PA 15212, (412) 237-4833. Air emission sources at this facility include two natural gas-fired engines, a natural gas-fired space heating boiler, and fugitive emissions from pumps, valves, flanges, and the like. This is a renewal of the Title V Operating Permit (TVOP) issued in 2004.

Emissions from the facility are estimated to be 149.41 tons of CO, 213.9 tons of NO_x, 2.07 tons of PM₁₀, 0.12 tons of SO_x, 37.93 tons of VOCs, 6.7 tons of formaldehyde, 2.1 tons of glycol ether and 8.8 tons of total HAPs. Included in the TVOP are NO_x and VOC emission limits and testing requirements from a reasonably available control technology (RACT) permit. Also included in the permit are general Title V requirements and additional conditions supported by 25 Pa. Code Chapters 123, 127 and 135. Additional emission limits consist of limits on open burning, fugitive dust and visible emission opacity. Permit emission limits are maintained and verified with monitoring, recordkeeping and reporting requirements.

Those who wish to provide the Department of Environmental Protection (Department) with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

For additional information you may contact Alan Binder at (412) 442-4168.

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

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

48-00078: Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042) for renewal of an operating permit for a stone crushing facility located in Williams Township, **Northampton County**. The facility has the potential to emit PM above Title V emission thresholds and is taking an elective restriction on operating hours to keep synthetic minor operating permit status. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

36-03094: Snavely's Mill, Inc. (333 Snavely Mill Road, Lititz, PA 17543) for operation of their flour mill in Warwick Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in December 2004.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

08-00022: Cummings Lumber Co., Inc. (P. O. Box 6, Troy, PA 16947) for their hardwood dimension and flooring mill in Troy Township, **Bradford County**. The facility's main sources include one wood fired boiler, nine steam heated lumber drying kilns and mill operation. The facility has the potential to emit SO_x, NO_x, CO, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable Federal and State air quality regulations. In addition, monitoring, recordkeeping and reporting conditions are included to demonstrate compliance with all applicable regulatory requirements.

17-00052: P & N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) for their coal preparation facility in Goshen Township, **Clearfield County**. The facility's main sources include a coal processing operation, site haul roads and a diesel fired generator. The facility has the potential to emit SO_x, NO_x, CO, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable Federal and State air quality regulations. In addition, monitoring, recordkeeping and reporting conditions are included to demonstrate compliance with all applicable regulatory requirements.

41-00062: Wheeland Lumber Co., Inc. (3558 Williamson Trail, Liberty, PA 16930) for their lumber mill in Jackson Township, **Lycoming County**. The facility's main sources include two wood fired boilers, nine steam heated lumber drying kilns, two emergency generators and dimension process area. The facility has the potential to emit SO_x, NO_x, CO, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable Federal and State air quality regulations. In addition, monitoring, recordkeeping and reporting conditions are included to demonstrate compliance with all applicable regulatory requirements.

08-00008: Guthrie Robert Packer Hospital (One Guthrie Square, Sayre, PA 18840) for their general medical and surgical hospital facility in Sayre Borough, **Bradford County**. The facility's main sources include three natural gas/No. 2 fuel oil fired boilers and six diesel fired emergency generators. The facility has taken restrictions to limit potential SO_x emissions below Title V thresholds. The proposed operating permit contains all applicable Federal and State air quality regulations. In addition, monitoring, recordkeeping and reporting conditions are included to demonstrate compliance with all applicable regulatory requirements.

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

63-00934: MarkWest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for operation of five natural-gas compressor engines, a dehydration unit and associated equipment at the Godwin Compressor Station in Mount Pleasant Township, **Washington County**. This site currently operates under a general permit, GP5-63-00947.

63-00938: MarkWest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) for a State-only permit to operate five natural-gas compressor engines, a dehydration unit and associated equipment at the Hoskins Compressor Station in Blaine Township, **Washington County**. This site currently operates under a general permit, GP5-63-00947.

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

25-00192: Reed Manufacturing Co. (1425 West 8th Street, Erie, PA 16502) for the issuance of a Natural Minor Operating Permit to operate a tool manufacturing facility in the City of Erie, **Erie County**. The facility's primary emission sources include machining, heat treating, degreasing and surface coating operations. The emissions from this facility are well below major source levels.

25-00930: Erie Shipbuilding, LLC (220 East Bayfront Parkway, Erie, PA 16507-2402) for operation of the facility's air contamination sources consisting of: blasting operation, paint spray booth, ship abrasive blasting, ship painting and a preheat for the blasting and surface coating of large ships in the City of Erie, **Erie County**. The facility is restricted to no more than 49.5 tpy VOC and 24.5 tpy for combined HAPs calculated on a 12-month rolling total. Compliance with these limits will be demonstrated by way of recordkeeping and reporting practices outlined in the operating permit.

33-00162: Coolspring Sand & Gravel Co., Inc. (P. O. Box 143, Coolspring Road, Coolspring, PA 15730) for an initial natural minor operating permit, to operate a gravel processing plant in Oliver Township, **Jefferson County**. The significant sources included, processing plant, three diesel engines and wet spray system. The facility is natural minor because the emission of pollutants from the facility is less than Title V threshold limits.

42-00172: Hexion Specialty Chemical, Inc. (P. O. Box 7227, Mount Jewett, PA 16740) for issuance of a Natural Minor Operating Permit to produce urea-formaldehyde resins in Sergeant Township, **McKean County**. The facility's primary emission sources include storage tanks and a resin kettle. The VOC and HAP emissions from this facility are well below major source levels.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401

Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit descrip-

tion 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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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 precipita-

tion 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.

56753119 and NPDES No. PA0606201. Jenners, Inc., P. O. Box 171, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving streams: UNTs to Quemahoning and Hoffman Creeks classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received September 16, 2009.

Permit No. 56030104 and NPDES No. PA0249459. Elk Lick Energy, Inc., P. O. Box 240, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface coal mine in Jenner and Quemahoning Townships, **Somerset County**, affecting 171.9 acres. Receiving streams: UNTs to/and Twomile Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 14, 2009.

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

03090105 and NPDES Permit No. PA0251755. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine, located in Bethel Township, **Armstrong County**, affecting 42 acres. Receiving streams: Crooked Creek and UNTs to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received September 21, 2009.

03910115 and NPDES Permit No. PA36-07667. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Revision application for SR 0422 road variance, located in West Franklin Township, **Armstrong County**,

affecting 468.8 acres. Receiving stream: Buffalo Creek, classified for the following use: HQ-TSF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Revision application received September 23, 2009.

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

17980117 and NPDES No. PA0238104. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 75.6 acres. Receiving streams: Laurel Run and Little Laurel Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 19, 2009.

18793005 and NPDES No. PA0596129. Confer Coal Company (P. O. Box 471, Milesburg, PA 16853), permit renewal for the continued operation and restoration of a bituminous surface mine in Beech Creek Township, **Clinton County**, affecting 329 acres. Receiving stream: South Fork of Tangascootack Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 12, 2009.

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

40840202R5 and NPDES Permit No. PA0613703. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Laflin Borough, **Luzerne County** affecting 30.3 acres, receiving stream: Garden Creek. Application received September 21, 2009.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

16990301. Glen Gery Corporation (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610). Renewal of NPDES Permit No. PA0241521, Monroe Township, **Clarion County**. Receiving stream: Reid's Run, classified for the following use: CWF. There are no potable surface

water supply intakes within 10 miles downstream. NPDES Renewal application received September 23, 2009.

20090303. Hasbrouck Sand & Gravel, Inc. (12225 Gresham Road, Titusville, PA 16354). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 56.6 acres. Receiving stream: Oil Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Titusville City Municipal Water Authority. Revision to include a land use change from industrial and cropland to unmanaged water impoundment and unmanaged natural habitat. Application received September 22, 2009.

1929-20090303-E-1. Hasbrouck Sand & Gravel, Inc. (12225 Gresham Road, Titusville, PA 16354). Application for a stream encroachment to construct and place support facilities within 100 feet of Oil Creek in Oil Creek Township, **Crawford County**. Receiving streams: Oil Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the Titusville City Municipal Water Authority. Application received September 22, 2009.

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

08090305 and NPDES No. PA0257214. Johnson Quarries, Inc. (P. O. Box 136, LeRaysville, PA 18829), commencement, operation and restoration of a surface large noncoal mine in Wilmot Township, **Bradford County**, affecting 20 acres. Receiving streams: Rocky Forest Creek, UNT to Susquehanna River, Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 1, 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-703. City of Wilkes-Barre, 40 East Market Street, Wilkes-Barre, PA 18711, in City of Wilkes-Barre, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete spread box beam bridge, having a clear normal span of 39 feet and a underclearance of 12 feet, across Mill Creek (CWF). The proposed project was previously authorized under Permit No. E40-626, which expired prior to the commencement of construction. The project is located West Sidney Street, approximately 0.8 mile upstream of SR 0309 (Pittston, PA Quadrangle Latitude: 41° 16' 13"; Longitude: -75° 50' 41").

E39-501. Douglas J. and Jill L. Mussleman, 5734 Snowy Orchid Lane, Allentown, PA 18104, in Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To permanently impact 0.03 acre of isolated PSS wetlands for the construction of a single-family dwelling. The project is located within the residential development at Hopewell Woods, 55 Churchill Lane, Lot No. 5 (Allentown West, PA Quadrangle Latitude: 40° 33' 55"; Longitude: -75° 34' 19").

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-458. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0220, Section 094, Bridge Structure Replacement and in-stream rock vane placement over Wolcott Creek, Athens Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District (Sayre, PA Quadrangle N: 41° 55' 26"; W: 76° 31' 32").

The Department of Transportation, Engineering District 3-0 proposes to replace the existing single-span multi-stringer steel beam bridge with a single-span spread box beam bridge over Wolcott Creek. The existing hydraulic opening is 195 square feet and the proposed hydraulic opening is 264.5 square feet. The proposed bridge will be placed approximately on the existing vertical and horizontal alignment. Additionally, the project will place one rock cross vane upstream and downstream of the proposed bridge structure. Wolcott Creek is classified as a WWF by 25 Pa. Code Chapter 93 Water Quality Standards. The proposed project will not impact any jurisdictional wetlands.

E59-488. NFG Midstream Covington, LLC, P. O. Box 2081, Erie, PA 16512. Water Obstruction and Encroachment Joint Application, Covington Gathering Pipeline, in Bloss and Covington Townships, **Tioga County**, United States Army Corps of Engineers, Baltimore District (Blossburg, PA Quadrangle N: 41° 39' 34.58"; W: 77° 6' 5.02").

To construct, operate and maintain 6.63 miles of 12-inch natural gas and water pipeline within the Tioga River Watershed (CWF, MF). Construction of the pipeline will require 17 stream and eight wetland crossings. The project is centered north SR 2016 approximately 1 mile west of the intersection with SR 0015 outside the village of Arnot, Tioga County.

E59-489. Ultra Resources, Inc. 304 Inverness Way South, Englewood, CO 80112-5828. Water Obstruction and Encroachment Joint Application, Marshlands Play Pipelines, in Elk Township, **Tioga County** and Abbott, Pike and West Branch Townships, **Potter County**, United States Army Corps of Engineers, Baltimore District (Galeton, PA Quadrangle N: 41° 43' 8.7"; W: 77° 37' 12.8").

To construct, operate and maintain 1.25 miles of 8" natural gas and water pipeline within the Elk Run Watershed (HQ-CWF, MF-WF). Construction of the pipeline will require nine stream and nine wetland crossings. The project is centered along SR 3001 approximately 2.7 miles south of the intersection with SR 0006 outside the village of Marshlands, Tioga County.

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

E02-1622. Bryan Gentile, 120 Riding Trail Lane, Pittsburgh, PA 15215. To construct a house and an indoor and outdoor riding area in Indiana Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 14.2 inches; W: 4.0 inches, Latitude: 40° 34' 43.2"; Longitude: 79° 54' 14.3"). The applicant proposes to construct a house, an indoor riding area and outdoor riding arena. To expand an existing pond and convert it to a stormwater management facility, the applicant proposes to dredge an existing, 0.60 acre pond (POW); excavate approximately 0.06 acre of adjacent wetlands (PEM); and to relocate and expand (approximately 20 LF) an existing, 90 LF enclosure of a UNT to Shaffers Run (Tributary of Deer Creek, CWF). To create an outdoor riding arena, the applicant proposes to fill approximately 0.03 acre of the aforementioned wetland and approximately 120 LF of a UNT to Shaffers Run (Tributary to Deer Creek, CWF). The applicant proposes to directly affect 230 LF of watercourse and 0.09 acre of wetland. Both of the impacted watercourses have drainage areas less than 100 acres. To mitigate for wetland impacts, the applicant proposes to create 0.10 acre of wetland onsite.

E02-1623. Sampson-Morris Group, 2500 Eldo Road, Suite 1, Monroeville, PA 15146. To place fill in wetlands in Robinson Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Oakdale, PA Quadrangle N: 12.9"; W: 4.2", Latitude: 40° 26' 43"; Longitude: 80° 9' 23"). The applicant proposes to place and maintain fill in approximately 0.04 acre of wetlands in the watershed, for the purpose of constructing a parking lot. To mitigate for these impacts, the applicant proposes to pay into the Wetland Replacement Fund.

E26-354. Jacobs Creek Watershed Association, P. O. Box 1071, Mt. Pleasant, PA 15666. To construct a fish habitat in Bullskin Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (Connellsville, PA Quadrangle N: 20.3 inches; W: 2.9

inches, Latitude: 40° 6' 39"; Longitude: 79° 31' 13"). The applicant proposes to construct and maintain fish habitat structures and shoreline stabilization with rocks and vegetation for a length of 325 feet, along the south shore of Greenlick Dam on Greenlick Run.

E56-351. David S. Herroltz, P. O. Box 214, Laughlintown, PA 15655-0214. To construct and maintain a boat slip by excavation in Indian Lake Borough, **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Central City, PA Quadrangle N: 10.1 inches; W: 15.9 inches, Latitude: 40° 03' 20"; Longitude: 78° 51' 49"). The applicant proposes to construct and maintain a boat slip by excavating approximately 30 feet in the lake bank; to construct a retaining wall, dock and deck over the docking area; and to dredge an area of the lake bottom within a 75 foot radius of the boat slip. The project is located on Indian Lake.

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

E10-453, Armstrong Development Properties, Inc., 2100 Wharton Street, Pittsburgh, PA 15203. CVS Pharmacy, in Adams Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Mars, PA Quadrangle N: 40° 41' 30"; W: 80° 1' 7").

The applicant proposes to construct a pharmacy and associated parking and infrastructure at the NW corner of the intersection of SR 228 and SR 3019 (Pittsburgh Street) involving to construct and maintain: 1) a stream relocation of approximately 335 feet of a UNT Breakneck Creek to a constructed U-shaped concrete channel having a length of approximately 300 feet and a 3-foot high by 5-foot wide concrete box culvert having a length of approximately 45 feet; 2) an approximately 15-foot long extension on the upstream end of the existing Department of Transportation 2.5-foot diameter, 40-foot long RCP culvert under SR 3019 (Pittsburgh Street); 3) a waterline crossing of UNT Breakneck Creek; and 4) and two stormwater outfalls to UNT Breakneck Creek having 1.33-foot and 1.5-foot diameters respectively.

UNT Breakneck Creek is a perennial stream classified as a WWF. The applicant proposes to impact approximately 350 feet of stream channel.

ENVIRONMENTAL ASSESSMENT

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

EA12-003. Cameron County Conservation District, 20 East Fifth Street, Room 105, Emporium, PA 15834. Abandoned Mine Drainage Treatment System in Shippen Township, **Cameron County**, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to construct a passive mine drainage treatment system adjacent to the former Cameron County Landfill. This system will treat six existing acid mine drainage seeps and discharge treated flows to wetlands along May Hollow Run. This project will permanently impact 0.1 acre of wetland through construction activities involved with collecting the drainage seeps. Mitigation for wetland impact will be achieved through water quality improvements to May Hollow and Sterling Runs (Cameron, PA Quadrangle N: 14.4 inches; W: 14.0 inches).

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061221 (Sewage)	Elk Lake School District P. O. Box 100 1 Schoolhouse Road Dimock, PA 18816	Susquehanna County Dimock Township	West Creek No. 4G	Y
PA0062294 (Municipal)	Coolbaugh Township Board of Supervisors 5550 Memorial Boulevard Tobyhanna, PA 18446	Monroe County Coolbaugh Township	Tobyhanna Creek 02A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086266 (Sew)	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517	Lancaster County Brecknock Township	Little Muddy Creek 7-J	Y
PA0247537 (IW)	Cherry Place Properties 400 Wabash Road P. O. Box 788 Ephrata, PA 17522	Lancaster County East Cocalico Township	Cocalico Creek 7-J	Y
PA0086304 (Sew)	Earl Township Sewer Authority 517 North Railroad Avenue New Holland, PA 17557	Lancaster County Earl Township	Mill Creek 7-J	Y
PA0086541 (IW)	Denver Cold Storage 555 A Sandy Hill Road Denver, PA 17517	Lancaster County West Cocalico Township	UNT of Indian Run 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0112445 (IW)	P & N Packing, Inc. R. R. 2 Box 189 Wyalusing, PA 18853	Bradford County Terry Township	Susquehanna River 4D	Y
PA0111953 (SN)	Guardian Elder Care, Inc. Highlands Continuing Care Facility P. O. Box 10 LaPorte, PA 18626	Sullivan County LaPorte Borough	UNT to Mill Creek 10B	Y
PA0110680 (IW)	Wood-Mode, Inc. One Second Street Kreamer, PA 17833	Snyder County Middlecreek Township	Middle Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205036 (Industrial Waste)	Mostoller Landfill, Inc. 7095 Glades Pike Somerset, PA 15501	Somerset County Brothersvalley and Somerset Townships	Kimberly Run	Y
PA0041289 (Sewage)	Uniontown Area School District 23 East Church Street Uniontown, PA 15401-3578	Fayette County Franklin Township	UNT of Virgin Run Lake	Y
PA0110922 (Sewage)	Camp Allegheny, Inc. 100 Camp Allegheny Drive Stoystown, PA 15563	Somerset County Stonycreek Township	UNT of Calendars Run	Y
PA0032085 (Sewage)	Department of Conservation and Natural Resources Prince Gallitzin State Park 966 Marina Road Patton, PA 16668-6317	Cambria County White Township	Beaverdam Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221601	Hunters Station STP Township Road T-750 Tionesta, PA 16353-0307	Forest County Tionesta Township	Allegheny River 16-E	Y

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

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

NPDES Permit No. PA0244457, Industrial Waste, **Petroleum Heat and Power Company, Inc.**, 650 Knowles Avenue, Southampton, PA 18966. This proposed facility is located in Upper Southampton Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge contaminated stormwater from a bulk petroleum storage plant into a UNT to Southampton Creek in Watershed 3J-Pennypack.

NPDES Permit No. PA0053279, Sewage, **The McKee Group Village of Buckingham Springs**, 1490 Durham Road, New Hope, PA 18938. This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into Mill Creek in Watershed 2F.

NPDES Permit No. PA0025917, Sewage, **Chalfont-New Britain Township Joint Sewage Authority**, 1645 Upper State Road, Doylestown, PA 18901. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the Neshaminy Creek in Watershed 2F—Neshaminy.

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

NPDES Permit No. PA0026875, Amendment No. 1, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to the South Branch of Conewago and Plum Creeks in Watershed 7-F.

NPDES Permit No. PA0086762, Amendment No. 1, Industrial Waste, **IESI PA Blue Ridge Landfill Corporation**, 1660 Orchard Road, P. O. Box 399, Scotland, PA 17254. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Phillaman Run in Watershed 13-C.

NPDES Permit No. PA0246808, CAFO, **Clair Hurst**, 788 King Pen Road, Kirkwood, PA 17563. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 510-animal equivalent units swine and dairy operation in Watershed 7-K.

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

NPDES Permit No. PA0102245, Sewage, **Highway 322 Realty Company**, Highway 322 East, P. O. Box 1030, Franklin, PA 16323. This proposed facility is located in Cranberry Township, **Venango County**.

NPDES Permit No. PA0263508, Sewage, **William J. and Patricia S. Sopp**, 8983 Neuberger Road, Fairview, PA 16415. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: This is a single-residence sewage treatment plant discharging to a UNT to Elk Creek in Watershed 15.

NPDES Permit No. PA0222267, Amendment No. 1, Sewage, **Lovett's Mobile Home Park Sewage Treatment Plant**, Laycock Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit Amendment to increase the discharge of treated sewage from a proposed sewage treatment plant designed to serve a mobile home park expansion.

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. 6409402, Sewerage, **West Wayne School District**, Box 220, South Canaan, PA 18459. This proposed facility is located in Salem Township, **Wayne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for construction of a 7,000 gpd wastewater treatment plant facilities including a wetland treatment system, lagoon and spray irrigation system.

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

WQM Permit No. 4109402, Sewerage, SIC 4952, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This proposed facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit authorizing the replacement of a decommissioned WWTP now functioning as a pump station with a package wet well pump station.

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

WQM Permit No. 2670202-A1, Industrial Waste, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672. This existing facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of industrial wastewater facilities consisting of placement of geo-textile sludge dewatering bags on an asphalt paved area.

WQM Permit No. 0209407, Sewerage, **Marshall Township Municipal Sanitary Authority**, 525 Pleasant Hill Road, Warrendale, PA 15068. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers.

WQM Permit No. 0309405, Sewerage, **Ford City Municipal Sewage Disposal Authority**, P. O. Box 66, Ford City, PA 16226. This proposed facility is located in Ford City Borough, **Armstrong County**.

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

The Pennsylvania Infrastructure Investment Authority which administrates 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.

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

WQM Permit No. 2509402, Sewerage, **William J. and Patricia S. Sopp**, 8983 Neuburger Road, Fairview, PA 16415. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

WQM Permit No. 2509403, Sewerage, **North East Township Water and Sewer Authority**, 10300 West Main Street, P. O. Box 249, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a permit to provide publicly owned sewer to portions of North East Township with documented malfunctioning privately owned onlot systems. This includes service to four different areas: Lake Erie Shoreline, Route 89 Subsystem, Southeast Subsystem and Western Subsystem.

WQM Permit No. 2596413, Amendment No. 2, Sewerage, **North East Borough**, 31 West Main Street, North East, PA 16428. This proposed facility is located in North East Borough, **Erie County**.

Description of Proposed Action/Activity: Issuance of a permit to upgrade the Site I and expand the Site II.

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

WQM Permit No. 1509408, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: A pump station with associated force main and control building.

WQM Permit No. WQG02230910, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Action/Activity: Construct public sewers to serve existing properties.

WQM Permit No. 1505403, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Upgrades to the existing Hartfeld PS No. 4 to increase capacity of pump station.

WQM Permit No. 0909401, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Installation of a 1.9 million gallon surge tank and two associated pump stations.

WQM Permit No. 1590415, Sewerage, Transfer, **Dr. Frederick and Mrs. Mary Magner**, 1195 Westbourne Road, West Chester, PA 19382. This proposed facility is located in Westtown Township, **Chester County**.

Description of Action/Activity: Permit transferred from Sofield SRSTP to Magner SRSTP.

WQM Permit No. 2309401, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station, force main and appurtenances.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907010	Double D. Lehigh, LP 7785 Spring Creek Road Macungie, PA 18062	Lehigh	Upper Milford Township	Tributary to Saucon Creek HQ-CWF, MF
PAI023903020(1)	Pulte Homes of PA, LP 1100 Northbrook Drive Treose, PA 19053	Lehigh	South Whitehall and Upper Macungie Townships	Little Cedar Creek HQ-CWF, MF
PAI023905033(1)	City of Allentown 3000 Parkway Boulevard Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek HQ-CWF, MF
PAI026408002	Western Wayne Elementary School 2132 Easton Turnpike Box 220 South Canaan, PA 18459	Wayne	Salem Township	Moss Hollow Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033807002	David Bradley Lebanon Church of the Brethern 400 Locust Street Lebanon, PA 17042	Lebanon	Heidelberg Township	Hammer Creek HQ-CWF
PAI030607002	Gregory Hilbert P. O. Box 20 Oley, PA 19547	Berks	Rockland Township	Bieber Creek EV
PAI030603005-R	John Hilbert 352 Renninger Road Perkiomenville, PA 18074	Berks	Pike Township	UNT to Oysterville Creek HQ-CWF
PAI030608023	Tod Auman TEDCAR Properties, LLC 850 North Wyomissing Boulevard, Suite 200 Wyomissing, PA 19610	Berks	Cumru Township	UNT to Wyomissing Creek HQ-CWF

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

Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209003	Brooks and Blair Waterfront Properties, LP 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046	Allegheny	Borough of Oakmont	Allegheny River WWF, N and Plum Creek WWF

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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Towamensing Township Carbon County	PAG2001309006	Jeffrey Bartholomew 1020 South 5th Street Palmerton, PA 18071	Tributary to Aquashicola Creek TSF, MF	Carbon County Conservation District (610) 377-4894
Upper Saucon Township Lehigh County	PAG2003909002	Peter Hewitt Pioneer Building and Acquisitions, LLC P. O. Box 21595 Lehigh Valley, PA 18002	Saucon Creek CWF, MF	Lehigh County Conservation District (610) 391-9583
Springettsbury Township York County	PAG2006708059	Matthew DeRose Heritage Hills Gold Resort and Conference Center 2700 Mount Rose Avenue York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Bedford Township Bedford County	PAG2000509009	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Cumberland Valley Run—Raystown Branch Juniata River—UNT to Raystown Branch Juniata River WWF-TSF-WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
Paradise Township York County	PAG2006704125 R-1	Anthony Lawrence L. L. Lawrence Builders, Inc. One Industrial Drive Hanover, PA 17331	UNT to Paradise Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Bern Township Berks County	PAG2000609021	Gerald Fry Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Schuylkill River—Tulpehocken Creek—Plum Creek WWF-CWF-WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Birdsboro Borough Robeson Township Berks County	PAG2000608036	Marty Kendra Birdsboro Pharmacy 330 West Main Street Birdsboro, PA 19508	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
North Heidelberg Township Berks County	PAG2000609016	Ernie Gelsinger Gel-Bare Farm 438 Kricks Mill Road Robeson, PA 19551	UNT to Tulpehocken Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Alsace Township Berks County	PAG2000609024	Leon Snyder 230 Poplar Street Fleetwood, PA 19522	Laurel Run CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Reading City Berks County	PAG2000609034	Charles Jones City of Reading 503 North Sixth Street Reading, PA 19601	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Greenwich Township Berks County	PAG2000609035	Kevin Corrigan Greenwich Commons, LLC 16 South Broadway Wind Gap, PA 18091	Sacony Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Derry Township Mifflin County	PAG2004409001	Nicholas J. Moraitis Burnham Properties, LP 8035 McKnight Road Suite 303 Pittsburgh, PA 15237	UNT to Buck Run TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Manchester Township York County	PAR10Y360-R2	Kinsley Equities II, LP R. D. 1 Box 131-AA York, PA 17403	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Derry Township Dauphin County	PAG2002209023	James Negley Derry Township 600 Clearwater Road Hershey, PA 17033	Swatara Creek— Spring Creek East WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002209021	Hershey Office, LP 690 Woodthrush Lane Hummelstown, PA 17036	Spring Creek East WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR10I205R	Mesa Holdings, Inc. 1 Marketway East Suite 401 York, PA 17401	Spring Creek West CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002209029	Berkshire Hudson Capital XI 3735 B Beam Road Charlotte, NC 28217	Spring Creek West CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002209015	James Negley Derry Township 600 Clearwater Road Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Howe Township Perry County	PAG2035009009	Newport Borough Water Authority 231 Market Street Newport, PA 17074	Juniata River WWF	Perry County Conservation District P. O. 26 31 West Main Street New Bloomfield, PA 17068
Kutztown Borough Berks County	PAG2000609036	Donald Kerchner Kutztown Area High School 50 Trexler Avenue Kutztown, PA 19530	Sacony Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Exeter Township Berks County	PAG2000604024-R	Gary McEwen Red School, LLC 3335 Morgantown Road Mohnton, PA 19540-7931	UNT to Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000604028-R	Mark Powell Century Land Development 49 Fairwood Avenue Sinking Spring, PA 19608	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000608069-1	Joseph Horning 901 South College Street Myerstown, PA 17067	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000604082-R	Fiorino Grande Grande Land, LP 2213 Quarry Road West Lawn, PA 19609	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Howe Township Perry County	PAG2035009009	Newport Borough Water Authority 231 Market Street Newport, PA 17074	Juniata River WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-3771
Butler Township Adams County	PAG2000109015	Bob Tate Upper Adams Jaycees P. O. Box 38 Biglerville, PA 17307	UNT to Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000104008-1	Zijad Prozo Gettex, LLC 885 Herr's Ridge Road Gettysburg, PA 17325	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Huntingdon Township Adams County	PAG2000109011	Leonard E. Lobaugh L Cubed Associates 1248 Mountain Road Dillsburg, PA 17109	UNT to Bermudian Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000109012	Roger Holland 351 Church Street, LP P. O. Box 516 Hanover, PA 17331	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Berwick Township Adams County	PAG2000109013	Richard Krill Kinneman Holdings, LLC 130 Carlisle Street Hanover, PA 17331	UNT to Pine Run/ WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Albany Township Bradford County	PAG2000809005	Department of Transportation Engineering District 3-0 P. O. Box 218 Montoursville, PA 17754	South Branch Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030 C Towanda, PA 18848 (570) 265-5539, Ext. 6
Vanport Township Beaver Borough Beaver County	PAG2000409007	Cheryl Moon-Sirianni Department of Transportation District 11-0 45 Thoms Run Road Bridgeville, PA 15017	UNT to Ohio River WWF	Beaver County Conservation District (724) 378-1701
Dunkard and Perry Townships Greene County	PAG2003009002	Trans-Allegheny Interstate Line Company 800 Cabin Hill Drive Room 8202 Greensburg, PA 15601	Dooley Run WWF	Greene County Conservation District (724) 852-5278
Youngwood Borough Westmoreland County	PAG2006509010	Millstein Industries, LLC 322 Armbrust Road 2nd Floor Youngwood, PA 15697	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Unity Township Westmoreland County	PAG2006509018	Loyalhanna Watershed Association 110 Andi Lane Ligonier, PA 15658	Loyalhanna Creek WWF	Westmoreland County Conservation District (724) 837-5271
Slippery Rock Township Slippery Rock Borough Butler County	PAG2001009010	SRU Vincent Property Slippery Rock University Foundation, Inc. 1 Morrow Way 100 Old Main Slippery Rock, PA 16057	UNT to Wolf Creek CWF UNT to Slippery Rock Creek CWF	Butler County Conservation District (724) 284-5270
New Beaver Borough Lawrence County	PAG2103709003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT WWF to Wampum Run	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Gordon Borough Schuylkill County	PAR222208	Universal Forest Products Eastern Division, Inc. 2801 East Beltline North East Grand Rapids, MI 49525	Little Mahoney Creek	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northampton Borough Northampton County	PAR602229	Greenstar Allentown, LLC P. O. Box 28 Northampton, PA 18067	Hokendauqua Creek CWF, MF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Richmond Township Berks County	PAR603542	Village Motors, Inc. 53 Walnuttown Road Fleetwood, PA 19522	UNT to Willow Creek CWF/3B	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
East Huntingdon Township Westmoreland County	PAR606212	Marsh Automotive, Inc. 258 Ruffsedale Road Ruffsedale, PA 15679	UNT to Buffalo Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mercer Borough Mercer County	PAR608332	John A. Carter, d/b/a Mercer Auto Wreckers 748 Wilson Avenue Mercer, PA 16137	UNT to Cool Spring Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Westtown Township Chester County	PAG040131	David and Susan Kreno 1134 Cardinal Drive West Chester, PA 19382	UNT to East Branch Chester Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Penn Township Berks County	PAG043515	Royal C. Stout 144 Plum Creek Road Bernville, PA 19506	Plum Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-7**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Dover Township York County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Tim Hoffman Farm Dover Township York County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Dover Township
York CountyPAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905
PABIG9903Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160Tim Hoffman Farm
Dover Township York
CountyDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Greenwich
Township
Berks CountyPAG080002
PAG080005
PAG080011
PAG080013
PAG080017
PAG080018
PAG080020
PAG083518
PAG083522
PAG083533
PAG083551Jesse Baro, Inc.
157 Quarry Road
Douglassville, PA 19518Treichler Farm
Greenwich Township
Berks CountyDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-10**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Salem Township
Luzerne County

PAG102215

Transcontinental
Gas Pipe Line Corp.
Conyngham Loop
2800 Post Oak Boulevard
Houston, TXSusquehanna River
WWFDEP—NERO
Water Management
2 Public Square
Wilkes-Barre, PA 18711
(570) 826-2511Whitehall Township
Lehigh County

PAG102202

Gulf Oil Limited
Partnership
Fullerton Terminal
275 Washington Street
Suite 300
Newton, MA 02458-1646UNT of Lehigh River
CWFDEP—NERO
Water Management
2 Public Square
Wilkes-Barre, PA 18711
(570) 826-2511

*Facility Location:
Municipality &
County*

Permit No.
PAG109614
Renewal

*Applicant Name &
Address*
Colonial Pipeline
Company
696 Mantua Grove Road
West Deptford, NJ 08066

*Receiving
Water/Use*
Statewide Use-
Water/use information
to be provided to the
Department of
Environmental
Protection (Department)
and Fish and Boat
Commission before any
discharge

*Contact Office &
Phone No.*
Bureau of Wayer
Standards and Facility
Regulation Department
Central Office
400 Market Street
Harrisburg, PA 17105
(717) 787-8184

Statewide discharge
points to be
provided at least
15 days prior to
any discharge.

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Permit No.
PAG123680

*Applicant Name &
Address*
H. Lamar Zimmerman
1908 Shumaker Road
Manheim, PA 17545

*Receiving
Water/Use*
2 UNTs to Rife Run
WWF
7G

*Contact Office &
Phone No.*
DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802

Rapho Township
Lancaster County

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>
Benner Family Farms Dan Benner 12647 William Penn Highway Thompsontown, PA 17094	Juniata	389.1	532.3	Swine	NA	Approved 9/22/2009

**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 modi-

fication or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4008503, Public Water Supply.

Applicant	Valley Gorge Mobile Home Park 316 Susquehanna Street White Haven, PA 18661
Borough or Township	White Haven Borough
County	Luzerne
Type of Facility	PWS
Consulting Engineer	Paul Swerdon, P. E. Valley Gorge Mobile Home Park 316 Susquehanna Street White Haven, PA 18661
Permit to Construct Issued	September 23, 2009

Wellhead Protection Program Approval issued to **Hemlock Farms Community Association**, 1007 Hemlock Farms, Lords Valley, PA 18428, PWSID No. 2520033, Blooming Grove Township, **Pike County**, on September 23, 2009.

Source Water Protection Program Approval issued to the following facilities in **Schuylkill County** on January 30, 2009.

Ashland Area Water Authority, 501 Chestnut Street, Ashland, PA 17921, PWSID No. 3540030;

Blythe Township Municipal Authority, 375 Valley Street, New Philadelphia, PA 17959, PWSID No. 3540017;

Minersville Municipal Water Authority, 2 East Sunbury Street, Minersville, PA 17954, PWSID No. 3540035;

Pennsylvania American Water (PAW),—Frackville District, 105 Sodom Road, Milton, PA 17847, PWSID No. 3540032;

Schuylkill County Municipal Authority (SCMA), Pottsville System, P. O. Box 960, 221 South Centre Street, Pottsville, PA 17901, PWSID No. 3540038; and,

Schuylkill Haven Borough Water, 12 West Main Street, Schuylkill Haven, PA 17972, PWSID No. 3540041.

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

Permit No. 3409501 MA, Minor Amendment, Public Water Supply.

Applicant	Mifflintown Municipal Authority
Borough or Township	Mifflintown City
County	Mifflin
Type of Facility	Repainting of existing 50,000 gallon finished water storage tank used for backwashing the filters.
Consulting Engineer	Kirt L. Ervin, P. E. U. S. Engineering, LLC 13742 Mary Lane Aviston, IL 62216
Permit to Construct Issued	September 16, 2009

Operations Permit issued to **Newport Water Authority**, 7500022, Newport Borough, **Perry County** on September 22, 2009, for the operation of facilities approved under Construction Permit No. 5007504.

Operations Permit issued to **PA American**, 7210029, Silver Spring Township, **Cumberland County** on September 25, 2009, for the operation of facilities approved under Construction Permit No. 2109501 MA.

Operations Permit issued to **Exelon Generation**, Nuclear, Peach Bottom Atomic Power Station, 7670905, Peach Bottom Township, **York County** on September 24, 2009, for the operation of facilities approved under Construction Permit No. 6709503.

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

Permit No. MA 266W013—Operation, Public Water Supply.

Applicant	Wallaceton Municipal Authority
Borough or Township	Wallaceton Borough
County	Clearfield
Responsible Official	Kristina Fenton, Chairperson Wallaceton Municipal Authority P. O. Box 12 Wallaceton, PA 16876
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Dennis Lingenfelter, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued Date	September 23, 2009
Description of Action	Operation of a transmission line and metering/pressure reducing station to convey finished water from PA American Water Co. to Wallaceton Municipal Authority.

Permit No. 4708501—Operation, Public Water Supply.

Applicant **DeLong Green Acres**
 Borough or Township Washingtonville Borough
 County **Montour**
 Responsible Official Bruce Hunsinger
 8 Church Street
 P. O. Box 243
 Washingtonville, PA 17884

Type of Facility Public Water Supply—Operation
 Consulting Engineer David Swisher, P. E.
 HRG, Inc.
 369 East Park Drive
 Harrisburg, PA 17111

Permit Issued Date September 23, 2009
 Description of Action Operation of a reverse osmosis
 unit for treatment of sulfates,
 TDS and hardness.

Permit No. MA 6088501—Construction, Public Water Supply.

Applicant **PA American Water**
 Borough or Township White Deer Township
 County **Union**
 Responsible Official David R. Kaufman
 Vice President, Engineering
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Public Water Supply—
 Construction
 Consulting Engineer Joel A. Mitchell, P. E.
 PA American Water
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit Issued Date September 24, 2009
 Description of Action Installation of equipment to add
 potassium permanganate to raw
 water on an as needed basis.

Permit No. MA 093088MA-T1—Construction, Public Water Supply.

Applicant **Aqua PA, Inc.—Roaring
 Creek Division**
 Borough or Township Coal Township
 County **Northumberland**
 Responsible Official Patrick R. Burke
 Regional Manager
 Aqua PA, Inc.—Roaring
 Creek Division
 204 East Sunbury Street
 Shamokin, PA 17872

Type of Facility Public Water Supply—
 Construction
 Consulting Engineer William A. La Dieu, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112

Permit Issued Date September 25, 2009
 Description of Action Repaint and minor repairs to
 2,500,000 gallon Natalie
 standpipe.

Permit No. MA[1]-T1—Transfer, Public Water Supply.

Applicant **PA American Water**
 Borough or Township Boggs Township
 County **Centre**
 Responsible Official Paul Zielinski
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17111

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 25, 2009
 Description of Action Transfer permit from Boggs
 Township to PA American Water.
 Minor Amendment to Permit No.
 1472501 for replacement of gas
 chlorination with sodium
 hypochlorite facilities at the well
 site.

Permit No. MA[2]-T1—Transfer, Public Water Supply.

Applicant **PA American Water**
 Borough or Township Boggs Township
 County **Centre**
 Responsible Official Paul Zielinski
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17111

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 25, 2009
 Description of Action Transfer permit from Boggs
 Township to PA American Water.
 Minor Amendment to Permit No.
 1472501 for replacement of Well
 No. 2 pump.

Permit No. 1472501-T2—Transfer, Public Water Supply.

Applicant **PA American Water**
 Borough or Township Boggs Township
 County **Centre**
 Responsible Official Paul Zielinski
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17111

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 25, 2009
 Description of Action Transfer permit from Boggs
 Township to PA American Water.
 Well No. 2 as a source of supply,
 distribution system and 500,000
 gallon elevated finished water
 storage tank.

Permit No. 1473503-T2—Transfer, Public Water Supply.

Applicant **PA American Water**
 Borough or Township Boggs Township

County **Centre**
 Responsible Official Paul Zielinski
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17111

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 25, 2009
 Description of Action Transfer permit from Boggs
 Township to PA American Water.
 Well No. 1 as a source of supply.

Permit No. 1499501-T1—Transfer, Public Water Supply.

Applicant **PA American Water**
 Borough or Township Boggs Township
 County **Centre**
 Responsible Official Paul Zielinski
 PA American Water
 800 West Hersheypark Drive
 Hershey, PA 17111

Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 25, 2009
 Description of Action Transfer permit from Boggs
 Township to PA American Water.
 EPD pressure sand filtration
 plant and replacement of Well
 No. 1 pump.

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

Permit No. 2609504, Public Water Supply.

Applicant **Pennsylvania American
 Water Company**
 800 West Hersheypark Drive
 P. O. Box 888
 Hershey, PA 17033

Borough or Township Brownsville Borough
 County **Fayette**
 Type of Facility Brownsville water system
 Consulting Engineer
 Permit to Construct Issued September 20, 2009

Permit No. 3009501, Public Water Supply.

Applicant **Southwestern Pennsylvania
 Water Authority**
 P. O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344

Borough or Township Cumberland Township
 County **Greene**
 Type of Facility Village of Nemaquin
 water project
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051

Permit to Construct Issued September 17, 2009

Permit No. 0209504MA, Minor Amendment, Public Water Supply.

Applicant **Moon Township
 Municipal Authority**
 1700 Beaver Grade Road
 Suite 200
 Coraopolis, PA 15108-3193

Borough or Township Moon Township
 County **Allegheny**

Type of Facility Fern Hollow water
 treatment plant

Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Operate Issued September 17, 2009

Permit No. 0409503MA, Minor Amendment, Public Water Supply.

Applicant **New Sewickley Township
 Municipal Authority**
 233 Miller Road
 Rochester, PA 15074

Borough or Township New Sewickley Township
 County **Beaver**

Type of Facility Highview Circle water
 storage tank

Consulting Engineer Michael Baker Jr., Inc.
 4301 Dutch Ridge Road
 Beaver, PA 15009

Permit to Operate Issued September 18, 2009

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Upper Providence	935 North Providence Road Media, PA 19063	Delaware

Plan Description: On September 25, 2009, the South-
 east Regional Office issued an amended approval to the
 Upper Providence Township, Delaware County Official
 Pennsylvania Sewage Facilities Act (Act 537) Plan Update
 (APS ID 35417, AUTH ID 708185).

This approval deletes: (1) Item 5.a of the February 6,
 2009, approval letter, which approved the diversion of
 flows from the Winter Street Pump Station to the CDCA
 conveyance system; and (2) Item 5.d, which approved the
 construction of the Lavin Tract Pump Station. The Lavin
 Tract Pump Station alternative has been abandoned in
 favor of a low-pressure sanitary sewer alternative. Under
 this amended approval, the Township is not authorized to
 divert flows from the Winter Street Pump Station, or to

construct and operate the Lavin Tract Pump Station. All other items listed as part of the February 6, 2009, approval are not subject to amendment or revision and remain unchanged.

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>
Potter Township	124 Short Road Spring Mills, PA 16875	Centre

Plan Description: The approved Special Study provides for the comprehensive inspection and maintenance of all onlot sewage facilities within the municipality, in accordance with 25 Pa. Code Chapter 71. The Department of Environmental Protection's review of the sewage facilities Special Study has not identified any significant environmental impacts resulting from the proposal.

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

Plan Location: Located on a private drive .5 mile from the northeast side of Mountain Road in Middlesex Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Middlesex Township	350 North Middlesex Road Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Middlesex Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve a proposed single-family residence on the existing 4.1 acre property owned by Todd Paulus on a private drive .5 mile from the northeast side of Mountain Road. The proposed 500 gpd SFTF will have a treated discharge to a UNT to the Conodoguinet Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Harrisburg City	Ten North Market Square Harrisburg PA 17101	Dauphin

Plan Description: The approved plan provides for a BNR upgrade to the Harrisburg Treatment Facility including the purchase of nutrient credits to comply with the Chesapeake Bay Tributary 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Perry Township	680 Moselem Springs Road Shoemakersville PA 19555	Berks

Plan Description: The approved plan provides for an expansion of the sewer service area in the Mohrsville

Road area consisting of 113 existing EDU's served by a low pressure force main with individual grinder pumps tributary to the Shoemakersville sewage treatment plant. This project expands the scope of previously approved planning in Perry Township. 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>
New Cumberland Borough	1120 Market Street New Cumberland, PA 17070	Cumberland

Plan Description: The approved plan provides for a BNR upgrade to the existing 1.25 mgd annual average flow New Cumberland Treatment Facility to comply with the Chesapeake Bay Tributary 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.

Plan Location: Kylock and Ravenwood Roads in Upper Allen Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Allen Township	100 Gettysburg Pike Mechanicsburg, PA 17055	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Upper Allen Township, Cumberland County. The proposed Kylock and Ravenwood Roads sewer extension consists of the construction of 200 feet of gravity sewer line to connect three existing homes to an existing Lower Allen Township collection line to the east; 825 feet of gravity sewer line to connect ten homes along North Kylock Road to an existing Upper Allen Township collection line to the north; and 625 feet of gravity sewer line to connect ten homes along South Kylock Road to a future Lower Allen Township collection line to the east. The homes along South Kylock Road will have dry sewers and continue to be served by onlot sewage disposal systems until such time as the future Lower Allen Township line is constructed. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location: On the southeast side of Newburg Road, 2,000 feet northeast of Paxton Run Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lurgan Township	8650 McClays Mill Road Newburg, PA 17240	Franklin

Plan Description: The approved plan, in the name of John Beiler, provides for a Small Flow Treatment Facility to serve one residential dwelling with sewage flows of 400 gpd. The project is located on the southeast side of Newburg Road, 2,000 feet northeast of Paxton Run Road. 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 owner.

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

Notice of Administrative Record Extension

Tomstown TCE Site Quincy Township, Franklin County

The Department of Environmental Protection (Department), under the authority of sections 506(c) of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.506(c)) and 25 Pa. Code Chapter 3, Standards for Administrative Records for Hazardous Waste Sites, is extending the public comment period on the Administrative Record for the remedial response at the Tomstown TCE Site (Site).

The Department originally opened the administrative record under section 506(b) of HSCA (35 P. S. § 6020.506(b)) on July 25, 2009, to provide the public with the opportunity to comment on the proposed remedial response action for the extension of a public waterline. The administrative record was scheduled to close on October 23, 2009 at the end of a 90-day public comment period. Quincy Township has requested an extension of this comment period in order to complete a technical evaluation of the Department's proposed remedial response. The new closure date for the public comment period is December 15, 2009.

The Administrative Record is available for public review and comment. It can be examined Monday through Friday from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Ruth Bishop at (717) 705-4833. The Administrative Record can also be reviewed at the Quincy Township Building, 7575 Mentzer Gap Road, Waynesboro, PA, (717) 762-5679 from 8 a.m. to 4:30 p.m., Monday through Friday.

The Administrative record will be open for written comments until December 15, 2009. Persons may submit comments regarding this action to the Department before December 15, 2009, by mailing them to Ruth Bishop at the Department of Environmental Protection Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. A public hearing was held on September 9, 2009, at 7 p.m. at the Quincy Township Building. The public had the opportunity to present oral comments regarding the proposed action at that hearing. This fulfilled the requirement to hold a public hearing during the public comment period, therefore no additional hearings will be held.

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 submit-

ted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Stefko Boulevard Shopping Center, 1802—1880 Stefko Boulevard, Bethlehem City, Northampton County. George H. Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034, on behalf of his client, Regency Centers, LP, One Independent Drive, Suite 114, Jacksonville, FL 32202, has submitted a Remedial Investigation Report concerning the remediation of soil and groundwater found to have been impacted by dry cleaning solvents as a result of historical dry cleaning operations at the site. The report was submitted in partial fulfillment of the Site-Specific Standard. A public notice regarding the submission of the Remedial Investigation Report was published in *The Express-Times* on September 14, 2009.

Former Ross Bicycle Facility/Conewago Equities, 200 Cascade Drive, Hanover Township, Lehigh County. Katherine K. Eyre, PG, ARCADIS U.S., Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940, on behalf of her client, First Industrial Realty Trust, Inc., 311 South Wacker Drive, Suite 4000, Chicago, IL 60606, has submitted a Final Groundwater Report, concerning the remediation of groundwater found to have been impacted by chromium and trichloroethene constituents as a result of historical operations at the site. The report was submitted to document attainment of the nonuse aquifer, State-wide Health Standard.

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

Handy's Fuel Service—Williams Residence, City of Harrisburg, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Joseph Williams, 1738 Market Street, Harrisburg, PA 17103, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Andrew Basalla Residence, Snow Shoe Township, **Centre County**. Environmental Maintenance Co., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lucas Oil Co., 697 Market Street, Karthaus, PA 16845 has submitted a Final Report concerning remediation of site soil contaminated with kerosene at 180 Dairy Street, Clarence, PA 16829. The applicant proposes to remediate the site to meet the Statewide Health Standard. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Industrial Steel and Pipe Supply Company, City of St. Marys, **Elk County**. Quad 3 Group, Inc., Glenmaura Professional Center, Suite 105, Moosic, PA 18507, on behalf of the City of St. Marys, 11 Lafayette Street, Saint Marys, PA 15857 submitted a Final Report concerning remediation of site soils contaminated with lead. On September 11, 2009, Quad 3 Group, Inc., Glenmaura Professional Center, Suite 105, Moosic, PA 18507, on behalf of the City of St. Marys, 11 Lafayette Street, Saint Marys, PA 15857 formally rescinded the Final Report that was submitted to the Department of Environmental Protection on August 6, 2009.

US Bronze Foundry and Machine (Fuel Tank Area), Woodcock Township, **Crawford County**. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of U.S. Bronze Foundry and Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with Benzene, Ethylbenzene, Fluorene, Cumene, Naphthalene, Phenanthrene, and Toluene. The report is intended to document remediation of the site to meet the 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:

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

Teel Property-Well 8 H, 366 Herb Button Road, Springville Township, **Susquehanna County**. Jason Boyd, CURA Emergency Services LC, 6205 Chapel Hill Boulevard, Suite 100, Plano, TX 75093 on behalf of his client, Cleo Teel, R. R. 6, Box 6184, Montrose, PA 18801, submitted a Final Report, concerning the remediation of soil found to have been impacted by hydraulic oil as a result of a release from a ruptured hydraulic line. The report documented attainment of the Statewide Health Standard and was approved on September 18, 2009. The report was originally submitted within 90 day of the release.

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

RW Sauder Inc. Lititz Division, Warwick Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Avenue, Lancaster, PA 17602, on behalf of RW Sauder, Inc., 570 Furnace Hills Pike, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an underground storage tank. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on September 28, 2009.

Betty M. Weller Residence, Pike Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Betty M. Weller, 37 Rolling Rock Road, Boyertown, PA 19512, submitted a Final Report concerning remediation of site soils contaminated with gasoline from an underground storage tank. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on September 28, 2009.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

F. B. Leopold Co., Watsontown Borough and Delaware Township, **Northumberland County**. ERSA, 125 Rock Road, Horsham, PA 19044 on behalf of F. B. Leopold Co., 227 South Division Street, Zelienople, PA 16063 has submitted a Final Report concerning remediation of site soil contaminated with VOCs, semi volatile compounds, and metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 23, 2009.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Republic Service of South Carolina, LLC, P. O. Box 62679, North Charleston, SC 29419. License No. PA-AH 0542. Effective August 12, 2009.

Parts Cleaning Technologies, LLC, 24901 Northwestern Highway, Suite 209, Southfield, MI 48075. License No. PA-AH0719. Effective August 24, 2009.

Clean Venture, Inc., 201 South First Street, Elizabeth, NJ 07206. License No. PA-AH0299. Effective August 25, 2009.

Heritage Transport, LLC, 7901 West Morris Street, Indianapolis, IN 46231. License No. PA-AH 0200. Effective August 25, 2009.

SMP, Inc., 402 Route 519, Phillipsburg, NJ 08865. License No. PA-AH S221. Effective August 25, 2009.

Turn-Key Environmental Services, Inc., P. O. Box 519, Blairstown, NJ 07825. License No. PA-AH 0738. Effective August 26, 2009.

Miller Environmental Group, Inc., 538 Edwards Avenue, Calverton, NY 11933. License No. PA-AH 0501. Effective August 27, 2009.

Care Environmental Corporation, 10 Orbed Drive, Landing, NJ 07850. License No. PA-AH 0735. Effective August 28, 2009.

Robbie D. Wood, Inc., P. O. Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective September 2, 2009.

Tri-Line Carriers Group, Inc., 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9. License No. PA-AH 0736. Effective September 8, 2009.

PSC Industrial Outsourcing, LP, 1802 Shelton Drive, Hollister, CA 95023. License No. PA-AH 0395. Effective September 8, 2009.

Auchter Industrial Vac Service, Inc., 4801 South Wood Avenue, Linden, NJ 07036. License No. PA-AH 0444. Effective September 21, 2009.

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. PA-AH 0500. Effective September 22, 2009.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Bestrans, Inc., 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Effective August 25, 2009.

Geisinger System Services, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-AH 0141. Effective September 16, 2009.

Altoona Regional Health System, 620 Howard Avenue, Altoona, PA 16601. License No. PA-AH 0124. Effective September 16, 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.

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

GP9-23-0008: DeNucci Excavation Corp., 2807 Old Rodgers Road, Bristol, PA 19007, on September 25, 2009, to operate a diesel fired internal combustion Engine in Springfield Township, **Delaware County**.

GP3-23-0019: DeNucci Excavation Corp., 2807 Old Rodgers Road, Bristol, PA 19007, on September 25, 2009, to operate a portable nonmetallic mineral processing plant in Springfield Township, **Delaware County**.

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

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

GP1-38-03056: Hain Pure Protein Corp., 220 North Center Street, Fredericksburg, PA 17026, on September 24, 2009, for a Small Gas and No. 2 Oil Fired Combustion Unit under GP1 in Bethel Township, **Lebanon County**.

GP4-21-03065: RAM Industrial Services, Inc., P. O. Box 748, 5460B Pottsville Pike, Leesport, PA 19533, on September 22, 2009, for a Burn Off Oven under GP4 in Lower Allen Township, **Cumberland County**. This is a renewal of the GP4 permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

GP9-14-00009: Mount Nittany Medical Center, 1800 East Park Avenue, State College, PA 16803, on September 16, 2009, to authorize the construction and operation of two Cummins Model No. QST30-G5-NR2 No. 2 fuel oil/diesel fuel fired emergency generators under the General Plan Approval and General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) located in College Township, **Centre County**.

GP5-17-24: Petroleum Development Corp., 120 Genesis Boulevard, Bridgeport, WV 26330, on September 24, 2009, to authorize the construction and operation of a 145 horsepower Caterpillar model G3306NAHCR rich burn natural gas fired engine equipped with a BC-13-DC46-1 nonselective catalytic converter and a 150,000 Btu/hr Pride of the Hills model PH-150 glycol dehydrator unit under the General Plan Approval and General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at Tate/Hepburnia Extension compressor site in Penn Township, **Clearfield County**.

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

65-01000A: Laurel Mountain Midstream, LLC, 1550 Coraopolis Heights Road, 2nd Floor, Moon Township, PA 15108, on September 22, 2009, to allow the transfer of ownership of, installation of a second compressor engine, and continued operation of a natural gas production facility at the Salem Compressor Site, located in Salem Township, **Westmoreland County**.

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

GP-16-157A: WDK Enterprises, Inc.—Over Mine, Reidsburg Road, Clarion, PA 16214, on September 23, 2009, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) at their facility in Monroe Township, **Clarion County**.

GP-37-237A: Essroc Cement—McQuiston Plant, Smalls Ferry Road, North Beaver, PA 16102, on September 23, 2009, to operate a storage tank for volatile organic liquids (BAQ-GPA/GP-2) at their facility in North Beaver Township, **Lawrence 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.

23-00030: ConocoPhillips Co., 4101 Post Road, Trainer, PA 19061-3812, on September 21, 2009, to install and modify 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.

23-0111B: Centocor Research and Development, Inc., 145 King of Prussia Road, Radnor, PA 19087, on September 24, 2009, for modification of Diesel or No. 2 Fuel-Fired Internal Combustion Engine that powers 2,250 KW Peak Shaving Electric Generator (diesel electric generator) at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 145 King of Prussia Road, Radnor Township, **Delaware County**. The permittee has requested an increase in CO emission rate which still meets all regulatory requirements. The permittee will take limitations to remain a minor facility for all pollutants. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0196C: Abington Reldan Metals, LLC, 550 Old Bortontown Road, Fairless Hills, PA 19030, on September 24, 2009, to construct four thermal destructors at a new precious metal recovery facility to be in Falls Township, **Bucks County**. Each thermal destructor will be equipped with an afterburner, a dust collector and a scrubber to reduce VOC, PM, HCL and Hg emissions before discharge. This facility is a non-Title V facility, and this Plan Approval is a major modification to the Plan Approval, No 09-0196. This Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and 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) 826-2531.

48-399-060: Steel Management Systems, LLC, 3045 Bath Pike, Nazareth, PA 18064, on September 25, 2009, to construct and operate a shot blast machine and baghouse at their facility in Upper Nazareth Township, **Northampton County**.

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

01-05009B: U. S. Department of Defense—Raven Rock Mountain Complex—Site R, 201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-9267, on September 24, 2009, to construct four new stationary diesel generator sets in Liberty Township, **Adams 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

41-302-050: Wirerope Works, Inc., 100 Maynard Street, Williamsport, PA 17701, on September 12, 2009, to operate two 15 mmBtu/hr anthracite coal-fired boilers on

a temporary basis to March 11, 2010, in the City of Williamsport, **Lycoming County**. The plan approval has been 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.

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

15-00005: West Chester University of PA, 201 Carter Drive, Suite 100, West Chester, PA 19383, on September 25, 2009, for renewal of the Title V Operating Permit in West Chester Borough, **Chester County**. The existing permit was reissued on July 7, 2004. The facility is a university campus that operates boilers and emergency generators. As a result of potential emissions of NOx and SOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal includes any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

20-00040: Advanced Cast Products, Inc., 18700 Mill Street, Meadville, PA 16335-3644, on September 23, 2009, to issue an Administrative Amendment of the Title V Operating Permit, to incorporate the conditions of Plan Approval No. 20-040E. The facility is in City of Meadville, **Crawford County**.

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.

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

48-00063: Columbia Gas Transmission Corp., 1700 MacCorkle Avenue South East, Charlestown, WV 25314-1518, on September 28, 2009, to operate pipeline transportation of natural gas in Williams Township, **Northampton County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Natural Minor operating permit.

54-00035: Tredegar Film Products, 30 Maple Avenue, Marlin, PA 17951, on September 23, 2009, to manufacture polyethylene and polypropylene film from resin pellets in East Norwegian Township, **Schuylkill County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Natural Minor operating permit.

35-00033: Sun Building Systems, Inc., 9 Stauffer Industrial Park, Taylor, PA 18517, on September 23, 2009, to re-issue a State-only (Natural Minor) Operating Permit for operation of a sawing machine and a paint

spray booth with associated air cleaning devices in Taylor Borough, **Lackawanna County**.

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

21-05035: Hempt Brothers, Inc., 205 Creek Road, Camp Hill, PA 17011-7418, on September 24, 2009, to operate their crushing plant, batch asphalt plant and concrete plant at their Locust Point Plant in Silver Spring Township, **Cumberland County**. This is a renewal of the State-only operating permit.

21-05036: Hempt Brothers, Inc., 205 Creek Road, Camp Hill, PA 17011-7418, on September 24, 2009, to operate their crushing plant and a pair of batch asphalt plants at their Camp Hill Plant in Lower Allen Township, **Cumberland County**. This is a renewal of the State-only operating permit.

22-05033: Hempt Brothers, Inc., 205 Creek Road, Camp Hill, PA 17011-7418, on September 24, 2009, to operate their crushing plant, batch asphalt plant and concrete plant at their Steelton Plant in Steelton Borough, **Dauphin County**. This is a renewal of the State-only operating permit.

67-05069: Pennsy Supply, Inc., 550 Biesecker Road, Thomasville, PA 17364, on September 23, 2009, to operate their limestone crushing plant in Jackson Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

55-00015: Penn Lyon Homes Corp., P. O. Box 27, Selinsgrove, PA 17870, on September 25, 2009, to issue a State-only operating permit 55-00015 for their modular home manufacturing facility in Woodward Township, **Lycoming County**. The facility's main sources include application of VOC containing solvent, glues, coating, and more, and kerosene-fired space heaters. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

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

09-00028: Fibermark North America, Inc., 45 North Fourth Street, Quakertown, PA 18951, on September 25, 2009, for operation of saturators, graphic art lines, and surface coating lines, as well as various clean-up operations and combustion units at their manufacturing plant, in Quakertown Borough, **Bucks County**. There are no control devices for sources operated at the facility. The facility is major for VOC and HAP emissions. Title V operating permit for Fibermark North America, Inc., will be reopened, revised and reissued for cause. The Department of Environmental Protection (Department) has determined that the saturators and coaters located at the facility (Source ID 101, 102, 104, 105 and 303) are subject to the requirements of 40 CFR Part, 63 Subpart JJJJ—National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating. The Department has also determined that the graphic arts lines 1 and 2

located at the facility (Source ID 301 and 302) are subject to the requirements of 40 CFR Part 63, Subpart KK—National Emission Standards for Hazardous Air Pollutants in the Printing and Publishing Industry and 40 CFR Part 63, Subpart OOOO—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles. The revision contains all applicable requirements including monitoring, recordkeeping and reporting.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

08-313-004H: Global Tungsten and Powders, Corp., Hawes Street, Towanda, PA 18848-0504, on September 25, 2009, to issue minor modification operating permit for their ammonia scrubber at their facility in North Towanda Township, **Bradford County**. This operating permit revision is to revise the minimum scrubber flow rate. The operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32061301 and NPDES Permit No. PA0235679. Parkwood Resources, Inc., 511 Railroad Avenue, Homer City, PA 15748, to revise the permit for the Starford Mine in Greene Township, **Indiana County** to add subsidence control plan area acres and delete 113.1 underground permit area acres. Subsidence Control Plan Acres Proposed 426.5. No additional discharges. Application received April 14, 2009. Permit issued September 22, 2009

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

49830202R5. Split Vein Coal Co., Inc., R. R. 1, Drawer 2, Paxinos, PA 17860, renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 276.5 acres, receiving stream: none. Application received April 20, 2009. Renewal issued September 24, 2009.

54070202. Coaldale Energy, LLC, c/o Stonegate Partners, LLC, 401 Edgewater Place, Suite 120,

Wakefield, MA 01880, commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Coaldale Borough, **Schuylkill County** affecting 193 acres, receiving stream: none. Application received October 1, 2007. Permit issued September 24, 2009.

54-305-010GP12. Coaldale Energy, LLC, c/o Stonegate Partners, LLC, 401 Edgewater Place, Suite 120, Wakefield, MA 01880, general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54070202 in Coaldale Borough, **Schuylkill County**. Application received August 13, 2008. Permit issued September 24, 2009.

Noncoal Permits Actions

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

03090801. Glenn Fleming Construction Co., P. O. Box 88, 112 Fleming Lane, Elderton, PA 15736. Permit issued for commencement, operation and reclamation of a small noncoal (sandstone) surface mining site located in Plumcreek Township, **Armstrong County**, affecting 2 acres. Receiving stream: UNT to Crooked Creek. Application received March 9, 2009. Permit issued September 24, 2009.

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

10090803. Bernard J. McCreia Excavating, 100 Pine Haven Drive, Fenelton, PA 16034. Commencement, operation and restoration of a small shale operation in Clearfield Township, **Butler County** affecting 5 acres. Receiving streams: Little Buffalo Run. Application received July 24, 2009. Permit Issued September 23, 2009.

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

48090801. Capozzolo Brothers Slate Company, 1342 Ridge Road, Bangor, PA 18013, commencement, operation and restoration of a quarry operation in Upper Mt. Bethel Township, **Northampton County** affecting 5 acres, receiving stream: none. Application received April 14, 2009. Permit issued September 22, 2009.

58090809. Dale G. Webster, 1529 Franklin Hill Road, Hallstead, PA 18822, commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 1 acre, receiving stream: none. Application received March 26, 2009. Permit issued September 28, 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

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

11094003. Laurel Highlands Landfill, 260 Laurel Ridge Road, Johnstown, PA 15909, blasting activity permit issued for landfill expansion development in Jackson

Township, **Cambria County**. Blasting activity permit end date is September 15, 2010. Permit issued September 18, 2009.

21094137. Newville Construction Service, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for cemetery development in Newville Borough, **Cumberland County**. Blasting activity permit end date is September 10, 2014. Permit issued September 15, 2009.

28094116. J. Roys, Inc., P. O. Box 125, Bowmansville, PA 17507-0125, blasting activity permit issued for utility development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is September 15, 2010. Permit issued September 17, 2009.

21094139. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is September 16, 2010. Permit issued September 18, 2009.

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

02094007 Waste Management, Inc. 600 Thomas Street, Monroeville, PA 15146. Blasting activity permit for cell construction at the Monroeville Landfill, located in Monroeville Township, **Allegheny County**. The duration of blasting is expected to be 180 days. Permit issued September 25, 2009.

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

24094004. Dynamic Drilling, LLC, 10373 Taylor Hawks Road, Herron, MI 49744. Blasting activity permit for well exploration in Fox Township, **Elk County**. This blasting activity permit will expire on March 31, 2010. Application received September 18, 2009. Permit Issued September 22, 2009.

24094003. Dynamic Drilling, LLC, 10373 Taylor Hawks Road, Herron, MI 49744. Blasting activity permit for well exploration in Millstone Township, **Elk County**. This blasting activity permit will expire on March 31, 2010. Application received September 18, 2009. Permit Issued September 22, 2009.

24094002. Dynamic Drilling, LLC, 10373 Taylor Hawks Road, Herron, MI 49744. Blasting activity permit for well exploration in Spring Creek Township, **Elk County**. This blasting activity permit will expire on March 31, 2010. Application received September 18, 2009. Permit Issued September 22, 2009.

42094007. Dynamic Drilling, LLC, 10373 Taylor Hawks Road, Herron, MI 49744. Blasting activity permit for well exploration in Mount Jewett Borough, **McKean County**. This blasting activity permit will expire on March 31, 2010. Application received September 18, 2009. Permit Issued September 22, 2009.

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

08094106. Meshoppen Blasting, Inc., Frantz Road, P. O. Box 127, Meshoppen, PA 18630, construction blasting located in Albany Township, **Bradford County**. Permit issued September 24, 2009. Permit expires October 20, 2009.

12094001. Dynamic Drilling, Inc., 10373 Taylor Hawks Road, Herron, MI 49744, construction blasting

located in Shippen Township, **Cameron County**. Permit issued September 24, 2009. Permit expires March 31, 2010.

18094001. Dan Millward, Comfort Inn/CGG Veritas, 1821 Industrial Park Road, Clearfield, PA 16830, seismic blasting located in Beech Creek and Grugan Townships, **Clinton County**. Permit issued September 24, 2009. Permit expires December 31, 2009.

41094101. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, construction blasting located in Cummings Township, **Lycoming County**. Permit issued September 10, 2009. Permit expires September 30, 2010.

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

06094113. Pact Construction, Inc., P. O. Box 74, Ringoes, NJ 08551, construction blasting for Amity Township Monocacy Creek Interceptor in Amity Township, **Berks County** with an expiration date of September 11, 2010. Permit issued September 22, 2009.

22094111. Warren's Excavating and Drilling, Inc., P. O. Box 214, Myerstown, PA 17067, construction blasting for a residential development in Swatara and Lower Swatara Townships, **Dauphin County** with an expiration date of September 17, 2010. Permit issued September 22, 2009.

22094112. Abel Construction Co., Inc., P. O. Box 476, Mountville, PA 17554, construction blasting for Deer Run Commons in Derry Township, **Dauphin County** with an expiration date of September 25, 2010. Permit issued September 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-399. Hercules Cement Company, P. O. Box 69, Stockertown, PA 18083. Upper Nazareth Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To Construct and maintain a road crossing of Shoeneck Creek (WWF) consisting of a 68-inch by 43-inch elliptical reinforced concrete pipe depressed 1 foot below streambed elevation for the purpose of providing a gravel access drive for Nazareth Borough Municipal Authority to monitor and maintain the Shoeneck Creek Interceptor.

The project is located approximately 2,700 feet north of the intersection of Van Buren Road and Main Street (Nazareth, PA Quadrangle Latitude: 40° 44' 41"; Longitude: 75° 16' 46") in Palmer Township, Northampton County. (Subbasin: 1F)

E64-275. Western Wayne School District, 2132 Easton Turnpike, South Canaan, PA 18459. Salem Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain a road crossing of a tributary to Moss Hollow Creek (HQ-CWF) and 0.11 acre of EV wetlands, consisting of a 42-inch diameter reinforced concrete pipe (depressed 6 inches below streambed elevation) in the main channel and 2, 12-inch diameter smooth-lined corrugated polyethylene pipes spaced approximately 20 feet apart in the adjacent wetland, for the purpose of providing access to the proposed Western Wayne Southern Elementary School. The permittee is required to provide 0.11 acre of replacement wetlands. The project is located approximately 1 mile north of the intersection of SR 590 and SR 191/SR 196 (Lake Ariel, PA Quadrangle Latitude: 41° 24' 57"; Longitude: -75° 24' 10").

E45-541. Beverly Weirich, P. O. Box 293, Pocono Summit, PA 18346. Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 2-inch sanitary sewer line across 25 feet of PEM, EV wetlands using Trenchless Technology. The project is located on the north side of Old Route 0940 approximately 0.17 mile northwest from the intersection of SR 0940 and SR 0423 (Pocono Pines, PA Quadrangle Latitude: 41° 6' 19"; Longitude: -75° 28' 15"). (Subbasin: 2A)

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E12-157. Shippen Township, 1681 Rich Valley Road, P. O. Box 349, Emporium, PA 15834. Jenks Run Bridge across Clear Creek Project, Shippen Township, **Cameron County**, United States Army Corps of Engineers, Baltimore District (Rich Valley, PA Quadrangle Latitude: 41° 30' 43.52"; Longitude: 78° 20' 1.39").

Shippen Township proposes to remove an existing structure and construct, operate and maintain a pre-stressed concrete spread box beam bridge across East Branch, Clear Creek for improved public access and safety. The bridge across Clear Creek shall be constructed as a single span structure having a minimum span of 30 feet, underclearance of 5 feet, and width of 23 feet. All in-stream bridge construction activities shall be performed in dry work conditions by dam and pumping, fluming or diverting stream flow around work areas. Since Clear Creek is both a wild trout and stock trout fishery, no bridge construction or future repair work shall be done in or along the stream channel between March 1 and June 15 and October 1 and December 31 without prior written approval from the Fish and Boat Commission. The bridge project is located along the southern right-of-way of T-389 (Clear Creek Road) approximately 3 miles west of SR 4004 and T-389 intersection. The Department of Environmental Protection has deemed the 15 square feet of permanent wetland impacts incurred by the bridge replacement as de minimis, and as such, no replacement wetlands will be required. This permit application was submitted for permit re-issuance, since E12-157 originally expired on the 31st day of December 2008. This permit also authorizes the construction, operation, maintenance and removal of all temporary road crossings, stream diversions and cofferdams needed for the bridge construction.

E12-171. Emporium Borough, 421 North Broad Street, Emporium, PA 15834. Driftwood Branch-Sinnemahoning Creek Black Bridge Stream Stabilization Project, Emporium Borough, **Cameron County**, United States Army Corps of Engineers, Baltimore District (Emporium, PA Quadrangle Latitude: 41° 30' 38.41"; Longitude: 78° 14' 50.38").

Emporium Borough proposes to remove three areas of gravel deposition and construct, operate and maintain ten log-vanes in Driftwood Branch, Sinnemahoning Creek for the stabilization of a 750-foot reach of stream bank. One time gravel removal for the three depositional areas shall be limited to the following: 50 feet long by 25 feet wide by 6 inches deep below water level, 115 feet long by 15 feet wide by 6 inches deep above water level and 75 feet long by 25 feet wide by 12 inches deep below water level. Since Driftwood Branch is an STF, no construction or future repair work shall be performed in or along the stream channel between March 1 and June 15 without prior written approval from the Fish and Boat Commission. The Black Bridge Stream Stabilization Project is located along the southern right-of-way SR 0120 approximately 375 feet west of SR 0046 and SR 120 intersection. This permit application was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E12-172. Edward Bailey, 4144 Rich Valley Road, Emporium, PA 15834. Edward Bailey Porch, Deck and Covered Building in Driftwood Branch-Sinnemahoning Creek Floodway, Shippen Township, **Cameron County**, United States Army Corps of Engineers, Baltimore Dis-

tract (Sinnemahoning, PA Quadrangle Latitude: 41° 32' 14.8"; Longitude: 78° 19' 35.20").

The applicant proposes to modify, operate and maintain an existing residential dwelling, and construct, operate and maintain a covered, open-sided appurtenance, that are located in the 100-year floodway of Driftwood Branch, Sinnemahoning Creek. Modifications to the existing dwelling within the floodway shall be limited to constructing a 10-foot by 16-foot porch and an 8-foot by 16-foot deck. Construction of the covered, open-sided appurtenance shall be limited to 12 feet by 12 feet. All modifications and construction shall be at existing grades with no fill being placed that would diminish flood storage capacity in the Driftwood Branch floodway. The project is located along the northern right-of-way of SR 4004 approximately 2.1 miles west of SR 4003 and SR 4004 intersection. This permit was issued under Section 105.13(e) "Small Projects."

E18-447. Mill Hall Church of Christ, 205 Main Street, Mill Hall, PA 17751. Water Obstruction and Encroachment Joint Permit, in Mill Hall Borough, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Mill Hall, PA Quadrangle N: 41° 06' 15.9"; W: 77° 29' 6.8").

To construct and maintain a recreational area adjacent to the Mill Hall Church of Christ in the floodway of Fishing Creek. The recreation area will consist of the installation of 340 linear feet of 6-foot high standard chain-link fence. The fence will provide safety and security for those utilizing the area. A 40-foot by 60-foot asphalt basketball court will be constructed inside the fence perimeter. All excavation material will be removed from the site and disposed of outside of the 100-year floodplain. This project is located 3,600 feet southwest of the intersection of SR 150 and Pennsylvania Avenue, (Mill Hall, PA Quadrangle N: 41° 06' 15.9"; W: 77° 29' 6.8") in Mill Hall Borough, Clinton County. This project proposes to have a minimal impact to Fishing Creek, which is designated HQ-CWF, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1582. Brooks & Blair Waterfront Properties, LP, the Walnut Mall, 5541 Walnut Street, Pittsburgh, PA 15232. To construct a floating boat dock in Oakmont Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (New Kensington West,

PA Quadrangle N: 2.9 inches; W: 13.5 inches, Latitude: 40° 30' 28"; Longitude: 79° 50' 50"). To construct and maintain a floating boat dock 430 feet in length by 225 feet in width (as measured from the low water mark) in the channel and along the left bank of the Allegheny River (WWF), to construct and maintain two outfall structures on the left bank of said stream, to operate and maintain the fill placed as authorized by permit No. E02-1116, to place and maintain additional fill on the left bank of said stream for the purpose of constructing a stairway, and to remove fill from the floodway of Plum Creek (WWF). All activities are related to the River's Edge at Oakmont Residential Development. The project is located just north from the confluence of the Allegheny River and Plum Creek.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 No.: ESX09-117-0006

Applicant Name: Ultra Resources, Inc.

Contact Person: Debbie Ghani

Address: 304 Inverness Way South, Suite 295

City, State, Zip: Englewood, CO 80112-5828

Counties: Tioga and Potter

Township: Elk and Gaines (Tioga), West Branch Township (Potter)

Receiving Stream and Classification: Maynard Hollow, a tributary of Gormanian Branch

ESCGP-1 No.: ESX09-015-0040

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Eric Haskins

Address: 100 1st Center

City, State, Zip: Horseheads, NY 14845

County: Bradford

Township: Tuscarora

Receiving Streams and Classification: UNT to Tuscarora Creek

ESCGP-1 No.: ESX09-015-0039
 Applicant Name: Appalachia Midstream Services, LLD
 Contact Person: Joel Moore
 Address: 100 1st Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Townships: Granville, Troy and West Burlington Townships
 Receiving Stream and Classification: North Branch Towanda Creek

ESCGP-1 No. ESX09-015-0043
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 202 1st Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Township: Terry Township
 Receiving Streams and Classification: UNT to Susquehanna River

ESCGP-1 No.: ESX09-015-0042
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 100 1st Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Township: Wilmont Township
 Receiving Streams and Classification: UNT to North Branch of Mehoopany Creek

ESCGP-1 No.: ESX09-115-0009
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: P. O. Box 18496
 City, State, Zip: Oklahoma City, OK 73154
 County: Susquehanna
 Township: Auburn Township
 Receiving Stream and Classification: Tuscarora Creek

ESCGP-1 No.: ESX09-117-0006
 Applicant Name: Ultra Resources
 Contact Person: Debbie Ghani
 Address: 304 Inverness Way South, Suite 295
 City, State, Zip: Englewood, CO 80112
 County: Tioga
 Township: Elk Township
 Receiving Streams and Classifications: UNT to Gormanian Branch

STORAGE TANKS

SITE-SPECTIFIC 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
09-51-018	Sunoco Partners Marketing and Terminals, LP 4041 Market Street Aston, PA 19014 Attn: David A. Caracappa	Philadelphia	City of Philadelphia	6 ASTs storing biodiesel	203,040 gallons total

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et seq.

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Hazleton City Authority	400 East Arthur Gardner Parkway Hazleton, PA 18201-7395	Black Creek Township Luzerne County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Hazleton City Authority proposes to replace the existing storage tank, chemical treatment building and distribution system serving the Villages of Derringer and Fern Glen. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the project for Categorical Exclusion.

Public Hearing Invitation

Public Hearing for NPDES Permit No. PAI021309004; Proposed PA Solar Park, in Nesquehoning Borough, Carbon County.

On September 28, 2009, the Department of Environmental Protection (Department) received an administratively complete NPDES Permit application package for the proposed PA Solar Park, in Nesquehoning Borough, Carbon County.

The Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAI021309004 for the discharge of stormwater from construction activities to:

Broad Run (HQ-CWF), Deep Run (EV) and Nesquehoning Creek (CWF)

The public hearing will be conducted on Thursday, November 12, 2009 at 7 p.m. in the Nesquehoning Borough Building, 114 West Catawissa Street in Nesquehoning. The hearing is being held by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to PA Solar Park, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit

Application No. PAI021309004 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and plans are available for review at the Carbon County Conservation District Office, 5664 Interchange Road, Lehighton, PA 18235, (610) 377-6724, and/or the Department of Environmental Protection Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 09-1877. Filed for public inspection October 9, 2009, 9:00 a.m.]

Bid Opportunity

OSM 54(3647)201.1, Abandoned Mine Reclamation Project, Blackwood Shaft, Reilly Township, Schuylkill County. The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, 14,100 cubic yards of backfilling shaft and 2 acres of seeding. This project issues on October 9, 2009, and bids will be opened on November 5, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1878. Filed for public inspection October 9, 2009, 9:00 a.m.]

Citizens Advisory Council; Meeting Cancellation Notice

The October 20, 2009, business meeting of the Citizens Advisory Council (CAC) to the Department of Environmental Protection has been cancelled.

The next business meeting is scheduled for November 17, 2009. Visit CAC's web site, www.depweb.state.pa.us/cac, for further information.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1879. Filed for public inspection October 9, 2009, 9:00 a.m.]

Environmental Justice Advisory Board; Meeting Change Notice

The November 3, 2009, meeting of the Environmental Justice Advisory Board has been changed to Tuesday, November 17, 2009. The meeting will begin at 8:30 a.m. and will be held in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Questions concerning the meeting can be directed to Connie Luckadoo at (717) 783-5630 or cluckadoo@state.pa.us. The agenda and meeting materials will be available through the Office of Environmental Advocate site on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Environmental Justice"). Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Connie Luckadoo at (717) 783.5630 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1880. Filed for public inspection October 9, 2009, 9:00 a.m.]

Establishment of a Proposed "Baseline" of Existing Withdrawals of Great Lakes Basin Water Users

The Department of Environmental Protection (Department) is proposing to establish a "baseline" of existing withdrawals, consumptive uses and/or diversions of Great Lakes Basin water. The Department has prepared a list of proposed baseline amounts of affected facilities or systems as of December 2008. This information reflects the data related to those facilities or systems that are currently on record with the Department. The baseline amount assigned to each Great Lakes Basin water user will be used to determine what is a new or increased withdrawal, consumptive use, or diversion of Great Lakes Basin water in the future.

By this notice the Department announces a 30-day public comment period on the establishment of baseline. The Department is requesting comment on the proposed baseline amounts as well as the completeness of the list of Great Lakes Basin water users. Comments are due to the Department no later than November 9, so that the Department may complete the process to establish a baseline list by December. Interested persons may submit written comments, suggestions or objections to Lori Boughton, Office of Great Lakes, 230 Chestnut Street, Meadville, PA, 16335 or by e-mail lboughton@state.pa.us.

The proposed baseline list may be found at the following web site: <http://www.dep.state.pa.us/river/czmp.htm>.

This information is being collected under Act 43 of 2008, signed by Governor Rendell on July 4, 2008, known as the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact) (32 P. S. §§ 817.21—817.30). The Compact prohibits all new or increased diversions, with some exceptions for public water suppliers in communities or counties that straddle the boundary of the Great Lakes Basin. The Compact also provides for each Great Lakes state to establish a program no later than 2013 for the management and regulation of new or increased withdrawals and consumptive uses within the

Great Lakes—St. Lawrence River Basin. With the passage of the Compact by each of the 8 Great Lakes states and the consent of the United States Congress, the new Interstate Compact became effective on December 8, 2008.

More information may be obtained on the web:

Act 43 of 2008: <http://www.legis.state.pa.us/cfdocs/billinfo/BillInfo.cfm?year=2007&sind=0&body=H&type=B&bn=1705>

Great Lakes—St. Lawrence River Basin Water Resources Compact and Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement: <http://cglg.org/projects/water/CompactImplementation.asp>

Comments and questions concerning the proposed baseline should be directed to Lori Boughton, Office of Great Lakes, 230 Chestnut Street, Meadville, PA 16335 or (814) 217-9635 or lboughton@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1881. Filed for public inspection October 9, 2009, 9:00 a.m.]

Interstate Pollution Transport Reduction; Proposed 2009 Ozone Season NOx Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment concerning the proposed nonelectric generating unit (non-EGU) 2009 ozone season NOx emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NOx trading programs). The 15-day public comment period will end on October 26, 2009.

The NOx Budget Trading Program was amended in Pennsylvania's Clean Air Interstate Rule (CAIR) to allow the owners and operators of non-EGUs in this Commonwealth to transition to the CAIR NOx Trading Program. Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NOx Budget Trading Program budget of 3,619 tons of NOx, less a specified adjustment amount, to serve as a Statewide ozone season NOx emissions cap for new and existing non-EGUs. This NOx emissions cap will also apply to CAIR-exempt EGUs that were subject to the NOx Budget Trading Program. If total emissions from all of the units exceed the Statewide NOx emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NOx emission limitations established under subsection (d). The proposed NOx emissions cap ensures that non-EGUs in this Commonwealth continue to meet the emission limits of the NOx Budget Trading Program, as required under the United States Environmental Protection Agency's CAIR.

The proposed NOx emissions cap provides 181 tons of NOx emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NOx Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NOx allowance due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NOx emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 121 tons of the 181 tons of

NOx for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

Retired Units: Naval Surface Warfare Division Unit 98; Shenango Unit Nos. 6 and 9 (the generation of emission offsets for small non-NOx Budget Trading Program units, resulted in a permanent NOx accounting adjustment of 45 tons).

Exempt Units: Each of the following units have a 25-ton NOx permit limit: Armagh Compressor Station (Unit 31301); Entriken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton NOx permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NOx emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's CAIR, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for

CAIR NOx ozone season sources; and CAIR NOx ozone season allowance tracking system). The "Proposed non-EGU 2009 Ozone Season NOx Limits" table lists the following: the facility name, ORIS code, the unit ID for each non-EGU unit, the operating year, the heat input for the 2008 ozone season, the calculated 2009 rate and the 2009 ozone season limit.

Written Comments

Written comments on the proposed non-EGU 2009 Ozone Season NOx Emission Limits should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468 or ranbordner@state.pa.us no later than October 26, 2009. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "proposed non-EGU 2009 ozone season NOx emission limits" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Table: Proposed Non-EGU 2009 Ozone Season NOx Emission Limits

<i>Facilty_Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>OP_ Year</i>	<i>Heat Input mmBtu</i>	<i>2009 Rate</i>	<i>2009 OS Limit</i>
Armagh Compressor Station	880071	31301	2008	25-ton exemption (limit 25 tons)		
Bernville Station	880049	32001	2008	0	0.258	0.0
ConocoPhillips Co., Trainer Refinery	880025	32	2008	685,280	0.258	88.4
ConocoPhillips Co., Trainer Refinery	880025	33	2008	553,623	0.258	71.4
ConocoPhillips Co., Trainer Refinery	880025	34	2008	0	0.258	0
ConocoPhillips Co., Trainer Refinery	880025	35	2008	0	0.258	0
Domtar Paper Company, LLC	54638	40	2008	1,000,410	0.258	129.1
Domtar Paper Company, LLC	54638	41	2008	1,030,163	0.258	132.9
Entriken Compressor Station	880072	31601	2008	25-ton exemption (limit 25 tons)		
FPL Energy Marcus Hook, LP	55801	AB01	2008	856,595	0.258	110.5
FPL Energy Marcus Hook, LP	55801	AB02	2008	939,371	0.258	121.2
FPL Energy Marcus Hook, LP	55801	AB03	2008	896,611	0.258	115.7
FPL Energy Marcus Hook, LP	55801	AB04	2008	932,286	0.258	120.3
Kimberly-Clark Tissue Company	50410	34	2008	20,368	0.258	2.6
Kimberly-Clark Tissue Company	50410	35	2008	2,873,599	0.258	370.7

<i>Facilty_Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>OP_ Year</i>	<i>Heat Input mmBtu</i>	<i>2009 Rate</i>	<i>2009 OS Limit</i>
Merck & Company— West Point	52149	39	2008	402,431	0.258	51.9
Merck & Company— West Point	52149	40	2008	825,786	0.258	106.5
P H Glatfelter Company	50397	34	2008	1,267,278	0.258	163.5
P H Glatfelter Company	50397	35	2008	1,006,598	0.258	129.9
P H Glatfelter Company	50397	36	2008	1,969,448	0.258	254.1
Philadelphia Refinery	52106	150137	2008	754,723	0.258	97.4
Philadelphia Refinery	52106	150138	2008	482,398	0.258	62.2
Philadelphia Refinery	52106	150139	2008	593,390	0.258	76.6
Philadelphia Refinery	52106	150140	2008	828,686	0.258	106.9
Procter & Gamble Paper Products	50463	328001	2008	1,296,577	0.258	167.3
Shenango Incorporated	54532	6	2008	Retired/ERC (23 tons)		
Shenango Incorporated	54532	9	2008	Retired/ERC (22 tons)		
Shermans Dale Station	880050	31801	2008	0	0.258	0.0
Sunoco Chemicals Frankford Plant	880007	52	2008	576,614	0.258	74.4
US Steel (Clariton Coke)	50729	CLBLR1	2008	1,133,284	0.258	146.2
US Steel (Clariton Coke)	50729	CLBLR2	2008	909,795	0.258	117.4
US Steel (Edgar Thompson)	50732	ETBLR1	2008	1,413,650	0.258	182.4
US Steel (Edgar Thompson)	50732	ETBLR2	2008	1,590,868	0.258	205.2
US Steel (Edgar Thompson)	50732	ETBLR3	2008	1,556,617	0.258	200.8
Naval Surface Warfare Division	880009	98	2008	Retired		
Naval Surface Warfare Division	880009	99	2008	25-ton exemption (limit 1 ton)		
Naval Surface Warfare Division	880009	100	2008	25-ton exemption (limit 25 tons)		
United Refining	880099	01	2008	252,889	0.258	32.6
			Totals:	26,649,338	0.258	3,438

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1882. Filed for public inspection October 9, 2009, 9:00 a.m.]

Mining Reclamation Advisory Board; Meeting Change Notice

The October 22, 2009, meeting of the Mining Reclamation Advisory Board, which was scheduled to be in Harrisburg, will now convene at an alternate location that was previously advertised in the *Pennsylvania Bulletin*. The meeting will begin at 12 p.m. at the Knox District Mining Office, White Memorial Building, 310 Best Avenue, Knox, PA 16232-0669. Questions concerning the meeting can be directed to the liaison James Charowsky at (717) 787-7007 or jcharowskys@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the

Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate"). Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Charowsky at (717) 787-7007 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1883. Filed for public inspection October 9, 2009, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting

A meeting of the Bureau of Oil and Gas Management Technical Advisory Board has been scheduled for Wednesday, October 28, 2009, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting can be directed to Carol Daniels at (717) 772-2199 or cardaniels@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Carol Daniels directly at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1884. Filed for public inspection October 9, 2009, 9:00 a.m.]

Pennsylvania Climate Change Action Plan

On behalf of Governor Edward G. Rendell, Secretary Hanger announces that on October 10, 2009, the Department of Environmental Protection (Department) is releasing Pennsylvania's Climate Change Action Plan (Plan) for a 30-day public comment period. A copy of the Plan can be found at <http://www.depweb.state.pa.us/engry/cwp/view.asp?a=1532&q=539829>.

Pennsylvania is responsible for 1% of the planet's man-made greenhouse emissions. On July 9, 2008, Governor Rendell signed the Pennsylvania Climate Change Act (Act 70). Among a number of goals, Act 70 required the preparation of this report. Working with the Climate Change Advisory Committee the Department has prepared this Climate Change Action Report. The report identifies 52 specific actions that would result in a 95.6 Million Metric Tons of Carbon Dioxide Equivalent (MMtCO₂e) reduction of Pennsylvania's greenhouse gas emissions by 2020.

Interested persons may submit written comments on Plan by November 9, 2009. The Department will accept comments submitted by mail or by e-mail. A return name and address must be included in each e-mail transmission. E-mail comments should be submitted to epclimatereportcomments@state.pa.us. Written comments should be submitted to Joseph Sherrick, by means of the USPS to the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The Department will not accept comments submitted by facsimile.

Questions regarding the Plan should be directed to Joseph Sherrick at josherrick@state.pa.us or Kim Hoover at khoover@state.pa.us or (717) 772-8911.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911 or through the Penn-

sylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1885. Filed for public inspection October 9, 2009, 9:00 a.m.]

Pennsylvania Energy Development Authority \$1.2 Million Funding Opportunity Available

On behalf of Governor Edward G. Rendell, Secretary Hanger announces that on October 13, 2009, the Pennsylvania Energy Development Authority (PEDA) will open a \$1.2 million solicitation for innovative, advanced energy projects and for businesses interested in locating their advanced energy operations in this Commonwealth.

For purposes of this financial assistance opportunity, eligible projects may include solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; demand management measures, including recycled energy and energy recovery, energy efficiency and load management; clean, alternative fuels for transportation; and energy education projects. Priorities include distributed generation for critical public infrastructure.

Under this solicitation, the PEDA may award financial assistance in the form of grants of up to \$250,000. Funding for projects may be used for capital equipment, construction associated with capital projects and land acquisition.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; Pennsylvania colleges and universities; Pennsylvania municipalities; and any public corporation, authority or body whatsoever. All projects must be located directly within the Duquesne Light electric service territory or must demonstrate a direct benefit to the Duquesne Light electric ratepayers.

This is a competitive solicitation and funding will be determined by vote of the Board of Directors. Guidelines and applications may be viewed and downloaded from the PEDA web site at www.depweb.state.pa.us, Keyword "PEDA." Applications will be accepted from October 13, 2009, through November 6, 2009.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1886. Filed for public inspection October 9, 2009, 9:00 a.m.]

State Water Plan; Critical Water Planning Area Nominations Notice of Availability for Public Comment

The Department of Environmental Protection (Department) and the six Regional Water Resource Committees are soliciting public comments on the watersheds nominated for consideration of Critical Water Planning Area

(CWPA) designation, in accordance with 27 Pa.C.S. Chapter 31 (relating to water resources planning) (act).

According to the Water Resources Planning Act, a CWPA is defined as a "significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe yield of available water resources." A list of watershed nominations, along with detailed technical reports for the areas that have been nominated and the Department's "Guidelines for Identifying Critical Water Planning Areas" are available on the Department's web site at <http://www.depweb.state.pa.us>, keyword "Water Resources."

After consideration of public comments received on the nominations, the regional water resources committees will make recommendations for areas to be designated as CWPA's to the Statewide Water Resources Committee. The Statewide Committee will consider the data presented, and make a recommendation to the Department Secretary, who will consider designating the areas as CWPA's. After an area receives CWPA designation, a more intensive planning process will be undertaken to produce a Critical Area Resource Plan (CARP). The CARP that results from the study is not a regulatory document and will not be binding. It will, however, suggest measures and actions that could be adopted voluntarily to address the potential water shortage in the area.

The Department will accept written comments on the areas nominated for consideration of Critical Water Planning Area designation through November 30, 2009. Written comments must be submitted to Leslie Sarvis, Department of Environmental Protection, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063 or epstatewaterplan@state.pa.us.

The Department and the regional water resources committees will hold public meetings and hearings around the State to answer questions and accept testimony pertinent to the watersheds nominated for consideration of CWPA designation. The public meetings will include presentations by Department staff and members of the respective Regional Water Resources Committees followed by an informal discussion period. The formal hearings will begin at the times noted as follows. The dates and locations for the series of public meetings and hearings are as follows:

October 28, 2009
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Ohio Regional Water Resources Committee
Westmoreland Conservation District
218 Donohoe Road
Greensburg, PA 15601

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628 or laumohr@state.pa.us.

November 9, 2009
Regional committee business meeting at 12:45 p.m.
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Delaware Regional Water Resources Committee
Roadway Inn Conference Center (PA 629)
1151 Bulldog Drive
Allentown, PA 18104

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

November 12, 2009
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Great Lakes Regional Water Resources Committee
Erie County Conservation District
1927 Wager Road
Erie, PA 16509

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, e-mail at <mailto:laumohr@state.pa.us>.

November 16, 2009
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Lower Susquehanna Regional Water Resources Committee
Department of Environmental Protection, Southcentral Regional Office, Susquehanna Room
909 Elmerton Avenue
Harrisburg, PA 17110

Questions concerning this meeting should be directed to Jay Braund, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-2402, jbraund@state.pa.us

November 17, 2009
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Potomac Regional Water Resources Committee
Adams County Agricultural Center
670 Old Harrisburg Road
Suite 201
Gettysburg, PA 17325

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634 or lsarvis@state.pa.us

November 18, 2009
Public Meeting at 2 p.m., Public Hearing at 3 p.m.
Upper/Middle Susquehanna Regional Water Resources Committee
Department of Environmental Protection Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701

Questions concerning this meeting should be directed to Jay Braund, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-2402 or jbraund@state.pa.us

Unless otherwise noted, all Regional Water Resources Committees will conduct their regular business meeting from 1 p.m. to 2 p.m. on the same date and location as the public meetings and hearings. The business meetings are open to the public.

An agenda for each meeting, including materials pertaining to the areas nominated for Critical Water Planning Area designation, will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Public Participation, Participate).

Persons planning to give oral testimony at the hearings should register in advance by contacting Karen Price at (717) 783-9499 or kprice@state.pa.us. A written copy of the testimony should be provided to Department staff at the hearings. Written testimony will also be accepted from persons who do not wish to give oral testimony at the meeting. Written testimony must be submitted by November 30, 2009, to Leslie Sarvis, DEP Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063 or epstatewaterplan@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5634 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1887. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 137.21(b) (9) (relating to policies and procedures).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1888. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Lee Ambulatory Surgery Facility for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lee Ambulatory Surgery Facility has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1889. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Main Line Endoscopy Center South for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy Center South has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31 (relating to definitions; and principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1890. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Mount Nittany Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Surgical Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1891. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of The Neurospine Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Neurospine Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1892. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Pottstown Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pottstown Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 127.21(b) (relating to equipment operation).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1893. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of St. Luke's Hospital Bethlehem for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital Bethlehem has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-5.2.1.1(1) (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1894. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of The Surgery Center at Brinton Lake, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center at Brinton Lake, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1895. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1896. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Warminster Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warminster Surgical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.4.1.1(4) (relating to recovery areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1897. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.1.1.1 (relating to exam rooms) and 3.1-5.2.1.1 (relating to corridor width).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech, and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1898. Filed for public inspection October 9, 2009, 9:00 a.m.]

Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.1.1.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1899. Filed for public inspection October 9, 2009, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, October 23, 2009, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 327 of the Health and Welfare Building, 625 Forster Street, Harrisburg, PA.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120 at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1900. Filed for public inspection October 9, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Artman Lutheran Home
250 North Bethlehem Pike
Ambler, PA 19002
FAC ID 011102

Paul's Run
9896 Bustleton Avenue
Philadelphia, PA 19115
FAC ID 161902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.31 and 205.36 (relating to storage; and bathing facilities).

Transitional Care Center at The Reading Hospital & Medical Center
Reading Hospital Medical Center
P. O. Box 16052
Reading, PA 19612
FAC ID 440402

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

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

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

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

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1901. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Act; Publication

Worth & Company, Inc., and the Department of Labor and Industry have entered into a Settlement Agreement regarding the Amended Order to Show Cause issued by the Bureau of Labor Law Compliance to Worth (No. PW-2005-614) in relation to Pennsylvania's Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This Settlement Agreement does not contain or constitute any admission by Worth & Company, Inc., of any violation of the act. The Settlement Agreement will be administered as a voluntary debarment for a period of 15 months commencing on August 1, 2009, and ending on November 1, 2010. During this period, Worth & Company, Inc., as well as any firm, corporation, partnership or other entity in which Worth has an ownership interest, controls or contains the name "Worth" or any name or word similar thereto, shall not bid on or be awarded contracts for any projects subject to the act.

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 09-1902. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Emergency Department and Outpatient Access Payments

Purpose of Notice

The purpose of this notice is to announce that the Department of Public Welfare (Department) amended the Commonwealth's Title XIX State Plan to authorize additional outpatient payments to certain acute care general hospitals that will be funded with revenues generated through a hospital assessment imposed by the City of Philadelphia. Public notice announcing the Department's intent to make these payments and requesting public comments was published at 38 Pa.B. 7123 (December 27, 2008).

Background

On July 4, 2008, the Pennsylvania General Assembly enacted Article IV-E of the Public Welfare Code to authorize the City of Philadelphia to impose, by ordinance, a monetary assessment on the non-Medicare net operating revenue of acute care general hospitals located in the City. See 62 P. S. §§ 801-E—808-E. The new Hospital Assessment Program (Program) is intended to generate additional revenues to fund Medical Assistance (MA) expenditures for hospital emergency department services in Philadelphia. The Program is also expected to generate additional funding to support the City's public health clinics. To ensure receipt of Federal matching funds for the MA payments made with these assessment revenues, the Department submitted a waiver request to the Federal Centers for Medicare and Medicaid Services (CMS). That waiver request has been approved, and the assessment will be imposed as specified in Article IV-E effective January 1, 2009 through June 30, 2013.

In authorizing the Program, the General Assembly recognized that a greater proportion of Philadelphia's population receives MA benefits than any other county in the Commonwealth and that the demand for emergency department services in City hospitals often exceeds the capacity of the area's emergency department's system. By establishing a mechanism to generate additional revenues through hospital assessments, the General Assembly sought to ensure that MA recipients would continue to have access to critical hospital services and that all citizens would have access to emergency department services within the City. Under Article IV-E, funds generated from the Program will be deposited in a restricted account and used by the Department to make "supplemental or increased medical assistance payments to emergency department services to general acute care hospitals . . . and to maintain or increase other medical assistance payments to hospitals within [Philadelphia], as specified in the Commonwealth's approved Title XIX State Plan." 62 P. S. § 804-E.

Consistent with Article IV-E, the Department submitted and received approval for a State Plan Amendment (SPA) from CMS to authorize the emergency department and outpatient access payments to acute care general hospitals in Philadelphia with emergency departments that provide at least 1,000 emergency department services to Pennsylvania MA patients per year. Under the SPA, the Department distributes the additional payments to qualifying acute care general hospitals based on each qualifying hospital's historical outpatient MA claims. Payments to a qualifying hospital under the State Plan are limited to the amount permitted by the hospital's OBRA 93 hospital specific limit and by a limit on the maximum payment each hospital can receive as a percentage of their hospital's net patient revenue. Hospitals that furnish acute care inpatient services to patients who are predominantly under the age of 18 or hospitals that receive a disproportionate share payment for enhanced access to multiple types of medical care in economically distressed areas of Pennsylvania under the State Plan are not eligible to receive these additional payments.

Public Comments

One organization submitted comments in response to the Department's initial Public Notice at 38 Pa.B. 7123. The commentator objected to the use of a payment limit for the proposed emergency department and outpatient access payments as contrary to the interest of the MA Program and the intent of the statute. The commentator also suggested that the Department did not provide adequate advance notice of the change in its payment methods because it did not publish sufficient underlying information or data for interested parties to determine with certainty what impact the Program would have on providers.

The Department disagrees with the commentator on both counts. First, the Department determined that intent of the legislation, as well as the interest of the MA Program, would be best served by ensuring that all qualified hospitals within the city receive a reasonable portion of the funds dedicated for emergency department and outpatient access payments, rather than by allowing a disproportionate amount of those funds to be funneled to a limited number of hospitals.

Second, the Department engaged in an open and collaborative process in designing these new payments. As noted previously, the Department published a notice in the *Pennsylvania Bulletin*, which provided a summary of the proposed emergency department and outpatient ac-

cess payments and requested interested persons to submit comments. In addition, during the past year, the Department met numerous times with the affected hospitals or hospital systems, both individually and as a group to provide regular updates and information on the Program, including the estimated payments that would be made with the anticipated Program revenue, and to solicit their input and address any concerns the hospitals may have had. This process was more than sufficient to allow any comments and concerns regarding this initiative to be identified and addressed.

Fiscal Impact

The additional emergency department and outpatient access payments resulted in increased costs of \$69.404 million (\$24.763 million in State funds) in the MA—Outpatient Program in Fiscal Year (FY) 2008-2009 and are projected at \$138.307 million (\$47.493 million in State funds) in FY 2009-2010. These payments are to be offset by actual assessment revenue of \$50.717 million in FY 2008-2009 and projected assessment revenue of \$102.587 million in FY 2009-2010. These State funds estimates are based on the increased Federal Medical Assessment Percentages as determined under the American Recovery and Reinvestment Act, which will expire December 31, 2010.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-621. (1) General Fund; (2) Implementing Year 2008-09 is \$24.763M; (3) 1st Succeeding Year 2009-10 is \$47.493M; 2nd Succeeding Year 2010-11 is \$55.315M; 3rd Succeeding Year 2011-12 is \$63.227M; 4th Succeeding Year 2012-13 is \$63.227M; 5th Succeeding Year 2013-14 is \$00.000M; (4) 2008-09 Program—\$519.681M; 2007-08 Program—\$593.992M; 2006-07 Program—\$671.472M; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1903. Filed for public inspection October 9, 2009, 9:00 a.m.]

Medical Assistance Program Fee Schedule: Addition of Procedure Code for the Administration of H1N1 Vaccines

Purpose of Notice

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Public Welfare (Department) announces the addition of Procedure Code 90470 for the administration of H1N1 vaccines, effective October 5, 2009.

Procedure

<i>Code</i>	<i>Description</i>	<i>MA Fee</i>
90470	H1N1 immunization administration (intramuscular, intranasal), including counseling when performed	\$10

This procedure code is being added to the Medical Assistance (MA) Program Fee Schedule as a result of the recent United States Food and Drug Administration approval of the use of H1N1 influenza vaccines that protect against the H1N1 virus. The Department will issue an MA Bulletin to providers with specific instructions concerning billing for the administration of the H1N1 influenza vaccines.

The Centers for Disease Control and Prevention is distributing the H1N1 vaccines to each State at no cost for both private and public patients across all target groups. Providers may contact the Department of Health or the Philadelphia Department of Public Health to order and obtain the H1N1 vaccine.

Fiscal Impact

It is estimated that this change will result in costs of \$5.566 million (\$1.901 million in State funds) in the Medical Assistance (MA) Outpatient Program in Fiscal Year (FY) 2009-2010 and \$5.566 million (\$2.218 million in State funds) in FY 2010-2011. These State fund estimates are based on the increased Federal Assistance Percentages as determined under the American Recovery and Reinvestment Act (ARRA) of 2009.

Public Comments

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

Persons with a disability who require an auxiliary aid or service should 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-625. (1) General Fund; (2) Implementing Year 2009-10 is \$1.901M; (3) 1st Succeeding Year 2010-11 is \$2.218M; 2nd Succeeding Year 2011-12 is \$2.535M; 3rd Succeeding Year 2012-13 is \$2.535M; 4th Succeeding Year 2013-14 is \$2.535M; 5th Succeeding Year 2014-15 is \$2.535M; (4) 2008-09 Program—\$519.681M; 2007-08 Program—\$593.992M; 2006-07 Program—\$671.472M; (7) MA—Outpatient; (8) recommends adoption.

The Centers for Disease Control and Prevention will distribute H1N1 vaccines to each state at no cost for both the private and public patients across all target groups. Costs to administer the additional vaccines will be covered at part of MA—Outpatient appropriation.

[Pa.B. Doc. No. 09-1904. Filed for public inspection October 9, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by MRL Associates, LLC, seeking to lease highway right-of-way located along Forbes Avenue, in the 4th Ward of the City of Pittsburgh, Allegheny County, adjacent to SR 885, Section A03, station 54 + 50 to station 56 + 70, which is beneath the Boulevard of the Allies bridge, containing 5,896 ± square feet or 0.135 ± acre, for the purpose of storage for employee and customer parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-1905. Filed for public inspection October 9, 2009, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Camp Hill v. DEP and Lemoyne Borough, Permittee; 8-21-09—Issuance of NPDES Permit; EHB Doc. No. 2009-128-L; No. PA 0026441

The Borough of Camp Hill has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lemoyne Borough for a facility in Lemoyne Borough, Cumberland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 09-1906. Filed for public inspection October 9, 2009, 9:00 a.m.]

Lemoyne Borough v. DEP; 8-21-09—Issuance of NPDES Permit; EHB Doc. No. 2009-129-L; No. PA 0026441; Amendment No. 1

The Lemoyne Borough has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lemoyne Borough for a facility in Lemoyne Borough, Cumberland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 09-1907. Filed for public inspection October 9, 2009, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections (c)(21) and (d) shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal

- 24. Stomach and Small Intestine Repair
- 25. Kidney Failure
- 26. Kidney and Urinary Tract Infection
- 27. Prostatectomy
- 28. Medical Back
- 29. Major Joint Repair
- 30. Neck/Back Repair
- 31. Breast Cancer
- 32. Hysterectomy
- 33. Infectious Disease
- 34. Ventilation for Respiratory Disease
- 35. Tracheostomy

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issues</i>
4-91	Department of Community and Economic Development Industrialized Housing 39 Pa.B. 4423 (August 1, 2009) Volume 39, Number 31, <i>Pennsylvania Bulletin</i> , Page 4423	8/31/09	9/30/09
18-415	Department of Transportation Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues 39 Pa.B. 4435 (August 1, 2009)	8/31/09	9/30/09

DAVID H. WILDERMAN,
Acting Executive Director

[Pa.B. Doc. No. 09-1908. Filed for public inspection October 9, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 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 Issues</i>
57-269	Pennsylvania Public Utility Commission Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets 39 Pa.B. 3461 (July 11, 2009)	8/25/09	9/24/09

Pennsylvania Public Utility Commission Regulation #57-269 (IRRC #2772)

Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets September 24, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the July 11, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General.—Consistency with statute; Reasonableness.

Fostering competition

Under the Natural Gas Choice and Competition Act (Act) (66 Pa.C.S.A. § 2203(3)), the PUC is directed, in part, to “require natural gas distribution companies to unbundle natural gas supply services such that separate charges for services can be set forth in tariffs and on retail customers’ bills.” We believe the simplicity of how this is presented to customers will ultimately affect the participation of customers in competition. Ideally, this could be accomplished by a separation of total cost into distribution cost and supply cost. Hence, a customer could shop and compare the supply cost.

This regulation presents a complex regulatory scheme that might be incomprehensible to most customers and as a result discourage them from participating in competition. Several commentators, including the Energy Association of Pennsylvania, believe the process established in this regulation is complicated. We cite, as one example, that “GPRR—Gas procurement reduction rate” is defined as “an equal offsetting credit to the GPC [gas procurement charge], billed to all residential and small commercial customers.” Since the GPRR is charged to all customers regardless of whether they shop, how does GPRR demonstrate a separation of costs? The application of the term GPRR is further complicated by its application in

Subsection 62.223(e), where the components of the “NGPA [net gas procurement adjustment] tariff rider” would include both the GPRR and GPC, which by definition are “equal offsetting” credits, and therefore would negate each other. While we recognize this is an attempt to separate costs, this method is confusing, even if it is technically correct.

In general, customers pay a rate for their service that represents tremendously detailed calculations and components, yet those details are, in the end, boiled down to a tariff rate. Customers generally would be confused by all of the components of a base rate case that result in a tariff rate. We recommend that the PUC reconsider the complexity of this regulation and the effect of that complexity on customer participation in competition. We also recommend that the PUC produce an example of a bill or pricing comparison that would be presented to the customer to illustrate the result of the final-form regulation and how it would foster competition.

Restructuring in a manner that does not unreasonably discriminate

Under 66 Pa.C.S.A. § 2203(5), the PUC must “require that restructuring of the natural gas industry be implemented in a manner that does not unreasonably discriminate against one customer class for the benefit of another.” The regulation envisions future base rate filings and cost of service studies. In base rate cases, the PUC considers all issues and costs to establish just and reasonable rates that are then allocated to customer classes by a tariff filing.

Several sections of the regulation require rate filings for individual cost components in conjunction with filings under 66 Pa.C.S. § 1307(f) and eventually in base rate cases filed under 66 Pa.C.S. § 1308(d). This regulation contemplates tariff riders and other filings to accomplish cost separation. These filings, required in conjunction with filings under 66 Pa.C.S. § 1307(f), are limited in scope. We have three concerns. First, the PUC should explain how these filings will not amount to single issue ratemaking. Second, it is not clear how the regulation protects against cross-subsidization between shopping and non-shopping customers in general, and particularly in regard to the supplier of last resort. Finally, the PUC should explain how the provisions in Sections 62.223, 62.224, 62.225, 62.226 and 62.227 will properly separate costs in compliance with 66 Pa.C.S.A. § 2203(5) which protects customers from unreasonable discrimination against one customer class for the benefit of another.

Potential costs imposed by the regulation

At the core of this proposed regulation, the PUC is attempting to establish an “apples to apples” comparison of rates. To compare prices, a customer needs dollar amounts from the supplier of last resort and other gas suppliers. This regulation requires rate filings in conjunction with filings under 66 Pa.C.S. § 1307(f) and eventually in base rate cases filed under 66 Pa.C.S. § 1308(d). The nature of the separation of costs from base rates is obviously complex based on this regulation and presumably will be subject to the scrutiny and costs of litigation. Has the PUC considered any other mechanism to establish a fair price comparison that would meet the requirements of the Act? The PUC should review the requirements in the regulation to make sure that the regulation itself does not impose the costs of base rate cases and extensive annual litigation of filings under 66 Pa.C.S. § 1307. The PUC should identify or estimate the potential costs imposed by the regulation and explain how the

savings to customers from improved competition will outweigh the costs imposed by litigation.

Statutory authority

In the Regulatory Analysis Form (RAF) and Preamble for this proposed regulation, the statutory authority for the rulemaking is identified as Section 2204(g) of the Act (66 Pa.C.S.A. § 2204(g)). Section 2204(g) directs the PUC to conduct an investigation concerning competition in the sales of natural gas supplies. However, it does not address rulemaking authority. The statutory authority for the PUC to propose and adopt regulations implementing the Act is set forth in Section 2204(a) (66 Pa.C.S.A. § 2204(a)). The PUC should identify Section 2204(a) of the Act as the statutory authority in the RAF and Preamble when it submits the final-form regulation.

2. Section 62.221. Purpose.—Clarity.

Retail gas customer

This phrase is defined in Section 2202 of the Act (66 Pa.C.S.A. § 2202), and is used throughout the Act. It is defined, in part, as “a direct purchaser of natural gas supply services or natural gas distribution services, other than a natural gas supplier. . . .” This definition is not limited to any customer class. However, this section of the regulation limits the purpose to fostering competitive service to “residential and small commercial customers.” We recognize the PUC is focusing on a lack of competition in these customer classes. As several commentators observed, however, many provisions in the regulation either directly affect all customers, or raise issues inseparable from all customers. The PUC should explain why this section and the regulation are limited to “residential and small commercial customers” and how the regulation does not affect all service provided to “retail gas customers” as defined in the Act.

Small commercial customer

This section uses the phrase “small commercial customer.” However, the term defined in Section 62.222 is “small business customer.” This section should use the defined term. The same problem occurs in the definition of the “GPRR-gas procurement reduction rate” in Sections 62.222 and in 62.223(e). Both the definition and the subsection use the term “small commercial customer” and not “small business customer.”

3. Section 62.222. Definitions.—Consistency; Reasonableness; Implementation procedure; Clarity.

GPC—Gas procurement charge

This definition refers to a “charge” as “a mechanism by which the effect of natural gas procurement costs removed from an NGDC’s [natural gas distribution company] base rates are recovered.” This language is vague because it describes a “mechanism” and its effect. A definition also loses clarity when it uses the term being defined. This definition should directly state what costs the charge encompasses.

GPRR—Gas procurement reduction rate

This term is defined as “an equal offsetting credit to the GPC, billed to all residential and small commercial customers.” Section 62.223(e) is the only place this term is used and it also describes the GPRR as “an equal offsetting credit to the GPC, billed to all residential and small commercial customers.” Therefore, the definition is redundant and unnecessary.

NGPA—Net gas procurement adjustment

This definition is described as a “tariff rider” in both the definition and Section 62.223(d). This definition is also vague because it describes a concept or goal, but does not increase the understanding of the term or its components.

Natural gas supply service

This term is defined in the Act. See 66 Pa.C.S.A. § 2202. The regulation should reference the Act similar to other definitions in this section such as “natural gas supplier.”

PGC—Purchase gas cost

This term is defined in this section as “natural gas costs which are collected, with adjustments, by NGDCs from their customers under 66 Pa.C.S. § 1307(f).” Again, a definition loses clarity and usefulness when it uses the term being defined. The Preamble states: “Generally, purchase gas cost (PGC) expenses include the cost of the natural gas itself as well as everything spent to get the gas through the interstate pipeline system to the city gate.” However, another paragraph in the Preamble states that procurement costs may include: “operation and maintenance expense, any procurement-related investment costs, and payroll costs for employees involved in supply acquisition.” Although specific costs will be unique to some degree for each NGDC, the definition should provide descriptions or examples of the costs that may be included under this definition. Additionally, it is unclear in the regulation whether the PGC includes procurement costs that are mentioned in the GPC definition.

PTC—Price to compare

It is not clear whether PTC is a rate or a cost. A customer would need a rate to make a comparison, or at least a volume of gas associated with a cost. The PUC should review this definition and the use of the term so that it is clear what will result from this regulation and how a customer can use the PTC to shop among the Supplier of Last Resort (SOLR) and gas suppliers.

4. Section 62.223. PTC.—Consistency; Reasonableness; Implementation procedure; Clarity.*Monthly adjustments*

In the Preamble, the PUC explains that it is requiring natural gas distribution companies to adjust their purchased gas cost monthly to better reflect market fluctuations. This is implemented in Subsections (h) and (j). Several commentators do not believe this regulation complies with 66 Pa.C.S. § 1307(f)(1)(ii) which states, in part,

In the event that the natural gas distribution company adjusts rates more frequently than quarterly, it shall offer retail gas customers a fixed-rate option which recovers natural gas costs over a 12-month period, subject to an annual reconciliation. . . .

The PUC should explain how the regulation complies with 66 Pa.C.S. § 1307(f)(1)(ii).

Further, under 66 Pa.C.S.A. § 2206(c) and (d), the PUC is required to establish customer information “to enable retail gas customers to make informed choices” and guidelines for consumer education to “provide retail gas customers with information necessary to help them make appropriate choices as to their natural gas service.” While we agree that accurate comparisons are needed, we, as well as most commentators, question whether monthly adjustments will result in further confusion to the customer. Price comparison is critical to competition. How-

ever, if a customer switches suppliers and the subsequent bill does not substantiate the projected savings, we question whether that customer would venture into competitive rates again. How to best accomplish valid comparisons of rates is a very difficult proposition given the fluctuations in gas market prices. We recommend that the PUC revisit monthly comparisons to determine the best way to fulfill the Act’s requirements relating to customer information and consumer education.

Costs of the Supplier of Last Resort

The Act requires that there be a “supplier of last resort.” See 66 Pa.C.S. § 2207. The readiness and availability of a supplier of last resort requires that there be adequate procurement. PUC Vice Chairman Tyrone J. Christy’s statement included in the Preamble and the Office of Consumer Advocate’s comments both raised similar concerns that “non-shopping consumers” will be forced to pay higher costs that in effect subsidize consumers who shop. Some procurement costs are related to maintaining the readiness of the SOLR. It is not clear in the regulation that all customers will share in the cost of a SOLR, even though a SOLR would have to be available to most customers. The PUC should explain how this proposed regulation will insure that procurement costs for SOLRs are distributed equitably among all consumers who may have to rely on a SOLR.

Overall clarity of Section 62.223

We find that this subsection lacks clarity, as drafted in the proposed regulation. We recommend that the PUC review this provision and rewrite it so that the final-form regulation clearly sets forth what the PTC is, how the PTC is established, what the underlying formulas are and what must be filed with the PUC. We provide the following suggestions to assist in the development of a clearer section on PTC:

- The section shifts between filings under 66 Pa.C.S. § 1307(f) and filings under 66 Pa.C.S. § 1308(d) and simultaneously describes components of costs and charges. We suggest separating the filing requirements from the description of components.

- The regulation is not clear regarding whether Section 1307 filings would continue to be required after a Section 1308(d) filing.

- Two different subsections describe the formation of the PTC. Initially, Subsection (a) indicates that the GPC will be added to the cost of supply rate “to create a comparable PTC.” Yet, Subsection (d) states that the “NGPA shall be designed to create a rate neutral adjustment to currently existing base rates and the PGC rate to develop a reasonable PTC. . . .” The final-form regulation should clarify the development of the PTC.

- In Subsection (a), it appears the phrase “the cost of supply rate developed under 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments)” is the same as the defined term PGC. If so, the phrase should be replaced with the defined term. If not, the PUC should explain the difference.

- The first sentence of Subsection (b) states the NGDC must remove costs in a Section 1308(d) filing, and the remainder of the provision states a GPC must be established in Section 1307 filings. This provision appears to be written in the reverse order of what would typically occur. Since the GPC would already be established and possibly litigated in Section 1307 filings, this known GPC should be used to describe how it must be shown in the NGDC’s next Section 1308(d) filing.

• Language discussing the GPC is scattered throughout five different subsections. It may be clearer to address the GPC in one subsection where possible. For example, Subsections (h) and (i) could be combined.

• It would appear that Subsections (c) and (d) addressing the NGPA could be combined.

• Subsection (e) discusses the NGPA, GPC and GPRR in a lengthy sentence that is unclear in its intent, and Subsection (f) addresses both the GPC and NGPA. Both subsections need to be re-written in a structured format that clarifies and supports their intent. See Sections 2.5, 2.8 and 2.9 on pages 6 and 7 of the *Pennsylvania Code & Bulletin Style Manual*.

5. Section 62.224. POR programs.—Reasonableness; Need; Clarity.

Implications relating to POR Programs

We have three general questions and concerns relating to POR programs and the potential positive and negative effects. First, the PUC should explain further why it is proper for the unregulated charges by an NGS to rely on the regulated NGDC (and potentially on the PUC's authority) for collection. Second, how will the NGDC separate its operating costs from those related to collecting revenues for an unregulated entity? Finally, how will the costs and revenues from a POR program be considered in the filings envisioned in this rulemaking, including a base rate filing.

Subsection (a)

Paragraph (10) requires that “the NGDC shall track its POR program purchases and collections.” This requirement is vague because it is not clear how to comply. The regulation should state a purpose for tracking, specify what information is required and how long the information must be kept.

Subsection (c)

Commentators have questioned the use of accounts receivable to satisfy the security required for licensing. Commentators stated this is being considered in other rulemakings. We also question why this provision, relating to licensure requirements, is placed under this section. The PUC should delete this provision or explain why it is needed under Section 62.224.

6. Section 62.225. Release, assignment or transfer of capacity.—Need; Clarity.

Duplication of statute

This section is very similar to the Act at 66 Pa.C.S. § 2204(d). The Preamble notes the similarity and some differences. However, it does not explain the need for repeating the statute in the proposed regulation. The PUC should explain the need for this section or delete it from the final-form regulation.

7. Section 62.226. NGDC costs of competition related activities.—Reasonableness; Implementation procedure; Need; Clarity.

Competition related activities

Since the costs of “competition related activities” are not established or defined in this section or the regulation, it is not possible to determine the components, limits or impact of this provision. Without this direction from the PUC, the subjective nature of determining costs related to competition may expose customers to paying costs that may not be in their best interest, may not be their responsibility, may not be spent effectively or that are redundant to advertising costs already reflected in the

NGDC base rates. The PUC needs to provide guidance in the regulation on what specifically are NGDC costs of competition related activities.

We also have concerns relating directly to 66 Pa.C.S.A. § 2203(5), under which the PUC must “require that restructuring of the natural gas industry be implemented in a manner that does not unreasonably discriminate against one customer class for the benefit of another.” While the costs of promoting competition and advertising under this section will be directly paid by existing customers, it is not clear how the profits produced by the advertising will be considered in light of 66 Pa.C.S.A. § 2203(5). The PUC should either delete this section or amend the regulation to strictly interpret what costs may be claimed and to protect customers from paying imprudent costs, redundant costs or costs borne by one customer class for the benefit of another.

8. Section 62.227. Regulatory assessments.—Fiscal impact; Reasonableness; Need; Clarity.

Need to address regulatory assessments

Commentators, including the Industrial Customer Groups and Office of Consumer Advocate, raised serious questions related to this section and its inclusion in the proposed rulemaking. The concerns are three-fold.

First, commentators questioned the need for this assessment stating that the costs associated with the regulatory assessment are not a large expense that would require special ratemaking treatment. What is the need for any change in the practice of having NGDCs recover these costs through their base rates?

Second, the section does not appear to have any relationship to or impact upon the “price to compare” or competition, and, therefore, it is unclear why it is a part of this proposed regulation.

Third, NGDCs would incur costs in the filings and procedures required to separate these costs from their base rates. Yet, the PUC provides no justification for this additional expense. The PUC should explain the need for this section and the rationale for its inclusion in this rulemaking, or delete it from the final-form regulation.

Department of Community and Economic Development

Regulation #4-91 (IRRC #2776)

Industrialized Housing

September 30, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 1, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Community and Economic Development (Department) to respond to all comments received from us or any other source.

General—Statutory authority; Feasibility; Reasonableness; Implementation procedures. The Department cites Section 5 of the Industrialized Housing Act (Act) for its authority to promulgate this proposed rulemaking. 35 P. S. § 1651.5. Specifically, Section 5(a) sets forth the regulatory authority of the Department. In addition, the second subsection provides that:

The department shall hold public hearings on rules and regulations proposed to be promulgated, amended, or repealed, consistent with the provisions of the . . . “Administrative Agency Law” . . . and the “Commonwealth Documents Law.”

35 P. S. 35 P. S. § 1651.5(b).

Although we recognize that the industry acknowledged the efforts of the Department in keeping affected parties informed and involved during the development of this regulation, it is unclear whether the Department held public hearings pursuant to Section 5(b) of the Act. If no hearing was held, the Department should provide an explanation and discuss whether it intends to do so before submitting a final-form regulation.

***Department of Transportation**

Regulation #18-415 (IRRC #2779)

Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues

September 30, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 1, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

1. Eligible sponsors.—Legislative intent; Reasonableness.

Under 75 Pa.C.S.A. § 3116(a), the use of an automated red light enforcement system is limited to first class cities, which is the City of Philadelphia. Fines collected from violators, less the administrator’s costs, are deposited into the Motor License Fund and “shall be used by the department to develop, by regulation, a Transportation Enhancements Grant Program.” See 75 Pa.C.S.A. § 3116(l)(2). The statute also includes limitations on the use of automated red light enforcement systems and limits revenues to no more than five percent of a city of the first class’ annual budget. See 75 Pa.C.S.A. § 3116(e), (g), (h), (m), (n), (o) and (p).

Section 233.2 of the regulation defines “sponsor” as, A local authority, metropolitan planning organization, rural planning organization, county planning organization, or Commonwealth agency applying for, or receiving, a transportation enhancement grant under this chapter.

Also, Subsection 233.5(a) states a sponsor may submit an application for a grant and Subsection 233.8(d) includes the term sponsor in the criteria for the grant selection process. As written, anyone who meets the broad definition of sponsor can apply for and receive a grant, which includes entities both inside and outside the City of Philadelphia.

The City of Philadelphia objects to the regulation because it would allow fines collected in Philadelphia to be used for grants anywhere in the state. The City of Philadelphia believes the legislation was intended to only use grant money for safety improvements in the City of Philadelphia. A similar concern was stated by the Philadelphia Parking Authority and former Representative George Kenney.

Representative Richard A. Geist, Republican Chairman of the House Transportation Committee, submitted a letter on September 21, 2009, stating that in his position as Majority Chairman of the House Transportation Committee he led the floor debate over the enabling legislation in the House of Representatives that became Act 123 of 2002. He states that when crafting and debating the legislation “we were adamant that the pilot program was not to be used as a revenue generator for the City of Philadelphia. Specifically, to guard against that possibility, we included the provision that all excess revenue generated by the program be deposited in the Commonwealth’s Motor License Fund and be used for transportation projects throughout the state.” See 75 Pa.C.S. § 3116(l)(2). To support his position, he included with his letter the 2002 *House Legislative Journal* documenting the floor debate. He is concerned that the regulation does not explicitly prohibit the City of Philadelphia from capturing all of the grants via the grant process. Therefore, he respectfully suggests that a caveat be added to the regulation that would explicitly prohibit the City of Philadelphia from laying claim to all of the excess revenues generated by the pilot program to provide an assurance that legislative intent would be maintained.

In the Preamble, the Department explains:

Other affected entities are sponsors that choose to apply for, or receive, a transportation enhancement grant under the provisions of the proposed regulations. These include local authorities (county, municipal and other local boards or bodies having authority to enact laws relating to traffic), metropolitan planning organizations, rural planning organizations, county planning organizations or Commonwealth agencies.

The Department should explain its determination that grants should be made available to all of the entities described in the proposed definition of sponsor and explain how the grants will be geographically distributed.

2. Section 233.2. Definitions.—Need.

Secretary

This term is defined, but we were unable to find it used in the regulation. We suggest deleting it.

3. Section 233.5. Application procedure.—Clarity.

Address to submit applications

Subsection (a) requires applications to be submitted to the “Director: Attention—Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues.” We recommend including the full address in Subsection (a) so that sponsors know where to send the application.

Other information requested by the Department

Paragraph (c)(11) requires the sponsor to provide other information “that is requested by the Department.” We recommend limiting the scope of this provision to information related to the project.

4. Section 233.6. Deadline for applications.—Reasonableness; Clarity.

Complete in a timely fashion

The phrase “in a timely fashion” at the end of Subsection (d) is vague. The Department should replace this phrase with a definite time frame, such as “by July 15.”

5. Section 233.8. Grant selection process and criteria.—Reasonableness; Clarity.

Next fiscal year

The deadline for applications is June 30. Subsection (a) states applications “will be considered for funding during the next fiscal year.” The Pennsylvania State Association of Township Supervisors (PSATS) commented that it presumes the next fiscal year would begin July 1, which is right after applications are received. PSATS notes that, depending on how quickly applications are processed, the construction season could be over before applications are processed. We agree that it is not clear what is meant by the “next fiscal year.” It is important for applicants to understand how soon the grants may be forthcoming because the applicants are working on safety improvements to their transportation systems. We recommend that the Department review and clarify the timing of the applications, the processing of applications and the offer of a grant.

Other factors

In Subsection (c), it is not clear what is meant by the phrase “and other factors.” What other factors would the Director consider that are not already specified in Subsections (d) and (e)? A sponsor should have full notice regarding how the application will be considered. We recommend deleting this phrase. Alternatively, if the Department knows of other factors that will be considered, those should be included in the regulation.

Other criteria

After listing the criteria that will be considered in Paragraphs (d)(1) to (7), the criteria conclude with Paragraph (d)(8) which states, “Other criteria which the Department determines should be considered.” Given that sponsors are competing for grants, it would not be fair to approve or deny a grant based on “other criteria” that other sponsors were not given an equal opportunity to meet. Paragraph (d)(8) also implies the criteria could be altered outside the regulatory process. We recommend deleting Paragraph (d)(8).

6. Section 233.11. Audit and recordkeeping.—Clarity.*Exceeds the standards of this chapter*

Paragraph (a)(5) states, in part, “. . . If this elapsed time exceeds the standards of this chapter, the Department may require the return of interest earned on payments made.” The phrase “the standards of this chapter” is vague. The regulation should cross-reference or state the specific time requirements that may not be exceeded and that would cause the Department to require the return of interest earned.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1909. Filed for public inspection October 9, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, 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 a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4617	State Board of Dentistry Dental Hygiene Scope of Practice; Local Anesthesia	09/28/09	11/5/09
16A-5420	State Board of Pharmacy Pharmacist Breaks	09/28/09	11/5/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1910. Filed for public inspection October 9, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Gary D. Graham; Hearing

Appeal of Gary D. Graham under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0096(F); Doc. No. UT09-09-014

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 any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on December 2, 2009, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before November 16, 2009. Answers to petitions to intervene, if any, shall be filed on or before December 1, 2009.

A date for a hearing shall be determined, if necessary, during the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1911. Filed for public inspection October 9, 2009, 9:00 a.m.]

Keystone Health Plan Central HMO; Demographic Rating Methodology; Applicability—Group Size 2+; Rate Filing

On September 9, 2009, the Insurance Department (Department) received a filing from Keystone Health Plan Central to modify the Demographic Rating Methodology for all new and renewing Commercial HMO Group Busi-

ness. For Small Groups, the proposed filing requests approval of group size factors, regional factors and Prospective Risk Factors. For Large Groups the rating methodology would be expanded to include regional factors. The proposed effective date is January 1, 2010.

Unless formal administrative action is taken prior to December 24, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

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

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1912. Filed for public inspection October 9, 2009, 9:00 a.m.]

Nationwide Affinity Insurance Company of America; Private Passenger Automobile; Rate and Rule Revisions; Rate and Rule Filing

On September 24, 2009, the Insurance Department (Department) received from Nationwide Affinity Insurance Company of America a filing for rate level and rule changes for private passenger automobile insurance.

The company requests an overall 3% increase amounting to \$2.790 million annually, to be effective March 8, 2010.

Unless formal administrative action is taken prior to November 23, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1913. Filed for public inspection October 9, 2009, 9:00 a.m.]

Mark D. Roth, M. D.; Prehearing

Appeal of Mark D. Roth, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-09-021

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 October 22, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 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 November 19, 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 November 17, 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 November 3, 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 November 17, 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. Fleischaer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1914. Filed for public inspection October 9, 2009, 9:00 a.m.]

State Farm Fire and Casualty Company; Homeowners; Rate and Rule Revision; Rate Filing

On September 16, 2009, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level and rule change for homeowners insurance.

The company requests a negligible overall rate change to be effective December 15, 2009, for new business and January 1, 2010, for renewal business.

Unless formal administrative action is taken prior to October 16, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney,

Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1915. Filed for public inspection October 9, 2009, 9:00 a.m.]

Surgical Associates of Waynesboro; Prehearing

Appeal of Surgical Associates of Waynesboro under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-09-020

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 October 22, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 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 November 19, 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 November 17, 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 November 3, 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 November 17, 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) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1916. Filed for public inspection October 9, 2009, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:
Philadelphia County, Wine & Spirits Store #5118, (New Store), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new

or existing retail commercial space in a 1/4 mile radius of 2nd Street and Girard Avenue, Philadelphia, PA.

Proposals due: October 30, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 09-1917. Filed for public inspection October 9, 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 October 26, 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-2009-2132289. Door to Door Ambulette Service of New York, LLC (48 Mill Street, Middletown, NY 10940)—persons, in paratransit service, from points in the County of Pike, to points in Pennsylvania, and return. *Attorney:* Alan P. Bernstein, 1 Plum Court, Flemington, NJ 08822.

A-2009-2132318. Medex Ambulance, Inc. (341 Philmont Avenue, Feasterville, PA 19053)—persons, in paratransit service, from points in the Counties of Bucks, Delaware, Philadelphia and Montgomery, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2009-2133065. E & E Consulting, LLC, t/a E & E Transport (9849 Bonner Street, Philadelphia, Philadelphia County, PA 19115) a limited liability company of the Commonwealth—for the right to begin to transport persons, in paratransit service, in the City and County of Philadelphia. *Attorney:* David Temple, Gallagher, Malloy & Georges, 1760 Market Street, Suite 1100, Philadelphia, PA 19103-4104.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Mark Transportation, Inc.;
Doc. No. C-2009-2034326*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Mark Transportation, Inc. (respondent) is under suspension effective May 23, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 534, Clarks Summit, PA 18411.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 25, 1997, at A-00114144.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00114144 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1918. Filed for public inspection October 9, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project 09-113.P, Uniform Rental (which includes weekly cleaning and repairs), until 2 p.m. on Thursday, October 29, 2009. The bid documents can be obtained on the PRPA web site at www.philaport.com and will be available October 7, 2009. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-1919. Filed for public inspection October 9, 2009, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) held its regular business meeting on September 10, 2009, in North East, MD, the Commission held a public hearing as part of its regular business meeting. At the public hearing, the Commission: 1) approved and tabled certain water resources projects; 2) rescinded approval for two water resources projects; 3) approved settlements involving two water resources projects; and 4) tabled a request for an administrative hearing on a project previously approved by the Commission. Details concerning these and other matters addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

In addition to the public hearing and its related action items identified as follows, the following items were also presented or acted on at the business meeting: 1) a report on the present hydrologic conditions of the basin indicating widespread recovery from winter precipitation deficits; 2) a panel discussion on the Chesapeake Bay and Ecosystems as two of the Commission's "priority management areas"; 3) presentation of the William W. Jeanes Award for Environmental Excellence to The Nature Conservancy; 4) an update on the Maryland Lt. Governor's Water Summit; 5) adoption of a final rulemaking action regarding the use of Commission-approved water sources for natural gas well development and clarifying administrative procedures; 6) adoption of an Access to Records Policy; and 7) ratification of several grants regarding surface water assessments, total maximum daily loads, the State of the Susquehanna project and the Susquehanna Flood Forecast and Warning System. The Commission also heard counsel's report on legal matters affecting the Commission.

The Commission convened a public hearing and took the following actions:

Public Hearing—Compliance Actions

The Commission approved settlements in lieu of civil penalties for the following projects:

1. Allegheny Energy Supply Company, LLC and UGI Development Company, Hunlock Creek Electric Generating Station—\$35,000
2. Chief Oil and Gas, LLC, Phelps 1H Well—\$25,000

Public Hearing—Projects Approved

1. Project Sponsor: Antrim Treatment Trust. Project Facility: Antrim No. 1, Duncan Township, Tioga County, PA. Surface water withdrawal of up to 0.720 mgd.
2. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Groundwater withdrawal of 0.040 mgd from Laurel Springs 1 and 2.
3. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Consumptive water use of up to 0.080 mgd.
4. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County, PA. Modification to increase consumptive water use from a peak day of 0.090 mgd up to 0.140 mgd (Docket No. 20050907).
5. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County PA. Groundwater withdrawal of 0.053 mgd from eight wells for consumptive water use.
6. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (Tunkhannock Creek—Dobrinski), Tunkhannock Township, Wyoming County, PA. Surface water withdrawal of up to 0.999 mgd.
7. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek—Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, PA. Surface water withdrawal of up to 2.000 mgd.
8. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, PA. Surface water withdrawal of up to 0.100 mgd.

9. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5), Bloss Township, Tioga County, PA. Surface water withdrawal of up to 0.499 mgd.

10. Project Sponsor and Facility: Southwestern Energy Company (Cold Creek—Giroux), Herrick Township, Bradford County, PA. Surface water withdrawal of up to 0.249 mgd.

11. Project Sponsor and Facility: Southwestern Energy Company (Mill Creek—Kennedy), Stevens Township, Bradford County, PA. Surface water withdrawal of up to 0.249 mgd.

12. Project Sponsor and Facility: Southwestern Energy Company (Ross Creek—Billings), Stevens Township, Bradford County, PA. Surface water withdrawal of up to 0.249 mgd.

13. Project Sponsor and Facility: Southwestern Energy Company (Tunkhannock Creek—Price), Lenox Township, Susquehanna County, PA. Surface water withdrawal of up to 0.380 mgd.

14. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek—Ferguson), Wyalusing Township, Bradford County, PA. Surface water withdrawal of up to 1.500 mgd.

15. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek—Campbell), Stevens Township, Bradford County, PA. Surface water withdrawal of up to 1.500 mgd.

16. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Surface water withdrawal from the Susquehanna River of up to 55.050 mgd.

17. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Consumptive water use of up to 0.870 mgd.

18. Project Sponsor and Facility: Ultra Resources, Inc. (Elk Run), Gaines Township, Tioga County, PA. Corrective modification to passby flow condition (Docket No. 20090631).

19. Project Sponsor: United Water Resources. Project Facility: United Water PA—Harrisburg Operation, Newberry Township, York County, PA. Groundwater withdrawal of up to 0.121 mgd from Paddletown Well.

Public Hearing—Projects Tabled

1. Project Sponsor and Facility: ALTA Operating Company, LLC (Berkowitz Pond), Forest Lake Township, Susquehanna County, PA. Surface water withdrawal of up to 0.249 mgd.

2. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool—UNT to Finley Run), Shippen Township, Cameron County, PA. Application for surface water withdrawal of up to 0.090 mgd.

3. Project Sponsor and Facility: Mansfield Borough Municipal Authority, Richmond Township, Tioga County, PA. Application for groundwater withdrawal of up to 0.079 mgd from Well 3.

4. Project Sponsor and Facility: Southwestern Energy Company (Sutton Big Pond), Herrick Township, Bradford County, PA. Application for surface water withdrawal of up to 5.000 mgd.

Public Hearing—Rescission of Project Approvals

1. Project Sponsor and Facility: East Resources, Inc. (Tioga River) (Docket No. 20080609), Mansfield, Richmond Township, Tioga County, PA.

2. Project Sponsor and Facility: Montrose Country Club (Docket No. 20020603), Bridgewater Township, Susquehanna County, PA.

Public Hearing—Rescission of Project Approvals Tabled

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080903), Town of Tioga, Tioga County, NY.

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080906), Athens Township, Bradford County, PA.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, PA.

Public Hearing—Administrative Appeals

1. Docket No. 20090315, from petitioner Paul R. Miller allegedly on behalf of Delta Borough—The Commission tabled action on this appeal at the request of the petitioner and the Delta Borough Authority.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: September 25, 2009.

STEPHANIE L. RICHARDSON,
Secretary

[Pa.B. Doc. No. 09-1920. Filed for public inspection October 9, 2009, 9:00 a.m.]

