

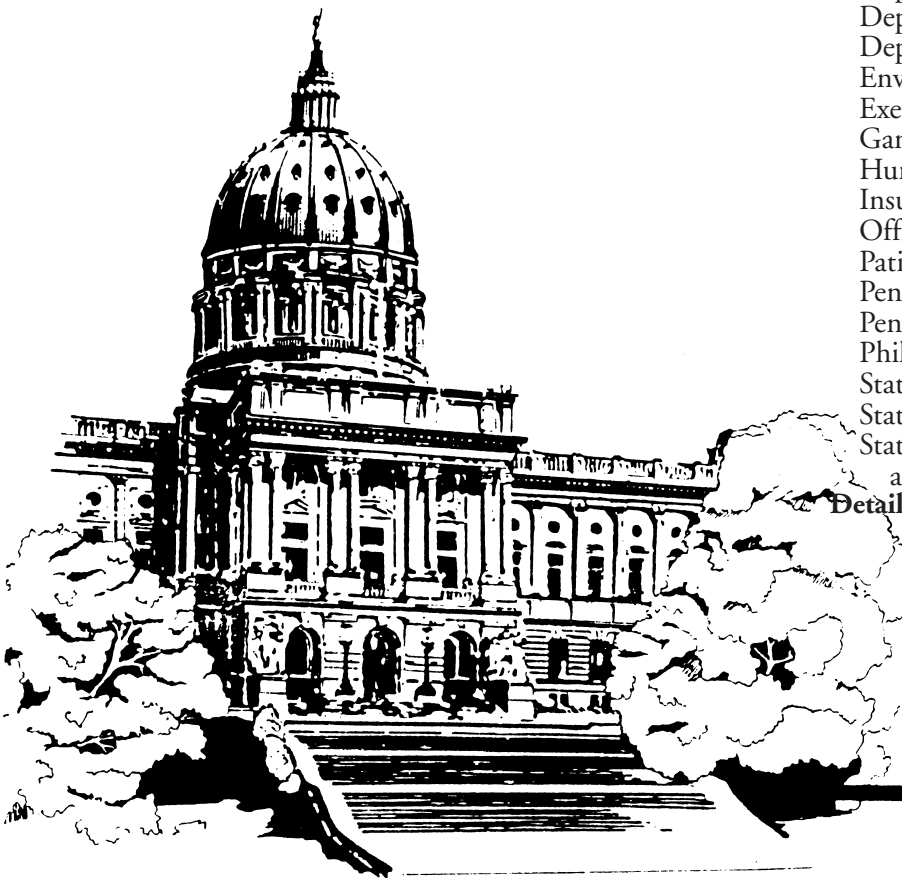
# PENNSYLVANIA BULLETIN

Volume 39 Number 48  
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to September 26, 2009**

**No. 420, November 2009**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# 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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 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699,  
 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096,  
 4102, 4337, 4419, 4420, 4749, 4889, 5115, 5231, 5548,  
 5552, 5553, 5723, 5728, 5898, 5908, 6033, 6229, 6230,  
 6334, 6427, 6655, 6728, 6729, 6756

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2009-02 ]

### Creating Opportunities for Small and Disadvantaged Businesses in the Expenditure of Federal Stimulus Monies

October 28, 2009

*Whereas*, the *American Recovery and Reinvestment Act of 2009, Pub. L. 111-5*, (ARRA) was enacted to preserve and create jobs, promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, and stabilize state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases; and

*Whereas*, in the expenditure of ARRA funds, the Commonwealth must seek to provide opportunities for small businesses, including small disadvantaged businesses, to compete for contracts and grants and to participate as contractors, subcontractors and suppliers (ARRA opportunities) because these businesses play a critical role in stimulating economic growth and creating jobs, they are the engine of our economy, and provide creative, innovative, and technical expertise to support our agencies; and

*Whereas*, I have established, as an overall Commonwealth aspirational goal, that at least ten percent of ARRA funds should go to small disadvantaged businesses as contractors, subcontractors, grantees, subgrantees, and suppliers.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order the following in regard to the expenditure of ARRA funds:



Governor

**Fiscal Note:** 2009-2. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter SS. CREATING OPPORTUNITIES FOR SMALL AND DISADVANTAGED BUSINESSES IN THE EXPENDITURE OF FEDERAL STIMULUS MONIES

Sec.	
1.531.	Responsibilities of Commonwealth agencies.
1.532.	Small business disadvantaged status.
1.533.	Contractors and grantees.
1.534.	Federal requirements.
1.535.	Public awareness and outreach.
1.536.	Written report.
1.537.	Small business outreach.
1.538.	Small veteran-owned businesses.
1.539.	Effective date.
1.540.	Termination date.

**§ 1.531. Responsibilities of Commonwealth agencies.**

1. Commonwealth agencies shall seek to provide maximum practicable opportunities for small disadvantaged businesses to compete for contracts and grants and to participate as contractors, professional service providers, subcontractors, and suppliers, and shall in good faith make their best efforts to reach the ten percent aspirational goal. At a minimum, Commonwealth agencies shall:

(1) Inform the Department of General Services' Bureau of Minority and Women Business Opportunities of contracting opportunities and competitive grant opportunities at the same time that it advertises or otherwise posts public notices of such opportunities.

(2) Participate in outreach activities and events to increase small disadvantaged business interest and participation in American Recovery and Reinvestment Act of 2009 (ARRA) opportunities.

(3) Use the Department of General Services' web site ([www.dgs.state.pa.us](http://www.dgs.state.pa.us)) to identify Department of General Services-certified minority business enterprises (MBEs) and small women business enterprises (WBEs) for solicitation for ARRA opportunities.

(4) Track and report to the Department of General Services information on MBE and WBE participation in ARRA opportunities.

**§ 1.532. Small business disadvantaged status.**

Commonwealth agencies shall, when permitted by law, consider a small business' disadvantaged status as a factor in the procurement and grant selection process to the extent permitted by the United States Constitution, Pennsylvania Constitution, Commonwealth Procurement Code, or other state or Federal law.

**§ 1.533. Contractors and grantees.**

In addition to complying with existing Commonwealth policy requirements relating to the solicitation and utilization of small disadvantaged businesses, Commonwealth agencies shall require contractors and grantees to make reasonable and good faith efforts to provide maximum practicable opportunities for small disadvantaged businesses to participate as contractors, professional service providers, subcontractors, and suppliers. Contractors and grantees, at a minimum, shall be required to:

(1) Consult with the Department of General Services' Bureau of Minority and Women Business Opportunities to ensure significant American Recovery and Reinvestment Act of 2009 (ARRA) opportunities for small certified minority business enterprises (MBEs) and women business enterprises (WBEs) unless the Department of General Services agrees that contractor or grantee participation in outreach activities will satisfy this requirement.

(2) Participate in outreach activities and events to increase small disadvantaged business interest and participation in ARRA opportunities.

(3) Use the Department of General Services' web site ([www.dgs.state.pa.us](http://www.dgs.state.pa.us)) to identify certified MBEs and WBEs as potential sources for ARRA opportunities.

(4) Include certified MBEs and WBEs on solicitation lists.

(5) Prepare and keep records of solicitations, including a bid tabulation, showing names of all firms solicited and the dollar amount of the bid, quote or proposal, as well as copies of all bids, quotes, and proposals received.

(6) Provide monthly reports to the Department of General Services' Bureau of Minority and Women Business Opportunities on MBE and WBE utilization.

**§ 1.534. Federal requirements.**

Commonwealth agencies shall fully comply with all Federal Disadvantaged Business Enterprises (DBE) requirements and Commonwealth small disadvantaged business policy requirements. To the extent that the Federal DBE requirements conflict with the requirements of this subchapter, the

Federal DBE requirements shall prevail. To the extent that Federal funding would be jeopardized by implementation of any requirement set forth in this subchapter, the requirement may not be imposed. Agencies shall verify with the appropriate administering Federal agency that implementation of these requirements do not jeopardize American Recovery and Reinvestment Act of 2009 funding.

**§ 1.535. Public awareness and outreach.**

The Department of General Services' Bureau of Minority and Women Business Opportunities shall notify, collaborate with, and involve organizations that represent respective minority community groups to ensure effective public awareness and outreach.

**§ 1.536. Written report.**

The Department of General Services shall prepare and submit a written report, on at least a quarterly basis, to the Governor and Stimulus Oversight Commission on American Recovery and Reinvestment Act of 2009 participation by all Federal Disadvantaged Business Enterprises, minority business enterprises and women business enterprises.

**§ 1.537. Small business outreach.**

The Department of Community and Economic Development shall work through small business development centers to reach out to small businesses and provide information on contracting, professional service, subcontracting, and purchasing opportunities.

**§ 1.538. Small veteran-owned businesses.**

The Department of Military and Veteran's Affairs shall, in cooperation with the Department of General Services and the Department of Community and Economic Development, develop outreach efforts to increase participation in contracting, professional service, subcontracting, and purchasing opportunities with small veteran-owned businesses.

**§ 1.539. Effective date.**

This subchapter shall take effect immediately.

**§ 1.540. Termination date.**

This subchapter shall remain in effect until September 30, 2011.

[Pa.B. Doc. No. 09-2169. Filed for public inspection November 25, 2009, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Cost-of-Living Factor Under the Public Official Compensation Law

Under section 4(d) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2009, through November 30, 2010, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2008, through October 31, 2009.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

The CPI-U for the period November 1, 2008, through October 31, 2009, decreased by .1448%. Therefore, there is no change in the salary for the period beginning December 1, 2009, through November 30, 2010, and will remain \$78,314.66.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2009, through November 30, 2010, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the CPI-U for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2008, through October 31, 2009.

The percentage change and the new compensation amounts have been determined jointly by the Chief Clerk

of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>% Increase</i>	<i>New Compensation</i>
President pro tempore/Speaker	0%	\$ 43,939.52
Majority Floor Leader	0%	\$ 35,153.29
Minority Floor Leader	0%	\$ 35,153.29
Majority Whip	0%	\$ 26,678.64
Minority Whip	0%	\$ 26,678.64
Majority Caucus Chairman	0%	\$ 16,634.37
Minority Caucus Chairman	0%	\$ 16,634.37
Appropriations Chairman	0%	\$ 26,678.64
Minority Appropriations Chairman	0%	\$ 26,678.64
Majority Caucus Secretary	0%	\$ 10,985.71
Minority Caucus Secretary	0%	\$ 10,985.71
Majority Caucus Policy Chairman	0%	\$ 10,985.71
Minority Caucus Policy Chairman	0%	\$ 10,985.71
Majority Caucus Administrator	0%	\$ 10,985.71
Minority Caucus Administrator	0%	\$ 10,985.71

W. RUSSELL FABER,  
*Chief Clerk*  
*Senate of Pennsylvania*

ANTHONY FRANK BARBUSH,  
*Chief Clerk*  
*PA House of Representatives*

[Pa.B. Doc. No. 09-2170. Filed for public inspection November 25, 2009, 9:00 a.m.]



# THE COURTS

## Title 249—PHILADELPHIA RULES

### Philadelphia Municipal Court; General Court Regulation No. 2009-01; In Re: Adoption of Municipal Court Rule of Civil Procedure 205.4—Mandatory Electronic Filing

#### Order

*And Now*, this 13th day of November 2009, the Board of Judges of Municipal Court having voted at the Board of Judges' meeting held on November 6, 2009, to adopt Municipal Court Rule of Civil Procedure 205.4 *It Is Hereby Ordered* that Municipal Court Rule of Civil Procedure 205.4 is adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.C.P. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its web site, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the web site of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

HONORABLE MARSHA H. NEIFIELD,  
*President Judge*

#### Philadelphia Municipal Court—Civil Division

#### Rule 205.4. Mandatory Electronic Filing.

a. All legal papers filed in the Civil Division of the Philadelphia Municipal Court shall be electronically recorded in the CLAIMS System.

b. Legal papers that are presented in hard-copy format for recording in the CLAIMS System must conform to the following requirements:

1) Legal papers must not be stapled or permanently bound.

2) Legal papers must be secured by binder clips or other fasteners that do not puncture the paper or otherwise interfere with scanning.

3) The court will ordinarily scan legal papers in the form that they are presented. The filer of legal papers is responsible for the redaction of any personal information that is not intended to be scanned and available for review by the public.

4) To avoid scanning errors, exhibit separator pages must be used instead of exhibit tabs.

c. Legal papers presented electronically for recording in the CLAIMS System, must conform to the following requirements:

1) All legal papers must be in PDF or a compatible format.

2) All legal papers must be 8 1/2 inches in width.

3) No security devices, passwords or other restrictions may be used.

d. After legal papers are filed with the court, a filing party seeking to make any changes or amendments to those legal papers must file a Petition to Amend seeking leave of the court to make such changes or amendments. A copy of the amended legal paper shall be attached to the Petition to Amend.

e. CLAIMS System registration

1) Persons licensed to practice law in the Commonwealth of Pennsylvania who are not registered on the CLAIMS System shall file legal papers in the First Filing Office. At the time of that initial filing, they shall register to be a user of the CLAIMS System and shall obtain a password. The court reserves the right not to accept at the First Filing Office the filing of legal papers after the initial filing of legal papers if a person licensed to practice law in the Commonwealth of Pennsylvania fails to register on the CLAIMS System.

2) Attorneys registered on the CLAIMS System shall file all legal papers from their remote location in the manner set forth in the CLAIMS System Manual, which is available on the court's web site (<http://courts.phila.gov>).

3) Persons not licensed to practice law in the Commonwealth of Pennsylvania are not permitted to register as a user of the CLAIMS System and are limited to filing four (4) cases per day through the Court's on-site interviewers in the First Filing Office. They may access docket information through the CLAIMS System's public portal. The portal may be found at <http://fd.phila.gov>. Once on the site, dockets may be accessed by clicking the "Online Services" link and then "MC Civil Docket Search" on the drop-down menu.

f. Payment of costs

1) Attorneys registered on the CLAIMS System shall pay costs by using a VISA, American Express, Master Card and Discover credit card through the fee administrator at the time of filing.

2) Persons filing legal papers in the First Filing Office shall pay costs to the Cashier using cash, a VISA, American Express, Master Card and Discover credit card, or a business check at the time of filing.

3) Payment by advance deposit is not permissible.

g. Service of legal papers shall be the responsibility of the filing party in accordance with the Rules of Civil Procedure and the court's local rules.

*Explanatory Note:* In accordance with Pa.R.C.P. 205.4(a)(1) and 239, this Rule sets forth the requirements for electronic filing in the Philadelphia Municipal Court. Rule 205.4(a)(2) provides definitions of "electronic filing," "filing party" and "legal paper." Those terms are used in the above local rule and the definitions of those terms found in Rule 205.4(a)(2) are incorporated herein by reference. Additionally, the CLAIMS System is the electronic program designed and developed for the Philadelphia Municipal Court.

The above local Rule was adopted by the Board of Judges of the Philadelphia Municipal Court on November 6, 2009.

[Pa.B. Doc. No. 09-2171. Filed for public inspection November 25, 2009, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## LACKAWANNA COUNTY

### Adult Probation Supervision Fund Fee Increase; 2009-MISC-461

#### Administrative Order

Now, this 2nd day of November, 2009, *It is Hereby Ordered* that all offenders subject to supervision by the Lackawanna County Adult Probation Office shall be assessed a fee and this fee will increase from \$47.00 to \$65.00 monthly for Lackawanna County residents and from \$47.00 to \$75 per month for non-county resident offenders.

This order shall become effective 30 days following publication in the *Pennsylvania Bulletin*.

It is further ordered that, in accordance with Pa.R.C.P. 239, the District Court Administrator of Lackawanna County, Pennsylvania, shall:

- (a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for Publication on the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy hereof with the Criminal Rules Committee;
- (d) Cause a copy hereof to be published one (1) time in the *Lackawanna Jurist* at the expense of the County of Lackawanna; and
- (e) Supervise and distribute hereof to all Judges of this Court.

It is Further Ordered that copies of this Order are directed to: the Court of Common Pleas; the District Court Administrator; the Lackawanna County District Attorney's Office; the Lackawanna County Public Defender's Office; the Lackawanna County Clerk of Judicial Records Office; the Lackawanna County Adult Probation and Parole Office; and the Lackawanna County Treasurer's Office.

By the Court

CHESTER T. HARHUT,  
*President Judge*

[Pa.B. Doc. No. 09-2172. Filed for public inspection November 25, 2009, 9:00 a.m.]

### WESTMORELAND COUNTY In Re: Rule W1915.15; No. 3 of 2009

#### Order

And Now, this 10th day of November, 2009, *It Is Hereby Ordered* that current Westmoreland Rules of Civil Procedure W1915.4-3(a) and W1915.15 are rescinded, and new Rules W1915.4-3(a) and W1915.15 are adopted effective thirty days after publication in the *Pennsylvania Bulletin*.

JOHN E. BLAHOVEC,  
*President Judge*

#### Rule W1915.4-3. Custody Conciliation Conference.

(a) Each party shall submit to the Custody Office a completed Westmoreland County Parent Information Form and proof of his or her most recent earnings at the time of the conference. The Parent Information Form, copies of which are available from the Westmoreland County Custody Office, shall contain the following information:

- (1) Identifying information: name, address, phone number, age, date of birth, martial status, education;
- (2) Parent's occupation, place of employment and work schedule;
- (3) Date of separation;
- (4) Name of any new partner;
- (5) Members of parent's household;
- (6) Names, ages and birth dates of children involved;
- (7) Children's schedule (school, extra curricular activities);
- (8) Issues/problems of concern;
- (9) Recommendations for custody/visitation;
- (10) Current custody schedules (when the child is in the parent's custody).

#### Rule W1915.15. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.

The following scheduling order shall be used in all actions containing an issue of custody, partial custody or visitation of minor children:

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW (CUSTODY)

Plaintiff	)	
	)	
v.	)	No.
Defendant	)	

#### CUSTODY SCHEDULING ORDER

You, \_\_\_\_\_, (defendant) (respondent), have been sued in court to (obtain) (modify) custody, partial custody or visitation of the children:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

(1) The Plaintiff is ORDERED to attend the mandatory Children Hurt In Loss through Divorce/Separation (CHILD) Program on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ .M. at the Westmoreland County Courthouse located at 2 North Main Street, Greensburg, Pa. 15601, phone number (724) 853-4501. The Plaintiff is also ORDERED to prepay the \$50.00 program registration fee using the CHILD Program Registration Form. (No money will be accepted at the session.) The Plaintiff is further ORDERED to serve a copy of the CHILD Program Registration Form on the Defendant.

(2) The Defendant is ORDERED to attend the mandatory Children Hurt In Loss through Divorce/Separation (CHILD) Program on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_ .M. at the Westmoreland County Courthouse located at 2

North Main Street, Greensburg, Pa. 15601, phone number (724) 853-4501. The Defendant is also ORDERED to prepay the \$50.00 program registration fee using the CHILD Program Registration Form. (No money will be accepted at the session.)

(3) Non resident parents must attend a program similar to the CHILD program which has been certified or approved by the local Court. A Certification of Successful Completion must be presented at the time of the Conciliation Conference.

(4) If the moving party fails to pay fees or to appear for the CHILD Program, the Custody action may be dismissed without prejudice, and any fees paid by such party may be forfeited.

(5) If the responding party fails to pay fees or to appear for the CHILD program, the Court may issue an immediate Rule to Show Cause why such party should not be held in contempt.

(6) Each Party is hereby Ordered to submit to the Custody Office, pursuant to Westmoreland County Rule of Civil Procedure W1915.4-3, a completed Parent Information Form and proof of his or her most recent earnings at the time of the conference. The Petitioner is hereby Ordered to serve a copy of the Parent Information Form on the Respondent.

(7) An Election to Proceed Through Mediation or a Consent Agreement may be filed at any time with the Custody Office.

(8) You are hereby ordered to appear in person on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_.M. for a Custody Conciliation Conference in the Family Court Custody Office on the fourth floor of the Westmoreland County Courthouse Annex, 2 North Main Street, Greensburg, Pa. 15601.

**CHILDREN MUST ATTEND UNLESS OTHERWISE ORDERED**

If you fail to appear for the Custody Conciliation Conference as provided by this Order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

**YOU SHOULD TAKE THIS ORDER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.**

If You Cannot Afford a Lawyer	If You Do Not Have a Lawyer
Laurel Legal Services 306 S. Pennsylvania Ave. Greensburg, Pa. 15601 (724) 836-2211	Westmoreland Lawyer Referral P. O. Box 565 Greensburg, Pa. 15601 (724) 834-8490 <a href="http://lrs.westbar.org">http://lrs.westbar.org</a>

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Westmoreland County complies with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact (724) 830-3665. All arrangements must be made at least 3 working days prior to any hearing or business before the

Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: \_\_\_\_\_ J.

[Pa.B. Doc. No. 09-2173. Filed for public inspection November 25, 2009, 9:00 a.m.]

**YORK COUNTY**

**York County Local Rules of Civil Procedure; No. 2009-MI-000166-55**

**Administrative Order**

And Now, this 9th day of November, 2009, it is hereby Ordered and Decreed that the attached York County Local Rules of Civil Procedure are hereby adopted to govern civil cases in the Court of Common Pleas of York County, Pennsylvania.

The adoption of York County Local Rules of Civil Procedure shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin* pursuant to Pa.R.Civ.P. 239. The York County Local Rules of Civil Procedure governing motions practice, those being YCCiv. 205.2(a), 205.2(b), 208.2(c), 208.2(d), 208.2(e), 208.3(a), and 208.3(b), 1028(c), 1034(a), and 1035.2(a) shall become effective upon publication on the UJS Web Portal pursuant to Pa.R.Civ.P. 239.8.

All prior local rules of civil procedure are expressly repealed, and any part of an Administrative Order which is in conflict with any portion of these Rules is vacated and repealed.

It is Further Ordered that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

(a) File seven (7) certified copies thereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies and a diskette hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of York County Local Rules of Civil Procedure with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and transmit one copy of the Rules by electronic mail to the Civil Procedural Rules Committee;

(d) File one (1) certified copy of the York County Local Rules of Civil Procedure with the Domestic Relations Rules Committee for the Supreme Court of Pennsylvania;

(e) Distribute one (1) certified copy of the York County Local Rules of Civil Procedure to the Prothonotary of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

(f) Cause the York County Local Rules of Civil Procedure to be posted conspicuously on the web site of the County of York and cause copies to be made in digital format, for distribution, upon payment of reasonable costs of reproduction.



(g) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

*By the Court*

RICHARD K. RENN,  
*President Judge*

### York County Local Rules of Civil Procedure

(2009 Revision)

#### Construction and Application of Rules

- YCCiv. 51: Title and Citation of Rules:
- YCCiv. 52: Effective Date. Application to Pending Actions:
- YCCiv. 76: Definitions:
- YCCiv. 126: Liberal Construction, Application of Rules:

#### Business of Courts

- YCCiv. 205.1: Filing Legal Papers:
- YCCiv. 205.2(a): Form of Pleadings, Papers and Affidavits:
- YCCiv. 205.2(b): Cover Sheet:
- YCCiv. 206.1(a): Petitions—Matters Subject to Petition Practice:
- YCCiv. 206.4(c): Petitions—Procedure for Rule to Show Cause:
- YCCiv. 206.7: Procedure After Issuance of Rule to Show Cause:
- YCCiv. 208.2(c): Motions—Statement of Authority:
- YCCiv. 208.2(d): Motions—Certification of Concurrence:
- YCCiv. 208.2(e): Motions—Discovery Conference Certification:
- YCCiv. 208.3(a): Motions—No Response Required: Procedure:
- YCCiv. 208.3(b): Motions—Response Required: Procedure:
- YCCiv. 210: Form and Content of Briefs
- YCCiv. 212.3: Pretrial Conferences
- YCCiv. 213: Consolidation of Actions:
- YCCiv. 214: Trial List. Continuances:
- YCCiv. 223: Admission, Custody and Substitution of Tangible Exhibits:
- YCCiv. 225: Arguments of Counsel:
- YCCiv. 227.1: Post-Trial Relief:
- YCCiv. 227.3: Transcription and filing of trial record:
- YCCiv. 237.1: Affidavit as to Military Service:
- YCCiv. 230.2: Termination of Inactive Civil Cases:
- YCCiv. 230.3: Termination of Inactive Custody Cases:

#### Service by Publication

- YCCiv. 430: Manner of Publication:

#### Landlord Tenant Appeals

- YCCiv. 1008: Appeal as Supersedeas In Landlord Tenant Matters:

#### Civil Actions

- YCCiv. 1012: Withdrawal of Appearance:
- YCCiv. 1018.1: Form of Notice to Defend:
- YCCiv. 1028(c): Preliminary Objections:
- YCCiv. 1034(a): Motion for Judgment on the Pleadings:
- YCCiv. 1035.2(a): Motion for Summary Judgment:

#### Action in Ejectment

- YCCiv. 1051: Praeceptum for Writ:

#### Arbitration

- YCCiv. 1301: Actions to which Arbitration Applies:
- YCCiv. 1302: Arbitrators, Panels and Boards:
- YCCiv. 1303: Procedure for Scheduling and Holding Arbitrations:

- YCCiv. 1305: Pre-Hearing Procedures:
- YCCiv. 1306: Report and Award:
- YCCiv. 1308: Compensation of Arbitrators:
- YCCiv. 1311.1(b): Admission of Documentary Evidence:

#### Equitable Relief

- YCCiv. 1531.1: Special Relief. Injunctions:
- YCCiv. 1531.2: Injunctions—Hearings:
- YCCiv. 1557: Partition of Real Property:

#### Child Custody Actions

- YCCiv. 1915.3(a): Commencement of Action:
- YCCiv. 1915.3(b): Reference to Conciliator:
- YCCiv. 1915.3(c): Entry of Court Order:
- YCCiv. 1915.3(d): Scheduling of Trial:
- YCCiv. 1915.5: Question of Jurisdiction or Venue:

#### Practice Before Divorce Masters

- YCCiv. 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.
- YCCiv. 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.
- YCCiv. 1920.51. Appointment of Master. Notice of Hearing.
- YCCiv. 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master:
- YCCiv. 1920.55-2. Master's Report. Notice. Exceptions. Final Decree:

#### Family Law Mediation

- YCCiv. 1970: Cases Eligible Family Law Mediation:
- YCCiv. 1971: Selection of Mediators; Training:
- YCCiv. 1972: Motion for Mediation:
- YCCiv. 1973: Conduct of Mediation Conferences:
- YCCiv. 1974: Duties and Compensation of Mediator:
- YCCiv. 1975: Sanctions for Failing to Participate in Mediation:

#### Minors' Settlements

- YCCiv. 2039.1: Minor's Compromise, Settlement, Discontinuance and Distribution:
- YCCiv. 2039.2: Order Scheduling Hearing, Final Order, and Affidavit of Deposit:

#### Confession of Judgment

- YCCiv. 2959: Striking or Opening Confession of Judgment—Procedure:

#### Enforcement of Judgments

- YCCiv. 3123.1: Claim for Exemption or Immunity of Property:
- YCCiv. 3127: Right of Sheriff to Break and Enter:
- YCCiv. 3129.1: Notice to Internal Revenue Service:
- YCCiv. 3136(f): Exceptions to Sheriff's Sale:

#### Depositions and Discovery

- YCCiv. 4007.1: Procedure in Deposition by Oral Examination:

#### Matters Involving Governmental Action

- YCCiv. 5010: Actions Involving Appeals from Department of Transportation Determinations:
- YCCiv. 5030: Proceedings to Forfeit Property:
- YCCiv. 5050: Determinations Concerning Firearms:
- YCCiv. 5070: Exceptions from Determinations of Governmental Actions or Sales of Property:
- YCCiv. 5090: Proceedings under Right to Know Law:
- YCCiv. 5100: Appeals from Tax Assessments:
- YCCiv. 5150: Appeals in Land Use Cases:
- YCCiv. 5155: Appeals in Land Use Cases—Disposition:

YCCiv. 5170: Boards of View:  
 YCCiv. 5200: Appeals from Determinations of Other  
 Governmental Actions:  
 YCCiv. 5210: Appeals from Determinations of Other  
 Governmental Actions—Disposition:

Miscellaneous Matters

YCCiv. 5700: Security for Costs:  
 YCCiv. 5710: Service of Copies on Judge:  
 YCCiv. 5730: Proceedings to Change Name:

**York County Local Rules of Civil Procedure**

**Construction and Application of Rules**

**YCCiv. 51: Title and Citation of Rules:**

These Rules shall be known as the York County Local Rules of Civil Procedure, and may be cited as “YCCiv. \_\_\_\_\_”.

**YCCiv. 52: Effective Date. Application to Pending Actions:**

(a) These Rules, and any amendments to these Rules, shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* as provided in Pennsylvania Rule of Civil Procedure 239, or, with respect to rules relating to motions practice, upon publication to the UJS Web Portal pursuant to Pennsylvania Rule of Civil Procedure 239.8, unless a different effective date is set forth in the Order adopting the rules. Changes to any fees provided for in these Rules will become effective upon the publishing of an Administrative Order revising the fees.

(b) These Rules, and any amendments to these Rules, shall apply to all civil actions of any kind pending on the effective date, and to those filed thereafter.

(c) The enactment of these Rules repeals all prior York County local rules of civil procedure, and any part of an Administrative Order in conflict with these Rules.

**YCCiv. 76: Definitions:**

Unless otherwise expressly stated, as used in these Rules,

“Action” means any action or proceeding of any nature pending before the Court of Common Pleas of York County;

“Application” means, unless otherwise noted, any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court. The term does not include a complaint as set forth in Pa.R.Civ.P. 1017.

“Clerk of Courts” means the Clerk of Courts of the Court of Common Pleas of York County, and the office of the Clerk of Courts and deputies and employees thereof.

“Counsel” means an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth, and may further refer to any party to an action pending before the Court who is unrepresented.

“County” means York County;

“Court” means the Court of Common Pleas of York County or a judge thereof;

“Court Administrator” means the District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, and deputies and employees thereof.

“Motion” means any application to the court for an order, except those otherwise designated by these local rules or by Pa.R.Civ.P. 208.1(b).

“Party”, whether used in the singular or plural, and whether used in these Rules or in any court order, means the party or parties appearing in the action pro se, or the attorney or attorneys of record for such party or parties, where appropriate, unless otherwise indicated;

“Prothonotary” means the Prothonotary of the Court of Common Pleas of York County and the Office of the Prothonotary and deputies and employees thereof.

**YCCiv. 126: Liberal Construction, Application of Rules:**

(a) These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action, though the Court expects all parties to comply with these rules.

(b) The court at every stage of any action may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

(c) The court may suspend the application of these Rules in individual cases by written order. When the court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that the order is inconsistent.

(d) The court may, in appropriate cases, impose actual costs or a multiple thereof on a party or an attorney of record for violation of these Rules or for violation of state rules of procedure, pursuant to 42 Pa.C.S. Sec. 1726(a).

(e) In the event of any conflict between the application of these rules and any rule of the Supreme Court, Pennsylvania Rules shall take precedence.

**Business of Courts**

**YCCiv. 205.1: Filing Legal Papers:**

(a) Any party filing an application or other document which requires the signature of a judge or action by the court shall first file the original document with the Prothonotary or the Clerk of Courts, as the case may be.

(1) If the document does not involve a matter to be listed for one-judge disposition pursuant to YCCiv. 208.3(b), then the moving party shall cause a copy of the document requiring action to be delivered to the Court Administrator for assignment to a Judge.

(2) An original proposed order, with a brief title describing the nature of the proposed order (as examples: “Order Scheduling Argument” or “Order Granting Motions for Sanctions”) shall accompany each document delivered to the Court Administrator for assignment, but shall not be fastened together. No proposed orders shall be filed with the Prothonotary with the original application.

(3) Sufficient copies of the proposed order for conforming, for return to the applying party and for service on all other parties shall accompany each document delivered to the Court Administrator for assignment to a judge.

(4) Where notice of the entry of any order is required under Pa.R.Civ.P. 236, the moving party shall include in the proposed order the names of the parties who are required to be notified, and shall provide sufficient copies of the proposed order, with stamped envelopes addressed to those parties bearing the return address of the Prothonotary, so notice can be made, unless notice will be made to a party by electronic means.

(5) Once a document is considered by a judge, the original of any resulting order will be filed by the judge

with the Prothonotary and copies of the order will be available for return to the moving party, or for service pursuant to Pa.R.Civ.P. 236.

(6) For matters of which the Prothonotary is not required to give notice under Pa.R.Civ.P. 236, it shall be the responsibility of the moving party to forthwith serve copies of the resulting order, rule, or other action by the court on all parties to the matter and promptly file a certificate of service with the Prothonotary.

(b) Documents shall not be sent by facsimile to a judge or to the Court Administrator without leave of court.

(c) Parties should avoid attaching copies of pleadings or documents already filed of record.

(d) A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

(1) Social Security Numbers. If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;

(2) Dates of Birth. If an individual's date of birth must be included, only the year shall be used;

(3) Financial Account Numbers. If financial account numbers must be included, only the last four digits shall be used.

(4) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and their corresponding complete personal data identifiers.

(5) The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

**YCCiv. 205.2(a): Form of Pleadings, Papers and Affidavits:**

(1) All pleadings, applications, documents and affidavits which are not expressly regulated as to form by Act of Assembly or are forms or documents routinely used or prepared by the courts or court-related agencies, shall conform to the Pennsylvania Rules of Civil Procedure.

(i) The originals of all pleadings, applications, documents and affidavits, and any responses thereto, except forms preprinted by the Court, to be presented to and filed with the Court, shall be backed by and securely fastened to a plain sheet of colored paper or to a document backer, using binder clips. No original document shall be fastened with staples.

(ii) The use of plastic strips is prohibited.

(iii) The use of exhibit tabs is permitted but such tabs shall only be placed at the bottom of the page.

(iv) Filings already of record may be referenced in any subsequent document to be filed, but shall not be attached to the original document to be filed.

(v) Copies of any documents to be provided to the court and opposing parties shall have staples securely covered with no sharp or protruding edges of any kind.

(vi) The first page of any document to be presented to and filed with the Court shall have a three inch margin at the top of the first page pursuant to Pa.R.Civ.P. 204.1, and each subsequent page shall have at least a two inch margin at the top of the page.

(vii) Any application, and any answer thereto, which refers to a record of proceedings, shall specifically refer to the page number and if possible, the line numbers in the record which supports or contradicts the issue which is being addressed.

(viii) Any application being presented to the Court *ex parte*, whether presented during a motions court session or outside of such session, shall state the following in the body of the application:

1. the reason why such matter is being presented *ex parte*;

2. that the applicant notified or attempted to notify all other parties of the presentation of the application and the results of the contact; and

3. the steps taken by the applicant to resolve the matter being presented to the Court.

(2) Any document signed by a party for filing shall contain under the signature line the name, address and telephone number of the party, and the facsimile number, (if consent is being given to receive service by facsimile) e-mail address (if contact by e-mail is desired) and Pennsylvania or other state bar identification number, if applicable. When listing the bar identification number, the state's postal abbreviation shall be used as a prefix (that is, PA 12345; NY 24681).

(3) Attachments such as exhibits, documentary evidence, and other matters extraneous to the consideration of applications requiring action by the Court are discouraged.

**YCCiv. 205.2(b): Cover Sheet:**

All applications requiring action by the Court, and any responses thereto, shall be accompanied by a cover sheet as the first page of the application. The cover sheet shall be substantially in the form as set forth after this Rule. The cover sheet shall include the following information:

(1) Identification of the Court;

(2) The complete caption of the case;

(3) Identifying case number;

(4) If a matter in the case has been considered by a judge, the name of the judge shall appear immediately under the case number. If the case has been assigned to a judge, the judge's name shall appear under the case number and under the names of any judges who previously considered any matter in the case;

(5) The identifying case numbers of any related cases;

(6) The type of action;

(7) The names, addresses and telephone numbers of primary counsel for all represented parties with identification of the party represented by counsel and all pro se parties;

(8) The title of the pleading being submitted; and

(9) The name of the party submitting the pleading.



\* \* \*

**Form of Cover Sheet:**

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S) : [ CASE NUMBER ]  
 : [ NAME OF PREVIOUS JUDGE ]  
 vs. : [ **NAME OF ASSIGNED JUDGE** ]  
 : [ NUMBERS OF RELATED CASES ]  
 NAME OF DEFENDANT(S) : [ TYPE OF ACTION ]

For Plaintiff(s): Name of Attorney  
 Address of Attorney  
 Telephone Number of Attorney  
 Facsimile Number of Attorney  
 E-mail address of Attorney

For Defendant(s): Name of Attorney  
 Address of Attorney  
 Telephone Number of Attorney  
 Facsimile Number of Attorney  
 E-mail address of Attorney

**TITLE OF DOCUMENT**

Submitted by [Name of Party]

\* \* \*

**YCCiv. 206.1(a): Petitions—Matters Subject to Petition Practice:**

(1) In addition to the applications designated as “petitions” pursuant to Pa.R.Civ.P. 206.1(a), the following applications shall proceed as petitions:

*Applications to impose sanctions.* (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.)

*Applications for return of property* pursuant to 42 Pa.C.S. Sec. 6802. (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.) The application shall indicate in the caption a cross reference to the defendant’s name and criminal action number and the matter shall be assigned to the judge to whom the underlying criminal case has been assigned.

*Petitions for relief from judgment by confession* pursuant to Pa.R.Civ.P. 2959. (The Rule accompanying this petition shall be in the form as set forth in Pa.R.Civ.P. 206.5.)

(2) The following applications may proceed as a “petition” or may be presented to the court at a session of motions court pursuant to YCCiv. 208.3(a):

*Applications to reassess damages.* (The Rule accompanying this petition shall include provisions for a date by which a response shall be filed. If no response is filed by that date, a proposed rule absolute, setting forth the relief requested, may be submitted directly to the judge assigned to the matter.)

*Applications to obtain ownership of or title to a motor vehicle.* If proceeding as a petition, the Rule accompanying this petition must include provisions for a date by which a response shall be filed.

(i) The application and Rule or proposed court order must be served by certified mail, return receipt requested, on the previous owner of record, if any, and upon any

other person with a colorable right of title to or possession of the motor vehicle, including all lienholders of record.

(ii) The application shall be verified, and contain a statement of how the applicant came to possess the vehicle, a certified copy of the results of a Department of Transportation records search to identify any previous owner of record, and shall contain a specific description of the vehicle, including year, make, model, and vehicle identification number.

*Petitions to Withdraw as Counsel.* See Pa.R.Civ.P. 1012(c) and YCCiv. 1012.

**YCCiv. 206.4(c): Petitions—Procedure for Rule to Show Cause:**

(1) The issuance of a rule to show cause shall be discretionary with the Court and shall be in accordance with Pa.R.Civ.P. 206.5.

(2) The petition seeking issuance of a rule shall be supported by a brief statement of authority citing a statute, rule of court or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously, but not bound with the petition; or, in routine petitions that do not raise complex legal or factual issues, in the body of the petition itself.

(3) The petition shall be filed as provided in YCCiv. 205.1. The proposed rule shall be in the form prescribed in Pa.R.Civ.P. 206.5(d), unless otherwise set forth by these Rules.

(4) Should a moving party wish to withdraw the petition from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the petition with the Prothonotary, and shall promptly provide notice to the judge to whom the matter was assigned.

(5) Should a moving party wish to reschedule the presentation of a petition to the Court during a session of motions court, a written notice of that intent shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the petition will

be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

**YCCiv. 206.7: Procedure After Issuance of Rule to Show Cause:**

After the time has expired on a Rule to Show Cause, the relief requested shall be presented to the Court by the filing of a Motion for Rule Absolute.

**YCCiv. 208.2(c): Motions—Statement of Authority:**

All motions shall be supported by a brief statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously, but not bound with the motion, or in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**YCCiv. 208.2(d): Motions—Certification of Concurrence:**

(1) A motion to the court shall contain a certification by the moving party that the party has sought concurrence in the motion from each party and that each party has either concurred in the motion or contests the motion.

(2) A motion that is represented to be uncontested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties, the full text of the motion and proposed order has been disclosed, and that the requested relief is uncontested. A motion which is uncontested and which contains this certification need not be presented in a session of motions court, but shall be presented to the court pursuant to YCCiv. 205.1.

**YCCiv. 208.2(e): Motions—Discovery Conference Certification:**

A motion relating to discovery shall contain a certification by the moving party that the party has conferred, or attempted to confer, with all interested parties in an attempt to resolve the matter without court action, and has been unable to reach a satisfactory resolution of the issues presented, and shall set forth the details of the efforts made to resolve the matter.

**YCCiv. 208.3(a): Motions—No Response Required: Procedure:**

(1) All applications to the court requiring action by a judge, except those hereafter excluded, shall be presented to the court at a session of motions court. The times and dates for motions court sessions shall be published by the Court Administrator in the Court Calendar from time to time. Motions shall be filed as set forth in YCCiv. 205.1. No written response shall be necessary.

(2) The moving party must give actual notice to all other parties in interest, and to the motions court judge, of the intention to present an application at a session of motions court at least five (5) days prior to the date of the specific motions court session at which it will be presented, by providing a copy of the application and proposed order to all other parties in interest, and to the District Court Administrator for delivery to the motions court judge, pursuant to YCCiv 205.1. For purposes of this rule only, timely service on a party by facsimile or other electronic transmission will constitute appropriate notice.

(3) All applications to the court shall include a certificate by the moving party that notice was given pursuant to subsection (a)(2) above.

(4) Should a party wish to file a response, an original of the response shall be filed with the Prothonotary and the party shall cause a copy to be delivered to the Court Administrator who will forward the copy to the assigned judge.

(5) Should a moving party wish to reschedule the presentation of an application to the Court, a written notice of that intent shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the motion will be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly provide notice to the judge to whom the matter was assigned.

(7) The following applications need not be presented in a session of motions court, but shall be presented to the court pursuant to YCCiv. 205.1:

*Petitions for preliminary or special injunctions (See YC-Civ. 1531.1 et seq.)*

*Uncontested motions:* Provided, however, that the motion includes a certification as set forth in YCCiv. 208.2(d)(2).

*Stipulated orders;*

*Petitions for rules to show cause;* (See YCCiv. 206.1(a) and 206.4.)

*Motions to make rules absolute;*

*Requests for continuances of scheduled hearings:*

(i) In all matters in which a hearing has been scheduled by a judge and in which a continuance is sought, the moving party shall first contact all other parties in interest to determine whether there is an objection to the continuance.

(ii) If there is no objection, the motion shall so state and an order representing the agreement of the parties shall be filed seeking a rescheduled hearing.

(iii) In the event of an objection by any party, the reasons for the objection shall be stated in the motion.

(iv) Agreement to a continuance by all parties does not assure that a continuance will be granted by the court. The parties are expected to use pre-printed forms developed by the court for such purpose. When such forms are used, the motion shall not be filed with the Prothonotary first, but shall be delivered to Court Administration for assignment to the hearing judge.

*Applications for leave of court to withdraw entry of appearance;* Provided, however, that counsel seeking to withdraw has given at least twenty (20) days written notice of intent to withdraw to the client and all parties in interest and no objection has been made. The application and proposed order shall contain the last known address and telephone number of the client. See YCCiv. 1012 and Pa.R.Civ.P. 1012.

*Motions for alternative service.* (Such motions shall have a copy of the Sheriff's return of service attached to the motion, in addition to the other matters required by law or rule of court. See Pa.R.Civ.P. 430.);

*Applications for reassessment of damages.* (See YCCiv. 206.1(a).)

*Motions for reconsideration;* These motions shall be assigned to the judge for whose order reconsideration is being requested.

*Motions relating to matters covered by an order resulting from a pre-trial conference.* These motions shall be assigned to the judge who conducted the pre-trial conference.

*Motions relating directly to matters pending before divorce master.* These motions shall be filed with the master assigned to the case pursuant to YCCiv. 1920.55-1.

*Motions for judgment by default in quiet title actions;*

*Petitions for approval of minor settlements, wrongful death settlements transfer of structured settlements, and settlements involving an incompetent;*

*Applications to intervene pursuant to Pa.R.Civ.P. 2326 et seq.*

*Petitions for a name change;*

*Appointment of constables, private police officers, and municipal officers;*

*Appointment of persons to Board of View; provided, however, that no motion shall be filed until such time as the pleadings have closed.*

*Detective licenses; and*

*Termination of inactive civil cases under YCCiv. 230.2.*

**YCCiv. 208.3(b): Motions—Response Required: Procedure:**

(1) The following pleadings or motions shall require a written response, by way of an answer or a brief in response, or both, as the case may be.

(i) If a motion requires an answer, the answer shall be filed upon all parties within twenty (20) days of service of the motion.

(ii) After all matters necessary to rule on the motion have concluded, the motion shall be presented to the court by the filing of a praecipe with the Prothonotary to list the matter for disposition by one judge, or the court en banc, as the case may be.

(iii) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(2) Matters for disposition by one judge: Matters to be disposed of by one judge shall include:

*Petitions and rules to show cause, which shall proceed pursuant to Pa.R.Civ.P. 206.5 and 206.7.*

*Preliminary objections (see YCCiv. 1028(c));*

*Motions for judgment on the pleadings (see YCCiv. 1034(a));*

*Motions for summary judgment (see YCCiv. 1035.2(a));*

*Exceptions to the report of a master in divorce (see YCCiv 1920.55-2), to reports of boards of view, (see YCCiv. 5170), or to proposed schedule of distribution from Sheriff's sale, (see YCCiv. 3136).*

*Appeals from decisions of a zoning hearing board, a board of school directors or other local government agency. (See YCCiv. 5150 and 5200.)*

(3) Procedure in one-judge disposition matters: Unless otherwise noted in these local rules or by order of court:

(i) All applications which are filed requiring disposition by one judge shall be supported by a brief filed within ten (10) days of the date of filing of the application.

(ii) One original brief in opposition shall be filed by all parties opposing the application within thirty (30) days after the date of filing of the application of the moving party.

(iii) Any brief in reply shall be filed within five (5) days after service of the brief in opposition to the motion.

(iv) Copies of briefs shall be promptly served on all parties and a certificate of service shall be filed with the Prothonotary.

(v) Upon timely filing and service of briefs, any party may list the matter for disposition by one judge by filing a praecipe with the Prothonotary. The praecipe shall include the name of any judge (other than motions court judge) to whom the case was previously assigned. The praecipe shall be in substantially the form as set forth in this Rule.

(4) Matters for disposition by a court *en banc*. Matters to be disposed of by a court *en banc* shall include matters specifically required to be heard *en banc* pursuant to statute, rule or appellate decision, and matters specifically ordered to be heard *en banc* by a judge of this court, either pursuant to Pa.R.C.P. 227.2 or otherwise.

(5) Procedure for disposition of matters *en banc*: Matters to be disposed of by the court *en banc* shall proceed the same as matters to be disposed of by one judge.

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly provide notice to the judge to whom the matter was assigned.

(7) The praecipe to list a matter for disposition before the court shall be in substantially the following form:

**Form of Praecipe to List Matter for Disposition:**

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	:	[ CASE NUMBER ]
	:	[ NAME OF PREVIOUS JUDGE ]
vs.	:	[ NAME OF ASSIGNED JUDGE ]
	:	[ NUMBERS OF RELATED CASES ]
NAME OF DEFENDANT(S)	:	[ TYPE OF ACTION ]

**PRAECIPE TO LIST FOR [ ONE JUDGE / EN BANC ] DISPOSITION**

TO THE PROTHONOTARY:

List this matter for [one judge / en banc] disposition:



Document to be ruled upon: \_\_\_\_\_  
 Brief in support filed on: \_\_\_\_\_  
 Brief in opposition filed on: \_\_\_\_\_  
 Oral Argument Requested? \_\_\_\_\_ Yes \_\_\_\_\_ No  
 Date: \_\_\_\_\_

Submitted by [Name of Party]  
 Name of Attorney  
 Address of Attorney  
 Telephone Number of Attorney  
 Facsimile Number of Attorney  
 E-mail address of Attorney

[Attach Certificate of Service with information required by YCCiv. 208.3(b)(1)(iii), above.]

**YCCiv. 210: Form and Content of Briefs:**

(a) All briefs shall be typewritten on 8 1/2" by 11" paper and shall contain complete and accurate citations of all authorities. The front page of a brief shall have a three (3) inch margin at the top for court stampings and notations, and each subsequent page shall have at least a two (2) inch margin at the top. Briefs shall contain a procedural history of the case, a statement of facts, a statement of questions involved and argument. All briefs more than ten (10) pages in length shall contain a table of contents.

(b) Parties shall file one original of a brief with the Prothonotary. The original shall be backed by and securely fastened in a document cover using binder clips. A party may cause a courtesy copy of the brief to be delivered to the chambers of the judge assigned to the case.

(c) A copy of any brief filed shall be promptly served on all other parties and the original brief shall have attached thereto a certificate of service as to all other parties.

**YCCiv. 212.3: Pretrial Conferences:**

(a) When an action is ready for trial, any party who desires to proceed to trial shall list the action for a pretrial conference by filing a praecipe with the Prothonotary, and delivering a copy of the praecipe to the Court Administrator for assignment to a judge.

(1) The praecipe shall request a pretrial conference and indicate whether the proposed trial is a jury or a nonjury trial.

(2) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(3) The praecipe shall be in substantially the same form as that which follows.

(b) No party shall list an action for pre-trial conference until after:

(1) A Case Management Plan has been executed by all parties and filed with the Prothonotary, and all dates contained therein have passed; and

(2) A certificate of readiness has been executed by all parties and filed with the Prothonotary; or

(3) The listing is consistent with the provisions of a scheduling order filed in the action.

(c) All actions listed for a pre-trial conference shall be assigned to a judge by the Court Administrator.

(d) One original of each party's pre-trial memorandum in such form and containing such information as is directed in an order scheduling a pre-trial conference shall be filed with the Prothonotary at least one week prior to the date of the pre-trial conference. Pre-trial memoranda shall not contain copies of proposed exhibits, copies of matters previously filed of record, or copies of discovery materials.

(e) In the event that the parties are unable to agree on a case management plan, or upon other cause shown, a party may move the court to schedule a case management conference or issue a case scheduling order.

(f) Motions implicating matters set forth in any order resulting from the pre-trial conference, including requests for discovery, sanctions, and motions in limine shall be assigned to the Judge who conducted the pre-trial conference.

**YCCiv. 213: Consolidation of Actions:**

(a) An order consolidating actions shall contain the captions of all cases consolidated, shall include a reference to the caption and case number to which the cases are consolidated and to which all future filings shall be made.

(b) An original order consolidating actions shall filed in all case files affected by the consolidation.

**YCCiv. 214: Trial List. Continuances:**

(a) The civil trial terms shall be published annually in the Court Calendar which shall be made available to the public in printed and electronic formats.

(b) A case shall be placed on the trial list for a particular term of trials by the Court Administrator pursuant to a scheduling order issued by a judge. A case may also be placed on a trial list by the filing of a praecipe by a party with the Prothonotary after a case has been certified by a judge as ready for trial. The praecipe shall be in substantially the form as set forth below.

(c) A call of all cases listed for trial shall be made on the second Monday preceding the start of a trial term. In the event that a court holiday falls on that Monday, the call of the list will be held on the Tuesday immediately following.

(d) If a case is not answered at the call, it shall remain on the list of cases and shall be scheduled for trial.

(e) A case continued from or not tried in a scheduled trial term will be listed for trial by the Court Administrator in the next available trial term.

(f) Absent exceptional circumstances, a case shall not be continued after it has been called for trial at the call of the trial list.

(g) Should a case which has been placed on a trial list settle prior to being called for trial, Plaintiff shall notify, by correspondence, the Court Administrator and the judge who conducted the pre-trial conference, of the fact of settlement. The Court Administrator, upon receipt of such notice, shall remove the case from the trial list.

\* \* \*

**Form of Praecipes for Pre-Trial Conference and for Trial**

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff's Name : Case Number:  
:   
vs. : Type of Action  
Defendant's Name: :

**PRAECIPE TO LIST CASE FOR [ PRE-TRIAL CONFERENCE / TRIAL ]**

TO THE PROTHONOTARY:

Please list this case for [ Pre-trial Conference / Trial ]. A copy of this praecipe was sent to all parties on \_\_\_\_\_ .  
Name of Judge previously assigned other than for motions court matters: \_\_\_\_\_

Date Case Management Plan filed: \_\_\_\_\_ .

Last Date for matters to be accomplished: \_\_\_\_\_ .

All matters listed in Case Management Plan have been completed.

Type of trial requested:  Jury  Non-jury

If this matter is to be listed for trial, the date of the pre-trial conference was \_\_\_\_\_ before Judge \_\_\_\_\_ .

Estimated length of time for trial: \_\_\_\_\_ .

Date: \_\_\_\_\_ Submitted by \_\_\_\_\_

Name of Attorney  
Address of Attorney  
Telephone Number of Attorney  
Facsimile Number of Attorney  
E-mail address of Attorney

[Attach Certificate of Service with the information required by YCCiv. 212.3(a)(2).]

\* \* \*

**YCCiv. 223: Admission, Custody and Substitution of Tangible Exhibits:**

(a) Counsel for the respective parties shall retain possession, and shall be responsible for the care and custody, of all tangible exhibits used at trial, whether or not the same have been presented, marked, identified and used, until such time as they have been formally offered into evidence and the court has made a specific order directing their admission into evidence.

(b) From and after the making of such formal court order of admission, the Prothonotary shall take possession, and shall be responsible for the care and custody, of all such tangible exhibits during the remainder of the trial and thereafter until further order of the court.

(c) Immediately upon the termination of the trial, the Prothonotary shall assemble and identify all such exhibits to the particular case and shall be responsible for their secure care, custody and maintenance, and no such exhibits shall thereafter be removed or destroyed except upon order of the court.

(d) At any time after final disposition of the case, the Prothonotary may, after ten days written notice to counsel for all parties, apply to the court for an order authorizing the removal and disposition by destruction or otherwise of any tangible exhibit of a size or weight precluding its enclosure in a regular case file.

(e) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder shall cause the exhibit to be reduced in size, photographed, or

otherwise reproduced so that the exhibit may be readily stored in such folder without impairment of its visual quality.

(f) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder or easily reduced to such size shall take sufficient photographs of the exhibit, or otherwise reproduce it, to accurately capture its likeness, using either film or digital medium and may be expected to substitute the photographs or other reproduction for the actual exhibit in the trial record.

(g) Parties are expected to reduce large quantities of paper records or exhibits to commonly used electronic formats, stored on compact disk (CD) or digital video disks (DVD), for use at trial and for inclusion in the trial record.

(h) In the event that an exhibit is substituted by one of the means set forth in this Rule, the offering party shall maintain the original exhibit in safe keeping until the conclusion of the case in which the exhibit was admitted into evidence or made a part of the record.

(i) In the event special software is needed to view electronically stored exhibits, the party offering the exhibits may be required to provide such software to the Court for use during trial.

(j) A document or other instrument incorporated into a pleading or an exhibit to a pleading may be offered in evidence without producing or accounting for the absence of the original if the adverse party in a responsive pleading has not demanded the production of the original at the trial.

**YCCiv. 225: Arguments of Counsel:**

(a) One attorney for each plaintiff or each group of plaintiffs asserting the same cause of action may make an opening address to the jury. One attorney for each defendant or each group of defendants against whom the same cause of action is asserted may make an opening address. The proof offered by any party shall not be restricted to matters referred to in such addresses if otherwise admissible.

(b) After the close of the evidence, one party may first address the jury for each party or group of parties against whom the same cause of action is asserted. The party or parties under a burden of proof shall speak after those addresses.

**YCCiv. 227.1: Post-Trial Relief:**

(a) Motions for post-trial relief shall be in such form and shall contain the information required by Pa.R.Civ.P. 227.1, 227.3 (relating to transcripts) and YCCiv. 205.2. A citation to the page in the trial transcript or to the case record where an alleged error was raised and addressed by the parties and the court shall be included either in the motion for post-trial relief or in the brief in support of the motion.

(b) A party filing a motion for post-trial relief shall file one original motion with the Prothonotary. A copy shall be promptly served on all other parties, and the moving party shall cause a copy to be delivered to the Court Administrator for delivery to the trial judge within the time periods set forth in Pa.R.Civ.P. 227.1(c).

(c) Briefs in support of or in opposition to motions for post-trial relief shall be in such form and shall contain the information set forth in YCCiv. 210.

(1) One original brief in support of a motion for post-trial relief shall be filed with the Prothonotary within fifteen (15) days after the date of filing of the motion for post-trial relief.

(2) Where a request or an order for the transcription of the record or any part thereof was entered, a brief in support of a post-trial motion for relief shall be filed within fifteen (15) days after the filing of the transcript.

(3) Within twenty (20) days after service of the brief in support of a post-trial motion, all parties desiring to oppose such motion shall file a brief in opposition.

(d) The moving party or parties shall notify the trial judge in writing that the above matters have been completed, or not completed as the case may be, and that the case is ripe for disposition on post-trial relief.

(e) Any party may request oral argument on post-trial motions.

**YCCiv. 227.3: Transcription and filing of trial record:**

(a) Copies of a formal request for a transcript of all or part of a proceeding shall be delivered as provided in the applicable state rules.

(b) The trial judge, upon receiving a request for a transcript of all or a part of a proceeding in a post-trial motion, shall enter an order designating the record or a portion thereof to be transcribed.

(c) Upon completion and filing of the transcript so ordered, the court reporter shall file and serve on all parties and the trial judge a statement that the transcript so ordered has been filed and shall state the date of filing.

**YCCiv. 237.1: Affidavit as to Military Service:**

(a) No judgment by default shall be filed unless the moving party shall have first filed the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. § 521, stating whether the adverse party is in military service as therein defined.

(b) If the moving party is unable to ascertain whether the adverse party is in military service, the moving party shall so state in the affidavit.

**YCCiv. 230.2: Termination of Inactive Civil Cases:**

(a) All civil cases filed in this court, except as provided in (a)(1), (2) and (3), which shall not have been reduced to judgment or final order, and in which there has been no activity of record for a continuous period of two (2) years or more shall be terminated as herein provided, in accordance with Pa.R.Civ.P. 230.2.

(1) Condemnation proceedings shall not be terminated.

(2) In all divorce proceedings, the cases shall not be terminated for a period of five (5) years, commencing from the date of last docket activity;

(3) In all support and custody proceedings, the cases shall not be terminated for a period of three (3) years, commencing from the date of last docket activity. For special provisions concerning custody cases, see YCCiv. 230.3

(b) On or before the last Friday in each of the months of January and June of each calendar year, the Prothonotary shall cause notice containing the information required by Pa.R.Civ.P. 230.2(e) to be sent to counsel of record and to unrepresented parties, that a case shall be terminated, pursuant to the time limits set forth in Pa.R.Civ.P. 230.2(b), which

(1) have become inactive cases as herein defined as of the close of the preceding calendar year; and

(2) previously became inactive cases as herein defined but have not yet been terminated.

(c) Notice shall be served by the Prothonotary in the manner required by Pa.R.Civ.P. 230.2(b)(2), except that if the mailed notice is returned, the notice shall be served by the Prothonotary by advertising one time in the *York Legal Record*. Publication shall take place at least sixty (60) days prior to the scheduled date of termination.

(d) If an action has been terminated, an aggrieved party may file a motion with the court, pursuant to YCCiv. 208.3(a), to reinstate the action.

**YCCiv. 230.3: Termination of Inactive Custody Cases:**

(a) All custody cases filed in this Court in which there has been no activity of record for a continuous period of three (3) years or more preceding the end of each calendar year, shall be placed on inactive status as herein provided.

(b) On or before the last Friday of April of each calendar year, the Prothonotary shall cause notice containing the information required by Pa.R.Civ.P. 230.2(e) to be sent to counsel of record and to unrepresented parties, that a case shall be terminated, pursuant to the time limits set forth in Pa.R.Civ.P. 230.2(b), which

(1) have become inactive cases as herein defined as of the close of the preceding calendar year; and

(2) previously became inactive cases as herein defined but have not yet been terminated.



(c) Notice shall be served by the Prothonotary in the manner required by Pa.R.Civ.P. 230.2(b)(2), except that if the mailed notice is returned, the notice shall be served by the Prothonotary by advertising one time in the *York Legal Record*. Publication shall take place at least sixty (60) days prior to the scheduled date of termination.

(d) Any case placed on the inactive list may be reactivated by the filing of a praecipe to reactivate and the payment of the filing fee then prevailing.

#### **Service by Publication**

##### **YCCiv. 430: Manner of Publication:**

(a) Whenever an Act of Assembly or a rule of court specifies that notice shall be given or service shall be made by publication but does not specify the manner of publication or expressly states that publication shall be made in such manner as the Court of Common Pleas shall direct, publication shall be made one (1) time in each of the *York Legal Record* and in one (1) daily newspaper of general circulation in the county.

(b) Service by publication shall be made in such a manner that the person so served shall have at least twenty (20) days after publication to act on the matter served by publication.

(c) Service shall be complete upon the appearance of the last complete publication. Proofs of publication shall be filed before judgment or any other action is taken by the party serving by publication.

(d) When publication of notice of suit is ordered, the notice shall contain, in addition to the information set forth in Pa.R.Civ.P. 430(b)(1), sufficient information to identify all parties to the action, the nature of the subject matter of the suit, and if the suit involves any claim to or about real property, a description of the real property sufficient to identify its location.

#### **Landlord Tenant Appeals**

##### **YCCiv. 1008: Appeal as Supersedeas In Landlord Tenant Matters:**

(a) Appeals to the Court of Common Pleas in landlord tenant matters shall act as a supersedeas to the extent of and pursuant to the procedure set forth in Pa.R.C.P.M.D.J. 1008.

(b) Motions for relief under Pa.R.C.P.M.D.J. 1008, including motions for release of escrow, shall be presented to the Court pursuant to YCCiv. 208.3(a).

#### **Civil Actions**

##### **YCCiv. 1012: Withdrawal of Appearance:**

(a) An attorney wishing to withdraw from a case by leave of court shall file a petition in such form and containing the information set forth in YCCiv. 205.2 and shall otherwise comply with the requirements of Pa.R.Civ.P. 1012. The petition shall be filed pursuant to YCCiv. 205.1 and YCCiv. 208.3(a). An attorney who has given at least twenty (20) days notice to the client and all other parties of intent to file a motion to withdraw, and who has received no opposition to such motion, may file the petition pursuant to YCCiv. 208.3(a)(7).

(1) A petition requesting leave to withdraw an appearance shall state that prior notice of intent to withdraw has been given to the client and all parties, and the date on which such notice was given.

(2) A petition requesting leave to withdraw an appearance shall state whether any proceeding is pending, the nature of the pending proceeding, and the next date of any court proceeding.

(3) A petition requesting leave to withdraw an appearance shall state that the attorney has sent to the client all court orders which require any action to be taken by the client.

(b) An attorney who has been given permission to withdraw from a case, or who has withdrawn from a case, pursuant to Pa.R.Civ.P. 1012, shall include in the proposed order permitting withdrawal the last known address and telephone number of the attorney's client, or shall, within five days of being granted permission to withdraw, file with the Prothonotary and serve on all other parties a praecipe setting forth that information.

(c) An attorney who has been given permission to withdraw from a case, or who has withdrawn from a case, pursuant to Pa.R.Civ.P. 1012, shall send to the client a copy of any previous court order which may require the client to file documents, attend proceedings, or take any other action in a pending matter after the attorney has withdrawn, and shall file a certificate evidencing such service, if not previously set forth in the petition to withdraw.

##### **YCCiv. 1018.1: Form of Notice to Defend:**

(a) Every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall begin with a notice to defend in both English and Spanish, containing the information and in substantially the same form as that set forth in Pa.R.Civ.P. 1018.1(b).

(b) The organization from whom information may be obtained about legal services to eligible persons at a reduced fee or no fee is:

Lawyer Referral Service of  
The York County Bar Association  
(Attorney Connections)  
York County Bar Center  
137 East Market Street  
York, Pennsylvania 17401  
Telephone No. (717) 854-8755

(c) Spanish translations of the notice to defend for divorce and custody complaints and petitions for protection from abuse shall be available in the office of the Prothonotary.

##### **YCCiv. 1028(c): Preliminary Objections:**

(1) One original of the preliminary objections shall be filed with the Prothonotary. They shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) Preliminary objections filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b).

##### **YCCiv. 1034(a): Motion for Judgment on the Pleadings:**

(1) One original of the motion for judgment on the pleadings shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) A motion for judgment on the pleadings filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b).

##### **YCCiv. 1035.2(a): Motion for Summary Judgment:**

(a) An original of the motion for summary judgment shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(b) A motion for summary judgment filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b).

### Action in Ejectment

#### YCCiv. 1051: Praeceptum for Writ:

If an action of ejectment is commenced by filing a praecipe for a writ of summons, the praecipe shall contain:

(a) A description of the land sufficient to identify it, either by metes and bounds or by reference to street number, dimensions, area or adjoiners; and

(b) A reference to a place of record from which a complete description may be obtained.

### Arbitration

#### YCCiv. 1301: Actions to which Arbitration Applies:

(a) *Actions at issue.* All actions which are at issue in which the amount in controversy is fifty thousand dollars (\$50,000) or less, except those involving title to real estate, and forfeiture of property, shall first be submitted to and heard by a board of arbitrators consisting of three attorneys admitted to practice in the Courts of this Commonwealth, for consideration and award. The term "amount in controversy" shall mean the amount, exclusive of interest and costs, claimed by any party to the case, as determined by the pleadings or agreement of reference, but a multiplicity of claims or counterclaims, each of which is fifty thousand dollars (\$50,000) or less, shall not bar compulsory arbitration. An order of consolidation of an action involving more than fifty thousand dollars (\$50,000) with an action involving less than that amount shall bar compulsory arbitration.

(b) *When the action is at issue.* An action shall be at issue when:

(1) A party or counsel files with the Prothonotary, after the close of all pleadings, a praecipe for reference; or

(2) The parties or counsel file with the Prothonotary, an agreement of reference; or

(3) The court issues an order of reference on its own motion, or on motion of a party, when the pleadings disclose that any verdict probably will be in an amount less than fifty thousand dollars (\$50,000).

(c) *Actions not at issue.* An action not at issue may be referred to a board of arbitrators by agreement of reference signed by all parties or their counsel and filed with the Prothonotary, or by court order. The agreement of reference shall define the issues involved for determination by the board, and may also contain stipulations with respect to facts submitted or agreed to or defenses waived. In such case, the agreement of reference shall take the place of the pleadings in the case.

(d) *Certification of Readiness for arbitration.* The party referring the case to arbitration shall certify that the case is ready and that the attorneys and witnesses are available during the arbitration week. The arbitration will be scheduled for the arbitration week in the second month after the month during which the filing occurs or during an arbitration week thereafter selected by the parties. The Prothonotary shall certify to the District Court Administrator that the case has been referred to arbitration within three (3) days after such reference.

(e) *Length of time to be stated.* The party who refers the case for arbitration shall note the length of time required for the hearing on the document requesting arbitration.

(f) *Service of Notice of Reference to Arbitration.* Any party referring a case to arbitration shall forthwith serve a copy of the referring document upon the opposing parties or their counsel, and shall file with the Prothonotary evidence showing such service. Failure to serve such copy shall result in the action being stricken from the Arbitration List and the costs connected therewith being taxed against the party who fails to serve such copy. The action may not be re-listed for arbitration until the costs so taxed have been paid.

#### YCCiv. 1302: Arbitrators, Panels and Boards:

(a) *Selection of Panels of Arbitrators.* The Arbitration Committee of the York County Bar Association shall annually, prior to December 1, receive applications from members of the York County Bar Association with offices in York County who are interested in serving as arbitrators. The Committee shall formulate a list of attorneys to serve as arbitrators.

(1) For the first year, the Committee shall select fifty (50) attorneys. Each year thereafter, the Committee shall select twenty-five (25) attorneys plus an additional attorney for each vacancy on the Arbitration Panel for the next year. The Committee shall send the list to the Court by December 31.

(2) The first year, the Court shall select thirty-six (36) attorneys to act as arbitrators. Each year thereafter, the Court shall select eighteen (18) attorneys to act as arbitrators, plus the number of attorneys necessary to fulfill vacancies in the panel for the next year.

(3) The Court shall enter an Order by January 15 appointing the attorneys selected as arbitrators.

(4) An arbitrator shall be appointed for a two year term, (or for a one year term for the first year of appointment as provided), and shall begin the term April 1.

(b) *Boards.*

(1) The Committee shall create from the list of arbitrators, twelve (12) boards of three arbitrators each, with one arbitrator meeting the requirements of Pa.R.Civ.P. 1302 selected as Chairperson of each board. The Committee shall consider the experience and expertise of the individual arbitrators in the organization of the boards. Not more than one member of a law firm or association of attorneys shall be appointed to the same board.

(2) The first year, eighteen (18) arbitrators shall serve for one year and eighteen (18) arbitrators shall serve for two years. Thereafter, arbitrators shall serve two year terms, with half of the arbitrators revolving off the panel in alternate years.

(3) An arbitrator may serve for one term and shall not be eligible to serve again until after a two year absence from the arbitration panel.

(4) Each Board of Arbitrators shall sit for one week. The District Court Administrator shall designate one week during each calendar month during which arbitration hearings shall be held and the room in which the hearings shall be held. The arbitration schedule shall be included in the Court calendar.

(c) *Conflicts.* An arbitrator shall disqualify himself or herself from service when he or she determines that he or she is related by blood or marriage to any party to the case or attorney of record; or is or has, within the past year, been a law partner or associate of any attorney of record in the case; or represents a party or a party's insurance carrier in other matters. In case of such a

disqualification, another member of the panel can substitute for the disqualified arbitrator, or the arbitration hearing can proceed with two arbitrators.

(d) *Substitution of Arbitrators.* In the event that an arbitrator cannot serve due to a conflict or illness or for any reason, the arbitrator may be replaced by any member of the Arbitration Panel willing to so serve. The replacement shall be made by the District Court Administrator. The compensation of the replacement arbitrator shall be adjusted from the compensation of the replaced arbitrator, as agreed between the two arbitrators. The District Court Administrator shall maintain a list of all instances of failure to serve as arbitrator and provide such list to the Arbitration Committee annually.

(e) *Arbitrators to Report to District Court Administrator and Arbitration Committee.* The Arbitration Chairpersons shall report in writing to the District Court Administrator and to the Arbitration Committee the number of cases scheduled, the number continued, the number settled without hearing, the number heard, and any other pertinent information relating to scheduling or other suggestions regarding the process.

#### **YCCiv. 1303: Procedure for Scheduling and Holding Arbitrations:**

(a) *Duty of District Court Administrator.* The District Court Administrator shall maintain a monthly list of all actions for arbitration in the order in which they are placed at issue. The District Court Administrator shall assign all cases listed in a calendar month to the Arbitration Board scheduled to sit in the second month after the month of listing or in the month selected by the parties.

(b) *Duty of Arbitration Board Chairperson.* The Arbitration Board Chairperson shall organize the cases to be heard during the week into a list and send a copy of the list to all attorneys and pro se parties involved in the cases. The list shall indicate the date, time, and place of each hearing.

(c) *Motions.* Any party to the action may raise questions of the action being arbitrable under these rules, or the composition of the board, first by informally notifying the District Court Administrator in writing, with notice to opposing counsel. Within three (3) days of such informal notice, the party raising the question shall file with the court a written motion based on such question, and shall specify the relief requested. The court shall decide such motion before the case is heard by the board. Failure to raise such questions within ten (10) days of receipt of a notice of such appointment, constitutes a waiver of those issues.

(d) *Continuance by parties.* Once the case has been scheduled for a hearing and the parties notified as provided in subsection (b) hereof, there shall be no unilateral continuance. A request of a party or counsel for continuance of such scheduled hearing shall be granted only by the Chairperson of the board to a specific date, time and place after consultation with the District Court Administrator, and notice thereof shall be given by the chairperson to all parties, board members and the District Court Administrator. At the discretion of the Chairperson, a continued arbitration hearing may be held at a suitable, neutral location away from the assigned hearing location, such as a law office conference room, provided that the location is not more than five miles from the Judicial Center. For any case in which a continued hearing cannot be held within twenty (20) days of the date originally fixed therefore, the Chairperson shall

direct the removal from the Arbitration List without prejudice to any party to relist the matter again.

(e) *Removing matter from arbitration.* No party shall unilaterally remove a matter from the arbitration list without leave of court. Voluntary non-suits shall be in accordance with Pa.R.C.P. 1304(a).

(f) *Settlement, voluntary non-suit, summary judgment.* In cases of settlement, voluntary non-suit and summary judgment, arising after a case has been scheduled, the parties or counsel shall notify the chairperson, whereupon the board shall enter an award in conformance therewith.

(g) *Procedure after board convened.* Once a board has been convened, the procedure shall follow Pa.R.Civ.P. 1303(b).

(h) *Inability of Board to hear all assigned cases.* If a Board cannot hear all assigned cases, it shall return the unheard cases to the District Court Administrator for assignment to a subsequent arbitration board.

(i) *Overload.* If the District Court Administrator determines that the number of referred arbitration cases exceeds the ability of the Boards to hear them so that hearings are being delayed beyond ninety (90) days from reference, he shall meet with the Arbitration Committee, and additional arbitration boards shall be assigned from the arbitration panel members to hear the excess cases as soon as possible.

#### **YCCiv. 1305: Pre-Hearing Procedures:**

(a) *Prior conference of counsel.* Counsel shall confer in person, in advance of the hearing before the board of arbitrators, to accomplish the following purposes:

(1) *Lists and marking of exhibits.* Examine, mark and list all exhibits which any of them may intend to introduce at the hearing, whether in the case in chief or in rebuttal. Only exhibits so listed and marked shall be offered in evidence at the hearing, except for good cause shown.

(2) *Admissibility of exhibits.* Agree so far as possible as to the authenticity and admissibility of such exhibits and note briefly the grounds for objection to any exhibits not so agreed upon, and counsel for the plaintiff shall keep a record of such objections and grounds therefore;

(3) *Statement of contested issues.* Agree so far as possible as to the rules of law governing the case, and identify contested issues of law, if any;

(4) *Statement of uncontested facts.* Agree so far as possible as to the facts. If the incontestability of any fact is challenged, the party objecting, and the grounds for the objection, shall be identified. No testimony will be taken on facts not in dispute.

(b) *Arranging conference of counsel.* Counsel for the plaintiff shall be responsible for arranging the conference between counsel before the hearing. The conference between counsel shall be held at least two (2) weeks prior to hearing at the office of counsel for the plaintiff; provided, however, that if plaintiff's counsel has no office in York County, the conference shall be held at the office of counsel for the defendant.

(c) *Preparation of Joint Statement.* The parties shall prepare a joint statement listing all exhibits, all witnesses expected to be called at the arbitration hearing, the contested issues, and stipulations of facts. The statement shall be presented to each arbitrator at the start of the arbitration.



(d) *Sanctions.* The Chairperson has the authority to impose appropriate sanctions for violation of this rule, including but not limited to, precluding use of exhibits or witnesses.

**YCCiv. 1306: Report and Award:**

The Chairperson of the board of arbitration shall file a report with the Prothonotary, which shall contain an award, within ten (10) days after hearing, unless the court upon application of the board shall extend the time for filing. The report shall be signed by all or a majority of the arbitrators on the board. The Prothonotary shall file the original report and award. The Chairperson shall mail copies of the report and award to the parties or their counsel. The report and award shall be substantially in the form of a verdict of a jury, and need not contain a recital of facts, nor a statement of reasons for the action taken by the board.

**YCCiv. 1308: Compensation of Arbitrators:**

(a) *Amount.* The Chairperson and each member of the board of arbitrators, who has signed a report, or files a minority report, shall be paid by the County for their services fees as may be established from time to time by the President Judge and published by administrative order.

(b) *Complex cases.* In cases requiring hearings of unusual duration or involving questions of unusual complexity, the court, on petition of the board presented to the District Court Administrator, and for cause shown, may allow additional compensation. The court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation, or disallow compensation entirely. To the extent that additional compensation is ordered, such compensation shall be paid by the County, in such amount as the court shall direct.

(c) *When arbitrator is entitled to compensation.* The members of the board shall be entitled to receive their compensation only upon filing with the Prothonotary awards for all cases heard by them. When the all awards are filed, the Prothonotary shall issue an order for payment of such compensation, which shall be immediately paid from county funds. Compensation paid to arbitrators shall not be taxed as costs nor follow the award as other costs.

(d) *Appeal in matter arbitrated without complaint.* In actions referred to arbitration by an agreement of reference without the filing of a complaint, and if taken by a plaintiff, shall be accompanied by a complaint, and if taken by a defendant, shall be accompanied by a rule of the plaintiff to file a complaint.

**YCCiv. 1311.1(b): Admission of Documentary Evidence:**

(1) At least ten (10) days prior to the first day of trial, the parties shall examine the official court record to ascertain that any exhibits to be admitted pursuant to this rule are in the court file.

(2) In the event that any exhibit is not in the file, the party offering that exhibit shall produce the exhibit at the time of trial.

**Equitable Relief**

**YCCiv. 1531.1: Special Relief. Injunctions:**

(a) No application seeking special relief, a preliminary injunction or special injunction shall be filed unless a complaint has been filed prior to or concurrently with the

filing of the application, unless the application involves freedom of expression or a labor dispute.

(b) An application for preliminary injunction or special injunction shall be in such form and contain the information required by YCCiv. 205.2. The application shall be filed in accordance with the requirements set forth in YCCiv. 205.1, and the applicant shall cause a copy of the application to be given to the Court Administrator for assignment to a judge.

(1) A copy of the complaint that commenced the action shall accompany the copy of the application for relief delivered to the Court Administrator, but shall not be attached to it.

(2) The application for a preliminary or special injunction shall clearly state whether the relief is being sought without notice and a hearing, and if so, shall clearly state the reasons for requesting ex-parte relief.

(3) If the application for a preliminary or special injunction is not being presented ex-parte, copies of all pleadings and proposed orders shall be delivered to all other parties as soon as practicable and, if possible, before the application is presented to the Court. The application shall clearly state what notice was given to all other parties to the action, and if no notice was given to a party, shall clearly state the action taken in an attempt to notify a party.

(4) An affidavit of the petitioner and any parties or third persons shall be filed with the application for preliminary or special injunction.

(5) The affidavits shall address each element necessary to establish the petitioner's entitlement to relief.

(c) A proposed preliminary or special injunction order that succinctly sets forth the reasonable relief that the court is being asked to grant, shall accompany the copy of the application for relief given to the Court Administrator, but shall not be attached to it.

(d) Counsel filing an application for *ex-parte* relief shall be prepared to personally present the application to the assigned judge.

**YCCiv. 1531.2: Injunctions—Hearings:**

(a) All parties shall prepare and present, at the time of the hearing, proposed findings of fact and conclusions of law.

(b) All parties shall be prepared to calculate the amount of a bond, if any, and shall be prepared to explain the calculation to the court at the time of the hearing.

**YCCiv. 1557: Partition of Real Property:**

(a) At any time after the pleadings are closed, any party may file a motion for an order directing partition because of default or admission in the pleadings. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3(b).

(b) If there be no default or admission in the pleadings, the motion shall request a hearing to determine whether the Court should enter an order directing partition. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3(a), but the motion need not be presented to the court at a session of motions court.

(c) Any party to an action requesting partition of real property shall provide suggestions to the Court for appointment of a master and a plan for the compensation of any master so appointed.

### Child Custody Actions

#### YCCiv. 1915.3(a): Commencement of Action:

(1) All complaints relating to custody of minor children shall be presented to the District Court Administrator for assignment in accordance with these rules. Upon payment of the designated filing and administration fees, the complaint shall thereafter be filed in the office of the Prothonotary and served in accordance with rules of court. The complaint shall specifically designate the relief sought by the party who filed the pleading. Matters relating to custody shall proceed pursuant to Pa.R.Civ.P. 1915.4-3 and these Rules.

(2) If any minor child subject to the custody proceedings is, at the time of the filing of the custody complaint, a dependent child as defined by the Juvenile Act, 42 Pa.C.S. Sec. 6302, the custody proceedings shall be stayed until further order of court.

#### YCCiv. 1915.3(b): Reference to Conciliator:

(1) *Assignment.* The District Court Administrator shall assign all child custody actions, and first applications for contempt of a custody order, to a conciliator who shall be an attorney admitted to practice before the Courts of this Commonwealth and who maintains a principal office in the County of York, and who shall be designated by the court to conduct a conciliation conference with both counsel and the parties. Further, the Court Administrator shall enter an order setting the date, time and place for such conciliation in accordance with a previously arranged schedule for each conciliator.

(2) *Scheduled Date.* The District Court Administrator shall set the conciliation date within ten (10) to fifteen (15) days from the date of the filing of the complaint. In the event the conciliation is unable to be scheduled within the ten (10) to fifteen (15) day period, the District Court Administrator shall schedule the conference at the next available time.

(3) *Service.* Counsel for the moving party shall serve a copy of the complaint and order for conciliation upon the respondent in accordance with rules of court. The District Court Administrator shall notify the conciliator of the list of cases scheduled for conciliation for each date. Further, the District Court Administrator shall provide facilities to conduct the conciliation conference.

(4) *Continuance.* Should a party request a continuance of the established date, the party requesting such continuance shall be responsible for arranging such continuance in accordance with rules of court, which shall include the preparation of an application for continuance in the standard form approved by the court, which includes a proposed order for the change of conference date. The application shall be presented to the conciliator for recommendation, not less than forty-eight (48) hours prior to the conference. Absent cause, the conciliator may deny the request for continuance. If a continuance is requested by the party having majority custody of the child and if the non-custodial party has not exercised rights of custody since the filing of the action, the burden is upon the moving party to ensure that a conciliation conference is held within twenty (20) days from the date of the filing of the action.

(5) *Administrative Fee.* The conciliator shall be compensated for each case assigned to the conciliator at such rates as may be established from time to time by administrative order.

(a) Each conference is expected to last one (1) hour. In the event the conciliation lasts more than one (1) hour,

the conciliator may address the issue of the assessment of an additional fee. This fee shall be added to the cost of the action and shall be collected by the Prothonotary at the time the Court files any order resulting from conciliation.

(b) The fee shall be paid to the conciliator by the Prothonotary when the Court files any order resulting from appointment of a conciliator. In the event the moving party is unable to pay the administrative fee, such party may apply for an order to proceed *in forma pauperis*. The District Court Administrator, on behalf of the court, is authorized to issue upon the respondent and the County of York a rule to show cause why the moving party should not proceed as requested. If the court authorizes *in forma pauperis* status, the administrative fee shall be paid by the County of York upon certification by the District Court Administrator.

(c) In the event a party files a request for an additional conciliation, modification or initial contempt proceeding involving custody issues, the party shall pay an additional fee for such conciliation conference, which must be paid prior to the conferences. The filing of a second or subsequent contempt proceeding shall be presented directly to the court. The procedure for appointment of the conciliator shall be in accordance with these rules.

(6) *Attendance.* All parties and any child at issue who is over the age of seven (7) years is mandated to be present and available at the conciliation conference. Failure of a party to appear at the conference may provide grounds for the entry of temporary or permanent Order. Conciliation shall commence at the designated time with or without counsel for the parties being present.

(7) *Authority of Conciliator.* The conciliator shall have the following authority and responsibility:

(a) Conciliate custody cases, which specifically includes meeting with the parties and children, if appropriate.

(b) Address the issue of interim or temporary Orders.

(c) Address the issue of appointment of counsel for the child consistent with rules of court.

(d) Address the issue of home studies, as appropriate.

(e) Address the issue of utilization of expert witnesses, as appropriate.

(f) Address the issue of allocation of costs between the parties including, but not limited to, costs of court, home studies, expert fees, attorneys' fees or other similar costs.

(g) Address the issue of resolutions for contempt proceedings filed for the first time by a party in a case.

(h) Maintain an alphabetized list of all cases the conciliator has heard so that the District Court Administrator always appoints the same conciliator for the same parties.

(i) Address any other issues as hereafter may be approved by the court including, but not limited to, the issue of action to be taken on petitions for special relief.

(8) *Memorandum by Parties.* At least three (3) days prior to the date of the conciliation conference, each party shall present a memorandum addressing the following:

(a) Proposed order (this should be the same relief that is set forth in the Complaint filed by the moving party).

(b) Names and addresses of factual witnesses.

(c) Names and addresses of expert witnesses.

- (d) Issues for resolution.
- (e) Estimated length of trial.
- (f) Whether a home study is requested.
- (g) Whether the party will agree to a joint psychologist for evaluation or requests psychological evaluations.

The form for the Memorandum shall be provided by the District Court Administrator's office.

(9) *Proposed Order or Report by Conciliator.* Following the conclusion of each conference, the conciliator shall prepare a proposed order, which shall encompass any agreement made by the parties, set forth an interim custody arrangement if no agreement was reached, schedule the case for trial, hearing or other procedural resolution, or set forth any other action deemed necessary or appropriate. If the conciliator does not propose the entry of an order, a report of the outcome of the conference shall be provided to the Court.

(10) *Record.* No record shall be made at the conciliation conference.

**YCCiv. 1915.3(c): Entry of Court Order:**

Upon review of the Conciliator's proceedings, the court may issue an Order addressing the appropriate issues and, if necessary, scheduling a pre-trial conference, hearing, or trial. Such Order shall be mailed to the parties by the court.

**YCCiv. 1915.3(d): Scheduling of Trial:**

(1) If the parties are unable to agree to a resolution, the court shall issue an order scheduling a pre-trial conference, at which time counsel and all parties shall be present.

(2) The failure of a party to comply with any pre-trial order shall not be sufficient basis to prevent the scheduling of the pre-trial conference with the court. Rather, the court will take such dilatory actions into account when assessing costs, including counsel fees, if appropriate. The failure to comply with the rules of court is a basis for imposition of other appropriate sanctions.

**YCCiv. 1915.5: Question of Jurisdiction or Venue:**

If a party raises a question of jurisdiction or venue pursuant to Pa.R.Civ.P. 1915.5, the application raising the issue shall be in the form of a motion and shall be presented to the court pursuant to YCCiv. 208.2 and 208.3(a).

**Practice Before Divorce Masters**

**YCCiv. 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.**

(a) Joinder of Related Claims—Child and Spousal Support; Alimony; Alimony Pendente Lite; Counsel fees; Expenses:

(1) Alimony Pendente Lite:

(i). *Form of written demand for hearing:* The party raising a claim for alimony pendente lite shall make his or her written demand for a hearing by filing a Motion to Appoint a Master as set forth in YCCiv. 1920.51.

(ii). *APL referred to DRS:* A Motion to Appoint a Master solely on the issue of alimony pendente lite may be referred by the Divorce Masters Office to the Domestic Relations Section for a conference pursuant to Pa.R.C.P. 1910.11. Any party aggrieved by the order entered as the result of such conference may request a hearing *de novo*, which may be conducted by a judge. However, the court,

in its sole discretion, may refer the case back to the Divorce Masters Office for a hearing of record pursuant to Pa.R.C.P. 1920.54. In such a case, the parties may be required to pay an additional fee for the master's time. Please see YCCiv. 1920.51(a)(3)(i)(2), below.

(iii). *Additional documents required:* When a Motion to Appoint a Master is presented to the Divorce Masters Office with respect to a claim for alimony pendente lite alone, the moving party shall also present the following additional documents to the Divorce Masters Office:

1. A time-stamped copy of the initial pleading, filed with the Prothonotary, in which the claim for alimony pendente lite was raised;

2. The original and two copies of the "Background for APL" form as prescribed by the Divorce Masters Office;

3. The original and two copies of the "Petition for Alimony Pendente Lite" form as prescribed by the Divorce Masters Office; and

4. The Prothonotary's payment receipt showing that the appointment fee required by YCCiv. 1920.51(a)(3)(i) has been paid.

(2) Claims for alimony, counsel fees, costs, and expenses.

(i). *Moving party's filing of Income Statement and Melzer Expense Statement:* When a Motion to Appoint a Master for any claim set forth in Pa.R.C.P. 1920.31 is presented to the Divorce Masters Office (other than a claim for alimony pendente lite alone), it shall be accompanied by the following:

1. A copy of the moving party's Income Statement that has been filed with the Prothonotary. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1);

2. A copy of the moving party's Melzer Expense Statement that has been filed with the Prothonotary. The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(2)(B); and

3. The Prothonotary's payment receipt showing that the fee required by YCCiv. 1920.51(a)(3)(i) has been paid.

4. Each form shall be substantially complete.

(ii). *Respondent's Income Statement.* Within thirty (30) days after receiving notice that a master has been appointed to hear any claim set forth in Pa.R.C.P. 1920.31, the responding party shall present to the Divorce Masters Office a copy of the following:

1. A copy of the responding party's Income Statement that has been filed with the Prothonotary. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1); and

2. A copy of the responding party's Melzer Expense Statement that has been filed with the Prothonotary. The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(2)(B).

(iii). Each form shall be substantially complete.

(3) *Sanctions for failure to file.* Parties failing to comply with the requirements of this subsection shall be subject to court ordered sanctions and may be subject to sanctions imposed by the master, *sua sponte*, as permitted by YCCiv. 1920.51(b)(2)(ix), below. In addition, if a party fails to file a Melzer Expense Statement, then that party will not be permitted to testify about his or her expenses. See Pa.R.C.P. 1920.33(b)(6).



**YCCiv. 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.**

## (a) Filing of Inventories.

(1) *General requirements.* The Inventory, as required by Pa.R.C.P. 1920.33 shall be in the form required by Pa.R.C.P. 1920.75 and shall be substantially complete. Assets and liabilities shall be listed in the order mandated by Pa.R.C.P. 1920.75. The name of the account holder and the last four digits of the account number shall be used to identify assets such as investment accounts, bank accounts, insurance policies, retirement accounts, and the like.

(2) *Moving party's filing of Inventory.* When the Motion for the Appointment of a Master for equitable distribution is presented to the Divorce Masters Office, a copy of the moving party's Inventory that has been filed with the Prothonotary shall be presented with it.

(3) *Respondent's Inventory.* Within thirty (30) days after receiving notice that a master has been appointed to hear a claim for equitable distribution, the responding party shall present a copy of that party's Inventory that has been filed with the Prothonotary to the Divorce Masters Office.

(4) *Other cases requiring an Inventory.* The master may establish a deadline by which the moving party and responding party shall file an Inventory, when a party has raised the claims of alimony, alimony pendente lite, counsel fees, and expenses. The master's determination of those issues requires consideration of assets and liabilities.

## (b) Pretrial Statements.

(1) *General requirements.* The Pre-Trial Statement shall be filed with the Prothonotary and shall provide the information required by Pa.R.C.P. 1920.33(b).

(i) Assets shall be listed by category. The categories shall be listed in the order required by Pa.R.C.P. 1920.75. Within categories, the assets shall be listed in the same order as the items are listed in the master's memorandum that requires the filing of the Pre-Trial Statement, and shall be in chart form. Failure to comply with these requirements may lead to the imposition of sanctions against the non-complying party.

(ii) The Pre-Trial Statement shall list all Exhibits that will be proffered at trial. Each Exhibit shall be described concisely so that it can be easily identified. Copies of Exhibits shall NOT be attached to the Pre-Trial Statement filed with the Prothonotary, but shall be compiled into a three-ring loose-leaf binder for use by the Witnesses at trial. A duplicate binder shall be provided to the master and to opposing counsel, either in paper form or in the form of an electronic file in Portable Document Format (PDF) when the Pre-Trial Statement is filed.

(2) *Copy of Income Statement.* If a party has not previously filed an Income Statement in a case involving a claim for equitable distribution only, then that party must attach a complete Income Statement to his or her Pre-Trial Statement. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1).

(3) *Melzer Expense Statement.* If a party has not previously filed a Melzer Expense Statement in a case involving a claim for equitable distribution only, then that party will not be permitted to testify as to his or her expenses at trial unless a complete Melzer Expense Statement is attached to his or her Pre-Trial Statement. See Pa.R.C.P.

1920.33(b)(6). The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1920(c)(2)(B).

(4) *Filing date.* The Pre-Trial Statement shall be filed no less than fifteen (15) days prior to the Settlement Conference except as otherwise directed by the master in the master's Preliminary Conference Memorandum or otherwise. Please see YCCiv. 1920.51(b)(2) for additional information concerning conferences with the master.

**YCCiv. 1920.51. Appointment of Master. Notice of Hearing.**

## (a) Appointment of Masters.

(1) *Qualifications and Duties of Divorce Masters.* The Divorce Masters Office shall be responsible for scheduling and conducting all proceedings involving a master appointed pursuant to Pa.R.C.P. 1920.51, *et seq.* The court shall employ permanent salaried masters who shall not engage in any private domestic relation matters and who shall serve at the pleasure of the court. Their qualifications and duties shall be as follows:

(i) *The Director of the Divorce Masters Office.* The Director shall be a full-time salaried employee of the County of York and shall serve at the pleasure of court. The Director shall be a member of the Bar of York County and shall have at least five (5) years of experience of practice in the field of divorce and family law. The Director shall be responsible for the operation of the Divorce Masters Office, including supervision of the employees of the office and the other masters employed by the court. The Director shall assign cases to other masters employed by the court and shall conduct proceedings in cases not assigned to other masters. The Director shall report directly to the judge presiding over the Family Court Division.

(ii) *Masters.* The court may also employ part-time or full-time masters to work under the supervision of the Director. Such additional masters shall be members of the Bar of York County, shall be employees of the County of York, and shall serve at the pleasure of the court. The part-time masters shall be available at least twenty (20) hours per week to fulfill their assigned duties.

(iii) *Special Masters.* In cases where the Divorce Masters Office is not able to conduct proceedings pursuant to Pa.R.C.P. 1920.51, *et seq.* due to a conflict or extraordinary circumstance, the court may appoint a member of the Bar of York County to sit as a special master in any particular case. Such special master shall serve at the pleasure of the court and shall be an independent contractor of the County of York, with compensation set by the court on a case-by-case basis.

(iv) *General Duties.* In each case in which a master is appointed, the master shall preside over all conferences and hearings necessary for the preparation of a final or interim report and recommendation, as appropriate. The master may schedule conferences with counsel, with or without the parties present.

(2) *Cases in which a master may be appointed.* A Divorce Hearing Master may be appointed only in the following circumstances:

(i) *Whether or not grounds for divorce have been established.* Either party may move for the appointment of a master to hear any or all of the following claims:

1. Alimony Pendente Lite, including new claims, modifications, and terminations.
2. Interim counsel fees, costs and expenses.
3. Partial distribution of marital property.

#### 4. Mediation of discovery disputes.

(ii) *Grounds for divorce not established.* If grounds for divorce have not been established, then either party may move for the appointment of a master to determine marital status under Section 3306 of the Divorce Code, or to hear claims for fault divorce under Section 3301(a), claims of institutionalization under Section 3301(b), claims for two year separation or irretrievable breakdown under Section 3301(d)(1)(ii).

(iii) *Grounds for divorce established.* If grounds for divorce have been established, then either party may move for the appointment of a master to hear all economic claims, or for claims of alimony pendente lite, modification of alimony pendente lite, alimony, or interim counsel fees, costs and expenses.

(iv) *Modification or Termination of Alimony.* Either party may move for the appointment of a master at any time to hear a claim for modification or termination of alimony.

(v) *Other cases with leave of court.* Either party may move for the appointment of a master in any other case with prior leave of court. If the court determines that a motion presented in Current Business Court should be referred to a master, then the court may direct the appointment of a master to hear the motion and resolve the issues presented. In such case, the moving party shall pay the required appointment fee. See YCCiv. 1920.51(a)(3)(i).

In all cases except for the mediation of discovery disputes, the moving party shall certify in the motion to appoint that discovery is substantially complete with respect to the claims being presented to the master. Failure to comply with this requirement may result in the denial of the motion or rescission of the appointment.

#### (3) Procedure to appoint a master.

##### (i) *Filing fees.*

1. *Fees to appoint a master.* With respect to every motion to appoint a master to hear a claim for divorce or any related claim, the moving party shall pay the required appointment fee as set forth in the Prothonotary's fee schedule that is in effect on the date the Motion to Appoint is first submitted to the court.

2. *Additional master's fees.* The court may limit the number of hours of the master's time that will be provided, and may impose additional fees if the parties exceed the time allotted.

(ii) *Award of costs.* The fees set forth in this subsection shall be regarded as costs of the case, and the master may recommend that either party bear those costs or reimburse the other party in full or in part for those costs.

(iii) *Request for return of appointment fees.* In any action where the appointment of a master is withdrawn after the appointment has been made by the court, the party who paid the fees specified in this subsection may petition the court for the return of part of the fees in accordance with the following provisions:

1. *Refund of appointment fees.* Only in those cases where no initial conference has been held and written notice of discontinuance or revocation of the appointment of a master has been delivered to the Divorce Masters Office no less than fifteen (15) days in advance of the first originally scheduled proceeding, the fees may be remitted in full, less fifty dollars (\$50.00).

2. *Master's consent.* The court will not approve the petition for remission of fees unless endorsed by the master appointed to hear the case in question.

##### (iv) *Fee certification. Presentation of Motion.*

1. The Motion to Appoint a Master for divorce, annulment, or any related economic claim shall be made on the form prescribed by the Divorce Masters Office.

2. The Motion shall be presented first to the Prothonotary, who shall certify thereon that the fees have been paid. The moving party shall serve a copy of the Motion upon the opposing party or counsel.

3. The original Motion and three copies shall then be presented at the Divorce Masters Office for the issuance of an order appointing a master and scheduling such further proceedings as may be necessary.

##### (b) Scheduling of Preliminary Proceedings and Hearings. Notices.

##### (1) Scheduling, filing of original motion, and notice.

(i) *Scheduling.* The Divorce Masters Office shall schedule an initial conference pursuant to YCCiv. 1920.51(b)(2)(i), and shall cause a Scheduling Order to be issued by the Court.

(ii) *Filing of motion and notice.* The Divorce Masters Office shall file the original Motion and Scheduling Order with the Prothonotary and serve a copy of each to the moving party and to the responding party.

##### (2) Preliminary proceedings.

(i) *Initial conference.* Upon appointment, the Divorce Masters Office shall schedule a status conference or preliminary conference to be conducted by the master and shall give counsel or the parties not less than ten (10) days written notice of the conference.

(ii) *Scheduling of additional proceedings.* At the close of the initial conference, the master may schedule additional proceedings such as preliminary conferences, status conferences, meetings with counsel, settlement conferences, or hearings to take testimony.

(iii) *Notice of other conferences and hearings.* The Divorce Masters Office shall give counsel or the parties not less than ten (10) days written notice of any subsequent conference or hearing. This requirement may be waived by agreement of counsel or the parties.

(iv) *Master's conference memoranda.* The master shall prepare a written memorandum of each conference, setting forth a concise summary of the events that transpired during the conference and scheduling the next proceeding. The master shall file the memorandum with the Prothonotary and mail a copy to each of the parties or the party's attorney. During the initial conference or any subsequent conference, the master shall determine whether additional discovery is required and, if so, may direct the manner and time schedule for such additional discovery to be completed. This information shall be included in the conference memorandum. In addition to other matters contained within it, the conference memorandum shall set a date by which all of the identified discovery shall be produced. If the memorandum requires the filing of a pre-trial statement, then the memorandum shall provide a deadline for filing and serving the pre-trial statement.

(v) *Continuance requests.* All requests for continuances, including requests for extensions of time for discovery and filing of pre-trial statements, are to be submitted on the court's "Application for Continuance" form and shall

include the response of opposing counsel. Requests for continuances shall be submitted to the Divorce Masters Office. The master shall rule on all requests for continuances. Any party aggrieved by the master's ruling may seek relief by filing a Motion for Continuance in Current Business Court.

(vi) *Attendance at conferences.* Both parties and their counsel shall attend all conferences unless excused in advance by the master. Parties may participate by electronic means as provided in Pa.R.Civ.P. 1930.3 by order of court or with the prior consent of the master and the adverse party. A request for a party to be excused or for a party to participate by electronic means must be made in writing and delivered to opposing counsel and to the Divorce Masters Office no less five (5) business days in advance of the scheduled conference. With respect to each party, the attorney who will be responsible for trying the case before the master shall be present at all proceedings held by the master. If an attorney has reason to believe that he/she will not be able to be present for any scheduled proceeding then the attorney shall present a formal request for continuance to the master. That attorney shall also be responsible for finding an alternate time or date for the scheduled proceeding that is acceptable to opposing counsel and to the master. Failure of any party or counsel to attend a scheduled proceeding before the master may subject the offending party or attorney to appropriate sanctions, which may include a monetary penalty.

(vii) *Failure to appear.* If any party fails to appear at any conference or hearing, either in person or by counsel, the master may proceed with the conference or hearing without the participation of that party provided that written notice of the conference or hearing has been given as set forth above.

(viii) *Good faith effort to settle.* The parties, with the aid of their counsel and the appropriate assistance of the master, should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.

(ix) *Sanctions by masters.* If either party fails to comply with the discovery deadlines established by the master in the preliminary conference memorandum or otherwise, the master, on motion of the adverse party or *sua sponte*, may impose any or all of the following sanctions:

1. The matter may be continued until discovery is complete.
2. The master, in his or her discretion, may apply any of the sanctions set out in Pa.R.C.P. 4019(c)(1), (2), (3), or (5).
3. The master, in his or her discretion, may apply the sanction set out in Pa.R.C.P. 1920.33(d).
4. The master may terminate the master's appointment.

(x) *Actions to compel discovery.* If either party fails to comply with the discovery deadlines established by the master, the adverse party may elect to file a motion in current business court to compel discovery in accordance with the master's directive. The court may, either on the recommendation of the master or *sua sponte*, impose counsel fees against the non-complying party if the court sustains the master's discovery directive and the requested information was not provided prior to the presentation of the Motion to Compel.

(xi) *Notice of Master's hearings.* When the case is ready to proceed, the master shall establish the time and place for the formal hearing and shall give no less than ten (10) days notice thereof by mail to counsel. If either party does not have counsel, then the ten (10) day notice shall be mailed directly to that party at the address noted on the records of the Prothonotary or such other address as the party may have provided to the Divorce Masters Office, either in writing or verbally in the course of a personal appearance at any proceeding held by the master and noted in the master's memorandum of that proceeding.

#### **YCCiv. 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master:**

(a) All matters referred to a master for hearing in York County shall proceed as prescribed by Pa.R.C.P. 1920.55-2.

(b) Motions directly pertaining to matters pending before a master shall be filed with the master assigned to the case.

(1) The master may make a ruling disposing of the motion;

(2) The master may refer the motion to a judge assigned to hear such motions with a recommendation for appropriate action; or

(3) The master may refer the motion to a judge assigned to hear such motions without any recommendation.

#### **YCCiv. 1920.55-2. Master's Report. Notice. Exceptions. Final Decree:**

(a) Stenographic record. Contents of Report.

(1) *Stenographic record.* All hearings before a master shall be conducted on the record.

(i) Transcripts may be produced by either an official reporter or from electronic recording devices, in the Court's sole discretion.

(ii) *Preparation of transcript.* At the conclusion of the hearing or any portion thereof, the master may direct that a transcript be prepared for use by the master in preparing the master's report and recommendation. Such transcript may be on paper or may be reproduced electronically by the reporter.

1. *Paper transcripts.* In the case of paper transcripts or electronic media containing the full text of paper transcripts, the parties or their counsel may obtain copies at their own expense from the court reporter.

2. *Electronic transcripts.* In the case of electronic transcripts, the master may request a "real time" copy of the court reporter's notes. "Real time" copies of the court reporter's notes are not available to the parties or their counsel, but are only available for use by the court at a reduced cost to the parties. Therefore, if the parties or their counsel wish to have a transcript of the proceedings, they must request a paper transcript or electronic media containing the full text of the paper transcript from the court reporter and must pay the fees imposed by the court reporter.

(iii) *Master's report without transcript.* The master may elect to prepare a report and recommendation without the benefit of a transcript of the proceedings.

(iv) *Parties to pay transcript costs.* The master shall direct the manner in which the costs of the transcript shall be paid. If the master orders the transcript, then



both parties shall pay the assessed transcript costs within fifteen (15) days of the notice sent by the court reporter(s) of the amount due.

1. *Assessment of costs.* The master may direct either party to pay all of the transcript costs, or may apportion the costs between the parties as the master sees fit. The master's decision with respect to the payment or apportionment of transcripts costs shall only be subject to review by the court if the party objecting to the master's decision files a specific exception to the master's decision in a timely manner after the master's files a report and recommendation.

2. *Sanctions for failure to pay.* In the event a party fails to pay the transcript cost, as directed by the master, the compliant party may file a motion with the court to compel payment. The court shall order that a judgment be entered against the non-compliant party for the sum of their portion of the transcript cost plus counsel fees in an amount not less than two hundred fifty dollars (\$250.00).

(2) Masters reports and recommendations.

(i) *Effective date for alimony pendente lite and alimony.* All reports from the masters recommending an award of alimony pendente lite or alimony shall contain a recommendation for the effective date of that order. All reports from the masters recommending an award of interim counsel fees shall contain a recommendation for a date by which the award must be paid.

(ii) *Draft court orders.* In all cases, the master's report and recommendation shall be accompanied by one or more draft orders setting forth the master's recommended resolution of the case.

(iii) *Assessment of costs and expenses.* In any case, the master may assess any costs or expense in the case against either party. The master may recommend that the party pay these costs before the granting of the divorce or the enforcement of any economic decree; PROVIDED, HOWEVER, that the master must first consider the effects of staying the granting of a divorce or the enforcement of any economic decree upon the other party. The master's recommended assessment of costs and expenses shall be binding on the parties unless specific exceptions are filed with respect to this recommended assessment.

(b) Filing Exceptions.

(1) *Notice to master.* Exceptions to the master's report, filed pursuant to Pa.R.C.P. 1920.55, shall be filed in the Office of the Prothonotary, with copies provided to the Divorce Masters Office and to the opposing party.

(2) *Time for filing exceptions.* Regardless of whether a transcript has been filed, a party must file any Exceptions to the master's report and recommendation within the time limit imposed by Pa.R.C.P. 1920.55-2. If no transcript has yet been filed with the Prothonotary, then the first party to file Exceptions in any given case shall also file a certification that the party has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. The court reporter shall then file the transcript with the Prothonotary upon receipt of payment and give notice of filing to all parties, and to the Divorce Master.

(3) *Request of transcript.* In the event no transcript has been filed by the court reporter prior to the time that a party files Exceptions, the party filing Exceptions shall make a written request to the court reporter for the preparation and filing of the transcript. This request must be made contemporaneously with the filing of exceptions. The original request shall be delivered to the

court reporter who took the notes of testimony and a copy of the request shall be filed with the Prothonotary as an attachment to the Exceptions. Any party requesting a transcript shall pay the costs of such transcript to the court reporter, within fifteen (15) days of the written notice from the court reporter that the transcript has been transcribed. In the event such party fails to pay the transcript cost within the fifteen (15) days allowed, then that party is deemed to have waived the right to file amended Exceptions, as set forth in this subsection and that party's briefing schedule commences, as set forth in subsection (c)(1), below.

(c) *Filing and service of briefs.* The filing and service of briefs shall be in accordance with YCCiv. 208.3(b)(3)(i—iv).

(d) *Listing and disposition.* Listing for disposition shall be in accordance with YCCiv. 208.3(b)(3)(v).

(e) *Briefs to reference transcript.* The moving party's brief shall direct the Court to the specific page or pages of the transcript of the notes of testimony that support the moving party's position on all issues raised by the Exceptions. The responding party's brief shall direct the Court to the specific page or pages the transcript of the notes of testimony that support the responding party's position on all issues raised by the Exceptions.

(f) *Cross Exceptions.* Where each party files exceptions to the master's report, then each party is considered the "moving party" with respect to that party's exceptions and the "opposing party" with respect to the other party's exceptions for purposes of filing and serving briefs.

(g) *Transmitting the record.* If no Exceptions are filed within the time limit imposed by Pa.R.C.P. 1920.55-2, then either party may move for the entry of a Final Order of Court by filing a "Praecipe to Transmit Record" with the Prothonotary. If Exceptions are filed, then either party may move for the entry of a final order of court by filing a "Praecipe to Transmit the Record" at any time after the court has disposed of the Exceptions. In either case, the Divorce Masters Office shall not be responsible for preparing or filing this Praecipe.

### Family Law Mediation

#### YCCiv. 1970: Cases Eligible Family Law Mediation:

(a) Family law cases which shall be eligible for mediation shall be those family law cases filed with the York County Court of Common Pleas which, if not settled, would be heard and decided by a judge or master, and which involve equitable distribution, alimony, alimony pendente lite, counsel fees, costs, expenses and such other related issues as the parties and mediator agree.

(b) Pursuant to these rules, no request for mediation shall be filed until ninety (90) days after the filing of the divorce complaint. Any case where either party is or has been a subject of domestic violence or child abuse at any time during the pendency of an action under this section or within twenty-four (24) months preceding the filing of an action under this section shall not be eligible for mediation under this section.

#### YCCiv. 1971: Selection of Mediators; Training:

(a) Prior to the last day of each calendar year, the York County Bar Association Family Law Section shall present to the President Judge a list of attorneys authorized to practice before the York County Court of Common Pleas who have agreed to serve as mediators for cases eligible for mediation under YCCiv. 1970. The President Judge, in consultation with the Supervising Judge of the Family

Court may strike names from the list and shall promptly appoint the mediators and set their fees by administrative order. A copy of the administrative order shall promptly be forwarded to the York County Bar Association.

(b) **Mediation Training Requirements:** Persons selected as mediators for cases submitted under YCCiv. 1970 must have fulfilled the requirements of a recognized organization of family mediators, (which shall include at least forty (40) hours of approved training in family law mediation), or have received thirty (30) hours of Custody Mediation Training approved by the York County Family Court Division, plus be a practicing family law attorney or custody conciliator.

(c) No person shall serve as a mediator in case where the mediator or any member of his or her firm:

- (1) Previously or currently represents one or more parties; or
- (2) Is personally acquainted with or related to one or more of the parties; or
- (3) Has personal knowledge or familiarity with the case; or
- (4) Has been or may be called as a witness in the case; or
- (5) Has participated as a conciliator or master in the case.

**YCCiv. 1972: Motion for Mediation:**

(a) An attorney for any party, or any unrepresented party, in any family law case eligible for mediation may file a motion and proposed order for mediation of the case. Any judge assigned to any motion, petition, trial or other proceeding in a civil case or family law case eligible for mediation may issue an order directing that the case be mediated.

(b) A motion for mediation may be made at any stage in the proceedings, so long as the case is pending in the Court of Common Pleas of York County. The motion for mediation shall not affect or delay other proceedings in the case. No request for mediation shall be filed until ninety (90) days after the filing of the divorce complaint.

(c) The motion for mediation of cases shall be presented to the Family Court Motions Judge pursuant to YCCiv. 208.3(a).

(d) In addition to the requirements of YCCiv. 205.1 and 205.2, the motion shall contain the following information:

- (1) The names, addresses and telephone numbers of each attorney and unrepresented party in the case; in the case of the attorneys, the motion shall identify the party represented by the attorney;
- (2) If the parties have agreed upon a mediator from the list of mediators approved by the court, the motion shall identify the mediator;
- (3) A request for referral of the case to a mediator.
- (4) An averment that no party or child subject to these proceedings is or has been a subject of domestic violence or child abuse at any time during the pendency of this action or within twenty-four (24) months preceding the filing of this action;
- (e) The motion and order of appointment shall be served on the assigned mediator.

**YCCiv. 1973: Conduct of Mediation Conferences:**

(a) All mediation conferences shall be scheduled by the mediator. The conferences shall be scheduled to last two (2) hours.

(b) Mediators shall screen each party in advance of the mediation, using the Tolman Screening Model and shall not conduct mediation in those cases where the mediator determines, in his or her sole discretion, that mediation is not appropriate due to domestic violence, substance abuse, mental illness or other reasons under the Tolman Screening Model. The mediator shall notify the parties that he or she has determined that the case is not appropriate for mediation but shall not specify the reason for the rejection.

(c) All parties shall attend the mediation conference. Counsel may attend upon request of the mediator, or upon request of a party, provided advance notice to the mediator and all other parties have been given. If a party is insured for the claim which is the subject of the mediation, a representative of the insurer and counsel shall attend the mediation conference and shall have full settlement authority.

(d) Prior to the mediation conference, the Prothonotary shall permit the mediator to receive the file for the case for review and for reference during the mediation conference. The mediator shall return the file to the Prothonotary no later than the third (3rd) business day following the mediation conference.

(e) The mediator may request the parties to submit a list of issues and a brief summary of the parties' position on each issue.

(f) At the time of the mediation conference, the mediator shall begin the conference by explaining the conference procedure. Counsel and/or the parties shall be prepared to discuss all of the issues pertaining to the case.

(g) All discussions during the mediation conference shall be deemed to be for settlement purposes only and no statement by any party or counsel or by the mediator may be used as an admission or as evidence or otherwise in any proceeding in the case. All mediation communications and mediation documents shall be privileged to the extent provided by 42 Pa.C.S. § 5949. The mediator shall not be called as a witness in any proceeding in the case where the subject of the mediator's testimony would reveal anything pertaining to the matters discussed or addressed in the mediation conference.

**YCCiv. 1974: Duties and Compensation of Mediator:**

(a) Within ten (10) days of service of the order for mediation, the mediator shall contact each of the parties to the dispute and shall schedule the date of mediation. The date of the mediation shall be not less than twenty (20) days nor more than sixty (60) days from the date of the order. If a scheduling conflict arises, it is the responsibility of counsel or unrepresented party with the scheduling conflict to contact the mediator and all opposing counsel or parties to reschedule the mediation.

(b) At least five (5) business days prior to the scheduled date of the mediation, each party shall pay to the mediator one half of the total fee due the mediator for the scheduling and attendance at the mediation conference. Parties authorized to proceed *in forma pauperis* shall be exempt from payment of this fee, and the mediator will not be paid for this portion of the mediation. Rates of

compensation for the mediator shall be established from time to time by the President Judge pursuant to administrative order.

(c) At the conclusion of the mediation conference, the mediator shall file a report with the Prothonotary, setting forth the caption of the case, the identity of counsel, and the identity of any unrepresented parties. The report shall further indicate the date on which a mediation conference was held, or the date on which the mediation was scheduled but at which one or more parties failed to participate. This report shall be filed for the purpose of establishing compliance or lack of compliance with the court order pertaining to mediation.

(d) At the conclusion of the mediation conference, if appropriate, the mediator shall prepare a memorandum of understanding, summarizing any agreements reached by the parties, and shall provide copies of the memorandum to the parties and their counsel of record. The parties and their counsel shall be responsible for converting the Memorandum of Understanding into a contract, stipulation or proposed order, and for taking the steps necessary to implement such documents and agreements.

**YCCiv. 1975: Sanctions for Failing to Participate in Mediation:**

(a) In the event that any party has been ordered to participate in mediation pursuant to these rules and fails to cooperate in the scheduling of a time for mediation conference, or fails to attend the scheduled mediation conference, or fails to pay the mediator pursuant to the requirements of these rules, such party shall be subject to the following sanctions:

(1) Payment of \$150.00 to the mediator as reimbursement for the mediator's time in attempting to schedule and attend the mediation conference, except where the party has paid the mediator's fee;

(2) Payment of reasonable attorney's fees and costs incurred by other parties to the mediation during the mediation process.

(3) The court shall have the authority to impose alternative sanctions in the event it can be established that the party failing to cooperate with the mediation did so due to events beyond the party's control, or that the party's conduct was otherwise justified.

(b) The sanctions permitted by this rule shall be in addition to and not in lieu of other sanctions or penalties which may be imposed by the Court pursuant to law or rule of court.

**Minors' Settlements**

**YCCiv. 2039.1: Minor's Compromise, Settlement, Discontinuance and Distribution:**

(a) No action to which a minor is a party shall be compromised, settled, or discontinued except with court approval pursuant to a petition presented by the guardian of the minor and a hearing before the court.

(b) If an action has been commenced the petition shall be filed with Prothonotary and a copy provided to the District Court Administrator for assignment to a judge.

(c) If no action has been commenced the petition shall be filed with the Clerk of the Orphans Court, which shall present it to the judge handling Orphans Court matters.

(d) The petition shall contain the following:

(1) The minor's name;

(2) The names and addresses of the minor's parents. If they are unknown the petition shall so state;

(3) Written approval of the minor if the minor is over the age of 16 years;

(4) Whether a guardian has been appointed for the minor by the Orphans Court of this or any other jurisdiction;

(5) The defendant's residence or place of business;

(6) A summary of the facts of the case;

(7) A statement under oath by the parents and/or guardians certifying the physical condition of the minor and a statement of the reasons why the parents and/or guardians approve of the settlement;

(8) A report from a physician, or other documentation, setting forth the physical and/or mental condition of the minor and a prognosis;

(9) A specific list of costs sought to be reimbursed from the gross settlement.

(10) A statement as to the reasonableness of counsel fees. Counsel fees must be based upon the settlement amount. Under normal circumstances, 25% of the settlement amount will be presumed to be reasonable. The presumption is rebuttable at the hearing. Counsel fees shall be reduced by fees received, if any, as a result of counsel's "representing" the defendants in any subrogation claims;

(11) Whether any additional counsel fees were paid or will be paid as a result of representation of the defendants and subrogation claims;

(12) Sufficient reasons and legal authority for any request that funds be allocated to the parents of a deceased plaintiff, if applicable;

(13) Sufficient reasons for any request of allocation of the settlement proceeds among the children of the deceased plaintiff, if applicable;

(14) A statement of any actual or potential Department of Public Welfare liens and how such liens have been resolved.

(15) Any special request for early distribution, alternative deposit of funds, or other deviation from the order as set forth in YCCiv. 2039.2(b) shall be stated in the petition with supporting justification for the special request. Counsel shall be prepared to address the necessity for the special request at the time of the hearing.

(e) At the time of the hearing, counsel for petitioner shall present a proposed order substantially in the form set forth in YCCiv. 2039.2(b).

(f) Within 14 days of receipt of settlement proceeds, counsel for petitioner shall cause the funds belonging to the minor to be deposited as directed by the court's final order approving the compromise and settlement and directing distribution.

(g) Within 14 days of depositing the funds belonging to the minor, counsel for petitioner shall file proof of deposit by way of an affidavit substantially in the form set forth in YCCiv. 2039.2 (c).



**YCCiv. 2039.2: Order Scheduling Hearing, Final Order, and Affidavit Of Deposit:**

(a) The order scheduling a hearing on the compromise or settlement of an action in which a minor is a party shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

O R D E R

SCHEDULING A HEARING ON THE COMPROMISE OR SETTLEMENT OF AN ACTION IN WHICH A MINOR IS A PARTY

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, a hearing on the Petition is hereby scheduled before the undersigned Judge on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_\_, beginning at \_\_\_\_\_ .m. In Courtroom No. \_\_\_\_\_, \_\_\_\_\_ th Floor, York County Judicial Center, 45 North George Street, York, PA 17401.

The Petition shall comply with the requirements of YCCiv. 2039.1(d), or if the Petition does not set forth the requirements of YCCiv. 2039.1(d), the Petitioner shall establish those requirements at the time of the hearing.

At the time of the hearing, counsel for the Petitioner shall present a proposed Order approving settlement substantially in the form as set forth in YCCiv. 2039.2(b).

The Prothonotary shall provide copies of this Order with Attachments to \_\_\_\_\_, Esquire, attorney for the Petitioner.

BY THE COURT,

\_\_\_\_\_  
, Judge

(b) The order approving the compromise and settlement and distribution shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

ORDER APPROVING COMPROMISE, SETTLEMENT AND DISTRIBUTION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, upon consideration of the Petition For Leave To Compromise/Settle An Action Involving A Minor, it is hereby ordered that Petitioner is authorized to enter into a settlement with the Defendant in a gross amount of \$ \_\_\_\_\_ on behalf of the minor. Defendant shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

The settlement proceeds shall be allocated as follows:

A. To: \_\_\_\_\_, (Minor's Name), a Minor \$ \_\_\_\_\_

B. To: \_\_\_\_\_, (Minor's Name), a Minor \$ \_\_\_\_\_

IT IS FURTHER ORDERED that the settlement proceeds be distributed as follows:

A. To: \_\_\_\_\_, Esquire, (Name of Counsel)

Costs \$ \_\_\_\_\_

Counsel Fees \$ \_\_\_\_\_

B. The balance of the settlement proceeds, the sum of \$ \_\_\_\_\_ as follows:

1. \_\_\_\_\_

2. \_\_\_\_\_

and any interest thereon, payable to the minor, or minors in a pro-rata share as set forth above.

Within 14 days of receipt of the settlement proceeds, COUNSEL, and not the parent(s) or guardian(s) of the minor, is hereby authorized and specifically DIRECTED to execute all documentation necessary to deposit the funds belonging to the minor into an interest bearing savings account or savings certificate in a federally insured financial institution having an office in York County, IN THE NAME OF THE MINOR ONLY. The savings account or certificate shall be marked as hereinafter directed.

The savings account shall be titled and restricted as follows:

(Minor's Name), a minor, not to be withdrawn before minor attains majority or upon prior Order of Court.

The savings certificate shall be titled and restricted as follows:

(Minor's Name), a minor, not to be redeemed except for renewal in its entirety, nor to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon prior Order of Court.

If no withdrawals are made from the investments authorized by this Order, the depository may pay over the balance on deposit when the minor attains majority, as defined with reference to 20 Pa.C.S.A. § 102, upon the order of the late minor, without further Order of this Court.

Counsel shall file with the Prothonotary of York County within 14 days from the date of deposit of the funds proof of the establishment of the accounts as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of this Order as well as a copy of the Certificate of Deposit or bank account showing the amount deposited and containing the required restrictions. The Affidavit shall further contain a specific averment by counsel that counsel, and not the parent(s) and/or guardian(s) of the minor, established the account(s) and deposited the funds therein as directed above and that counsel has provided to the financial institution a certified copy of this Order. The Affidavit shall be substantially in the form as set forth in YCCiv. 2039.2(c).

The Prothonotary shall provide copies of this Order to \_\_\_\_\_, Esquire, attorney for the Petitioner, and to \_\_\_\_\_.

BY THE COURT,

\_\_\_\_\_,  
Judge

(c) The affidavit of deposit of minor's funds shall be substantially the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

COMMONWEALTH OF PENNSYLVANIA :  
 : ss:  
COUNTY OF YORK :

I, \_\_\_\_\_, being duly sworn according to law depose and say:

1. I am counsel for petitioner in the above captioned matter.
2. I am authorized to make this affidavit on behalf of \_\_\_\_\_.
3. On \_\_\_\_\_, 20\_\_\_\_, the sum of \$ \_\_\_\_\_ was deposited into an insured, interest-bearing Savings Account/Certificate of Deposit, No. \_\_\_\_\_, with \_\_\_\_\_ (financial institution) pursuant to the Court Order entered \_\_\_\_\_.
4. Account/Certificate No. \_\_\_\_\_ is entitled, \_\_\_\_\_, A Minor.
5. The express prohibition of withdrawals of income or principal prior to \_\_\_\_\_ without FURTHER ORDER OF COURT has been noted on the depository's records and on the passbook/certificate.
6. A certified copy of the above referenced Court Order was provided to the above named financial institution.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.  
Notary Public

**Confession of Judgment**

**YCCiv. 2959: Striking or Opening Confession of Judgment—Procedure:**

In the absence of a court order or other rule of procedure to the contrary, the plaintiff shall file an answer to a petition to strike off or open a judgment by confession within twenty (20) days after service of a rule to show cause issued pursuant to Pa.R.Civ.P. 2959(b).

**Enforcement of Judgments**

**YCCiv. 3123.1: Claim for Exemption or Immunity of Property:**

(a) Any person not a party who claims an interest in property attached pursuant to Pa.R.Civ.P. 3108(a) may intervene in the garnishment proceedings by filing a property claim with the Sheriff.

(b) The property claim shall be in the form as set forth in Pa.R.Civ.P. 3258.

(c) The property claim shall be filed with the Sheriff within the time limits set forth in Pa.R.Civ.P. 3123 (relating to debtor's exemption). The matter shall proceed

as set forth in Pa.R.Civ. 3123.1 (relating to claims for exemption and prompt hearings).

**YCCiv. 3127: Right of Sheriff to Break and Enter:**

In any application made to the Court to permit the Sheriff to break and enter a premises, the proposed order shall state the address of the premises to be entered and shall describe whether the premises is a commercial or residential establishment.

**YCCiv. 3129.1: Notice to Internal Revenue Service:**

In any case where notice is required to be given to the Internal Revenue Service, in accordance with the provisions of the Federal Tax Lien Act of 1966, 26 U.S.C. Section 7425, (b) and (c), a copy of such notice certified by counsel to be a correct copy and indicating the date of service upon or delivery to the Internal Revenue Service shall be filed with the Sheriff prior to the date fixed for the sale.

**YCCiv. 3136(f): Exceptions to Sheriff's Sale:**

Exceptions to the proposed schedule of distribution from a Sheriff's sale filed pursuant to Pa.R.Civ.P. 3136(d) shall be resolved by one-judge disposition pursuant to YCCiv. 208.3(b).

**Depositions and Discovery****YCCiv. 4007.1: Procedure in Deposition by Oral Examination:**

Depositions by oral examination shall be taken in York County unless all parties agree or the Court directs otherwise.

**Matters Involving Governmental Action****YCCiv. 5010: Actions Involving Appeals From Department of Transportation Determinations:**

(a) The Court Administrator shall establish and publish periodic dates and times during which the Court will sit to hear appeals from determinations of the Pennsylvania Department of Transportation (PennDoT) pursuant to 75 Pa.C.S. §§ 1377, 1550 and 4724.

(b) A separate appeal shall be taken from each determination made by the Department of Transportation.

(c) An application to the Court which has the effect of appealing any determination of PennDoT shall conform to the requirements of YCCiv. 205.1 and 205.2, and shall be filed in the Office of the Prothonotary.

(1) The application shall be verified.

(2) The party filing the application shall serve PennDoT with a copy of the application and cause a copy of the application, along with an original detached proposed order to schedule a hearing, to be delivered to the Court Administrator.

(d) The Court Administrator shall assign the application to a judge for disposition during a session of court established to resolve such applications. An application shall not be scheduled for a hearing date which is less than two months from the date of filing.

**YCCiv. 5030: Proceedings to Forfeit Property:**

(a) All applications to forfeit property filed pursuant to 42 Pa.C.S. Sec. 6801 shall be filed in the Office of the Prothonotary.

(1) Applications requesting forfeiture of property shall conform to the requirements of YCCiv. 205.2 and 42 Pa.C.S. Sec. 6802.

(2) Applications requesting forfeiture of property shall have in the caption a cross reference to the related criminal case, if any, including the criminal defendant's name and case number.

(3) The applications shall specifically describe the property to be forfeited, and, in the case of real property, shall describe the property sufficiently to locate the property on the ground.

(b) An application to forfeit property shall be assigned to the judge assigned to the related criminal case, and if no judge is yet assigned, then to the Administrative Judge of the Criminal Division.

(c) When the matter is at issue as provided in 42 Pa.C.S. Sec. 6802, any party may file a praecipe for one judge disposition, indicating the name of the assigned judge on the praecipe.

(d) Arbitration as provided in YCCiv. 1301 *et seq.* shall not be applicable to matters involving forfeiture of property.

**YCCiv. 5050: Determinations Concerning Firearms:**

(a) An application to the Court which has the effect of appealing or reviewing any determination of the Sheriff, chief of police, county Treasurer or other official concerning firearms pursuant to 18 Pa.C.S. Sec. 6105.1 or 18

Pa.C.S. Sec. 6114 concerning hearings and judicial review of actions concerning firearms, shall conform to the requirements of YCCiv. 205.1 and 205.2, and shall be filed in the Office of the Prothonotary.

(1) The application shall be verified.

(2) The party filing the application shall serve the official whose determination is being appealed with a copy of the application and cause a copy of the application, along with an original proposed order to schedule a hearing, to be delivered to the Court Administrator, who shall thereafter assign the matter to a judge for disposition.

(b) The judge to whom the matter is assigned shall promptly schedule a hearing upon the issues presented. The hearing may be conducted with or without a pre-hearing conference.

**YCCiv. 5070: Exceptions from Determinations of Governmental Actions or Sales of Property:**

(a) Exceptions shall conform to the requirements of YCCiv. 205.2 and shall be numbered consecutively.

(b) Each exception shall specifically set forth the ground therefore but shall not contain any discussion.

(c) Exceptions to a finding or a conclusion or the failure to make a finding or conclusion shall specify the finding or conclusion which the expectant claims should have been made.

(d) References to the record or transcript of proceedings which support or oppose exceptions shall be included.

(e) Exceptions shall be decided by one judge pursuant to YCCiv. 208(3)(b), unless additional testimony or evidence is required to decide the exceptions, in which case, a party requesting a hearing shall file a praecipe requesting such and cause a copy of the praecipe to be transmitted to the Court Administrator for assignment to a judge.

**YCCiv. 5090: Proceedings under Right to Know Law:**

Proceedings under the Right to Know law or similar public access legislation shall be as provided in the York County Rules of Judicial Administration.

**YCCiv. 5100: Appeals from Tax Assessments:**

(a) Except as otherwise provided in this section, the procedure in an appeal from a tax assessment determination shall be in accordance with the rules relating to a civil action.

(b) An appeal from a tax assessment determination to the Court of Common Pleas shall be initiated by appellant filing an assessment appeal with the Prothonotary setting forth the basis for the appeal. The Board of Assessment Appeals and all affected taxing districts shall be served a copy of the appeal by certified mail.

(c) If the appellant is a taxing district, service of the appeal by certified mail shall be made upon the affected property owner, the remaining taxing districts, and the Board of Assessment Appeals.

(d) Taxing districts and property owners whose interests are affected by an assessment appeal to the Court of Common Pleas need not file an answer to the assessment appeal but may intervene in the proceedings to address their respective interests at any time prior to final adjudication.

(e) When an appeal from a tax assessment is ready for trial, any party thereto who desires to proceed to trial shall file a praecipe listing the matter for a pretrial conference in compliance with YCCiv. 212.3.

**YCCiv. 5150: Appeals in Land Use Cases:**

(a) Notice of Appeal—Content: A land use appeal shall contain the following information:

(1) A caption in substantially the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Name of Appellant	:	No. _____
v.	:	
Name of municipality or name of body (i.e. zoning hearing board, governing body or or planning commission) which rendered decision	:	[type of] APPEAL
	:	
	:	
	:	
	:	

Notice of Appeal

Names, addresses and telephone numbers of all counsel and who they represent, or of unrepresented parties:

(2) When applicable, in separately numbered paragraphs and in the following order:

- (i) Name and address of the appellant.
- (ii) Name and address of the zoning hearing board, governing body or planning commission (“local agency”) which rendered the decision.
- (iii) Name and address of the applicant to the local agency, if the applicant is not the appellant.
- (iv) Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.
- (v) The chronology of the matter, including the following as applicable:
  - (vi) Date of filing application or appeal with zoning officer or other official.
  - (vii) Date of action, if known, of the zoning officer or other official.
  - (viii) Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.
  - (ix) Dates of all hearings or meetings of the local agency.
  - (x) Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.
  - (xi) Date written decision served.
  - (xii) The purpose for which the application was made.
  - (xiii) The basis for appellant’s standing to file the appeal.
  - (xiv) All specific legal and factual grounds for the appeal.
  - (xv) Specific request for relief.

(3) If a court reporter was present and if a transcript is not already in existence, appellant’s certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency to be filed with the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

(b) Intervention—notice: A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P. S. § 11004-A, shall contain:

- (1) The caption and number of the appeal.
- (2) Name and address of intervenor.
- (3) Nature of the interest of intervenor in the appeal.
- (4) Legal and factual circumstances under which intervenor claims a right to intervene.
- (5) Summary of intervenor’s position.

(c) Intervention—petition to intervene: Any person or entity who wishes to intervene in an appeal of a land use matter and who cannot intervene as a matter of right pursuant to Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P. S. Sec. 11004-A, shall file a petition to intervene pursuant to Pa.R.Civ.P. 2326 *et seq.* The petition shall be presented to the Court pursuant to YCCiv. 205.1 and 208.3(a), and shall contain, in addition to the information required by Pa.R.Civ.P. 2328, the following:

- (1) The caption and number of the appeal.
- (2) Name and address of intervenor.
- (3) Nature of the interest of intervenor in the appeal.
- (4) Legal and factual circumstances under which intervenor claims a right to intervene, including a statement whether the intervenor was granted status as a party before the local agency.
- (5) A summary of intervenor’s position and grounds therefor.

(d) Certiorari: The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later. The record shall include, but is not limited to:

- (1) All original papers filed in chronological order, commencing with the application.
- (2) Minutes of meetings of the local agency at which the application was considered.
- (3) The complete ordinance under which the local agency rendered its decision, including maps.
- (4) The findings of fact and conclusions of law of the local agency, if any, and its written decision.
- (5) The names and addresses of all persons the local agency recognized as parties to the proceedings.
- (6) Transcripts of hearings.

(e) Transcript of hearings: The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is



not in existence and available to the local agency prior to appellant filing the appeal. In the event that the appellant has not provided the local agency with a transcript within 45 days of the filing of the appeal, the local agency shall submit its record to the Prothonotary with a certification that a transcript has not been provided and the reason.

(f) The chairperson, presiding officer, keeper of the records, or solicitor of the local agency shall certify the submission and filing of the record, and shall notify the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Proof of notice shall be filed with the record or within a reasonable time thereafter.

**YCCiv. 5155: Appeals in Land Use Cases—Disposition:**

(a) Any appeal which does not require the record to be supplemented by a hearing shall proceed as a case for one judge disposition pursuant to YCCiv. 208.3(b).

(b) Any appeal which requires the record to be supplemented shall proceed as a trial and may, after all pre-trial matters have been completed, be listed for pre-trial conference pursuant to YCCiv. 212.3.

**YCCiv. 5170: Boards of View:**

(a) Requests for appointment of boards of view shall be made by motion pursuant to YCCiv. 208.3(a), which shall be filed only after the close of all pleadings and only after rulings on any preliminary objections have been issued by the court.

(b) Upon receipt of a motion for appointment of a board of view, the President Judge shall appoint a chair and two additional members from the general board of viewers who shall serve until the conclusion of the matters presented to them. The chair shall be an attorney admitted to the bar of this Commonwealth and who maintains an office for the practice of law in York County.

(c) The members of the Board of View shall be compensated at an hourly rate as established from time to time by administrative order of the Court and shall be compensated for expenses incurred in the performance of their duties, including travel to and from view sites but not travel to and from the Judicial Center, at the rate established by the County of York for reimbursement of expenses. Petitions for compensation shall be submitted, no later than three months after the Board's last action, to the President Judge for approval.

(d) Any hearings conducted by the board pursuant to the Private Road Act, shall be recorded in such manner so that the proceedings can be reduced to written transcript form. No later than the initial view, the parties and the board shall agree upon the extent of hearings needed, and the board chair shall fix an amount to be advanced by the parties to cover the initial costs of the recordings, and a date by which the costs advanced shall be paid. The moving party shall advance sufficient fees to cover the initial cost of the recording. The board shall direct the safekeeping of the recording and shall include as part of its report to the Court a recommendation as to how the costs of any recording and transcript shall be apportioned as among the parties.

(e) The report of the board shall include, at a minimum:

(1) The names and addresses of all parties to the matter, and their attorneys, if any;

(2) A brief recitation of the factual and procedural history of the matter;

(3) Findings of fact;

(4) A recommendation whether a private road should be laid out, and if so, a description sufficient to locate such a road on the ground;

(5) An assessment as to the amount of damages to be paid to the party or parties over whose land the road is to be laid; and

(6) A brief statement of reasons for the recommendations and assessments.

(f) The chairman of the board shall file the original of the board's report with the Prothonotary and shall present the President Judge with a copy of the report and both a proposed decree *nisi* and a final order for consideration.

(g) Exceptions to the findings of a board of view shall be filed within thirty days of the filing of the decree *nisi*.

(1) Exceptions shall list all parties to the proceedings and their addresses, and shall be separately stated in numbered paragraphs.

(2) Exceptions shall be filed in accordance with YCCiv. 205.2 and 208.3(b), and shall be disposed of by one judge.

(3) Exceptions taken to an assessment of damages shall state whether a jury trial is demanded.

**YCCiv. 5200: Appeals from Determinations of Other Governmental Actions:**

(a) Appeals from an appealable determination of other government agencies, not specifically provided for in these Rules, of which this court has jurisdiction pursuant to the applicable law or general rule shall be commenced by filing a Petition for Review with the Prothonotary of York County. The Petition for Review shall contain the following:

(1) A statement of the basis for the jurisdiction of this court;

(2) The names and addresses of the parties seeking review; the name and address of the government agency which made the determination sought to be reviewed;

(3) Reference to the order or other determination sought to be reviewed, with a copy of the same, if in writing, attached to the Petition for Review;

(4) A concise statement of the reasons for the appeal; The reasons for the appeal may be stated in the alternative, and relief of several different types may be requested. A Petition for Review need not be verified.

(5) And a statement of relief sought.

(6) No Answer to the Petition for Review need be filed; the reasons for the appeal stated therein shall be deemed to be denied and at issue.

(b) A copy of the appeal pleading shall be served by the appellant in person on or by mailing the same, by registered or certified mail, to the government agency which made the determination sought to be reviewed and to all other entities or persons named as appellees or respondents and all parties of record before the government agency within ten (10) days of filing the same with the Prothonotary. Service shall be complete on the date of mailing. Proof of service shall be filed with the Prothonotary.

(c) If a court reporter was present and if a transcript is not already in existence, the appellant shall certify that



appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency to be filed with the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

(d) The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant filing the appeal. In the event that the appellant has not provided the local agency with a transcript within 45 days of the filing of the appeal, the local agency shall submit its record to the Prothonotary with a certification that a transcript has not been provided and the reason.

**YCCiv. 5210: Appeals from Determinations of Other Governmental Actions—Disposition:**

(a) Any appeal which does not require the record to be supplemented by a hearing shall proceed as a case for one judge disposition pursuant to YCCiv. 208.3(b).

(b) Any appeal which requires the record to be supplemented shall proceed as a trial and may, after all pre-trial matters have been completed, be listed for pre-trial conference pursuant to YCCiv. 212.3.

**Miscellaneous Matters**

**YCCiv. 5700: Security for Costs:**

(a) If the plaintiff is a non-resident of Pennsylvania or if insolvency or bankruptcy proceedings are pending against him, the court may order the plaintiff to give security for costs on the motion of a defendant who has filed an answer to the plaintiff's complaint, if an answer is required in the action, or who has filed an affidavit that he has a just defense against the plaintiff's claim, if an answer is not required in the action.

(b) If the plaintiff fails to give the security ordered by the court, the Prothonotary, upon praecipe of the defendant, shall enter a judgment of non pros against the plaintiff.

(c) If the security for costs given by the plaintiff becomes insufficient, the defendant may move for the filing of additional security in the same manner and subject to the same conditions as provided for the giving of the original security.

**YCCiv. 5710: Service of Copies on Judge:**

In addition to the service on other parties prescribed by applicable law or rule of court, a copy of exceptions to or requests for reconsideration of a court order or decision shall also be delivered to the Court Administrator for service upon the judge or the officer or appointee of the court to whose action the exceptions have been filed or reconsideration requested.

**YCCiv. 5730: Proceedings to Change Name:**

(a) Petitions to change a name pursuant to 54 Pa.C.S. Sec. 701 *et seq.* shall be filed in the Prothonotary's office, pursuant to YCCiv. 205.1.

(1) Petitions shall meet the requirements of 54 Pa.C.S. Sec. 701(a.1) and YCCiv. 205.2.

(2) A copy of the petition shall be delivered to the Court Administrator for assignment to a judge.

(3) An original proposed order, with a brief title describing the nature of the proposed order, shall accompany the petition, but shall not be attached to it.

(b) Notice of the filing of a petition for change of name and of the date, time and location of the hearing to consider the petition shall be given by publication in the *York Legal Record* and one (1) newspaper of general circulation in the county. The publication shall appear not less than twenty (20) days before the hearing. The same notice shall be served not less than twenty (20) days before the hearing by first class mail on any nonpetitioning parent of a child whose name may be affected by the proceedings.

(c) At the hearing, the petitioner shall present to the court proof of the following:

(1) Publication of the notice and, where required, proof of service of the notice;

(2) Official searches of the offices of the York County Prothonotary and Recorder of Deeds and of the proper offices of any other county where the petitioner may have resided within five (5) years of the filing of the petition for change of name, showing that there are no judgments, decrees of record or any other similar matters against the petitioner.

a. An "official search" is a search and certification done by the official custodian of records of the respective office.

b. The search requirement may also be satisfied by a certification given by a corporation authorized by law to do such searches, by a title abstractor, or by an attorney at law.

[Pa.B. Doc. No. 09-2174. Filed for public inspection November 25, 2009, 9:00 a.m.]

**YORK COUNTY**

**Fee Bill for the Office of the Register of Wills and Clerk of Orphans' Court; No. 67-01-0007**

**Administrative Order**

*And Now*, this 26th day of October, 2009, pursuant to the provisions of 42 P. S. § 21022.1 and 42 P. S. § 21032.1, the fee bill of the Register of Wills and Clerk of Orphans' Court, of York County, Pennsylvania, is amended as indicated on the proposed fee bill as follows to the within Petition. The fee bill shall be effective the 8th day of December, 2009, upon due advertisement as required by the Administrative Rules of Court.

*It is Further Ordered* that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

(a) File 7 (seven) certified copies thereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute 2 (two) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) Cause a copy hereof to be published in the *York Legal Record* once a week for 2 (two) successive weeks at the expense of the County of York; and

(d) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

*By the Court*

RICHARD K. RENN,  
*President Judge*

# FEE BILL

## REGISTER OF WILLS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 26th day of October, 2009, the following bill of costs is established pursuant to 42 P.S. Section 21022.1. This Order is effective the 8th day of December, 2009.

<b>ACCOUNTS</b>	
For the filing, advertising and adjudication of the accounts of personal representatives.	
Total debits not over \$2,000 .....	<b>\$ 75.00</b>
Over \$2,000 but not over \$5,000 .....	<b>80.00</b>
Over \$5,000 but not over \$10,000 .....	<b>85.00</b>
Over \$10,000 but not over \$25,000 .....	<b>110.00</b>
Over \$25,000 but not over \$50,000 .....	<b>135.00</b>
Over \$50,000 but not over \$100,000 .....	<b>165.00</b>
Each additional \$100,000 or fraction thereof, an additional .....	<b>100.00</b>
<b>LETTERS OF ADMINISTRATION and LETTERS TESTAMENTARY</b>	
Total Assets not over \$2,000 .....	<b>\$ 10.00</b> **
Over \$2,000 but not over \$5,000 .....	<b>30.00</b> **
Over \$5,000 but not over \$10,000 .....	<b>40.00</b> **
Over \$10,000 but not over \$25,000 .....	<b>60.00</b> **
Over \$25,000 but not over \$50,000 .....	<b>75.00</b> **
Over \$50,000 but not over \$100,000 .....	<b>100.00</b> **
Each additional \$100,000 or fraction thereof, an additional .....	<b>100.00</b>
Renunciation per page .....	<b>5.00</b>
Waiver Fiduciary Bond .....	<b>5.00</b>

NOTE: Letters d.b.n. or d.b.n.c.t.a. minimum fee will be charged.

NOTE: Where inventory, tax return or account is of greater value than original estimated value for any letters the right is reserved to make an additional charge based upon such greater value.

<b>PROBATE OF WILLS AND CODICILS</b>	
Probate and granting letters testamentary or administration c.t.a. - see schedule for letters above.	
Probate without letters same as under each classification above less \$2.00 .....	<b>10.00</b>
Probate of each codicil .....	<b>10.00</b>

ANSWER .....	<b>10.00</b>
APPLICATION FOR CONTINUANCE .....	<b>10.00</b>
<b>AUTOMATION FEE</b>	
Register of Wills .....	<b>5.00</b>
BOND filing and entering .....	<b>5.00</b>

<b>CAVEAT</b>	
Formal (including bond) .....	<b>50.00</b>
Informal .....	<b>25.00</b>

**NO PROBATES ACCEPTED WITHOUT DEATH CERTIFICATE**


**Pennsylvania Judicial Computer Project Fee. ....	<b>23.50</b>
***Register of Wills Automation Fee .....	<b>9.50</b>

Attest:  
*Penny L. Blackwell*  
Orphans' Court Judge

Attest:  
*Bradley C. Jacobs*  
Register of Wills

CERTIFICATION* .....	<b>5.00</b>
CERTIFICATION* under Act of Congress .....	<b>25.00</b>
*Plus \$1.00 per page if copy is not furnished	
<b>CERTIFYING RECORD to Orphans' Court upon appeal .....</b>	
	<b>10.00</b>
<b>CITATION</b>	
Petition and issuing, one respondent .....	<b>35.00</b> **
Each Additional respondent .....	<b>5.00</b>
<b>COMMISSION to taken testimony .....</b>	
	<b>10.00</b>
<b>COPIES</b>	
Self-made copies .....	<b>.25/page</b>
Copies made by office staff .....	<b>1.00/page</b>
Fax transmitted copies .....	<b>1.00/page</b>
<b>COPY or FAX of any filed instrument per page of copy (certification extra) .....</b>	
	<b>1.00</b>
<b>EXECUTION OF COMMISSION from other Register of Pennsylvania or foreign jurisdiction .....</b>	
	<b>10.00</b>
<b>FOREIGN JURISDICTION'S CERTIFIED OR EXEMPLIFIED COPIES OF LETTERS AND PROCEEDINGS filing and entering .....</b>	
	<b>25.00</b>
Non resident affidavit re debts .....	<b>5.00</b>
<b>GENEOLOGICAL RESEARCH per hour or fraction thereof (on a time available basis) .....</b>	
	<b>10.00</b>
<b>INHERITANCE TAX RETURN .....</b>	
	<b>10.00</b>
Supp Inheritance Tax Return .....	<b>10.00</b>
(No charge for filing with account)	
(No charge for insolvent Returns)	
Letter protesting tax appraisalment .....	<b>5.00</b>
Certificate of payment .....	<b>10.00</b>
<b>INVENTORY .....</b>	
	<b>10.00</b>
<b>MOTION .....</b>	
	<b>10.00</b>
<b>PA JUDICIAL COMPUTER PROJECT FEE .....</b>	
	<b>10.00</b>
<b>PETITION (MISCELLANEOUS) .....</b>	
	<b>35.00</b> **
<b>PRAECIPE/JOINDER .....</b>	
	<b>5.00</b>
<b>SHORT CERTIFICATE .....</b>	
	<b>5.00</b>
<b>SUBPOENA .....</b>	
	<b>10.00</b>
<b>REGISTERS HEARING .....</b>	
	<b>50.00</b>
<b>RETURNED CHECK .....</b>	
	<b>20.00</b>
<b>MISCELLANEOUS FILING .....</b>	
	<b>10.00</b>

NOTE: In cases not herein specifically provided for, the Register shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing fee bill for the Register of Wills of York County shall be revoked and superseded as of the effective date hereof.

By the Court:  
  
Honorable Richard K. Renn  
President Judge in the Court of Common Pleas  
of York County, Pennsylvania

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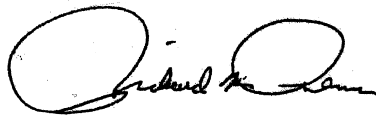
# FEE BILL

## CLERK OF ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

And now, by Order of Court this 26th day of October, 2009, the following bill of costs is established pursuant to 42 P.S. Section 21032.1. This Order is effective the 8th day of December, 2009.

<p><b>ACCOUNTS</b> For the filing, advertising and adjudication of accounts of guardians and trustees Total debits not over \$2,000 ..... <b>\$ 75.00</b> Over \$2,000 but not over \$5,000 ..... <b>80.00</b> Over \$5,000 but not over \$10,000 ..... <b>85.00</b> Over \$10,000 but not over \$25,000 ..... <b>110.00</b> Over \$25,000 but not over \$50,000 ..... <b>135.00</b> Over \$50,000 but not over \$100,000 ..... <b>165.00</b> Each additional \$100,000 or fraction thereof, and additional ..... <b>100.00</b></p> <p><b>ADOPTION</b> Petition, Certificate and Report of Intermediary ..... <b>35.00 **</b> Voluntary or Involuntary Termination, Confirm Consent ..... <b>15.00 **</b> Costs of Investigation to be determined by the Court under the circumstance in each case. Report of intent ..... <b>10.00</b> Act 34 Fund ..... <b>75.00</b> Certificate of Adoption ..... <b>5.00</b> AFFIDAVIT or OATH ..... <b>10.00</b> ANSWER ..... <b>10.00</b> APPEAL to Appellate Court filing fee ..... <b>50.00</b> Superior Court/Supreme Court ..... <b>60.00</b> APPLICATION FOR CONTINUANCE ..... <b>10.00</b> AUTOMATION FEE Clerk of Orphans' Court ..... <b>5.00</b> BIRTH/DEATH RECORD Certificate from original Birth ..... <b>10.00</b> Death ..... <b>9.00</b> Delayed registration Birth ..... <b>10.00</b> Death ..... <b>9.00</b> CERTIFICATION* ..... <b>5.00</b> CERTIFICATION* under Act of Congress ..... <b>25.00</b> *Plus \$1.00 per page if copy is not furnished Certificate of Authority ..... <b>2.00</b> CITATION Petition and issuing, one respondent ..... <b>35.00</b> Each additional respondent ..... <b>5.00</b> File a claim ..... <b>10.00</b> CLAIM ..... <b>10.00</b> Satisfaction or withdrawal ..... <b>5.00</b> COPIES Self-made copies ..... <b>.25/page</b> Copies made by office staff ..... <b>1.00/page</b> Fax transmitted copies ..... <b>1.00/page</b> COPY of any instrument, per page of copy (certification extra) ..... <b>1.00</b> DISCLAIMER ..... <b>10.00</b> ELECTION under or against Will ..... <b>10.00</b> EXCEPTIONS/OBJECTIONS ..... <b>10.00</b> FAMILY EXEMPTION Personalty ..... <b>15.00</b> Realty (one purpart) ..... <b>20.00</b> Each additional purpart ..... <b>3.00</b> Advertising ..... <b>50.00</b>  **Pennsylvania Judicial Computer Project Fee ..... <b>23.50</b> ***Clerk of Orphans' Court Automation Fee ..... <b>9.50</b></p>	<p><b>INCAPACITATED ESTATES</b> Petition, citation and appointment of guardian ..... <b>\$35.00 **</b> Entry of security ..... <b>10.00</b> Inventory ..... <b>10.00</b> Order of Allowance ..... <b>10.00</b> Petition for Sale ..... <b>35.00</b> <b>MINOR'S ESTATE</b> Petition for appointment of guardian per child ..... <b>35.00 **</b> Entry of Security ..... <b>10.00</b> Inventory ..... <b>10.00</b> Petition for Order of Allowance ..... <b>10.00</b> Report of guardian ad litem ..... <b>5.00</b> <b>MARRIAGE</b> Waiver (Military-Free) ..... <b>20.00</b> License, application, Affidavits, taxes, automation fee and one(1) certified copy ..... <b>50.00</b> Consent of parents ..... <b>5.00</b> Certified copy of license and return of marriage ..... <b>5.00</b> Certified copy of application ..... <b>5.00</b> <b>MOTION</b> ..... <b>10.00</b> PA JUDICIAL COMPUTER PROJECT FEE ..... <b>10.00</b> PETITION (MISCELLANEOUS) ..... <b>35.00 **</b> POWER OF ATTORNEY ..... <b>29.00</b> PRAECIPE/JOINDER ..... <b>5.00</b> PRESUMED DECEDENT Petition and final decree ..... <b>35.00 **</b> <b>REAL ESTATE OF DECEDENTS</b> Sale or Mortgage ..... <b>35.00 **</b> Execution of deed by Clerk ..... <b>10.00</b> Approval of security and the entry thereof ..... <b>10.00</b> Excuse from security ..... <b>10.00</b> Leave to bid at public sale ..... <b>10.00</b> Decree of confirmation of title ..... <b>10.00</b> RELEASE, first page ..... <b>5.00</b> Each additional page ..... <b>1.00</b> RETURNED CHECK ..... <b>20.00</b> SHORT CERTIFICATE ..... <b>5.00</b> SMALL ESTATE (DECEDENTS or MINORS) ..... <b>35.00 **</b> STIPULATION ..... <b>10.00</b> SUBPOENA ..... <b>10.00</b> TRUSTEE Petition for appointment ..... <b>35.00 **</b> Entry of security ..... <b>10.00</b> Report of Trustee and litem ..... <b>10.00</b> Resignation ..... <b>10.00</b> <b>MISCELLANEOUS FILING</b> ..... <b>10.00</b></p> <p><b>NOTE:</b> In cases not herein specifically provided for, the Clerk of Orphans' Court shall make the same charge as that imposed for services of a substantially similar nature. All orders heretofore establishing feebill for the Clerk of Orphans' Court of York County shall be revoked and superseded as of the effective date hereof.</p>
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By the Court:



Honorable Richard K. Renn  
President Judge in the Court of Common Pleas  
of York County, Pennsylvania

Attest: *Penny L. Blackwell*  
Orphans' Court Judge

Attest: *Bradley C. Jacobs*  
Clerk of Orphans' Court

Rev. 10-09

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Steven Keith Woodring having been suspended from the practice of law in the State of Kansas for a period of 1 year by Opinion and Order of the Supreme Court of Kansas filed June 26, 2009, the Supreme Court of Pennsylvania issued an Order dated November 13, 2009, suspending Steven Keith

Woodring from the practice of law in this Commonwealth for a period of 1 year, effective December 13, 2009. 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. 09-2176. Filed for public inspection November 25, 2009, 9:00 a.m.]



# RULES AND REGULATIONS

## Title—58 RECREATION

### GAME COMMISSION

[ 58 PA. CODE CHS. 141 AND 147 ]

#### Hunting and Trapping and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its October 6, 2009, meeting:

Amend §§ 141.20 and 147.101—147.114 (relating to protective material required and falconry) to meet the new Federal standards as well as simplify, reorganize and enhance current State regulations pertaining to falconry.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 39 Pa.B. 5153 (August 29, 2009).

#### 1. Purpose and Authority

A dual State and Federal permitting system has been in place since the initial implementation of the Federal regulations governing falconry. Notwithstanding the separation and independence of these dual permitting structures, the states have always been obliged to operate their individual falconry programs within the bounds of the Federal regulations. On October 8, 2008, the United States Fish and Wildlife Service published new changes to the Federal regulations. Most significantly, the new language eliminated the requirement for a Federal permit to practice falconry. The new language also established a deadline of January 1, 2014, at which time the Federal permit program will be discontinued. For the Commonwealth's falconry program to continue beyond this deadline, it must adopt and implement regulations that meet the standards of the new Federal regulations. Once these standards are met, falconers will only be required to possess a State permit. To this end, the Commission amended §§ 141.20 and 147.101—147.114 to meet the new Federal standards as well as simplify, reorganize and enhance current State regulations pertaining to falconry.

Section 2102(a) of the code (relating to regulations) provides that, "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under

authority of any permit issued." The amendments to §§ 141.20 and 147.101—147.114 were adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amended §§ 141.20 and 147.101—147.114 to meet the new Federal standards as well as simplify, reorganize and enhance current state regulations pertaining to falconry.

#### 3. Persons Affected

Persons wishing to engage in falconry activities within this Commonwealth may be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received one official written comment concerning this final-form rulemaking from the United States Fish and Wildlife Service. This comment provided various and comprehensive recommended changes to the Commission's August 29, 2009, proposal, including a specific request to reorganize the banding requirements to enhance clarity.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in any additional cost or paperwork.

#### 6. Effective Date

The final-form rulemaking will be effective January 1, 2010, to coincide with Federal regulations and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### 8. Findings

The Commission finds that:

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

(2) The adoption of these regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### 9. Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by adding §§ 147.105a, 147.106a, 147.107a, 147.108a, 147.109a, 147.110b, 147.111a and 147.112a; by deleting §§ 147.105—147.110, 147.110a and 147.111—147.114; and by amending §§ 141.20 and 147.101—147.104 to read as set forth in Annex A.

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



(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-292 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.20. Protective material required.**

(a) *General.* Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b)(2) and (3), camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for:

(i) Crows.

(ii) Doves.

(iii) Waterfowl.

(iv) Any wildlife that can be lawfully harvested while hunting under the authority of a valid falconry permit.

(v) Deer during the flintlock muzzleloader season with lawful firearms and ammunition for the flintlock muzzleloader season by properly licensed flintlock muzzleloader hunters.

(vi) Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters except as provided in paragraphs (3)(iii) and (4).

(vii) Bear during the archery bear season with a bow and arrow by properly licensed bear hunters except as provided in paragraph (3)(iv).

(viii) Furbearers.

(ix) Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season within each wildlife management unit.

(x) Turkey during the spring turkey season.

(2) Hunt for woodchucks while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for:

(i) Turkey during the fall turkey season in Wildlife Management Units 1A, 1B, 2A, 2B, 5B, 5C and 5D.

(ii) Deer with a bow and arrow or crossbow and bolt during any deer archery season which is concurrent with the fall turkey season within each wildlife management unit.

(iii) Bear with a bow and arrow during any bear archery season, which is concurrent with the fall turkey season within each wildlife management unit.

(4) Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A or deer during any firearms deer season that precedes the regular firearms deer season and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc.

(5) Hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act and, in lieu of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined, place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind in a manner that it is visible in a 360° arc.

(c) A person who violates this section shall be subject to the penalties as provided in the act.

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter F. FALCONRY**

**§ 147.101. Definitions.**

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

*Bate*—Attempt to fly.

*Eyas*—A young bird not yet capable of flight.

*Facilities*—Equipment and shelters necessary to protect and train raptors.

*Falconry*—The wild capture, husbandry and training of raptors for the pursuit of wildlife, and the hunting of wildlife with raptors.

*Hacking*—The controlled release of a raptor to the wild.

*Hybrid*—The offspring of birds listed as two or more distinct species in 50 CFR 10.13 (relating to list of migratory birds), offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR 10.13 and the offspring of any hybrid birds.

*Imprint*—For the purposes of falconry, a bird that is hand-raised in isolation from the sight of other raptors until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

*Nestlings* or *eyases*—Young raptors not yet capable of flight.

*Passage birds*—

(i) Raptors in their first year of life, postfledging and possessing no more than two adult feathers.

(ii) A Golden Eagle taken as a juvenile must possess at least one subadult feather when it is taken from the wild.

*Raptors*—Live migratory birds of the order *Falconiformes* or the order *Strigiformes* including the Bald Eagle—*Haliaeetus leucocephalus*—and the Golden Eagle—*Aquila chrysaetos*, wherever its place of origin, whether or not raised in captivity or a hybrid of those species.

*Sponsor*—The holder of a general or master falconry permit who has accepted the responsibility for the conduct and training of an apprentice falconer.

*Take*—In addition to the definition in section 102 of the act (relating to definitions), the term also includes the purchase or acquisition of a raptor for the purpose of falconry.

*Transfer*—The term includes barter, sale, purchase, loan or gift, of a raptor excluding the temporary holding as provided in this subchapter.

#### § 147.102. Application, examination and fees.

(a) *Application*. Applications for falconry permits issued under this subchapter shall be made through the regional office on the appropriate form provided by the Commission.

(1) Applications will only be accepted from persons who possess a valid hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to license and fee exemptions).

(2) Applications must include the name, address and telephone number of the applicant, a photocopy of the applicant's valid Pennsylvania hunting license and a nonrefundable examination fee of \$25.

(3) An applicant who is 17 years of age or younger is additionally required to have a parent or legal guardian co-sign the application and assume legal responsibility for the applicant's falconry activities.

(b) *Examination*.

(1) New applicants shall pass a supervised examination with a minimum grade of 80%.

(2) Examinations must cover the following subjects:

- (i) Laws and regulations.
- (ii) Raptor biology and raptor identification.
- (iii) Trapping methods.
- (iv) Facilities requirements.
- (v) Care of raptors held for falconry.
- (vi) Disease and health problems of raptors.
- (vii) Training methods.

(3) Examinations are administered by the Commission at each regional office between January 1 and June 30 each year.

(c) *Validation*. A new applicant's falconry permit is validated at the apprentice class only upon passage of the supervised examination, passage of facility inspection, and payment of the falconry permit fee set forth in section 2904 of the act (relating to permit fees).

(d) *Lapsed permit*. A falconer whose permit lapses for 2 or more years shall apply as a new applicant.

#### § 147.103. Classes.

(a) *Apprentice*. Permittees of the apprentice class shall be subject to the following requirements and limitations:

- (1) Permittees shall be 12 years of age or older.
- (2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder. If a permittee's sponsorship is withdrawn or lost for any reason, the permittee shall provide written notification of the loss to the Commission within 5 days and shall be required to replace the sponsorship within 15 days.

(3) A first year permittee of this class may take and possess only one raptor with no replacement during the first permit year. Other permittees of this class may take and possess only one raptor with only one replacement during each permit year.

(4) Permittees are limited to taking and possessing only wild passage (no eyases) raptors of the following species:

- (i) American Kestrel (*Falco sparverius*).
- (ii) Red-tailed Hawk (*Buteo jamaicensis*).

(5) Permittees are required to trap their first passage raptor under the direct supervision of a Pennsylvania general or master class falconry permit holder.

(b) *General*. Permittees of the general class shall be subject to the following requirements and limitations:

(1) Permittees shall be 18 years of age or older.

(2) General class permit applicants shall have maintained their apprentice class permit status in good standing for a minimum of 2 years and during that period shall have maintained a raptor for a minimum of 12 months. An application to advance to the general class shall be accompanied by a written letter of recommendation from the permittee's sponsor representing that the permittee possesses the competency and skills necessary to become a member of the general class.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of two raptors with only one replacement during the first permit year. Other permittees of this class may possess up to a total of three raptors with two replacements during each permit year. Captive-bred raptors shall be included in these quota limits.

(4) Except as further limited under § 147.109a (relating to hunting and training with raptors), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

- (i) Golden Eagle (*Aquila chrysaetos*).
- (ii) Bald Eagle (*Haliaeetus leucocephalus*).
- (iii) White-tailed Eagle (*Haliaeetus albicilla*).
- (iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).

(v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission.

(c) *Master*. Permittees of the master class shall be subject to the following requirements and limitations:

(1) Permittees shall be 23 years of age or older.

(2) Master class permit applicants shall have maintained their general class permit in good standing for a minimum of 5 years and during that period shall have maintained a raptor for a minimum of 3 years.

(3) A first year permittee of this class may take only one additional raptor and possess up to a total of four raptors with only one replacement during the first permit year. Other permittees of this class may each possess a total of five raptors with two replacements during each permit year. Captive-bred raptors will not be included in these quota limits.

(4) Except as otherwise provided under § 147.109a and paragraph (5), permittees are authorized to take and possess any wild passage or eyas raptors except the following species:

- (i) Golden Eagle (*Aquila chrysaetos*).

- (ii) Bald Eagle (*Haliaeetus leucocephalus*).
- (iii) White-tailed Eagle (*Haliaeetus albicilla*).
- (iv) Steller's Sea-eagle (*Haliaeetus pelagicus*).

(v) Other raptor species listed or classified as threatened or endangered by the United States Department of Interior or the Commission, unless authorized in writing by the United States Department of Interior or the Commission, or both, to possess up to a maximum of one threatened or endangered raptor as part of their total possession allowance.

(5) Upon additional written authorization provided by the Commission, permittees may possess up to a maximum of three eagles, regardless of captive-bred or wild caught, limited to golden eagles, white-tailed eagles and Steller's sea-eagles, as part of their total possession allowance. An application to possess eligible eagles shall be accompanied by two written letters of recommendation from persons with experience handling or flying large raptors, such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each letter of reference must contain a concise history of the author's experience with large raptors and an explicit representation that the permittee possesses the competency and skills necessary to possess eagles.

**§ 147.104. Shelter, care and protection.**

(a) *Housing.* Any raptor possessed under a falconry permit shall be housed in a permanent indoor or outdoor facility that provides humane and healthful living conditions, including suitable protection from the environment, predators and disturbance.

(1) *Size.* Housing facilities must be large enough to afford the permittee easy access to provide for the care and feeding of raptors housed within. Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings and bate without damaging its feathers or contacting other raptors.

(2) *Containment.* Housing facilities must be totally enclosed and of a design, strength, quality and condition to provide for the adequate containment of any raptor housed within and exclusion of any predators from without. If two or more raptors are housed in the same housing facilities, each raptor shall be separated from other raptors by partitioning walls or suitable tethering. Compatible raptors may be housed together.

(3) *Protection.* Housing facilities must provide areas of refuge that provide adequate protection from excessive sun, wind, inclement weather and disturbance to any raptor housed within.

(4) *Perches.* Housing facilities must provide a suitable perch for each raptor housed within.

(5) *Sunlight.* Housing facilities must provide at least one opening or window to permit the admission of sunlight. The opening or window must be protected on the inside with visible bars spaced narrower than the width of the raptor's body to deter in flight impacts.

(6) *Cleaning and drainage.* Housing facilities must be of a design and condition to permit easy cleaning and adequate drainage.

(7) *Transportation.* Raptors may be transported to and from their permanent or temporary housing facilities provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance.

(8) *Temporary housing.* Raptors may be housed outside of their permanent housing facilities, provided they have a suitable perch and protection from extreme temperatures, wind and excessive disturbance for a period not to exceed 30 days without additional authorization from the Commission. Permittees are required to notify the district wildlife conservation officer within 5 days of the commencement of use of a temporary housing facility.

(b) *Equipment.* Permittees shall possess the following equipment suitable for the maintenance of raptors:

(1) *Jesses.* At least one pair of Aylmeri jesses or jesses of similar type or design and constructed of pliable, high quality leather or suitable synthetic material for use when free flying the raptor. Traditional one piece jesses may only be used for hunting or free flight if they do not have slits.

(2) *Leashes and swivels.* At least one flexible weather resistant leash and one strong swivel.

(3) *Bath container.* At least one suitable container accessible to each raptor for drinking and bathing purposes. The container must be 2 to 6 inches deep and wider than the length of the raptor.

(4) *Outdoor perches.* At least one suitable weathering area perch for each raptor.

(5) *Weighing device.* A reliable scale or balance suitable for weighing raptors. The device must be graduated in increments of not more than 1/2 ounce or 15 grams.

(c) *Maintenance, care and sanitation.* Permittees shall maintain all raptors and their attendant housing facilities in a safe, sanitary and humane condition.

(1) *Food.* Permittees shall provide each raptor with adequate supplies of palatable, uncontaminated and nutritionally adequate food suitable to ensuring the normal health and maintenance of raptors.

(2) *Water.* Permittees shall provide each raptor with adequate supplies of fresh, uncontaminated water that is available at all times.

(3) *Waste.* Permittees shall remove fecal, food and other waste from housing facilities as needed.

(4) *Care.* Permittees shall provide any necessary health care or seek care through a licensed veterinarian or wildlife rehabilitator for any sick or injured raptor.

(d) *Inspection.* A permittee's raptors, housing facilities, equipment and records are subject to inspection by the Commission during normal business hours on any day of the week. All housing, equipment, maintenance, care and sanitation conditions are subject to the initial and ongoing approval of the Commission. Any required modifications shall be completed within 30 days after official oral or written notice of deficiency received from the Commission.

**§ 147.105. (Reserved).**

**§ 147.105a. Resident falconers.**

Taking restrictions for resident falconers are as follows:

(1) A valid falconry permit is required prior to obtaining a raptor.

(2) Eyases may only be taken by a General or Master falconer. No more than two wild eyases may be taken by a permittee per permit year. A permittee may not take the last remaining eyas from the nest.

(3) A raptor, other than an endangered or threatened species, taken under a depredation permit or rehabili-



tated by a licensed rehabilitator determined to be unfit for return to the wild, may, with written authorization of the Commission, be used by falconers as long as they do not exceed limits set by its classification and this subchapter.

(4) A bal-chatri type live trap, other live traps and nets may be used to take raptors if they are used in a manner that minimizes the danger of injuring the raptor.

(5) Owners of escaped raptors that are banded as required by § 147.107a (relating to marking of certain raptors) may recapture the banded raptors.

(6) Permittees may take no more than two raptors from the wild during any given permit year for replacement or other purposes regardless of their permit quota allowances.

**§ 147.106. (Reserved).**

**§ 147.106a. Nonresident falconers.**

(a) *Temporary importation.* A nonresident may temporarily import raptors into this Commonwealth for the purpose of attending a falconry meeting or to hunt, provided the possession and importation of the raptors is in compliance with all applicable Federal and State laws and regulations. The temporary importation may not exceed 30 days without additional authorization from the Commission.

(b) *Permanent importation.* A nonresident who moves into this Commonwealth for the purpose of becoming a resident may permanently import raptors into this Commonwealth provided the following conditions are met:

(1) Possession and importation of the raptors is otherwise in compliance with applicable State and Federal laws and regulations.

(2) Establishes permanent housing facilities for the raptors that meet or exceed the requirements of § 147.104 (relating to shelter, care and protection) within 30 days of importation.

(3) Obtain a Pennsylvania falconry permit no later than 60 days after relocation into this Commonwealth. A relocating nonresident is eligible to receive a Pennsylvania falconry permit of the same or equivalent classification. The falconry permit issued by the former state of residence will be deemed the nonresident's temporary authority to possess and exercise imported raptors until the Pennsylvania permit is issued. This temporary authority may not be construed to permit the taking of additional raptors from the wild in this Commonwealth.

(c) *Taking restriction.* Taking restrictions for nonresidents are as follows:

(1) A nonresident permittee possessing a current and active falconry permit in the General or Master classification in a state listed in 50 CFR 21.29(k) (relating to Federal falconry standards), may apply for a special permit to take one raptor from the wild in this Commonwealth if the home state of the applicant allows the taking of raptors by nonresidents.

(2) The fee for a permit to take a raptor is \$100 and is non refundable.

(3) Applications for this permit shall be submitted directly to the Bureau of Wildlife Protection with the applicant's name, address, telephone number, date of birth, and the species desired and whether a nestling (eyas) or passage bird is requested. Copies of the applicant's current state or Federal, or both, falconry permit along with a valid import permit or letter from the

applicant's home state authorizing the import of the raptor being requested shall accompany the application. A certified check or money order in the amount of \$100 payable to "Pennsylvania Game Commission" must accompany the application.

(4) Periods for taking raptors as authorized under a nonresident take permit are May 8 to July 15, inclusive for nestling (eyas) birds, or September 19 to December 31, inclusive for passage birds.

(5) A permittee may not take the last remaining nestling-eyas-from a nest.

(6) The number of permits issued annually will not exceed:

<i>Number</i>	<i>Type</i>
5	Nestling (Eyas)
15	Passage

(7) Eyas Goshawk birds may not be taken.

(8) Permits will be issued under a first-come-first-served basis until the annual allocation is exhausted.

(9) The acquisition of a raptor taken from the wild as authorized by the take permit shall be reported to the United States Fish and Wildlife Service by completing a Form 3-186A (Migratory Bird Acquisition and Disposition Report) and forwarding a copy to the Bureau of Wildlife Protection within 5 days.

(10) Raptors taken under the authority of this permit shall be used for falconry purposes only.

**§ 147.107. (Reserved).**

**§ 147.107a. Marking of certain raptors.**

(a) *Banding.* Raptors used for falconry purposes shall be banded as follows:

(1) *Wildlife raptors.* The following raptors taken from the wild shall be marked immediately upon capture by a permanent, numbered, nonreusable band supplied by the Commission:

- (i) Peregrine Falcons (*Falco peregrinus*).
- (ii) Goshawks (*Accipiter gentilis*).
- (iii) Gryfalcons (*Falco rusticolus*).
- (iv) Harris's Hawks (*Parabuteo unicinctus*).

(2) *Captive bred and hybrid raptors.* Captive bred and hybrid raptors shall be marked immediately upon acquisition by a seamless numbered band supplied by the Commission.

(b) *Replacement bands.* Any band required under subsection (a) that becomes mutilated, illegible or lost shall be replaced with a permanent, numbered, nonreusable band supplied by the Commission. Permittees shall report any damage or loss requiring replacement to the Bureau of Wildlife Protection within 72 hours of the damage to or loss of the band. A mutilated or illegible band shall be returned to the Commission prior to replacement.

(c) *Return of unused bands.* Permittees shall return any unused bands in their possession by June 30 to the Bureau of Wildlife Protection.

(d) *Radio transmitters.* Permittees shall attach two radio transmitters on any hybrid raptor that is flown for falconry purposes or for a falconry demonstration.

(e) *Unlawful acts.* It is unlawful for any person to transfer, alter or deface a lawfully issued band or to use or possess a counterfeit band.



§ 147.108. (Reserved).

§ 147.108a. Reporting requirements.

(a) *Raptor acquisition, transfer or disposition report.* Permittees shall complete and submit a Form 3-186A (Migratory Bird Acquisition and Disposition Report) to the United States Fish and Wildlife Service and forward a copy to the Bureau of Wildlife Protection within 5 days for the following types of transactions or events:

- (1) The acquisition of a raptor taken from the wild or received by transfer from another person.
- (2) The loss of a raptor previously held through release, escape, theft or death.
- (3) The transfer of a raptor to another person.
- (4) The banding or rebanding of any raptor which requires banding.
- (5) The loss or removal of banding from any raptor that does not presently require banding.

(b) *Annual report.* Each permittee shall complete and submit an annual report to the Bureau of Wildlife Protection by July 31, on forms supplied by the Commission. The report must include an accurate accounting of all activities conducted under the authority of the permittee's falconry permit during the preceding permit year. Permittees shall complete and submit a similar report within 30 days of the termination of their permit.

§ 147.109. (Reserved).

§ 147.109a. Hunting and training with raptors.

(a) Permittees may only hunt wildlife through the use of raptors in accordance with the requirements of the act and this part.

(b) Permittees may train raptors on propagated game birds during the period August 1 to March 31, inclusive, and are subject to the following conditions:

- (1) Quarry shall be released either by hand or by means of electronic, spring or box holding devices.
- (2) Game birds released shall be obtained from a licensed propagator.
- (3) Released game birds which escape shall be considered wild birds, and no further attempt may be made to pursue them except during the open season for hunting small game.

(c) Permittees shall possess their hunting license and falconry permit on their person at all times while engaged in any raptor hunting or training activities.

§ 147.110. (Reserved).

§ 147.110a. (Reserved).

§ 147.110b. Educational use of raptors.

(a) *Falconry and raptor lectures.* General or Master class permittees may engage in noncommercial educational lecture activities using live raptors subject to the following conditions:

- (1) The educational lecture activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.
- (2) Raptors used in educational lecture activities may not have physical contact with members of the audience or general public.
- (3) Raptors used in educational lecture activities shall be maintained either tethered and on the permittee's gloved hand or in a transport carrier. No flight is permitted.

(4) The permittee may not receive any form of compensation for the lecture.

(5) The permittee is encouraged, but not required, to notify the regional office in advance of conducting any scheduled educational lecture activities.

(b) *Falconry demonstrations.* General or Master class permittees may engage in noncommercial falconry demonstrations using live raptors subject to the following conditions:

- (1) Raptors used in falconry demonstrations activities may not have any physical contact with members of the audience or general public.
- (2) Outdoor raptor free-flight demonstrations may be conducted only by Master class permittees.
- (3) Indoor raptor flight demonstrations shall be conducted with the raptor tethered in a manner that prevents physical contact with the audience or general public or with physical structures such as walls, windows or furniture. Indoor raptor free-flight demonstrations are prohibited.

(4) The permittee may not receive any form of compensation for the falconry demonstration.

(5) The permittee shall notify the regional office in writing at least 5 days in advance of conducting any scheduled falconry demonstration activities.

(c) *Other education uses of raptors.* Permittees may engage in other forms of noncommercial educational activities using live raptors, such as photography or filming, subject to the following conditions:

- (1) The activities shall be focused on the natural history of raptors, the conservation of raptors, the sport of falconry and other related topics.
- (2) The permittee may not receive any form of compensation for the activity.

(3) The permittee may not use raptors for entertainment, advertisements, promotion or endorsements of any products, merchandise, goods, services, meetings, fairs or as a representation of any business, company, corporation or other organization.

§ 147.111. (Reserved).

§ 147.111a. Additional requirements for permittee.

(a) A permittee is prohibited from propagating raptors held under the authority of a falconry permit unless they possess a joint State/Federal raptor propagation permit.

(b) A permittee whose permit lapses or is otherwise suspended or revoked shall return any raptors possessed into the wild by hacking, transferring the raptors to another permitted falconer, or forfeiting the raptors to the Commission. Propagated, hybrid and nonindigenous raptors may not be released into the wild.

(c) A permittee may not sell, purchase, barter or offer to sell, purchase or barter a propagated raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the United States Fish and Wildlife Service or the Commission.

(d) If a permittee's raptor unintentionally injures or kills any wildlife during a closed season while engaged in falconry activities, the permittee shall comply with the notification and reporting requirements in section 2306 of the act (relating to killing game or wildlife by mistake). The permittee will not be required to pay any restitution fees unless the injury or taking is determined to be the result of carelessness or negligence. The permittee is not

required to put the carcass of the injured or killed wildlife in a place of safekeeping, but rather may leave the carcass in the field and allow the raptor to feed upon it. Once the raptor is finished feeding, it may not be hunted the rest of that day.

(e) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by a properly completed United States Fish and Wildlife Service Form 3-186A designating the permittee as the possessor of record and by a signed, dated statement from the permittee. If the period of care will exceed 30 days, written permission shall be obtained from the Commission. Illness or disability of the permittee would be cause for temporary transfer of the raptors to another authorized person for care. The Commission shall be notified of this action within 5 days following the temporary transfer. Final disposition of the raptors will be at the discretion of the Commission.

(f) Molted feathers, or feathers from birds held in captivity that die, may be retained by the permittee for imping purposes only. Molted feathers and retrices from a golden eagle shall be collected and used for imping purposes or submitted to the National Eagle Repository.

(g) Carcasses of dead raptors shall be disposed in a proper waste receptacle or buried underground unless otherwise authorized by the Commission. The entire carcass of dead golden eagles, including all feathers, talons and other parts shall be submitted to the National Eagle Repository.

(h) Propagated, hybrid and nonindigenous raptors may not be intentionally released into the wild without prior written approval of the Commission.

(i) A sponsor may not have more than three apprentices at one time.

**§ 147.112. (Reserved).**

**§ 147.112a. Violations.**

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

**§ 147.113. (Reserved).**

**§ 147.114. (Reserved).**

[Pa.B. Doc. No. 09-2177. Filed for public inspection November 25, 2009, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 143 ]**  
**Hunting and Furtaker Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its October 6, 2009, meeting:

Add § 143.203a (relating to special elk conservation license auction) to Chapter 143 to establish the special elk conservation license auction and license issuance process.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 39 Pa.B. 5152 (August 29, 2009).

**1. Purpose and Authority**

On October 9, 2008, House Bill 747 (Act 101 of 2008) was signed into law. This legislation effectively amended section 2706.2 of the code (relating to elk hunting licenses) to authorize the Commission to sell one elk license per year by auction sale through an eligible wildlife conservation organization. Due to the intermediary role the wildlife conservation organization serves in the sale of the license, the Commission determined that the implementation of the voucher procedures under section 2712 of the code (relating to vouchers for licenses and permits) will streamline and simplify the process of transferring the license to the winning bidder of the auction. Under this process, the wildlife conservation organization will issue the winning bidder of the auction a voucher which then may be redeemed from the Commission for the official elk license. To this end, the Commission added § 143.203a to establish the special elk conservation license auction and license issuance process.

Section 2706.2 of the code provides that "The commission shall promulgate regulations for the use of the license, remitting funds to the commission and conduct of the auction." Section 2712 of the code provides that "The commission may promulgate regulations to implement this section." Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The addition of § 143.203a was adopted under this authority.

**2. Regulatory Requirements**

The final-form rulemaking added § 143.203a to establish the special elk conservation license auction and license issuance process.

**3. Persons Affected**

Persons wishing to hunt elk within this Commonwealth may be affected by the final-form rulemaking.

**4. Comment and Response Summary**

There were no official comments received regarding the final-form rulemaking.

**5. Cost and Paperwork Requirements**

The final-form rulemaking may result in some additional cost and paperwork associated with the production and distribution of the special elk conservation license. However, the Commission determined any additional expense associated with this initiative, if it exists, will be nominal and will be absorbed by the current budget.

**6. Effective Date**

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

**7. Contact Person**

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

**Findings**

The Commission finds that:

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

regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of this regulation of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by adding § 143.203a to read as set forth at 39 Pa.B. 5152.

(b) The Executive Director of the Commission shall certify this order and 39 Pa.B. 5152 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-291 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-2178. Filed for public inspection November 25, 2009, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its July 9, 2009, meeting:

Amend Chapter 147, by adding § 147.558a (relating to political subdivisions as applicants) to authorize political subdivisions to apply for an agricultural deer control permit for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 39 Pa.B. 5163 (August 29, 2009).

1. *Purpose and Authority*

The Agricultural Deer Control Permit (commonly referred to as “Red Tag”) is a very useful program that assists landowners in achieving their land use goals by managing deer densities on their respective properties through the use of licensed hunters. Traditionally, this program has required landowners to individually manage the application, reporting and deer control activities themselves. This higher level of individual responsibility has proven to be an impediment to participation for some landowners that are greatly interested in controlling deer densities on their properties, but are not capable of dedicating the necessary resources to manage the pro-

gram on their property. In an effort to enhance public access to this program, the Commission amended Chapter 147, by adding § 147.558a to authorize political subdivisions to apply for an agricultural deer control permit for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision. This structure will not only reduce the demands on each respective landowner, but it will enhance the effectiveness of a larger deer control plan promoted by the community by consolidating the management of the agricultural deer control activities into one centralized location.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendment to Chapter 147, by adding § 147.558a was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended Chapter 147, by adding § 147.558a to authorize political subdivisions to apply for an agricultural deer control permit for the limited purpose of managing the agricultural deer control activities occurring on a conglomeration of separate, but otherwise individually eligible properties located within the jurisdictional boundaries of the political subdivision.

3. *Persons Affected*

Persons wishing to engage in agricultural deer control activities within this Commonwealth may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of this regulation of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by adding § 147.558a to read as set forth at 39 Pa.B. 5163.

(b) The Executive Director of the Commission shall certify this order and 39 Pa.B. 5163 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-293 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-2179. Filed for public inspection November 25, 2009, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective November 6, 2009.

The organization chart at 39 Pa.B. 6770 (November 28, 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. 09-2180. Filed for public inspection November 25, 2009, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD [ 4 PA. CODE CH. 9 ] Reorganization of the State Police

The Executive Board approved a reorganization of the State Police effective November 9, 2009.

The organization chart at 39 Pa.B. 6771 (November 28, 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).

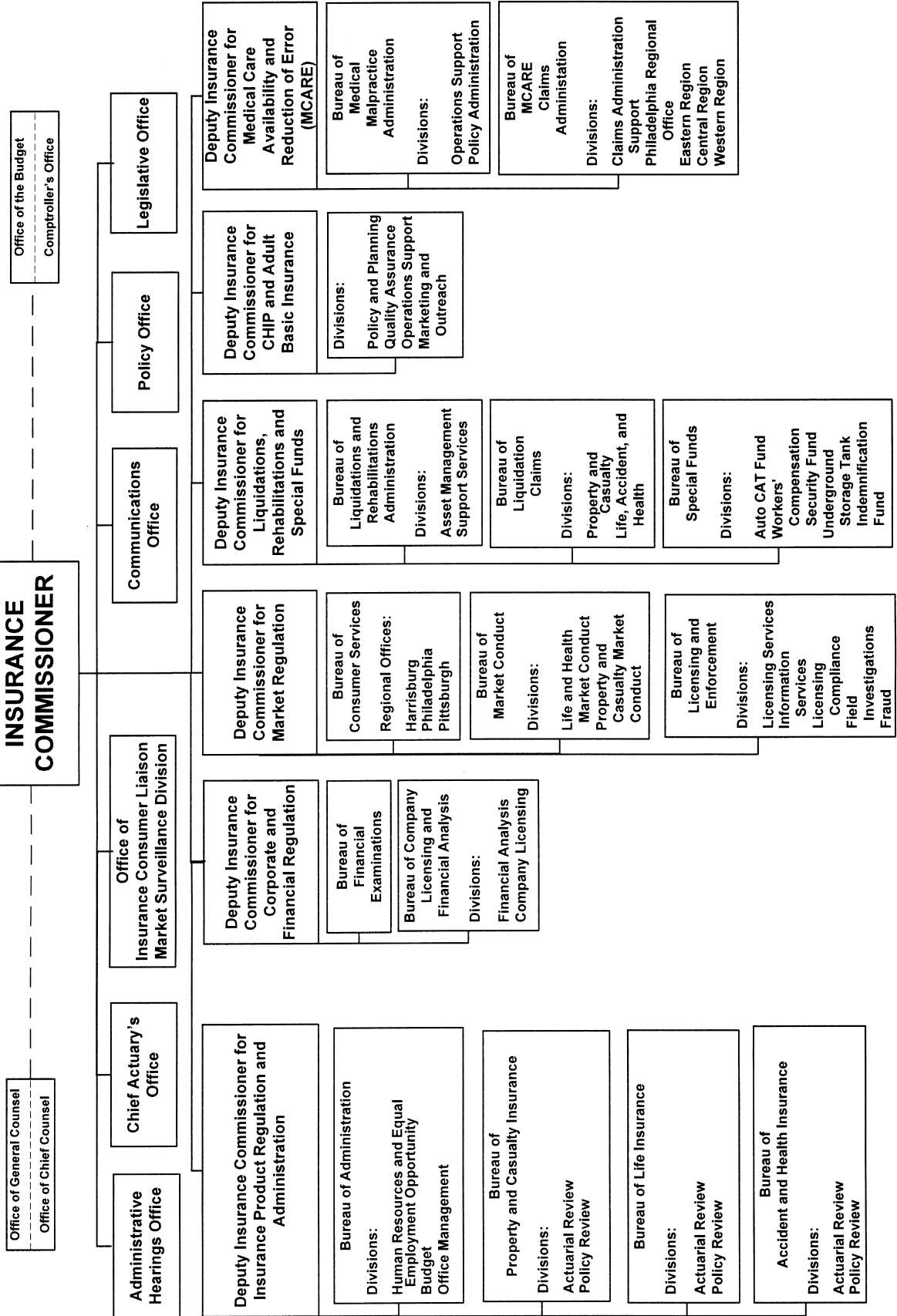
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 09-2181. Filed for public inspection November 25, 2009, 9:00 a.m.]

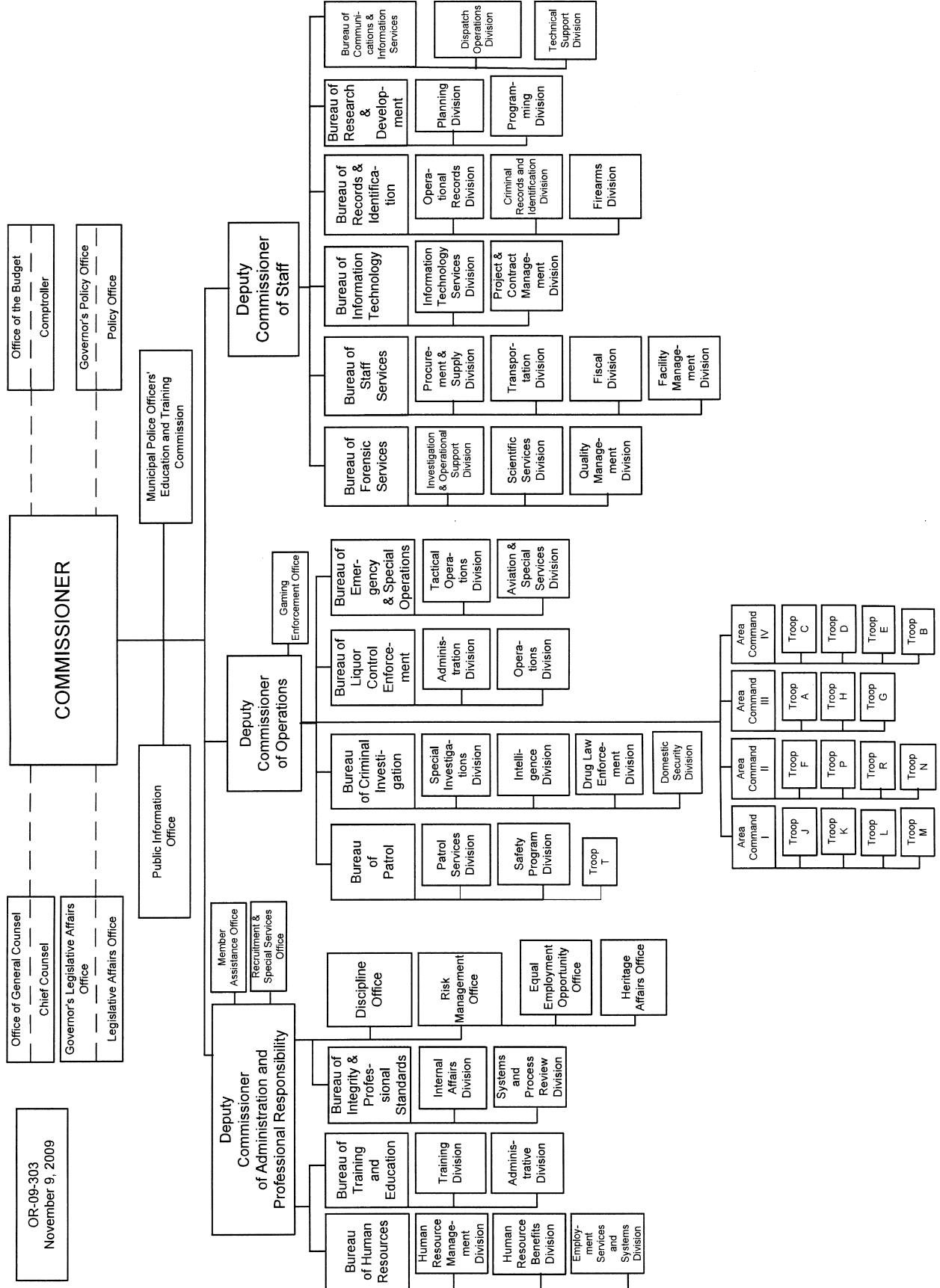
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OR-09-302  
November 6, 2009

**INSURANCE DEPARTMENT**



PENNSYLVANIA STATE POLICE



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, December 9, 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 10:30 a.m. and will consist of a presentation by a spokesperson for New York City regarding temporary closure of the Delaware Aqueduct; a report by the chair of the Toxics Advisory Committee; a report by the chair of the Water Quality Advisory Committee; and a presentation on the Pocono Creek Watershed Sustainability Study.

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

1. *Melody Lakes, D-1980-079-3*. An application for renewal of the applicant's 0.072 mgd WWTP discharge. The project WWTP will continue to discharge to Tohickon Creek, a tributary of the Delaware River at River Mile 157.00—26.16 (Delaware River—Tohickon Creek) in Richland Township, Bucks County, PA. The project WWTP is located in the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

2. *Schering Corporation, D-1986-004-2*. An application to modify Schering Corporation's industrial waste treatment plant (IWTP) docket to approve an existing discharge of 0.04 mgd of treated industrial wastewater from Outfall No. 001A (approved by Docket D-1986-4) and a 0.02 mgd discharge of cooling tower blowdown and HVAC condensate from Outfall No. DSN002A. Outfalls Nos. 001A and DSN002A will continue to discharge to an Unnamed Tributary of the Paulins Kill at River Mile 207.0—33.8—0.3 (Delaware River—Paulins Kill—unnamed tributary), in Lafayette Township, Sussex County, NJ. The project IWTP is located in the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

3. *Lower Perkiomen Valley Regional Sewer Authority, D-2001-042 CP-3*. An application for approval to renew a discharge of up to 14.25 mgd from the existing Oaks Wastewater Treatment Plant (WWTP). The Oaks WWTP discharges to the Schuylkill River at River Mile 92.47—32.35 (Delaware River—Schuylkill River), in Upper Providence Township, Montgomery County, PA.

4. *Delaware County Solid Waste Authority, D-89-18 CP-4*. An application for approval of the modification and expansion from 0.08 mgd to 0.115 mgd of the Delaware County Solid Waste Authority's (DCSWA) Rolling Hills leachate treatment plant (LTP). Modifications include the addition of a clarifier, new ozone system, additional blowers, new pumps, and new boilers to ensure the treatment process complies with permit limitations such as color, ammonia, and TDS. 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.

5. *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) wastewater treatment plant (WWTP). On May 6, 2009, the Commission approved Docket No. D-2008-27-1 for the West Deptford Energy Station (WDES), allowing WDES 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 (CCW) back to GCUA's effluent stream. As a result of the WDES approval, a TDS and thermal mixing zone are required for existing GCUA Outfall No. DSN004A at the Delaware River. This application includes a thermal mixing zone of 164 feet and a TDS mixing zone of 105 feet for Outfall No. DSN004A. The project WWTP is located in Water Quality Zone 4 at River Mile 89.7 (Delaware River), in West Deptford Township, Gloucester County, NJ.

6. *Aqua Pennsylvania—Chalfont System, D-1993-083 CP-2*. An application for approval of a groundwater withdrawal project for which the Commission's approval has expired, to continue a withdrawal of 39 mg/30 days to supply the applicant's public water supply system from five existing wells. The project is located in the Stockton Formation in the Neshaminy, Pine Run and Cooks Run watersheds in Chalfont and New Britain Boroughs, Montgomery County, PA within the Southeastern Pennsylvania Ground Water Protected Area (GWPA). The project wells are located in three sub-basins of the Neshaminy Creek Basin, as defined by the GWPA Regulations: North Branch Neshaminy Creek, Pine Run Basin and Doylestown Sub-basin Neshaminy Creek.

7. *The Upper Hanover Authority and The Red Hill Water Authority, D-2002-10 CP-3*. An application for a groundwater withdrawal project to increase the withdrawal from 43.113 mg/30 days to 56.88 mg/30 days from six existing wells and one existing spring water withdrawal (Kemmerer Spring) to supply the applicant's public water supply. The 13.767 mg/30 days increase would be obtained from existing Wells Nos. TUHA-1 and TUHA-2. The project is located in the Brunswick, Leithsville and Hardyston Formations. The increased allocation is requested to meet 10-year projected increases in service area demand. The project is located in the Perkiomen Creek and Macoby Creek watersheds in Upper Hanover, Hereford and Upper Milford Townships, Montgomery, Berks and Lehigh Counties, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area (GWPA). The project wells are in the Upper Reach Perkiomen Creek and Perkiomen-Macoby Run sub-basins as defined by the GWPA Regulations.

8. *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 Sularian 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.

9. *Inversand Company, D-2007-015-1*. An application for approval of a groundwater withdrawal project to supply up to 15.5 mg/30 days of water to the applicant's glauconite mining operations from new Wells Nos. 1 and 2 and a mining pit. The project is located in the Mt. Laurel-Wenonah and Potomac-Raritan-Magothy formations in the Mantua Creek Watershed in Mantua Township, Gloucester County, NJ.

10. *Yukiguni Maitake Manufacturing Corporation of America, D-2008-035-1*. An application for approval to construct wastewater treatment facilities for the Yukiguni Maitake Mushroom Growing Facility and to construct three land discharges from a pilot-scale growing facility (1-story, 44,100 square foot building) on the site. Two of the proposed discharges are to a three-bay infiltration basin system, whereas the third is to an on-site septic tank discharging to a leach field. The three-bay infiltration basin system will accept up to 55,000 gpd, 51,000 gpd of which will be from a geothermal system (Outfall No. 005) and the remaining 4,000 gpd from process water (Outfall No. 002). The on-site septic tank and leach field are proposed to receive up to 1,000 gpd of sanitary wastewater (Outfall No. 001). 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.

11. *UMH Properties Inc., D-2009-021-1*. An application for approval of the Highland Estates Mobile Home Park WWTP. The existing WWTP discharges treated sewage effluent at an average annual daily flow rate of 0.08325 mgd to an unnamed tributary of Mill Creek, which is a tributary of the Schuylkill River. The facility is located in Greenwich Township, Berks County, PA.

12. *White Manor Country Club, D-2009-022-1*. An application for approval of a new ground and surface water withdrawal project to supply up to 7.02 mg/30 days of water to the applicant's irrigation process from existing Well No. 1 and existing Intakes 1 and 2. The project well and intakes are located in the Felsic Gneiss, granulite facies in the Crum Creek Watershed in Willistown Township, Chester County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

13. *Camp Lohikan, D-2009-024-1*. An application for approval of the proposed Camp Lohikan Spray Irrigation Sewage Disposal System. The proposed WWTP is comprised of an aerated lagoon system designed to provide secondary treatment and disinfection, followed by land application by means of spray irrigation. The hydraulic design capacity of the facility is 0.03 million gallons per day (mgd). The proposed project is located in the Equinunk Creek Watershed in Buckingham Township, Wayne County, PA, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

14. *Lehigh Carbon Community College, D-2009-025 CP-1*. An application for approval to install two new final clarifiers and aerobic digesters at the existing 36,225 gallons per day (gpd) WWTP of the Lehigh Carbon Community College. No change in hydraulic design is proposed. The project is located in North Whitehall Township, Lehigh County, PA, within the drainage area of

the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The WWTP discharges to an unnamed tributary of Jordan Creek, a High Quality-Cold Water Fishery, Migrating Fishery (HQ-CWF, MF) at River Mile 183.66—16.25—13.79—1.26 (Delaware River—Lehigh River—Jordan Creek—Unnamed Tributary).

In addition to the standard business meeting items, including adoption of the Minutes of the Commission's previous (October 22, 2009) business meeting; announcements of upcoming advisory committee meetings and events of interest; a report on hydrologic conditions; a report by the Executive Director; and a report by the Commission's General Counsel, the business meeting also will include public hearings and consideration by the Commission of resolutions: (a) extending Docket No. D-69-210 CP Final (Revision 12) for the Limerick Generating Station Water Supply Modification Demonstration Project and Wadesville Mine Pool Withdrawal and Streamflow Augmentation Demonstration Project for a period of one year or until the Commission approves a revised docket, whichever occurs first; (b) authorizing the Executive Director to modify Docket D-71-86-2 for DuPont's Edge Moor Titanium Dioxide Facility Industrial Wastewater Discharge to provide additional time and to establish an approved schedule for installation of a diffuser by January 31, 2010; (c) approving the Commission's Fiscal Year (FY) 2010-2015 Water Resources Program; (d) approving guidance consisting of a Commission "penalty matrix" to assist regulated entities and the Commission staff in reaching negotiated settlements for suspected violations of the Commission regulations; (e) authorizing and directing the Executive Director to enter into a revised administrative agreement with the State of New Jersey for the submission and review of projects under Section 3.8 of the Compact; and (f) approving the Commission FY 2011 operating and capital budgets. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on December 9, 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. 09-2182. Filed for public inspection November 25, 2009, 9:00 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Product Promotion Matching Grant 2010

The Department of Agriculture (Department) announces November 30, 2009 through January 8, 2010, for the Direct Farm Sales Grant Program (Program) application period. Administered by the Department, Bureau of Food Distribution (Bureau), application forms and information about the Program can be accessed at the Department's web site [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us), or by contacting Sandy Hopple at the Bureau (800) 468-2433.

The Program provides funds to Pennsylvania-based businesses that manage or operate a farm stand or farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. Projects must pertain to specialty crops. The maximum Grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to provide 25% of the approved Grant amount in matching funds or in-kind goods or services. The anticipated date for the Award of Grants and Notice thereof is expected to be on or before March 1, 2010. The application, work plan and budget should reflect March 1, 2010, as the project start date and the project completion date will be September 30, 2010.

Applications for the Program will be accepted by the Department beginning Monday, November 30, 2009, and continue through Friday, January 8, 2010. Applications to be hand-delivered must be received by 4 p.m. in the Bureau on the closing date, Friday, January 8, 2010. Applications which are mailed must be postmarked no later than Friday, January 8, 2010, and received no later than January 15, 2010.

Completed applications should be addressed to, or delivered to, the Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2183. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS), Lymphocytic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as "dangerous transmissible diseases." These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 39 Pa.B. 239 (January 10, 2009) that made

the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2010.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

### 1. WNE

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a "dangerous transmissible disease" will facilitate the Department's surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

### 2. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or "mad cow" disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a "prion." There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is

diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

### 3. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

### 4. VHS

Viral hemorrhagic septicemia (VHS) virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

### 5. LCMV

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

### 6. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geo-

graphic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheo-bronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

### Order

The Department hereby designates WNE, CWD, SVC, VHS, LCMV and EHV-1 “dangerous transmissible diseases” under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2010, and shall remain in effect until no later than January 1, 2011. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2011; (2) allow this temporary order to expire on January 1, 2011; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Craig Shultz, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL C. REDDING,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2184. Filed for public inspection November 25, 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 November 17, 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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-13-2009	Ask America, LLC, Fairfield, NJ; Anita Khubani; Ashok Khubani; and Anand V. Khubani	Approved
11-13-2009	Jay S. Sidhu	Approved

Application for approval to acquire up to 12.0% of the Common Stock of New Century Bank, Phoenixville.  
Application for approval to acquire up to 13.0% of the Common Stock of New Century Bank, Phoenixville.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	Fidelity Savings Bank Pittsburgh Allegheny County	McKnight Road and Duncan Avenue McCandless Allegheny County	Approved
11-9-2009	Graystone Tower Bank Lancaster Lancaster County	830 North U.S. Highway 15 Dillsburg York County	Approved
11-9-2009	Graystone Tower Bank Lancaster Lancaster County	329 East Beaver Avenue State College Centre County	Approved
11-9-2009	Integrity Bank Camp Hill Cumberland County	1683 Oregon Pike Lancaster Lancaster County	Approved
11-9-2009	Integrity Bank Camp Hill Cumberland County	300 Centerville Road Lancaster Lancaster County	Approved
11-9-2009	Northwest Savings Bank Warren Warren County	413 South Logan Boulevard Suite 3 Altoona Blair County	Approved
11-9-2009	The Muncy Bank and Trust Company Muncy Lycoming County	4880 SR 44 Dewart Northumberland County	Opened

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	PeoplesBank, A Codorus Valley Company York York County	<i>To:</i> 2410 Eastern Boulevard York York County  <i>From:</i> 2701 Eastern Boulevard York York County	Effective

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-13-2009	Centric Bank Harrisburg Dauphin County	10 North Progress Avenue Harrisburg Dauphin County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-11-2009	New Century Bank Phoenixville Chester County	Approved and Effective

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**

**Branch Applications**

**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2009	TruMark Financial Credit Union Trevose Bucks County	12377 Academy Road Philadelphia Philadelphia County	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2185. Filed for public inspection November 25, 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0208574	Coach Stop Inn 5744 Route 6 Wellsboro, PA 16901	Shippen Township Tioga County	Unnamed Tributary to Pine Creek (9A)	Y
PA0209155	Sandro Sorge Apartments 212 Fifth Street Bloomsburg, PA 17815	Columbia County Madison Township	Spruce Run 5C	Y
PA0228648 (Sewage)	Jackson Township Wastewater Facility 30 Wisteria Way Millerton, PA 16936	Jackson Township Tioga County	Hammond Creek (4B)	Y
PA0113476 IW	Koppers Industries, Inc. 436 Seventh Avenue Suite 1800 Pittsburgh, PA 15219-1800	Lycoming County Clinton Township	Unnamed Tributary To West Branch Susquehanna River 10C	Y

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

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

**PA0029289-A1**, Sewage, **Stroudsburg Borough**, 700 Sarah Street, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: Increase the discharge of treated sewage from 2.5 MGD to 4.5. This notice is being republished with corrections originally published on November 21, 2009.

The receiving stream, McMichael's Creek, is in the State Water Plan watershed #1E and is classified for: Trout Stocking Fishes. The nearest downstream public water supply intake for City of Easton is located on Delaware River is > 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 MGD.

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N (5/1 to 10/31)	10.0		20.0
Phosphorus as "P" Total	Monitor & Report		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.3
Nitrate Nitrogen (5/1 to 10/31)	Monitor & Report		
Total Dissolved Solids	1,000	1,500	2,000

The proposed effluent limits for Outfall 001 based on a design flow of 4.5 MGD.

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	10.0	15.0	20.0
NH <sub>3</sub> -N (5/1 to 10/31)	1.5		3.0
(11/1 to 4/30)	4.5		9.0
Phosphorus as "P" Total	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.43		1.0
Nitrate Nitrogen (5/1 to 10/31)	4.0		
Total Dissolved Solids	1,000	1,500	2,000

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

**Application No. PA 0021865**, Sewage, **Borough of Adamstown in Lancaster County**, 98 Lancaster Avenue, Adamstown, Pennsylvania 19501. This facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream, Little Muddy Creek, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Authority is located on the Conestoga River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
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)</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	10,959*
Net Total Phosphorus	XXX	Report	1,461*

\* 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, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You 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.

**Application No. PA 0021717**, Sewage, **Marietta-Donegal Joint Authority**, P. O. Box 167, Marietta, Pennsylvania 17547. This facility is located in Marietta Borough, **Lancaster County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 2.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 MGD are:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
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)</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	13,698*
Net Total Phosphorus	XXX	Report	1,826*

\* 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, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You 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.

**Application No. PA 0026123**, Sewage, **Columbia Municipal Authority**, 308 Locust Street, Columbia, Pennsylvania 17512. This facility is located in Columbia Borough, **Lancaster County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Safe Harbor Power Plant is located on the Susquehanna River, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
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	
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

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	36,529*
Net Total Phosphorus	XXX	Report	Report	4,871*

\* 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, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You 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.

**Application No. PA 0070424**, Sewage, **Caernarvon Township Municipal Sewer Authority (WWTF)**, P. O. Box 291, Morgantown, Pennsylvania 19543. This facility is located in Caernarvon Township, **Berks County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Lancaster Municipal Water Company is located on the Conestoga River, approximately 36 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.7 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		6.0
(11-1 to 4-30)	13.5		9.0
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

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report**
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	12,785*
Net Total Phosphorus	XXX	Report	Report	1,705*

\* 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, 2012.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the permit effective date.

You 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.

**Application No. PA 0026638**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, Pennsylvania 19611. This facility is located in Reading City, **Berks County**.

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

The receiving stream, Wyomissing Creek, is in Watershed 3-C, and classified for cold water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 4.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	40	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.25		0.84
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	

The proposed Final effluent limits for Outfall 001 for a design flow of 4.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	40	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.10		0.31
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	

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

The EPA waiver is not in effect.

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

**PA0204528**, Industrial Waste, SIC 4941, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the Vanport Water Treatment Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located at Midland, PA, about 5 miles below the discharge point.

Outfall 001: emergency discharge, design flow of 2 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Trichloroethylene (TCE)			0.010		0.020
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096733**, Sewage, **Gayle M. DeGrano**, P. O. Box 372, Turtle Creek, PA 15145. This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant View Mobile Home Park STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high-quality cold water fishery 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 Westmoreland Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.024 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0254118**, Sewage, **Rodney C. Marvin**, 146 Lee Street, Hyndman, PA 15545. This application is for issuance of an NPDES permit to discharge treated sewage from Marvin property SRSTP in Southampton Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Jennings Run, which are classified as a cold water fishery 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 Out of PA, in Maryland.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0252778**, Sewage, **Ricky G. and Rebecca J. Niemiec**, 5821 Somerset Pike, Boswell, PA 15531. This application is for renewal of an NPDES permit to discharge treated sewage from Niemiec SR STP in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of South Fork Bens Creek, which are classified as a high-quality cold water fishery 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 Buffalo Township Municipal Authority, Freeport.

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
May 1 to Oct 31	5.0			10.0
Nov 1 to Apr 30	15.0			30.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0093980**, Sewage, **Mr. Roger Breig, Better Built Mobile Homes**, 102 Kimberlin Drive, Irwin, PA 15642. This application is for renewal of an NPDES permit to discharge treated sewage from Kimberly Estates MHP STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Little Sewickley Creek, which are classified as a warm water fishery 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 Municipal Authority of Westmoreland County at McKeesport.

*Outfall 001*: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	2.5			5.0
Nov 1 to Apr 30	7.5			15.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.22			0.50
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.

### III. WQM Industrial Waste and Sewerage Applications 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. 3909405**, Sewerage, **Lynn Township Sewer Authority**, 7481 Allemaengel Road, New Tripoli, PA 18066. This proposed facility is located in Lynn Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project consists of an upgrade and expansion to the existing Lynn Township Sewer Authority WWTP from 80,000 GPD to 160,000 GPD.

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

**WQM Permit No. WQG016179**, Sewerage, **Brian M. Lane**, 2925 Bedillion Road, Washington, PA 15301. This proposed facility is located in South Franklin Township, **Washington County**.

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

### 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.*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904015 (1)	Harold Newton 2204 Rt. 100 Professional Office Campus, LLC 6235 Hamilton Blvd. Suite 212 Allentown, PA 18106	Lehigh	Lower Macungie Twp.	Little Lehigh Creek HQ-CWF, MF

*Schuylkill County Conservation District: 1206 Agricultural Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901, 570-622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025409004	H & S Investment Properties P. O. Box 160 Saint Clair, PA 17970	Schuylkill	East Norwegian Township	Mill Creek CWF, MF

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

*Bradford County Conservation District: Stoll Natural Resource Center, R. R. 5, Box 5030C, Towanda, PA 18848 (570) 265-5539, X 6.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Bradford	Asylum, Burlington, Granville, Monroe, Towanda, Tuscarora and West Burlington Townships	UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF UNT to North Branch Towanda Creek CWF Preacher Brook CWF UNT to S010 None Specified UNT to Preacher Brook CWF UNT to Preacher Brook CWF French Run CWF UNT to French Run N/Available UNT to French Run CWF UNT to French Run CWF Roadside Ditch None Specified UNT to Towanda Creek CWF

## NOTICES

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Potter	Alleghany, Hector and Ulysses Townships	UNT to Pine Creek None Pine Creek HQ-CWF Jones Run HQ-CWF Cushing Hollow HQ-CWF Genesee Forks HQ-CWF Tubbs Hollow HQ-CWF Scott Hollow HQ-CWF UNT to Laurel Run None Laurel Run HQ-CWF UNT to Laurel Run HQ-CWF Phoenix Run HQ-CWF UNT to Phoenix Run HQ-CWF UNT to Little Phoenix Run None Little Phoenix Run HQ-CWF Wattles Run CWF Ditch None Long Run CWF UNT to Pine Creek HQ-CWF UNT to Pine Creek HQ-CWF Man-Made Pond N/A UNT to Cushing Hollow HQ-CWF Cushing Hollow HQ-CWF Trib to Long Run CWF

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI040009001	Tennessee Gas Pipeline Company	Tioga	Charleston, Clymer, Richmond and Sullivan Townships	Hills Creek WWF Hills Creek WWF UNT to North Elk Run CWF UNT to North Elk Run CWF UNT to North Elk Run None Slate Creek CWF UNT to Tioga River CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				UNT to Canoe Camp Creek
				None Specified
				UNT to Canoe Camp Creek
				None Specified
				UNT to Canoe Camp Creek
				CWF
				UNT to S021
				None Specified
				UNT to Corey Creek
				CWF
				UNT to Corey Creek
				None Specified
				UNT to Corey Creek
				None Specified
				UNT to Corey Creek
				None Specified
				Trib to North Elk Run
				CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509007	James R. Thomas P. O. Box 968 Pleasant Unity, PA 15676	Westmoreland	Derry Township	UNT to Saxman Run (WWF)

**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](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Gobble's Knob Turkey Farm David and Cathy Reifsneider 2596 New Bridgeville Road Felton, PA 17322	York	15.4	469.9	Turkey	N/A	Renewal
Hershey Ag/Lost Creek Farm 586 Benner Road McAlisterville, PA 17049	Juniata	151	982.5	Swine	N/A	Update to Act 38
Mark Rohrbach 68 Rider Road Catawissa, PA 17820	Columbia	300	604.55	Swine Beef	NA	New

**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**

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

**Application No. 0909519, Public Water Supply.**

Applicant **Borough of Doylestown**  
Borough Doylestown

**County Bucks**  
Responsible Official John H. Davis  
57 West Court Street  
Doylestown, PA 18901  
Type of Facility PWS  
Consulting Engineer C.K.S. Engineering, Inc.  
88 South Main Street  
Doylestown, PA 18901  
Application Received Date October 26, 2009  
Description of Action Preparation and repainting of spot repairs to the interior surface of the existing 400,000 gallon steel standpipe water storage tank, known as the Maplewood Standpipe.

**Application No. 4609521, Public Water Supply.**

Applicant **Aqua Pennsylvania**  
Township Abington  
County **Montgomery**  
Responsible Official Joseph G. Thurwanger  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Type of Facility PWS  
Consulting Engineer Aqua Pennsylvania  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Application Received Date October 22, 2009  
Description of Action Painting interior and exterior of 10.00 MG Hillside Water Storage Tank.

**Application No. 1509512, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
Township East Vincent  
County **Chester**  
Responsible Official Mr. David R. Kaufman  
800 West Hersheypark Drive  
Hershey, PA 17033  
Type of Facility PWS



Consulting Engineer Pennsylvania American Water Company  
4 Wellington Boulevard  
Wyomissing, PA 19610

Application Received Date October 30, 2009

Description of Action Installation of additional yard piping on site to reconfigure chlorine contact pipe.

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

**Permit No. 6507503A2**, Public Water Supply.

Applicant **Latrobe Municipal Authority**  
104 Guerrier Road  
Latrobe, PA 15650

Township or Borough Latrobe  
Responsible Official Thomas Gray, Manager  
Latrobe Municipal Authority  
104 Guerrier Road  
Latrobe, PA 15650

Type of Facility Water treatment plant  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date October 13, 2009

Description of Action A chemical change from lime to caustic soda.

**Permit No. 1109504**, Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
P. O. Box 1407  
Johnstown, PA 15907

Township or Borough East Taylor Township  
Responsible Official Edward Cernic, Chairperson  
Greater Johnstown Water Authority  
640 Franklin Street  
P. O. Box 1407  
Johnstown, PA 15907

Type of Facility Water treatment plant  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date October 29, 2009

Description of Action Installation of an aeration system for both 1 million gallon water storage tanks and changing the disinfection method at the Saltlick water treatment plant to a mixed oxidant.

#### WATER ALLOCATIONS

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

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

**WA30-587G, Water Allocations-Resubmittal.** Southwestern Pennsylvania Water Authority, P. O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **Greene County.** The applicant is requesting the right to withdraw 9.22 million gallons of water per day, peak day, from the Monongahela River.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional

office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**7 Eleven Store # 20114**, Borough of Lansdowne, **Delaware County**. Courtney Hanrahan, ENSR International, 2005 Cabot Boulevard, Suite 100, Langhorne, PA 19047, Richard Fireley Jr., ENSR International, 2005 Cabot Boulevard, Suite 100, Langhorne, PA 19047 on behalf of Ken Hilliard, 7-Eleven, Inc., Store # 20114, 2711 North Haskell Avenue, Dallas, TX 75304 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The former and intended use of the property is as a commercially viable (non-residential) industrial property. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on August 7, 2009.

**Alex Auto Repair**, Lower Southampton, **Bucks County**. Joanne Van Rensselare, Envirosearch Consultants, Inc., P. O. Box 940, Spring House, PA 19477, Nicholas Brozda, 211 Dylan Lance, Phoenixville, PA 19460 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of MTBE. The future use of the property will remain unchanged; non-residential-current use is a pool sales company and small retail store fronts.

**Henderson Property**, Willistown Township, **Chester County**. Charles Metzger, ECC Horizon, 135F Gaither Drive, Mount Laurel, NJ 08054, William Galbraith, W. T. Galbriath Fuel Oil, Inc., 200 Powelton Avenue, P. O. Box 160, Lansdowne, PA 19050 on behalf of Gary Henderson, 22 Shepherd Road, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property is intended to remain residential.

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

**Horwith Trucking Back Lot Area**, 6 Horwith Drive, Northampton Borough, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a Notice of Intent to Remediate on behalf of her client MRS Land, LLC, P. O. Box 7, Northampton, PA 18067, concerning the remediation of soil found to have been impacted by bunker oil as a result of historical operations at a former cement production facility and a waste paper recycling facility at this site. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the site is industrial and commercial. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on October 23, 2009.

**Northwestern Lehigh School District Maintenance Shop**, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his client, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the

remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, non-regulated underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property is as a school. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 26, 2009. A Final Report was simultaneously submitted.

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

**Former Glucroft Corporation Roaring River Mills Property**, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Amtran, 3301 Fifth Avenue, Altoona, PA 16602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs and metals. The site is being remediated as a Special Industrial Area. The proposed future use is non-residential.

**Ellis Residence**, Tuscarora Township, **Perry County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Thorpe Ellis, 7091 Raccoon Valley Road, Millerstown, PA 17062, submitted a Notice of Intent to Remediate site soils, surface water and groundwater contaminated with No. 2 fuel oil. The site, which will remain a residence, will be remediated to the Residential Statewide Health Standard.

## 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.**

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

**10-346C: Scrap Salvage & Surplus, Inc.** (690A Glenwood Way, Butler, PA 16001) for construction of a portable scrap cutting enclosure at their facility in Center Township, **Butler County**.

**62-032F: Ellwood National Forge Co.** (One Front Street, Irvine, PA 16329) for a minor modification to Plan Approval 62-032E to reallocate gas throughput limits associated with the Oxyfuel Preheater, Vertical Dryer, and Horizontal Preheater (Source ID 101A) at their facility in Brokenstraw Township, **Warren County**. This is a Title V facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**55-00001D: Sunbury Generation LP** (Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876) for construction and operation of an activated carbon injection system (ACI) to control the mercury emissions from the facility's existing four (4) coal fired utility boilers in Shamokin Dam, **Snyder County**. The rated heat input of each boiler is 525 mmBtu/hr. Sunbury Generation also proposes to construct and operate an activated carbon storage and material handling system. There is no emission increases from the boilers due to operation of the activated carbon injection system (ACI). The particulate matter emissions from the storage and material handling operation will be controlled by a small fabric collector. This facility is a major facility for which a Title V operating permit has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Sunbury Generation LP indicates that the proposed ACI system and the material handling system will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code § 123.1, the particulate matter

emission limitation of 25 Pa. Code § 123.11 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the sources and air cleaning devices. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 55-00001 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

(1) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the activated carbon injection system shall be placed upstream of each fabric collector which, control the emissions from each of the coal fired boilers (Source IDs 031, 032, 033 and 034). Additionally, the activated carbon injection system shall consist of the following equipment:

- (a) One 6,400 cubic foot activated carbon storage silo.
- (b) One pneumatic conveying system.
- (c) A loss-in-weight type gravimetric feeder system consisting of one metering hopper, a variable rate screw feeder and a variable frequency controller.
- (d) 1/2—1" venturi eductor.
- (e) One regenerative type air blower.
- (f) Custom made duct injection nozzles.

(2) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emissions from the activated carbon storage silo shall be controlled with a Torit model TBV-4 pressurized fabric collector. The particulate matter emissions from which shall not exceed 0.005 grains per dry standard cubic foot.

(3) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall continuously monitor the activated carbon injection rate (in pounds per hour) for each boiler. Additionally, the permittee shall record the injection rate at least once every shift.

(4) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the injection rate of the activated carbon shall not exceed 135 pounds per hour.

(5) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install, operate and maintain instrumentation to continuously measure the pressure drop across the Torit model TBV-4 fabric collector which control particulate matter emissions from the activated carbon storage silo to assure that the fabric collector is operated and maintained with good air pollution control practices. The pressure drop shall be recorded at least once a day during operation. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

(6) The permittee shall comply with all applicable Pennsylvania mercury regulations specified in 25 Pa. Code §§ 123.201—123.215 including all monitoring recordkeeping and reporting requirements.

(7) Pursuant to BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate, maintain and calibrate all monitoring and recording equipment associated with the activated carbon injection system according to the manufacturer's specifications. The permittee shall keep records of any calibration or maintenance done on any of the monitoring device(s). These



records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

(8) Within 2 years of the initial startup of the activated carbon injection system the permittee shall conduct total particulate matter stack testing (filterable and condensable) upon the exhausts associated with Source IDs 031, 032, 033 and 034 while the ACI system is in operation to determine the particulate matter emissions.

(9) (a) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(c) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**65-00661C: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650-3451) for construction of a replacement hot mix asphalt plant at their Salem Delmont Plant in Salem Township, Westmoreland County, consisting of the following sources: one Dilman Equipment, Inc., counter flow drum mix plant model D-UCF11454 rated at 400 tph; one Hauck burner Model ESII-125 rated at 125 mmBtu/hr; roadways; and front-end loaders. The facility incorporates the following control devices: one Dillman knock-out box model D-RPBH-80-400PC rated at 70,000 ACFM at 300° F; one Aeropulse, Inc., bag house model M-936-12-H-N rated at 70,000 ACFM at 300° F; and water spray dust suppression. The BAT determination for this site includes a knock-out box in series with a baghouse and various work practice standards including preventative maintenance to better avoid malfunctions, active and passive fugitive dust suppression, and facility operation which ensures compliance with emission restrictions.

Emissions from the facility/source are estimated to be 1.04 tons of PM10 per year, 0.72 tons of PM2.5 per year, 3.78 tons of Filterable Particulate per year, 7.9 tons of VOC per year, 32.2 tons of CO per year, 13.6 tons of NOx per year, 11.8 tons of SO<sub>2</sub> per year, and 2.48 tons of HAPS per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—

145 and Federal Regulations 40 CFR 60.4, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.93, 40 CFR 60.670, 40 CFR 60.672, 40 CFR 60.675 and 40 CFR 60.676. Plan Approval will include conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Jacob G. Chemsak, E.I.T., Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Written comments 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.

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

**20-303A: Crawford Central School District** (860 Thurston Road, Meadville, PA 16335) for authorization to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device in the City of Meadville, **Crawford County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the City of Meadville, Crawford County. This plan approval will authorize the applicant to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device as described in the applicant's application dated August 19, 2009.

The biomass unit will be fueled by virgin chipped wood with an average ash content of 2% and a moisture content of approximately 38%. At no time shall particle-board, flake-board, preservative treated wood, coated or painted wood, laminated wood, construction or demolition waste or any other material be burned without approval from the Department. The unit will only operate during the months of September through the end of May to provide heat to the buildings. The fuel will be stored in an enclosed building abutting the biomass unit. The biomass unit will be equipped with a multi-clone control device with a removal efficiency of 65% that was considered BAT. Fly ash will not be re-injected into the operation and therefore will be collected into a closed dumpster below the multi-clone for disposal. Crawford Central anticipates a startup date of October 15, 2010. Performance testing will be conducted within 180 days of startup to determine compliance with PM, filterable PM10, CO and NOx emissions limits set forth in the plan approval.

The permittee shall perform daily visible observations of the stack when the source and control device is in operation, record daily magnehelic readings, and daily fuel usage. Seasonal shutdowns and weekly preventative maintenance inspections shall be performed and recorded. The permittee shall keep monthly records of the PM, PM10, CO, NOx, SOx and VOC emissions to demonstrate compliance with emission limitations of: 2.39 lbs/hr and



7.84 tpy PM; 2.17 lbs/hr and 7.1 tpy PM<sub>10</sub>; 5.7 lbs/hr and 18.7 tpy CO; 3.12 lbs/hr and 10.21 tpy NO<sub>x</sub>; .238 lbs/hr and .78 tpy SO<sub>x</sub>; and 0.16 lbs/hr and 0.53 tpy VOC. The source is not considered major pre-controlled, therefore, CAM is not applicable.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at 814-332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-303A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation 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 John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

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

**AMS 09199: PA Convention Center** (111 North Broad Street, Philadelphia, PA 19107) to install Two (2) 1750 Kilowatt (KW) Cummins Diesel emergency generator firing #2 fuel oil, Two (2) 20.93 mmBtu/hr Burnham Boiler firing #2 fuel oil and natural gas, Two (2) 8.43 mmBtu/hr Johnson Controls/Power Flame Chillers firing #2 fuel oil and natural gas in the City of Philadelphia, **Philadelphia County**. The Facility will be limited to less than 25 tons of Nitrogen Oxides (NO<sub>x</sub>) emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**AMS 09040: Sunoco, Inc.** (3144 Passuynk Avenue, Philadelphia, PA 19145) for construction and operation of a Selective Catalytic Reduction (SCR) system at the 1332 process heaters (H-400/401) in the City of Philadelphia, **Philadelphia County**. The SCR will reduce Nitrogen Oxide (NO<sub>x</sub>) emissions by 136.9 tons per year from the 2001-2002 baseline years. The annual NO<sub>x</sub> emissions from the heaters combined will be limited to 62.7 tons per year. 112 tons of NO<sub>x</sub> emission reduction is used to satisfy the Supplemental and Environmental Projects and State and Local Environmentally Beneficial Projects of the Consent Decree Order No. 05-CV-2866. 24.9 tons of NO<sub>x</sub> emission reduction is to be applied to Consent Decree or on future projects. The permit will contain

operating, testing, monitoring, and recordkeeping requirements to ensure that the SCR operates within all applicable requirements.

**AMS 09143: AT&T Communications of Pennsylvania, LLC** (500 South 27th Street, Philadelphia, PA 19146) to increase testing, tuning, and allowable repair times for six (6) 750 kW kerosene fired emergency turbines in the City of Philadelphia, **Philadelphia County**. Each turbine is limited to 500 hours per rolling 12 month period. There will be no potential annual emission increase of Nitrogen Oxides from the facility. The Plan Approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 09105: Kinder Morgan Liquid Terminals** (3300 North Delaware Avenue, Philadelphia, PA 19134) for modification of Conditions 2.C, 2.D, 3.A. (1), and 5.A of the facility's Reasonably Achievable Control Technology (RACT) Plan Approval for Volatile Organic Compounds (VOC) in City of Philadelphia, **Philadelphia County** and the RACT Plan Approval was originally issued to GATX Terminal Corporation. Modification of the conditions will provide clarification and consistency with the facility's operating scenarios, Philadelphia Air Management Services regulations, and Plan Approvals issued. There are no changes to any emission limits from the original RACT Plan Approval. The modifications are listed:

- Modify Condition 2.C from "Tank Car/Truck Loading Racks—A, B, E, F, M & V shall comply with 25 Pa. Code § 129.59." to "Volatile Organic Compounds (VOC) that require control by vapor incinerator per applicable regulations or permit conditions will be loaded at controlled tank car positions located at racks A, E, F, M, or D."

- Modify Condition 2.D from "Tank Car/truck loading racks—C, D, G, H, N, O, P, R, R-1, T, & X which are uncontrolled shall be limited to processing organic liquid with vapor pressures lower than 4 RVP" to "All volatile organic liquids loaded at uncontrolled rack positions at the facility must have a Reid Vapor Pressure (RVP) less than 4.0."

- Modify Condition 3.A.(1) from "Tank Car/Truck loading Rack—C, D, G, H, N, O, P, R, R-1, T, X which are uncontrolled shall be limited to 129 tons of VOC per year" to "All uncontrolled tank car/truck loading positions at the facility shall be limited to 129 tons of VOC per year."

- Modify Condition 5.A from "GATX shall monitor all valves, pumps, and flanges quarterly for visual leaks. GATX shall also monitor valves, pumps, and flanges which process organic liquid greater or equal to 4 RVP for leaks greater than 10,000 ppmv" to "The Permittee shall monitor all valves, pumps, and flanges in Volatile Organic (VOC) Service quarterly for visual leaks or for leaks greater than 10,000 ppmv."

A public hearing will be conducted to address any comments about the above modification. The hearing will take place at 6 p.m. on January 6, 2010, at 1st Floor Conference Room, Medical Examiner Office, Spelman Building, 321 University Avenue, Philadelphia, PA 19104.

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karol Bowman (215-685-7572) at the above address. All written comments must be

received by January 6, 2010. Comments received by facsimile will not be accepted.

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

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

**09-00148: Bucks County Community College** (275 Swamp Road, Newtown, PA 18940-4106) for operation of a higher education facility in Newtown Township, **Bucks County**. The renewal permit is for a non-Title V (State only) facility. The major sources of air emissions are: boilers, heaters, and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 19438), for a State Only, Synthetic Minor Operating Permit Renewal in Hatfield Township, **Montgomery County**. The facility is a major source of nitrogen oxides (NO<sub>x</sub>) emissions. Operating parameters and emissions shall be limited to below major threshold levels to maintain a minor operating status. Sources include boilers, emergency generators, and an incinerator. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00063: New Hope Crushed Stone and Lime Co.** (6970 Phillips Mill Road, New Hope, PA 18938) for operation of two (2) non-metallic mineral processing plants and associated diesel engines at Solebury Township, **Bucks County**. This action is a renewal of a State Only Operating Permit (Synthetic Minor), which was originally issued on February 18, 2005. The facility took operation hour and diesel fuel consumption restrictions to maintain its Nitrogen Oxides emissions below the threshold level. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**01-03017: Premier Chemicals, LLC** (300 Barr Harbor Drive, Suite 250, West Conshohocken, PA 19428) for their mineral milling facility in Menallen Township, **Adams County**. The facility is the former Magnesium Elektron, Inc. plant at 1305 Center Mills Road, Aspers, PA 17304. This is a renewal of the State-only operating permit issued in April 2005.

**06-03048: Fusion Coatings, Inc.** (932 West Penn Avenue, Robesonia, PA 19551-0224) for operation of their existing metal coating operation in Heidelberg Township, **Berks County**. This is a permit renewal of their existing State-only operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-03171: Martin Limestone, Inc.**, New Holland Concrete (P. O. Box 550, Blue Ball, PA 17506) for operation of a concrete block production plant in East Earl Township, **Lancaster County**.

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

**33-00156: National Fuel Gas Supply Corp.** (144 Wayne Road, Reynoldsville, PA 15851) for re-issuance of a Natural Minor Permit to operate a natural gas transmission facility in Winslow Township, **Jefferson County**. Emissions sources associated with this facility include 150 HP Compressor Unit with catalytic converter and natural gas dehydration unit. This facility is natural minor because the emissions of pollutants are less than Title V threshold. The facility is not subject to 40 CFR Part 63, Subpart ZZZZ for compressor unit because the engine rated less than 500 brake horse power.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding

Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal Applications Received

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

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

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

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

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

**30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Aleppo and Richhill Townships, **Greene County** for an overhead power line right-of-way to install power to the Bailey 15 I Airshaft. Surface Acres Proposed 35.1. No additional discharges. Application received: October 13, 2009.

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

**32090105 and NPDES No. PA0262919, Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface and auger mine in Center and Brushvalley Townships, **Indiana County**, affecting 75.1 acres. Receiving stream(s): unnamed tributaries to Laurel Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009.

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

**10010101 and NPDES Permit No. PA0241873, Ancient Sun, Inc.** (P. O. Box 129, Main Street, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Muddy Creek Township, **Butler**



**County** affecting 38.2 acres. Receiving streams: Unnamed tributaries of Cheeseman Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to change the post mining land use from forestland to land occasionally cut for hay on the Patricia A. Moore property. Application received: November 9, 2009.

**16040104 and NPDES Permit No. PA0242608. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip operation in Porter Township, **Clarion County** affecting 62.8 acres. The department has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for manganese and aluminum in addition to the limits identified in Table 2. Receiving streams: Unnamed tributaries of Leatherwood Creek and Long Run to Redbank Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: November 13, 2009.

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

**17070115 and NPDES No. PA0256641. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Revision of an existing bituminous surface mine for stream encroachment for unnamed tributary "A" to Abe's Run in Bradford Township, **Clearfield County**, affecting 36.2 acres. Receiving stream: Abe's Run, classified for the

following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2009.

**17813084 and NPDES No. PA0609994. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 407.3 acres. Receiving streams: Wolf Run and an unnamed tributary to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 28, 2009.

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

**54851603T and NPDES Permit No. PA0592897. Carbon & Metal Technologies, LLC**, (P. O. Box 100, Spring Glen, PA 17978), transfer of an existing anthracite coal preparation plant operation from Pine Creek Coal Company in Hubley Township, **Schuylkill County** affecting 23.6 acres, receiving stream: Pine Creek. Application received: October 26, 2009.

**22030201R. Meadowbrook Coal Co., Inc.**, (P. O. Box 6, Lykens, PA 17048), renewal of an anthracite coal refuse reprocessing operation for reclamation activities only in Wiconisco Township, **Dauphin County** affecting 84.0 acres, receiving stream: none. Application received: November 2, 2009.

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#### *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.

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

**03030401 and NPDES Permit No. PA0250333. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Application received for transfer of permit currently issued to Seven Sisters Mining Company, Inc., for continued operation and reclamation of a noncoal surface mining site located in Burrell and South Bend Townships, **Armstrong County**, affecting 34.7 acres. Receiving streams: Crooked Creek to Allegheny River, classified for the following use(s): warm water fishes. There are no potable water supply intakes within ten miles from the point of discharge. Transfer application received: October 30, 2009.

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

**58050830. Paul A. Kelly**, (25 Public Avenue, Montrose, PA 18801), Stage I & II bond release from a quarry operation in Bridgewater Township, **Susquehanna County** affecting 3.0 acres on property owned by Endless Mountain Health Systems. Application received: October 21, 2009.

**7174SM1C7 and NPDES Permit No. PA0009407. Hempt Bros., Inc.**, (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Swatara Township and Steelton Borough, **Dauphin County**, receiving stream: Susquehanna River, classified for the following use: warm water fishes. Application received: October 23, 2009.

**58050844. Thomas G. Moore, Sr.**, (44 Pine Street, Deposit, NY 13754), Stage I & II bond release from a quarry operation in Great Bend Township, **Susquehanna County** affecting 1.0 acre on property owned by Howard Colwell, Jr. Application received: October 28, 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

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

**E09-943. Dept of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities:

1. To remove the existing Headquarters Road bridge (SR 1012, Sec 61M) and to construct and maintain, in its place, an approximately 28-foot long, 30-foot wide, and approximately 4-foot high single span spread box beam bridge across Sundale Creek (EV).

The site is located approximately 1,100 feet northeast of the intersection of Headquarters and Hollow Horn Roads in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 17.86 inches; W: 14.72 inches).

2. To remove the existing Headquarters Road Bridge (SR 1012, Sec 61M) and to construct and maintain, in its place, an approximately 29.5-foot long, 16 foot wide, and approximately 7-foot high single span precast concrete arch culvert across unnamed tributary to Sundale Creek (EV).

The site is located near the intersection of Headquarter Road and Tettermer Road in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 21.34 inches; W: 12.86 inches).

**E09-940. Dept. of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Haycock Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing Sawmill Road bridge and to construct and maintain, in its place, an approximately 28-foot long, 20-foot wide, and approximately 2.75-foot high box culvert across Kimples Creek (TSF).

The site is located approximately 1,100 feet west of the intersection of Sawmill and Old School Roads in Haycock Township, Bucks County (Quakertown, PA USGS Quadrangle N: 20.5 inches; W: 2.25 inches).

**E51-235. City of Philadelphia, PWD, Office of Watersheds, Aramark Tower**, 4th Floor, 11th and Market Streets, Philadelphia, PA 19107, **Philadelphia City and County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities across/along Wise's Mill Run and Cathedral Run within the Fairmont Park:

1) To restore, stabilize, and maintain approximately 1,355 linear feet of Streambank.

2) To construct and maintain a stormwater management basin in the floodway of Cathedral Run.

The project will temporarily impact approximately 0.09 acre and permanently impact 0.01 acre of wetlands. The project commences along Cathedral Run, approximately 227 feet north of the intersection of Seffert Street and Kelly Place in the City and County of Philadelphia (Germantown, PA USGS Quadrangle N: 9.99 inches; W: 14.54 inches).

**E15-797. Borough of Atglen**, P. O. Box 250, Atglen, PA 19310, Atglen Borough, **Chester County**. ACOE Baltimore District.

*Old Gap-Newport Pike Bridge Replacement Project*

To remove the existing Old Gap-Newport Pike Bridge and to construct and maintain an approximately 52-foot span box beam bridge having underclearance of 6.54 feet in its place across the Valley Creek (TSF, MF).

The site is located approximately 35 feet north of the intersection of Steel Ville Mill Road and (Main Street) Old Gap Newport Road in the Borough of Atglen, Chester County (Parkesburg Quadrangle N: 12.33 inches; W: 13.55 inches).

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

**E52-217. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Lackawaxen Township, Shohola Township, Milford Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 41 water obstructions and encroachments in and along Tributary to West Falls Creek (HQ-CWF, MF), Lacakwaxen River (HQ-TSF) and

tributaries thereof, Lords Creek (HQ-CWF) and tributaries thereof, Shohola Creek (HQ-CWF) and tributaries thereof, Walker Lake Creek (HQ-CWF), Twin Lakes Creek (HQ-CWF), Savantine Creek (EV), Craft Brook (EV) and tributaries thereof, and impacting approximately 3,089 linear feet of wetlands (PEM, PFO, PSS, POW). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project Loop 323, which includes the installation of approximately 17.79 miles of pipeline. The project begins approximately 6.26 miles northeast from the intersection of SR 0590 and U.S. Route 0006 in Lackawaxen Township and ends approximately 2.45 miles northeast of the intersection of Interstate 84 and U.S. Route 0006 in Milford Township (Narrowsburg, Rowland, Shohola, Pond Eddy, Milford, PA Quadrangle Latitude: 41° 30' 1"; Longitude: 41° 22' 25").

**E58-286. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Auburn Township, Springville Township, Herrick Township, Uniondale Township and Clifford Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 47 water obstructions and encroachments in and along Little Meshoppen Creek (CWF) and tributaries thereof, Nick Creek (CWF) and tributaries thereof, Riley Creek (CWF, TS), West Branch Meshoppen Creek (CWF) and tributaries thereof, West Creek (CWF), White Creek (CWF) and tributaries thereof, Thomas Creek (CWF) and tributaries thereof, Stevens Creek (CWF) and tributaries thereof, Meshoppen Creek (CWF, TS) and tributaries thereof, East Branch Tunkhannock Creek (CWF) and tributaries thereof, Little Creek (CWF), West Branch Lackawanna River (CWF) and tributaries thereof, and the East Branch Lackawanna River (HQ-CWF) and impacting approximately 9,495 linear feet of wetlands (PEM, PFO, PSS, POW). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project which includes the installation of approximately 13.91 miles of pipeline within Loop 319 and 4.49 miles of pipeline in Loop 321. The project begins approximately 0.53 mile southwest from the intersection of SR 0367 and T327 in Auburn Township and ends approximately 3.84 miles northeast of the intersection of SR 0171 and SR 0247 in Clifford Township (Laceyville, Auburn Center, Springville, Hop Bottom, Auburn Center, Clifford, Forest City, PA Quadrangle Latitude: Beginning 41° 42' 3" N and Ending 41° 42' 7" N; Longitude: Beginning 76° 7' 7" N and Ending 75° 27' 57" N).

**E64-282. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002, in Pleasant Mount Township, Clinton Township, Dyberry Township, Bethany Township, Honesdale Township and Berlin Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain 36 water obstructions and encroachments in and along West Branch Lackawaxen River (HQ-CWF) and tributaries thereof, Brace Brook (CWF) and tributaries thereof, Dyberry Creek (HQ-CWF) and tributaries thereof, Carley Brook (HQ-CWF) and tributaries thereof, Holbert Creek (HQ-CWF), Indian Orchard Brook (HQ-CWF) and tributaries thereof, and impacting approximately 4,762 linear feet of wetlands (PEM, PFO, PSS). This work is associated with Tennessee Gas Pipeline Company's 300 Line Project, Loop 321 which includes the installation of approximately 17.79 miles of pipeline. The project begins approximately 2.74 miles southwest from the intersection of SR 0670 and SR 0171 in Mount Pleasant Township and ends approximately 1.66 miles northeast of the intersection of SR 0652 and U.S.

Route 0006 in Berlin Township (Forest City, Alderville, Honesdale, White Mills, PA Quadrangle Latitude: Beginning 41° 42' 7" N, Ending 41° 33' 51" N; Longitude: Beginning 75° 27' 57" N, Ending 75° 11' 29" N).

**EA54-019: Borough of Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972. Schuylkill Haven Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To restore approximately four (4) acres of floodplain of the Schuylkill River by removing accumulated sediment and historical fills within the Borough of Schuylkill Haven. The project is located approximately 0.5 mile south of the SR 0443 bridge over the Schuylkill River (Friedensburg, PA Quadrangle Latitude: 40° 37' 13"; Longitude: -76° 10' 22").

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

**E67-874: Lloyd and Tammy Conway**, 1 East Church St Extended, Franklintown, PA 17019, Franklintown Borough, **York County**, ACOE Baltimore District.

The applicant proposes to: (1) install and maintain a 215-foot length of 12-inch stream enclosure in an unnamed tributary to North Branch Bermudian Creek (WWF); (2) restore 0.38 acre of wetlands; and (3) convert an existing pond into a stormwater management basin. The purpose of construction is for the development of a 16.45 acre subdivision resulting in 186 single family residential townhouse units (Hanover, PA Quadrangle N: 13.5 inches; W: 4.45 inches, Latitude: 40° 04' 25"; Longitude: 77° 01' 57"). Watershed 7F

**E06-651: Texas Eastern Transmission, LP**, Terrance Doyle, 890 Winter Street, Suite 300, Waltham, MA 02451, Kulps Road Project, Washington Township, **Berks County**, ACOE Philadelphia District.

To repair and maintain existing 24-inch and 30-inch diameter natural gas pipelines, temporarily impacting 0.43 acre of PEM wetlands, for the purpose of repairing the external coatings and correcting numerous metal loss anomalies in the pipelines. The project is located between Dale Road and Kulps Road in Washington Township, Berks County (Latitude: 40° 25' 23" N; Longitude: 75° 36' 33" W).

**E44-141: CENPA Development, LLC**, 38 Clayburgh Road, Thornton, PA 19373, Quillas Creek Sanitary Sewerline Construction, Brown Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain an 8-inch diameter sanitary sewerline in a exceptional value wetland, impacting 0.220 acre and related manholes along the floodplain of Kishacoquillas Creek (CWF) for the construction of a development called "Quillas Creek," located 3,000 feet upstream of US 322 bridge (Burnham, PA Quadrangle N: 6.66 inches; W: 13.98 inches, Latitude: 40° 39' 42"; Longitude: 77° 36' 03") in Brown Township, Mifflin County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E14-527. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH, 44130. Wilderness Fiber Optic Project, in Rush, Worth, Huston, Patton, Fergusson, Harris, Potter, Gregg, Penn, and Haines Townships and in Phillipsburg, Port Matilda and Millheim Boroughs, **Centre County**, ACOE Baltimore District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 60.7 miles of Centre County will be traversed by the proposed project beginning at the Clearfield County/Centre County boarder on SR 322 bridge over Moshannon Creek and ending at the Centre-Union County boarder on SR 0045. The applicant proposes to cross a total of 43 streams in Centre County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Phillipsburg Bor	40° 54' 09.00"	78° 13' 40.42"	Moshannon Creek	TSF
Phillipsburg Bor	40° 54' 00.85"	78° 12' 36.55"	Cold Stream Creek	CWF
Worth Twp	40° 48' 34.31"	78° 04' 20.68"	Laurel Run	CWF
Port Matilda Bor	40° 48' 06.47"	78° 03' 05.28"	Oliver Run	CWF
Worth Twp	40° 48' 30.40"	78° 02' 40.25"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 48' 45.62"	78° 02' 22.41"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 48' 55.93"	78° 02' 08.61"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 09.64"	78° 01' 53.36"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 17.17"	78° 01' 44.95"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 18.85"	78° 01' 42.99"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 21.81"	78° 01' 39.53"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 24.46"	78° 01' 35.84"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 28.88"	78° 01' 28.75"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 30.43"	78° 01' 26.40"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 32.50"	78° 01' 23.08"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 35.01"	78° 01' 19.04"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 39.98"	78° 01' 10.83"	Trib to Bald Eagle Creek	CWF
Worth Twp	40° 49' 41.62"	78° 00' 51.67"	Bald Eagle Creek	TSF
Patton Twp	40° 49' 39.46"	77° 57' 40.07"	Buffalo Run	HQ-CWF
Patton Twp	40° 49' 24.13"	77° 56' 41.43"	Buffalo Run	HQ-CWF
Patton Twp	40° 48' 48.62"	77° 56' 27.37"	Trib to Buffalo Run	HQ-CWF
Patton Twp	40° 48' 47.57"	77° 56' 28.60"	Trib to Buffalo Run	HQ-CWF
Patton Twp	40° 48' 47.26"	77° 56' 29.15"	Trib to Buffalo Run	HQ-CWF
Ferguson Twp	40° 47' 19.91"	77° 54' 28.28"	Trib to Spring Creek	HQ-CWF
Ferguson Twp	40° 46' 02.53"	77° 53' 08.34"	Trib to Slab Cabin Run	HQ-CWF
Ferguson Twp	40° 45' 02.15"	77° 52' 06.49"	Slab Cabin Run	HQ-CWF
Ferguson Twp	40° 45' 16.78"	77° 51' 18.39"	Trib to Slab Cabin Run	HQ-CWF
Harris Twp	40° 45' 34.72"	77° 50' 38.49"	Trib to Slab Cabin Run	HQ-CWF
Harris Twp	40° 45' 50.85"	77° 49' 47.61"	Roaring Run	HQ-CWF
Harris Twp	40° 46' 49.66"	77° 47' 56.39"	Branch of Spring Creek	HQ-CWF
Harris Twp	40° 46' 37.45"	77° 47' 20.76"	Spring Creek	HQ-CWF
Harris Twp	40° 46' 36.89"	77° 47' 14.64"	Spring Creek	HQ-CWF
Potter Twp	40° 47' 48.80"	77° 43' 47.08"	Trib to Cedar Run	CWF
Potter Twp	40° 47' 55.41"	77° 43' 36.37"	Trib to Cedar Run	CWF
Gregg Twp	40° 51' 22.81"	77° 34' 27.08"	Penns Creek	CWF
Gregg Twp	40° 51' 38.54"	77° 33' 32.16"	Trib to Penns Creek	CWF
Gregg Twp	40° 51' 50.32"	77° 33' 12.19"	Trib to Penns Creek	CWF
Penn Twp	40° 52' 45.65"	77° 31' 15.61"	Trib to Elk Creek	EV, Chapter 93
Penn Twp	40° 53' 07.51"	77° 30' 00.51"	Trib to Elk Creek	EV, Chapter 93
Millheim Bor	40° 53' 28.51"	77° 28' 27.21"	Elk Creek	EV, Chapter 93
Haines Twp	40° 54' 15.90"	77° 24' 05.03"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93



Haines Twp	40° 54' 17.07"	77° 23' 21.99"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 54' 16.88"	77° 23' 20.51"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 54' 14.83"	77° 23' 11.21"	Trib to Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93
Haines Twp	40° 53' 56.44"	77° 21' 25.13"	Pine Creek	HQ-CWF/EV on border RT 45 bridge—dwnstrm EV CH 93

**E17-453. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Clearfield County**, ACOE Baltimore District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 36.3 miles of Clearfield County will be traversed by the proposed project beginning at the Jefferson County/Clearfield County boarder on SR 0322 and ending at the Clearfield-Centre County boarder on SR 0322 Bridge over Moshannon Creek. The applicant proposes to cross a total of 21 streams in Clearfield County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Union Twp	41° 05' 19.99"	78° 48' 63.55"	Soldier Run	CWF
Union Twp	41° 05' 16.17"	78° 47' 48.77"	Soldier Run	CWF
Union Twp/ Bloom Twp	41° 01' 36.62"	78° 40' 15.54"	Little Anderson Creek	CWF
Bloom Twp	41° 00' 56.99"	78° 37' 39.74"	Trib to Anderson Creek	CWF
Bloom Twp	41° 00' 56.76"	78° 37' 37.77"	Trib to Anderson Creek	CWF
Pike Twp	40° 59' 17.91"	78° 34' 33.73"	Trib to Anderson Creek	CWF
Pike Twp	40° 58' 35.82"	78° 32' 54.58"	Katzer Run	CWF
Curwensville Bor	40° 58' 45.37"	78° 32' 13.14"	Trib to Anderson Creek	CWF
Pike Twp	40° 58' 31.22"	78° 32' 48.09"	Anderson Creek	CWF
Pike Twp	40° 58' 27.41"	78° 32' 39.08"	Anderson Creek—back channel	CWF
Pike Twp/ Lawrence Twp	40° 58' 25.70"	78° 29' 26.54"	W. Branch Susquehanna River	CWF
LawrenceTwp	40° 58' 18.43"	78° 25' 59.57"	Laurel Run	CWF
Lawrence Twp/ Boggs Twp	40° 58' 17.10"	78° 24' 25.14"	Clearfield Creek	WWF
Boggs Twp	40° 58' 15.42"	78° 24' 02.48"	Trib to Clearfield Creek	CWF
Boggs Twp	40° 58' 09.06"	78° 23' 45.16"	Trib to Clearfield Creek	CWF
Boggs Twp	40° 58' 02.58"	78° 23' 08.81"	Trib to Morgan Run	CWF
Boggs Twp	40° 57' 33.12"	78° 21' 29.99"	Trib to Simeling Run	HQ-CWF
Boggs Twp	40° 57' 07.64"	78° 20' 30.67"	Simeling Run	HQ-CWF
Boggs Twp	40° 56' 00.38"	78° 18' 14.30"	Simeling Run	HQ-CWF
Boggs Twp	40° 55' 42.55"	78° 16' 57.13"	Simeling Run	HQ-CWF
Decatur Twp	40° 54' 52.03"	78° 15' 22.43"	Laurel Run	CWF

**E49-304. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Northumberland County**, ACOE Baltimore District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 28.2 miles of Northumberland County will be traversed by the proposed project beginning at the Snyder County/Northumberland County boarder on SR 0061 Susquehanna River Bridge Crossing and ending at the Northumberland County/Columbia County boarder on SR 0054. The applicant proposes to cross a total of 27 streams in Northumberland County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Sunbury Bor	40° 51' 32.86"	76° 46' 32.28"	Shamokin Creek	WWF
Upper Augusta Twp	40° 51' 31.44"	76° 45' 58.82"	Little Shamokin Creek	CWF
Shamokin Twp	40° 51' 31.10"	76° 41' 23.69"	Trib to Plum Creek	CWF
Shamokin Twp	40° 51' 07.49"	76° 40' 19.32"	Trib to Shamokin Creek	CWF



Shamokin Twp	40° 51' 07.67"	76° 40' 17.52"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 08.24"	76° 39' 27.29"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 08.28"	76° 39' 07.37"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 06.24"	76° 38' 49.99"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 03.13"	76° 38' 14.19"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 02.53"	76° 38' 06.99"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 01.18"	76° 37' 50.33"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 51' 01.00"	76° 37' 47.87"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 59.72"	76° 37' 32.13"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 59.32"	76° 37' 26.98"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 58.82"	76° 37' 20.25"	Trib to Shamokin Creek	CWF
Shamokin Twp	40° 50' 57.51"	76° 37' 05.53"	Trib to Lick Creek	CWF
Shamokin Twp/ Ralpho Twp	40° 50' 21.91"	76° 35' 02.97"	Shamokin Creek	WWF
Ralpho Twp	40° 50' 20.94"	76° 34' 53.13"	Millers Run	CWF
Ralpho Twp	40° 50' 25.13"	76° 34' 30.17"	Millers Run	CWF
Ralpho Twp	40° 49' 54.43"	76° 33' 24.75"	Trib to Millers Run	CWF
Ralpho Twp	40° 49' 51.63"	76° 32' 39.22"	Millers Run	CWF
Ralpho Twp	40° 49' 51.86"	76° 32' 03.80"	Millers Run	CWF
Coal Twp	40° 49' 18.55"	76° 29' 45.30"	Trib to S. B. Roaring Crk	HQ-CWF
Mt. Carmel Twp	40° 47' 42.01"	76° 26' 01.11"	North Branch Shamokin Creek	CWF
Mt. Carmel Twp	40° 47' 28.98"	76° 26' 26.82"	North Branch Shamokin Creek	CWF
Mt. Carmel Twp	40° 46' 05.59"	76° 25' 53.21"	Trib to N. B. Shamokin Crk	CWF
Mt. Carmel Twp	40° 46' 44.68"	76° 26' 47.29"	Trib to N. B. Shamokin Crk	CWF

**E55-224. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Snyder County**, ACOE Baltimore District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 8.2 miles of Snyder County will be traversed by the proposed project beginning at the Union County/Snyder County boarder on SR 2002 County Line Road and ending at the Snyder County/Northumberland County boarder on SR 0061 Susquehanna River Bridge Crossing. The applicant proposes to cross a total of 4 streams in Snyder County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Monroe Twp	40° 53' 12.85"	76° 55' 32.14"	Trib to Penns Creek	CWF
Monroe Twp	40° 53' 14.84"	76° 53' 12.09"	Trib to Penns Creek	CWF
Monroe Twp	40° 51' 27.73"	76° 48' 44.03"	Trib to Susquehanna River	WWF
Shamokin Dam Bor	40° 51' 07.54"	76° 48' 45.53"	Susquehanna River	WWF

**E60-203. Northeast ITS**, 6779 Engle Road, Middleburg Heights, OH 44130. Wilderness Fiber Optic Project, in various Municipalities, **Union County**, ACOE Baltimore District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 20.2 miles of Union County will be traversed by the proposed project beginning at the Centre County/Union County boarder on SR 0045 and ending at the Union County/Snyder County boarder on SR 2002 County Line Road. The applicant proposes to cross a total of 26 streams in Union County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

Hartley Twp	40° 54' 32.50"	77° 16' 10.24"	Laurel Run	CWF
Hartley Twp	40° 54' 21.28"	77° 16' 40.94"	Sheesly Run	CWF
Hartley Twp	40° 54' 15.19"	77° 14' 32.83"	Trib to Laurel Run	CWF
Hartley Twp	40° 54' 16.95"	77° 14' 26.78"	Hickernell Spring/Laurel Run	CWF
Hartley Twp	40° 54' 15.43"	77° 13' 16.50"	Trib to Laurel Run	CWF
Hartley Twp	40° 54' 11.00"	77° 12' 37.17"	Story Run	CWF

Hartley Twp	40° 53' 53.66"	77° 11' 34.27"	Spruce Run	HQ-CWF
Hartley Twp	40° 53' 52.16"	77° 11' 30.39"	Trib to Spruce Run	HQ-CWF
Hartley Twp	40° 53' 52.85"	77° 10' 53.39"	Trib to Laurel Run	CWF
Hartley Twp	40° 53' 55.78"	77° 10' 22.83"	Trib to Penns Creek	HQ-CWF
Hartleton Bor	40° 53' 58.93"	77° 09' 05.51"	Cold Run	TSF
Hartleton Bor	40° 53' 56.65"	77° 08' 53.61"	Trib to Cold Run	TSF
Lewis Twp	40° 53' 51.79"	77° 08' 32.42"	Trib to Cold Run	TSF
Lewis Twp	40° 53' 18.67"	77° 07' 21.62"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 01.16"	77° 05' 12.41"	Cedar Run	CWF
Limestone Twp	40° 53' 19.67"	77° 04' 20.91"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 24.38"	77° 03' 09.21"	Trib to Penns Creek	CWF
Limestone Twp	40° 53' 24.73"	77° 02' 22.23"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 53' 19.14"	77° 02' 19.32"	Sweitzers Run	CWF
Limestone Twp	40° 52' 58.27"	77° 01' 48.00"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 52' 27.64"	77° 00' 59.59"	Trib to Sweitzers Run	CWF
Limestone Twp	40° 52' 27.36"	77° 00' 26.67"	Trib to Penns Creek	CWF
Limestone Twp	40° 52' 40.47"	76° 59' 44.27"	Trib to Penns Creek	CWF
Limestone Twp	40° 52' 51.36"	76° 58' 13.44"	Trib to Penns Creek	CWF
Union Twp	40° 53' 05.59"	76° 57' 07.31"	Trib to Penns Creek	CWF
Union Twp	40° 53' 14.83"	76° 56' 12.62"	Trib to Penns Creek	CWF

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

**E10-454, Cranberry Business Park Associates, LP**, 210 West Kensinger Drive, Suite 400, Cranberry Township, PA 16066. Cranberry Business Park Lot 300, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 42' 38"; W: 80° 6' 55").

The applicant is proposing to construct a 12 acre commercial development on Lot 300 in the Cranberry Business Park including a 54,000 square foot building and associated parking and infrastructure involving: 1) to fill 0.02 acre of PEM wetland; and 2) to fill 125 linear feet of a UNT Brush Creek having a drainage area less than 100 acres. UNT Brush Creek is classified as a warm water fishery.

**E16-139, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Clarion County**, ACOE Pittsburgh District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 23.3 miles of Clarion County will be traversed by the proposed project beginning at the Venango-Clarion County boarder on US-322 and ending at the Clarion-Jefferson County boarder on US-322. The applicant proposes to cross a total of 17 streams in Clarion County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

1. Trib to Pine Run (CWF), N: 41° 17' 29.70"; W: 79° 35' 02.61", Ashland Twp.

2. Trib to Little East Sandy Creek (CWF), N: 41° 17' 13.99"; W: 79° 34' 45.35", Ashland Twp.

3. Trib to Little East Sandy Creek (CWF), N: 41° 16' 52.56"; W: 79° 33' 37.14", Ashland Twp.

4. Trib to Canoe Creek (HQ-CWF), N: 41° 16' 23.72"; W: 79° 32' 13.31", Ashland Twp.

5. Trib to Canoe Creek (HQ-CWF), N: 41° 16' 22.39"; W: 79° 31' 44.02", Ashland Twp.

6. Trib to Deer Creek (CWF), N: 41° 15' 53.93"; W: 79° 29' 41.85", Elk Twp.

7. Trib to Deer Creek (CWF), N: 41° 15' 29.36"; W: 79° 28' 35.95", Elk Twp.

8. Deer Creek (CWF), N: 41° 15' 21.27"; W: 79° 28' 19.51", Elk Twp.

9. Paint Creek (CWF), N: 41° 14' 47.69"; W: 79° 26' 49.01", Elk Twp.

10. Trib to Clarion River (CWF), N: 41° 13' 35.18"; W: 79° 24' 17.56", Paint Twp.

11. Clarion River (CWF), N: 41° 13' 33.69"; W: 79° 24' 09.69", Paint Twp.

12. Trib to Clarion River (CWF), N: 41° 12' 12.52"; W: 79° 21' 22.95", Clarion Twp.

13. Trib to Brush Run (CWF), N: 41° 12' 06.20"; W: 79° 19' 12.13", Strattanville Borough.

14. Trib to Brush Run (CWF), N: 41° 12' 02.75"; W: 79° 19' 05.00", Strattanville Borough.

15. Trib to Douglass Run (CWF), N: 41° 11' 24.93"; W: 79° 16' 50.34", Clarion Twp.

16. Douglass Run (CWF), N: 41° 11' 10.01"; W: 79° 15' 36.11", Clarion Twp.

17. Trib to Little Piney Creek (CWF), N: 41° 10' 47.55"; W: 79° 13' 10.05", Clarion Twp.

**E33-238, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Jefferson County**, ACOE Pittsburgh District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 25.2 miles of Jefferson County will be traversed by the proposed project beginning at the Clarion-Jefferson County boarder on US-322 and ending at the Jefferson-Clearfield County boarder on US-322. The applicant proposes to cross a total of 29 streams in Jefferson County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

18. Welch Run (CWF), N: 41° 10' 48.20"; W: 79° 11' 50.72", Corsica Borough.

19. Trib to Coder Run (CWF), N: 41° 10' 40.38"; W: 79° 10' 48.41", Union Twp.

20. Coder Run (CWF), N: 41° 10' 40.45"; W: 79° 10' 46.57", Union Twp.

21. Coder Run (CWF), N: 41° 10' 40.58"; W: 79° 10' 44.68", Union Twp.

22. Coder Run (CWF), N: 41° 10' 40.81"; W: 79° 10' 40.49", Union Twp.

23. Trib to Coder Run (CWF), N: 41° 10' 37.49"; W: 79° 10' 16.71", Union Twp.

24. Trib to Coder Run (CWF), N: 41° 10' 38.49"; W: 79° 09' 34.08", Union Twp.

25. Trib to Campbell Run (CWF), N: 41° 10' 25.03"; W: 79° 07' 52.21", Union Twp.

26. Campbell Run (CWF), N: 41° 10' 15.32"; W: 79° 07' 25.60", Rose Twp.

27. Trib to Clement Run (CWF), N: 41° 10' 03.17"; W: 79° 06' 38.32", Rose Twp.

28. North Fork River (HQ-CWF), N: 41° 09' 31.97"; W: 79° 04' 36.37", Brookville Borough.

29. Mill Creek (TSF), N: 41° 09' 23.47"; W: 79° 03' 11.05", Pine Creek Twp.

30. Trib to Sandy Lick Creek (TSF), N: 41° 08' 01.97"; W: 78° 59' 29.39", Pine Creek Twp.

31. Trib to O'Donnell Run (CWF), N: 41° 07' 20.98"; W: 78° 57' 55.34", Pine Creek Twp.

32. Trib to O'Donnell Run (CWF), N: 41° 07' 17.17"; W: 78° 57' 04.22", Pine Creek Twp.

33. O'Donnell Run (CWF), N: 41° 07' 21.47"; W: 78° 56' 14.91", Winslow Twp.

34. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.19"; W: 78° 55' 30.78", Winslow Twp.

35. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 59.43"; W: 78° 55' 15.73", Winslow Twp.

36. Schoolhouse Run (HQ-CWF), N: 41° 07' 10.22"; W: 78° 54' 40.15", Winslow Twp.

37. Trib to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.34"; W: 78° 54' 25.73", Winslow Twp.

38. Trib to Schoolhouse Run (HQ-CWF), N: 41° 06' 57.88"; W: 78° 54' 18.07", Winslow Twp.

39. Sandy Lick Creek (TSF), N: 41° 05' 57.33"; W: 78° 53' 31.09", Reynoldsville Borough.

**E61-289, Northeastern ITS**, 6779 Engle Road, Ste D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Venango County**, ACOE Pittsburgh District.

The applicant proposes to construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 24.1 miles of Venango County will be traversed by the proposed project beginning at the Mercer-Venango County boarder on SR 1014 and ending at the Venango-Clarion County boarder on US-322. The applicant proposes to cross a total of 15 streams in Venango County via boring, trenching, or bridge attachment. The proposed crossings are listed below from west to east.

40. Trib to Little Sandy Creek (HQ-CWF), N: 41° 24' 16.44"; W: 79° 58' 23.59", French Creek Twp.

41. Trib to French Creek (WWF), N: 41° 23' 49.37"; W: 79° 54' 41.59", French Creek Twp.

42. Trib to French Creek (WWF), N: 41° 23' 51.99"; W: 79° 53' 03.73", French Creek Twp.

43. Trib to French Creek (WWF), N: 41° 24' 03.39"; W: 79° 52' 10.59", French Creek Twp.

44. Trib to French Creek (WWF), N: 41° 24' 01.35"; W: 79° 51' 46.60", French Creek Twp.

45. Trib to French Creek (WWF), N: 41° 23' 53.48"; W: 79° 51' 16.59", French Creek Twp.

46. Allegenheny River (WWF), N: 41° 23' 18.27"; W: 79° 49' 04.31", Franklin Borough.

47. Lower Two Mile Run (CWF), N: 41° 22' 24.18"; W: 79° 48' 05.32", Cranberry Twp.

48. Trib to Allegenheny River (WWF), N: 41° 21' 49.47"; W: 79° 45' 53.06", Cranberry Twp.

49. Burford Run (CWF), N: 41° 21' 34.75"; W: 79° 44' 57.61", Cranberry Twp.

50. Halls Run (CWF), N: 41° 20' 36.43"; W: 79° 41' 52.62", Cranberry Twp.

51. Trib to East Sandy Creek (CWF), N: 41° 19' 46.92"; W: 79° 40' 19.33", Cranberry Twp.

52. Trib to East Sandy Creek (CWF), N: 41° 19' 35.75"; W: 79° 40' 01.91", Cranberry Twp.

53. East Sandy Creek (CWF), N: 41° 19' 01.88"; W: 79° 39' 17.76", Rockland/Cranberry Twp.

54. Trib to Little East Sandy Creek (CWF), N: 41° 18' 32.95"; W: 79° 37' 50.10", Rockland Twp.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D48-149A. PPL Martins Creek, LLC, PPL Martins Creek, LLC, c/o Steve Holler**, Two North Ninth Street, GenPl6, Allentown, PA 18101. To modify the Martins Creek Ash Basin No. 4 across a tributary to Oughoughton Creek, impacting 0 acres of wetlands and 0 feet of stream channel, for the purpose of closing and deregulating Ash Basin No. 4 Dam (Belvidere, NJ, PA Quadrangle N: 10 inches; W: 16 inches) in Lower Mount Bethel Township, **Northampton County**.

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**ACTIONS**


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**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 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

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.

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061026 (Sewage)	Big Pocono Utilities, Inc. (Ski Side Village and Chateau Resort) Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek (#1E)	Y
PA0064343 (Industrial Waste)	Pennsylvania American Water Company Stony Garden Water Treatment Plant Wind Gap, PA	Monroe County Hamilton Township	Ross Common Creek (#2B)	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0246760 (IW)	Franklin County General Authority 5540 Coffey Avenue Chambersburg, PA 17201	Franklin County Greene Township	Dry swale to UNT of Conococheague Creek 13-C	Y
PA0246417 (Stormwater)	State Line Salvage, Inc. 675 Nottingham Road Peach Bottom, PA 17563	Lancaster County Fulton Township	UNT to the Conowingo Creek 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228796	Matthew M. Barr 1957 Halfmoon Valley Road Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek (SWP 11A)	Y
PA0228788 (Sewage)	Evergreen Youth Services, Inc. R. D. 1 Box 468 Mifflinville, PA 17059	Beccaria Township Clearfield County	Drainage swale to Cofinan Run (SWP 8C)	Y
PA0020672	Washington Municipal Authority Route 254 Washingtonville, PA 17884	Montour County Derry Township	Chillisquaque Creek (SWP 10D)	Y
PA0208647	Kratzer Run Sewer Authority 1265 Stonarch Road Grampian, PA 16838	Clearfield County Penn Township	Kratzer Run (SWP 8B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100315	Farma Parks, Inc. 87 Hughey Road Greenville, PA 16125-9628	Perry Township Mercer County	Unnamed tributary of Little Shenango River 20-A	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. PA0058629**, Industrial Waste, **Jamison's Used Auto Parts**, 529 Flint Hill Road, King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater into an unnamed tributary to the Schuylkill River in Watershed 3F.

**NPDES Permit No. PA0058831**, Industrial Waste, **Queens Produce, LLC**, 554 Creek Road, Kennett Square, PA 19348. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated wastewater from rinsing and cooking of mushrooms to the East Branch Red Clay Creek in Watershed 3I.

**NPDES Permit No PA0244473**, Industrial Waste, **Delaware Valley Concrete Company, Inc.** 248 East County Line Road, Hatboro, PA 19040. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the discharge of storm water run from the facility into East Brach Red Clay Creek in Watershed 3I.

**NPDES Permit No. PA0058742**, Sewage **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to an unnamed tributary to Little Neshaminy Creek in Watershed 2F.

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

**NPDES Permit No. PA0064262**, Industrial Waste, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. The existing facility is located in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: Denial of an NPDES Permit renewal for the Slatington Maintenance Facility.

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


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

**WQM Permit No. 3602411**, Sewage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 787, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for modification/operation of sewage facilities consisting of conversion to a fine bubble diffuser system.

**WQM Permit No. 2209403**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement of 2,883 lineal feet of sewers in Asylum Run Mini-Basin AR-A from Manhole 139.02 to a connection to the Susquehanna Township Sewer Authority at Manhole 553A.

**WQM Permit No. 3691201, Amendment No. 09-1**, Sewage, **Valley Proteins, Inc.**, 151 ValPro Drive, P. O. Box 3588, Winchester, VA 22604. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/modification/operation of industrial wastewater facilities consisting of conversion of WWTP operation to the Modified Ludzack Ettinger process for denitrification.

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

**WQM Permit No. 4709402**, Sewage 4952, **Danville Municipal Authority**, P. O. Box 179, 12 West Market St., Danville, PA 17821. This proposed facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes to upgrade their sewage plant for nitrogen and phosphorus removal.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4609002	Montgomery County Community College 101 College Drive Pottstown, PA 19464	Montgomery	Pottstown Borough	Schuylkill River (WWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904022 (1)	Lehigh Valley Health Network Cedar Crest & I-78 P. O. Box 689 Allentown, PA 18105	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF, MF
PAI025204003R	Milford Realty Building Associates, LLC 26 Columbia Turnpike Florham Park, NJ 07932	Pike	Dingman Township	Sawkill Creek EV, MF
PAI024809009	PP&L Renewable Energy, LLC Two North Ninth St. Allentown, PA 18101	Northampton	Forks Township	Unnamed Tributary to Bushkill Creek HQ-CWF, MF
PAI026409001	Indian Orchard Holdings Company 1065 Highway 315 Suite 102 Wilkes-Barre, PA 18702	Wayne	Texas Township	Unnamed Tributary to Lackawaxen Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108012	Saint Patrick Catholic Church William C. Forrey 140 East Pomfret Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run EV-MF
PAI032805007-1	Department of Military & Veterans Affairs Pa Army National Guard Building 0-47 Fort Indiantown Gap Annville, PA 17003	Franklin	Guilford and Quincy Townships	Racoon Creek HQ-CWF

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

*Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR104724R(1)	Edward J. Rothermel 2223 Oakwood Dr. Danville, PA 17821	Montour	Liberty Township	Chillisquaque Creek WWF

*Northumberland County Conservation District: R. R. 3, Box 238-C, Sunbury, PA 17801, (570) 286-7114, Ext. 4..*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR1094923R	MAIDA Belford Addition Housel's Road & Marsh Road Montandon, PA	Northumberland	Milton Borough	UNT to West Branch of Susquehanna River WWF

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

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601, (724-837-5271).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509001	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Laughlintown Run (HQ-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 &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG200 0904028-R	Twin Oaks Associates, Inc. P. O. Box 320 Bedminster, PA 18917	Unnamed Tributary Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Towamencin Township Montgomery County	PAG200 4607079-1	CFC Towamencin Properties, Inc. 2700 Funks Road Hatfield, PA 19440	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4603128-R	Toll Brothers, Inc. 250 Gibraltar Road Suite 2E Horsham, PA 19044	Unnamed Tributary Port Providence Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG200 4609084	Carol Ganovsky 79 West Ridge Pike Limerick, PA 19468	Mingo Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower & Upper Gwynedd Townships Montgomery County	PAG200 4609073	Southeastern Pennsylvania Transportation Authority 1234 Market Street Philadelphia, PA 19107	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4609056	Sullivan Augustine 465 Stratford Avenue Collegeville, PA 19426	Donny Brook Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Collegeville Borough Montgomery County	PAG200 4609029-R	Lower Perkiomen Valley Regional Sewer Authority 101 Station Avenue P. O. Box 297 Oaks, PA 19456	Perkiomen Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG200 4603119-R	Westrum Development Corporation 370 Commerce Drive Ft. Washington, PA 19034	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109032	Help, USA, Inc. 5 Hanover Square New York, NY 10004	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Scranton City Lackawanna Co.	PAG2003509018 (1)	David Wilson University of Scranton 900 Mulberry St. Scranton, PA 18510	Lackawanna River CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Throop Borough Lackawanna Co.	PAG2003509009 (1)	David Hawk Gertrude Hawk Chocolates 9 Keystone Industrial Park Dunmore, PA 18512	UNT to Eddy Creek WWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Peach Bottom Township York County	PAG2006704080-R	Bob Ward Companies 2700 Philadelphia Road Edgewood, MD 21040	Scott Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430



## NOTICES

6809

<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre Township Berks County	PAG2000609028	Harold L. Spatz The Village at Irish Creek, LLC 290 Irish Creek Road Mohrsville, PA 19541	Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000609050	Robert & Estelle Harron Harron's Insulation 1120 Commons Boulevard Reading, PA 19605	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Reading City Berks County	PAG2000609027	City of Reading Police Department Chief William Heim 815 Washington 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
Springettsbury Township York County	PAG2006709048	Kenneth Snyder Capital Self Storage East York, LP 44044 Carlisle Road Dover, PA 17315	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Codorus Township York County	PAG2006706064-1	Jeffrey Powers Codorus Ventures, LLC 113 Westminster Road Suite 200 Reisterstown, MD 21136	UNT to Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Williams Township Dauphin County	PAG2002209035	Michael Keiser Pennsylvania Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Middletown Borough Dauphin County	PAG2002209030	Dennis Schmidt Oak Grove High Street, LLC 1000 North Front Street Suite 500 Wormleysburg, PA 17043	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Carroll Township York County	PAG2006703141-R	John Huenke Stonebridge Investments LP 1 Market Way East Suite 401 York, PA 17401	Fisher's Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
York Township York County	PAG2006709062	Dale Hevesy Gemcraft Homes 2205-A Commerce Road Forest Hill, MD 21050	UNT to Barshingers Creek—Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Oley and Pike Townships Berks County	PAG2000609008	Maybelle Bryan Dutch Valley Property Management 486 Landis Store Road Boyertown, PA 19608	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201

<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Carroll Township Perry County	PAG2035009007	Joseph M. Magaro 1325 Bower Road Shermans Dale, PA 17090	Pisgah Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 717-582-5119
Guilford Township Franklin County	PAG2002809026	Franklin County Technical School Authority 2463 Loop Road Chambersburg, PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Washington Township Franklin County	PAG2002809027	David Neibert 14898 Wayne Highway Waynesboro, PA	West Branch Antietam Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Guilford, Hamilton, St. Thomas and Peters Townships Franklin County	ESCGP-1-28- 09-027	Texas Eastern Transmission 890 Winter Street Suite 300 Waltham, MA 02451	Conococheague Creek CWF-TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Lurgan Township Franklin County	PAG2002809029	Ted Wellman The Beaver Excavating 2000 Beaver Place Avenue SW Canton, OH 44706	Clippingers Run WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Peters Township Franklin County	PAG2002809031	Keith Mackling Atlas Copoco Secoroc 13278 Lincolnway West Fort Loudon, PA 17224	UNT to Conococheague Creek TSF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Wysox Township Bradford County	PAG2000809008	Dean Sanderson Wilson Industries P. O. Box 7 Wysox, PA 18854	UNTs to Susquehanna River WWF/MF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Lower Mahanoy Township Northumberland County	PAG2004909011	Gratz National Bank Westside of SR 147 & intersection of SR 147 & SR 225 near Mandata	Fiddler's Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Monroe Township Snyder County	PAG2005509009	NT Management, Inc. James Baish 1012 Wesley Drive Mechanicsburg, PA 17055	UNT to Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Westmoreland County Salem Township	PAG2005609020	Salem Township Recreation Initiative Ron Martz R. D. 4 Box 200 Greensburg, PA 15601	Whitehorn Creek (WWF)	Westmoreland County CD 724-837-5271
Westmoreland County City of Latrobe	PAG2006509023	Latrobe-Unity Parks & Recreation Jeanne A. Ashley 901 Jefferson Street Latrobe, PA 15650	Loyalhanna Creek (WWF)	Westmoreland County CD 724-837-5271

<i>Facility Location: Municipality &amp; Location</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Hempfield Township	PAG2006509029	CPC, Inc. David Capozzi 508 Division Street Jeannette, PA 15644	UNT to Brush Creek (WWF)	Westmoreland County CD 724-837-5271
Venango County Cranberry Township	PAG2006109005	Dept of Transportation 255 Elm Street P. O. Box 398 Franklin, PA 16323	Halls Run CWF	Venango County Conservation District 814-676-2832
Erie County City of Corry	PAG2002509008	Corry Memorial Hospital 612 West Smith Street Corry, PA 16407	UNT Hare Creek CWF	Erie County Conservation District 814-825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazle Township Luzerne County	PAR802236	Pitt Ohio Express, LLC (Hazleton Terminal) 15 27th Street Pittsburgh, PA 15222	Unknown Tributary to Tomhicken Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 570-826-2511
Cumberland County Hampden Township	PAR803647	New Penn Motor Express, Inc. c/o YRC Worldwide, Inc. 1077 Gorge Blvd. Akron, OH 44310	UNT to Cedar Run CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Muhlenberg Township	PAR803505	New Penn Motor Express, Inc. c/o YRC Worldwide, Inc. 1077 Gorge Blvd. Akron, OH 44310	Laurel Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Mt. Joy Borough	PAR123533	Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570	UNT to Donegal Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Lampeter Township	PAR233537	Johnson & Johnson Merck Consumer Pharmaceuticals Company 1838 Colonial Village Lane Lancaster, PA 17601-6700	Stauffer Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Hanover Borough	PAR203550	Gerard Daniel Worldwide 34 Barnhart Drive Hanover, PA 17331-9586	Oil Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Lampeter Township	PAR203574	High Steel Structures, Inc. 1853 William Penn Way Lancaster, PA 17601	UNT Conestoga River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Swatara Township	PAR803624	Pitt Ohio Express, Inc. 15 27th St Pittsburgh, PA 15222	UNT Spring Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Douglass Township	PAR603565	AE Minotto Used Auto Parts, Inc. 1496 Benjamin Franlin Highway Douglassville, PA 19518	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Potter County Genesee Township	PAR404804	Dominion Transmission, Inc. 685 Pump Street Genesee, PA 16923	Rose Lake Run to West Branch of Genesee River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
East Pittsburgh Borough Allegheny County	PAR806213	RIDC Southwestern PA 425 Sixth Avenue Suite 500 Pittsburgh, PA 15219	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Richland Township Cambria County	PAR126105	Pepsi Bottling Group, LLC 167 Allenbill Drive Johnstown, PA 15904	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Summit Township Butler County	PAR808348	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Connoquenessing Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cheltenham Township Montgomery County	PAG050085	Coventry House, Inc. 7301 Coventry Avenue Melrose, PA 19027	Mill Run	Southeast Region Office 2 East Main Street Norristown, PA 19401
White Township Indiana County	PAG056225-A1	United Refining Company of PA P. O. Box 688 15 Bradley Street Warren, PA 16365-3444	McCarthy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
North East Madison Township Perry County	PAG070003 PAG073508	Synagro	Jack Coble Farm North East Madison Township Perry 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.*

North East Madison  
Township  
Perry County

PAG080002  
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  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

Synagro  
1605 Dooley Rd.  
P. O. Box B  
Whiteford MD, 21160

Jack Coble Farm  
North East Madison  
Township  
Perry County

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

**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>Approval or Disapproval</i>
Douglas E. Rohrer 1728 Bridge Road Lancaster, PA 17602	Lancaster	705	835.2	Layers	NA	Approved

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 1509511**, Public Water Supply.

Applicant	<b>Camphill Soltane</b> 224 Nantmeal Road Glenmoore, PA 19343-2637
Township	East Nantmeal
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental, LLC P. O. Box 735 Uwchland, PA 19480
Permit to Construct Issued	October 1, 2009

**Permit No. 1508511**, Public Water Supply.

Applicant	<b>Warwick Water Works, Inc.</b> 1345 Hares Hill Road Phoenixville, PA 19460
Township	Warwick
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Earth Enterprises 3441 Saint Peters Road P. O. Box 428 Saint Peters, PA 19470
Permit to Construct Issued	November 4, 2008

**Permit No. 0909517**, Public Water Supply.

Applicant	<b>Richland Township Water Authority</b> 1328 California Road Suite—D Quakertown, PA 18951
Township	Richland
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering Associates 50 East Court Street Doylestown, PA 18901
Permit to Construct Issued	September 21, 2009

**Permit No. 2308504**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489
Township	Middletown
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	C.E.T. Engineering Services, Inc. 1240 Mountain Road Harrisburg, PA 17112-3489
Permit to Construct Issued	August 29, 2008

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

**Permit No. 2808511**, Public Water Supply.

Applicant	<b>Silver Spring Water Association</b>
Municipality	Hamilton Township
County	<b>Franklin</b>

Type of Facility Radium removal.  
 Consulting Engineer Yves E. Pollart BCEE, P. E.  
 Rettew Associates, Inc.  
 2500 Gettysburg Road  
 Camp Hill, PA 17011

Permit to Construct 11/6/2009  
 Issued:

**Permit No. 3060134, Minor Amendment, Public Water Supply.**

Applicant **Aqua Pennsylvania**  
 Municipality Marion Township  
 County **Berks**  
 Type of Facility New softening facilities at the existing Stonecroft Village treatment building.

Consulting Engineer William A. LaDieu  
 CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA 17112  
 8/25/2009

**Permit No. 3809511 MA, Minor Amendment, Public Water Supply.**

Applicant **City of Lebanon Authority**  
 Municipality Swatara Township  
 County **Lebanon**  
 Type of Facility Modification to the design of Clearwell No. 2.

Consulting Engineer Laurence S. Zimmermann, P. E.  
 Gannett Flemming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct 11/12/2009  
 Issued:

**Operations Permit** issued to: **Dillsburg Area Authority**, 7670071, Carroll Township, **York County** on 11/6/2009 for the operation of facilities approved under Construction Permit No. 6706514.

**Operations Permit** issued to: **Possum Valley Municipal Authority**, 7010034, Menallen Township, **Adams County** on 11/12/2009 for the operation of facilities approved under Construction Permit No. 0108506.

**Operations Permit** issued to: **PA American**, 7210029, Silver Spring Township, **Cumberland County** on 11/4/2009 for the operation of facilities approved under Construction Permit No. 2109501 MA.

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

**Permit No. M.A.—Operation, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 Township or Borough Rush Township  
 County **Centre**  
 Responsible Official Mr. David R. Kaufman  
 Pennsylvania American Water Company

Type of Facility Public Water Supply—Operation

Consulting Engineer Joel Mitchell, P. E.  
 Pennsylvania American Water Company  
 852 Wesley Drive  
 Mechanicsburg, PA 17055

Permit Issued Date November 16, 2009

Description of Action Operation of the Penn 5 Treatment Plant (Trout Run Well Nos. 1 and 2) to provide 4-log inactivation of viruses.

**Permit No. 1709502—Operation, Public Water Supply.**

Applicant **Brady Township-Troutville Borough Association**  
 Township or Borough Brady Township  
 County **Clearfield**  
 Responsible Official Lester Wachob, President  
 Brady Township-Troutville Borough Association  
 3309 Shamokin Trail  
 Luthersburg, PA 15848

Type of Facility Public Water Supply—Operation

Consulting Engineer Stephen Heine, P. E.  
 Stephen V. Heine, Inc.  
 P. O. Box 466  
 Huntingdon, PA 16652

Permit Issued Date November 16, 2009

Description of Action Operation of the recently constructed 150,000 gallon steel finished water storage tank (Luthersburg Reservoir No. 3).

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

**Permit No. 2609506, Public Water Supply.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

Borough or Township Hempfield Township  
 County **Westmoreland**  
 Type of Facility Sisters of Charity booster station

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650

Permit to Construct 10 October 17, 2009  
 Issued

**Permit No. 6509505, Public Water Supply.**

Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

Borough or Township Ligonier Township  
 County **Westmoreland**  
 Type of Facility Bethlen Homes Community booster station

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Permit to Construct November 5, 2009  
Issued

**Permit No. 0209516**, Public Water Supply.

Applicant **Findlay Township Municipal Authority**  
1271 Route 30  
P. O. Box 409  
Clinton, PA 15026

Borough or Township Findlay Township  
County **Allegheny**

Type of Facility Potato Garden Phase II water transmission project

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Permit to Construct November 8, 2009  
Issued

**Permit No. 3008503**, Public Water Supply.

Applicant **Carmichaels Municipal Authority**  
104 North Pine Street  
Carmichaels, PA 15320

Borough or Township Carmichaels Borough  
County **Greene**

Type of Facility Water treatment system

Consulting Engineer Fayette Engineering Company Inc.  
2200 University Drive  
P. O. Box 1030  
Uniontown, PA 15401-1030

Permit to Construct November 8, 2009  
Issued

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

**Permit No. 2009504**, Public Water Supply.

Applicant **Elderberry Properties, LLC**

Township or Borough Vernon Township  
County **Crawford County**

Type of Facility Public Water Supply

Consulting Engineer Arthur M. Kuholski, P. E.  
Lake Engineering

Permit to Construct 11/09/2009  
Issued

**Permit No. 6200501—MA3, Minor Amendment.**

Applicant **Youngsville Borough**

Township or Borough Youngsville Borough  
County **Warren County**

Type of Facility Public Water Supply

Consulting Engineer Alan R. Vanderpoel, P. E.  
E & M Engineers & Surveyors,  
PC

Permit to Construct 11/10/2009  
Issued

**Operations Permit** issued to **Trustees of Conneaut Lake Park, Inc.**, PWSID #6200018, Sadsbury/Summit Townships, **Crawford County**, November 9, 2009, to operate the AD26 Arsenic Treatment System as well as all system upgrades as approved by construction permit number 2009505, issued September 3, 2009.

**Operations Permit** issued to **Aqua PA, Inc.—Shenango Valley**, PWSID 6430054, City of Hermitage, **Mercer County**, November 10, 2009, for the operation of the 1.25 million gallon standpipe on Gail Drive, as approved by construction permit number 4300503-T1-MA3, issued May 11, 2009.

**Operations Permit** issued to **Summit Township Water Authority**, PWSID #6250090, Summit Township, **Erie County**, November 10, 2009, for operation of the Route 97 Transmission Line, as approved by construction permit number 2506502, issued June 8, 2007.

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

**Wellhead Protection Program Approval** issued to **Rouseville Borough**, 64 Main Street, Rouseville, PA 16344, PWSID No. 6610028, Rouseville Borough, **Venango County** on November 9, 2009.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

##### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:* on Westview Circle in Antrim Township, Franklin County.

Borough or Township	Borough or Township Address	County
Antrim Township	P. O. Box 130 10655 Antrim Church Road Greencastle, PA 17225	Franklin County

*Plan Description:* The approved plan, entitled Lift Station No. 4 Elimination, provides for the elimination of Lift Station No. 4, and the installation of a ten inch gravity sewer designed for an average flow of 184,000 gallons per day, and a peak flow of 374,400 gallons per day. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

##### Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:* Located at 5576 White Church Road, Greene Township, Franklin County.

Borough or Township	Borough or Township Address	County
Greene Township	1145 Garver Lane P. O. Box 215 Scotland, PA 17254	Franklin County

*Plan Description:* The Official Plan Revision, entitled Samuel L. Smith, DEP Code No. A3-28907-607-3s, propos-



ing one new single family residential lot using a small flow treatment facility. The plan was disapproved because the proposal failed to include adequate geologic documentation to confirm that existing and proposed drinking water uses are protected and that effluent from the small flow treatment facility entering the dry stream channel will not create a public health hazard or nuisance.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Levittown Shopping Center Property**, Tullytown Borough, **Bucks County**. Jeffery Smith, Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Tandy, Levittown, L.P., 580 White Plains Road, Tarrytown, NY 10591 has submitted a Final Report concerning remedia-

tion of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Staffer Residence**, East Fallowfield Township, **Chester County**. Phil Donmoyer, Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17062 on behalf of David McLimans, Gawthrop Greenwood, 17 East Gay Street, Suite 100, West Chester, PA 19381 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Northwestern Lehigh School District Maintenance Shop**, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, non-regulated underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report in *The Morning Call* on August 26, 2009. A Notice of Intent to Remediate was simultaneously submitted.

**Horwith Trucking Back Lot Area**, 6 Horwith Drive, Northampton Borough, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a Final Report (on behalf of her client MRS Land, LLC, P. O. Box 7, Northampton, PA 18067), concerning the remediation of soil found to have been impacted by bunker oil as a result of historical operations at a former cement production facility and a waste paper recycling facility at this site. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Morning Call* on October 23, 2009.

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

**49 West Chestnut Street Property**, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482, on behalf of City of Lancaster, P. O. Box 1599, 120 North Duke Street, PA 17608, submitted a Final Report concerning remediation of site groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific and Residential Statewide Health Standards.

**H. J. Tanner, Inc.**, Chambersburg Borough, **Franklin County**. B. L. Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of H. J. Tanner, Inc., 1120 Mount Rock Road, Shippensburg, PA 17257, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons from their bulk fuel oil and gasoline facility. The combined report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**GFI Transport**, Union Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of GFI Transport, 860 Milton Grove Road, Mt. Joy, PA 17552 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rishel Truck Accident Crossroads Drive**, Kelly Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arlin Rishel, 2538 New Columbia Road, New Columbia, PA 17856 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. 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:

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

**Forman Site**, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of David O'Sullivan, The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, NJ 070645 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was placed on hold by the Department of Environmental Protection on November 5, 2009.

**CRC Chem Industrial**, Warminster Township, **Bucks County**. Peter Beyer, P.G., Environmental Resources Management, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341, Michelle Rudnick, CRC Industrial, Inc., 885 Louis Drive, Warminster, PA 18974 on behalf of Adam Selisker, CRC Industrial, Inc., 885 Louis Drive, Warminster, PA 18974 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The remedial investigation report was approved by the Department of Environmental Protection on November 2, 2009.

**Champion Toyota**, City of Philadelphia, **Philadelphia County**. Jeremy Boly, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Harvey Sternberg, Bryn Mawr Investments, Inc., 765 John Barry Drive, Bryn Mawr, PA 19010 has submitted a Final Report concerning the remediation of site soil contaminated with used motor oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 30, 2009.

**4500 Pine Street Property**, City of Philadelphia, **Philadelphia County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bettie Purdy, Neighborhood Preservation & Development Fund, L.P., 240 New York Drive, Suite 1, Ft. Washington, PA 19034 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with heating oil. The Final report did not demonstrate attainment of the Site Specific Standard and was placed on hold by the Department of Environmental Protection on November 4, 2009.

**Mill Street Industrial Associates Property** Quakertown Borough, **Bucks County**. Michael Christie, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Roger Altemose, Mill Street Industrial Associates, LP, 2880 Bergey Road, Suite D, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report did not demonstrate attainment of the Site Specific Standard and was placed on hold by the Department of Environmental Protection on November 2, 2009.



**New Kensington High School**, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, Envirosearch Consultants, Inc., 500 Norristown Road, P. O. B. 940, Spring House, PA 19477, Kenneth D'Aurizio, BSI Construction, LLC, 735 Birch Road, Bensalem, PA 19020 on behalf of Lee Norelli, AP/BSI—A Joint Venture, LLC, 1080 North Delaware Avenue, Suite 1500, Philadelphia, PA 19125 has submitted a Final Report concerning the remediation of site soil contaminated with lead, PAH. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 6, 2009.

**Kovalchick Salvage Company**, Solebury Township, **Bucks County**. Bruce Fishman, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010, George Fields, SAIC, 6310 Allentown Blvd, Harrisburg, PA 17112, Mark Himberger, Shell Lubricants, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 on behalf of Joseph Kovalchick, Kovalchick Salvage Corporation, 1060 Wayne Avenue, Indiana, PA 15701, has submitted a Risk Assessment, Remedial Investigation and Final Report concerning the remediation of site no. 2 fuel oil contaminated with soil and groundwater. The Risk Assessment, Remedial Investigation and Final Report were approved by the Department of Environmental Protection on October 27, 2009.

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

**Laughlin Residence**, 2042 Huntington Street, Bethlehem City, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Marie L. Laughlin, 2042 Huntington Street, Bethlehem, PA 18017), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of leaking non-regulated underground storage tank. The report documented attainment of the Statewide Health Standard and was approved on November 10, 2009.

**Pysher Property**, 2323 North Delaware Drive, Upper Mount Bethel Township, **Northampton County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his clients, Mr. & Mrs. Arthur Pysher, 2323 North Delaware Drive, Mt. Bethel, PA 18343), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank having a tank leg failure. The report documented attainment of the Statewide Health Standard and was approved on November 5, 2009.

**Dallas Shopping Center/Dallas Cleaners**, Dallas Borough, **Luzerne County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a combined Remedial Investigation/Final Report (on behalf of her client, Humford Equities, 15 Public Square, Suite 302, Wilkes-Barre, PA 18701-1798), concerning the remediation of soils and groundwater found to have been impacted by dry cleaning solvents as the result of historic dry cleaning operations. The report documented attainment of the Site-Specific Standard for Tetrachloroethylene (PCE) and Trichloroethylene (TCE) in soils, the Statewide Health Standard for all other tested analytical parameters in soils, and the Statewide Health Standard for all tested analytical parameters in groundwater and was approved on November 9, 2009.

*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 Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on November 6, 2009.

**Buckeye/Laurel Pipe Line**, Tell Township, **Huntingdon County**. Kleinfelder, Inc., 260 Executive Drive, Suite 500, Cranberry Township, PA 16066, on behalf of Laurel Pipe Line Company, LP, 9999 Hamilton Boulevard, Tek Park Five, Breinigsville, PA 18031, submitted a final report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on November 10, 2009.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Pecha Trucking I80 MM 110 Accident**, Pine Township, **Clearfield County**. Taylor GEOSERVICES, 38 Bishop Hollow Rd., Suite 200, Newtown Square, PA 19073 on behalf of Pecha Trucking, North 15057 Hart Ave., Stanley, WI 54768 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 9, 2009.

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

**Armco Sawhill Tube (John Maneely Co—Sharon Pipe Plt)**, City of Sharon, **Mercer County**. ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540-6284 and The Payne Firm, Inc., 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of the John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with VOCs, SVOCs, PCBs, metals and site groundwater contaminated with VOCs, SVOCs, PCBs, dioxins, metals, sulfate, and nitrate. The Cleanup Plan was approved by the Department of Environmental Protection on November 4, 2009.

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

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit Application No. 101243. Northern Tier Solid Waste Authority**, P. O. Box 10, Burlington, PA 1884, West Burlington Township, **Bradford County**. The permit was reissued for the Bradford County Landfill by the Williamsport Regional Office on November 12, 2009.

Persons interested in reviewing the permit may contact Lisa D. Houser, P. E., Facilities Manager, Williamsport

Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service (800) 654-5984.

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

**Permit No. 100708. Jones & Losito Inc.**, 485 Willow Street, Toughkenamon, PA 19374. This permit was reissued with a change of ownership from Cloud Disposal, Inc., to Jones & Losito, Inc., for the Cloud Landfill, a closed municipal waste landfill, located at 320 Reedville Road, Oxford, PA 19363 in Lower Oxford Township, **Chester County**. The permit was reissued by the Southeast Regional Office on November 13, 2009.

**Permit No. 101494. Waste Management of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification is for revisions to the Leachate Recirculation System (LRS) design and the LRS Monitoring Plan at Tullytown Resource Recovery Facility (TR. R.F) Landfill located in the Borough of Tullytown and Falls Township **Bucks County**. The permit was issued by the Southeast Regional Office on November 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.**

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

**66-399-007GP5: Citrus Energy Corp.** (5601 Democracy Drive, Suite 190, Plano, TX 75024) on November 5, 2009, to construct and operate a Natural Gas Compressor Station at the site in Washington Township, **Wyoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**GP9-63-00938: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Hoskins Compressor Station facility in Donegal Township, **Washington County**.

**GP9-63-00942: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Dryer Compressor Station facility in Independence Township, **Washington County**.

**GP9-63-00947: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Lowry Compressor Station facility in Hopewell Township, **Washington County**.

**GP9-63-00948: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on November 6, 2009, was authorized under GP9 to install and operate one (1) Cummins GSB7-G3 diesel engine at their Tufta Day Compressor Station facility in Amwell Township, **Washington 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**48-399-062: Dixie Consumer Products, LLC** (605 Kuebler Road, Easton, PA 18040-9281) on November 3, 2009, to install new cup forming machines at their facility in Forks Borough, **Northampton County**.

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

**21-05029B: Sunoco Partners Marketing and Terminals, LP** (17351 Market Street, 29MBC, Philadelphia, PA 19103) on November 5, 2009, to operate their petroleum product bulk storage and loading facility at their Mechanicsburg Terminal in Hampden Township, **Cumberland County**.

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

**30-00182A: CNX Marine Terminals, Inc.** (1000 Consol Energy Drive, Canonsburg, PA 15317) on October 26, 2009, to allow the construction of a barge cleaning facility at their Robena Plant, in Monongahela Township, **Greene County**. Up to 600 contaminated barges per year will be processed at this location. A bobcat and a hopper will be lowered into the contaminated barge. The bobcat will gather the material and transfer it to the hopper. Hopper will then be transferred into the receiving barge.

**63-00936B: Markwest Liberty Midstream and Resources, LLC.** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO, 80202-2126) on November 13, 2009, to allow installation of one propane removal system composed of one depropanizer, one deethanizer, and two process heaters at the Houston Gas Processing Plant, in Chartiers Township, **Washington 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.**

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

**10-001N: AK Steel Butler Works** (P. O. Box 832, Butler, PA 16003) on November 30, 2009, to modify the No. 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of



new low NOx burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

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

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

**46-00060: Norristown State Hospital—DPW** (1001 East Sterigere Street, Norristown, PA 19401) on November 12, 2009, for a renewal of Title V Operating Permit No. 46-00060 in **Montgomery County**. The facility currently operates and maintains two (2) natural gas-#2 fuel oil-fired boilers, one (1) propane-fired and nine (9) #2 fuel oil-fired emergency generators, and four (4) #2 fuel oil-fired residential-style furnaces. The only significant changes to the Title V Operating Permit are the replacement of the NOx plant-wide applicability limit (PAL) of 98.5 tons/yr with a site-level NOx emission restriction of less than 25 tons/yr and the addition of source-level NOx emission restrictions for the emergency generators. The Title V Operating Permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05045: Department of Public Welfare** (P. O. Box 1000, Hamburg, PA 19526-1000) on November 5, 2009, for their two anthracite coal fired boilers and one #2 oil fired boiler in Windsor Township, **Berks County**. This is a renewal of the Title V Operating Permit.

**07-05004B: Altoona Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105) on November 6, 2009, for their bulk liquid petroleum terminal known as the Altoona Terminal in Allegheny Township, **Blair County**. This is a renewal of the Title V Operating Permit.

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

**24-00012: CG Electrodes Acquisition, LLC** (800 Theresa Street, St. Marys, PA 15857) on November 10, 2009, for an Administrative Amendment of the Title V Operating Permit, to incorporate the conditions of Plan Approval No. 24-012I in Source ID No. 197: Sagger Sand Handling System in the City of St. Marys, **Elk County**. The facility recently replaced the baghouse of this source and covered under new plan approval No. 24-012I.

**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.**

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

**15-00128: Pet Memorial Services Corp.** (126 Turner Lane, Unite No. 2, West Chester, PA 19380) on November 12, 2009, for a non-Title V Facility, State-Only Natural Minor Operating Permit in West Goshen Township,

**Chester County**. Pet Memorial Services operates four (4) identical Crawford animal crematoriums (Source ID 101), rated for 600 lbs/hr each and one (1) EPA Technologies animal crematorium (Source ID 102), rated for 130 lbs/hr. There are also no other significant sources of emissions at this facility. The following are potential emissions from the facility: 17 TPY for NOx, VOC, and SOx; 40 TPY for PM; 56 TPY for CO; and 7 TPY for HCl. Emissions of PM from each crematorium shall be less than 0.08 grain per dry standard cubic feet, corrected to 7% O<sub>2</sub>. Emissions of SOx from each crematorium shall be less than 500 ppmv. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**16-00152: Pengrove Building Systems, Inc.** (1 Mauro Avenue, Knox, PA 16232) on November 6, 2009, to issue a Synthetic Minor Operating Permit to operate a wood surface coating operation used in the manufacture of modular homes in Knox Township, **Clarion County**. The facility's primary emission sources include two (2) spray booths, a stain wiping line, clean up operations, wood working operations and miscellaneous natural gas combustion.

**25-00930: Erie Shipbuilding, LLC** (220 East Bayfront Parkway, Erie, PA 16507) on November 12, 2009, to operate the facility's air contamination sources consist 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 tons per year VOC and 24.5 tons per year 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.

**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. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on November 10, 2009, for a Minor Operating Permit Modification of a Non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Kinder Morgan Bulk Terminals, Inc. has been approved to unload bulk material directly to their dock under the condition that material has a minimum moisture content of 4% and the material cannot be handled through a hopper. PM emissions from the bulk material handling process shall continue to be controlled by water suppression. Additional work practice requirements have been included in the modified permit to ensure that potential emissions of PM will not increase as a result of the approved modifications. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**11-00034: Johnstown Specialty Casting, Inc.** (545 Central Avenue, Johnstown, PA 15902) permit modification and administrative amendment are effective November 12, 2009, at the Johnstown Plant in the City of Johnstown, **Cambria County**. A baghouse pressure differential range which has been demonstrated to indicate compliance with emission limits has been inserted into the permit per the existing Compliance Assurance Monitoring (CAM) plan. Applicable requirements of the recently promulgated National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (40 CFR Part 63 Subpart ZZZZZ) have been added to the permit. Finally, plan approval requirements from the installation of a billet grinder under PA-11-00034A have been incorporated into the permit.

### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

#### *Coal Permits Actions*

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

**17031701 and NPDES Permit # PA0235504, Lady Jane Collieries, Inc.**, (2 North Ninth Street, Allentown, PA 18101), to renew the permit for the Horning Run Passive Treatment in Huston Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received: September 5, 2008. Permit issued: November 4, 2009.

**32031301 and NPDES Permit # PA0235580, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add acres to the subsidence control plan area boundary. Subsidence Control Plan Acres Proposed 316.6. No additional discharges. Application received: May 29, 2009. Permit issued: November 4, 2009.

*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 stream(s): un-

named tributaries to Quemahoning and Hoffman Creeks classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 16, 2009. Permit issued: November 9, 2009.

**32090102 and NPDES No. PA0262811. AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 274.0 acres. Receiving stream(s): unnamed tributaries to/and Yellow Creek; unnamed tributaries to/and Ferrier Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Homer City Water Authority. Application received: May 21, 2009. Permit issued: November 10, 2009.

**56080106 and NPDES No. PA0262650. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Shade Townships, **Somerset County**, affecting 318.8 acres. Receiving stream(s): Stonycreek River; unnamed tributaries to Stonycreek River classified for the following use(s): trout stocked fishery; cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority—Border Dam Intake. Application received: May 21, 2008. Permit issued: November 12, 2009.

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

**17803108. SRP Coal Company, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation only of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 55.0 acres. Permit issued: October 23, 2009.

**17030121 and NPDES No. PA0243671. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Revision of an existing bituminous surface mine for stream encroachment for 6 unnamed tributaries to Bell Run in Penn Township, **Clearfield County**, affecting 43.2 acres. Receiving stream: Unnamed tributary "A" to Bell Run, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2009. Permit issued: October 27, 2009.

**17820129 and NPDES No. PA0610623. Kasubick Brothers Coal Company** (501 David Street, Houtzdale, PA 16651). Permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 161.8 acres. Receiving streams: Upper Morgan Run and North Branch Upper Morgan Run, classified for the following uses: Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2009. Permit issued: November 10, 2009.

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

**54813011T2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), transfer and reactivation of an existing anthracite surface mine operation in Blythe and East Norwegian Townships, Schuylkill County affecting 497.5 acres, receiving stream: none. Application received: May 22, 2009. Transfer issued: November 12, 2009.



*Noncoal Permits Actions*

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

**11040801. Greenley Energy Holdings of PA, Inc.**, 153 Wilson Street, Central City, PA 15926, final bond release on a small noncoal (industrial minerals) operation in Richland Township, **Cambria County**, affecting 3.0 acres. Receiving stream: Little Paint Creek. Application issued: November 5, 2009.

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

**20082803. Lancelot Construction, Inc.** (P. O. Box 5176, Conneaut Lake, PA 16316) Commencement, operation and restoration of a small sandstone operation in East Fallowfield Township, **Crawford County** affecting 5.0 acres. Receiving streams: McMillen Hollow. Application received: April 28, 2008. Permit Issued: November 5, 2009.

**27090801. Passauer Excavation, Inc.** (P. O. Box 304, West Hickory, PA 16370) Commencement, operation and restoration of a small sand & gravel and sandstone operation in Harmony Township, **Forest County** affecting 5.0 acres. Receiving streams: Unnamed tributaries to Allegheny River. Application received: August 10, 2009. Permit Issued: November 11, 2009.

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

**4475SM10 and NPDES Permit No. PA0220043. Harbison-Walker Refractories** (400 Fairway Drive, Moon Township, PA 15108). Renewal of NPDES permit in Woodward Township, **Clearfield County**. Receiving streams: Unnamed tributary to Upper Morgan Run to Clearfield Creek to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: August 12, 2009. Permit issued: October 30, 2009.

**18022802. Harger Utility Contractors, Inc.** (108 W. Clinton Street, Lock Haven, PA 17745). Noncoal mining operation (topsoil) in Castanea Township, **Clinton County**. Restoration of 1.5 acres completed. Receiving stream(s): West Branch Susquehanna River, tributary to Susquehanna River. Application received: November 6, 2009. Final bond release: November 12, 2009.

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

**6576SM1A2C7 and NPDES Permit No. PA0119229. Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hamilton Township, **Monroe County**, receiving stream: tributary McMichaels Creek. Application received: September 1, 2009. Renewal issued: November 9, 2009.

**7973SM6A1C9 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc.**, (P. O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Mill Creek. Application received: September 1, 2009. Renewal issued: November 9, 2009.

**09920302C4 and NPDES Permit No. PA0595497. Delaware Valley Landscape Stone, Inc.**, (P. O. Box 778, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry opera-

tion in Middletown Township, **Bucks County**, receiving stream: unnamed tributary to Neshaminy Creek. Application received: September 2, 2009. Renewal issued: November 9, 2009.

**7774SM2A1C10 and NPDES Permit No. PA0594521. Berks Products Corp.**, (P. O. Box 9000, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ontelaunee Township, **Berks County**, receiving stream: Maiden Creek. Application received: September 17, 2009. Renewal issued: November 9, 2009.

**1579601C5 and NPDES Permit No. PA011918. Lynn Hanaway**, (151 North Church Street, Parkesburg, PA 19365), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Parkesburg Borough, **Chester County**, receiving stream: tributary to Buck Run. Application received: September 18, 2009. Renewal issued: November 9, 2009.

**5273SM1C4 and NPDES Permit No. PA0594261. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County**, receiving stream: Chester Creek. Application received: September 18, 2009. Renewal issued: November 10, 2009.

**58920301T and NPDES Permit No. PA0595845. Reading Materials, Inc.**, (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation in New Milford Township, **Susquehanna County** affecting 120.09 acres, receiving stream: Beaver Creek. Application received: April 14, 2009. Transfer issued: November 13, 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*

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

**59094007. Conquest Seismic Services** (504 1st Center, Horseheads, NY 14845), seismic data acquisition by blasting located in Chatham and Westfield Townships, **Tioga County**. Permit issued: November 12, 2009. Permit expires: September 30, 2010.

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

**45094133. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Sciota Properties Development in Hamilton Township, **Monroe County** with an expiration date of October 28, 2010. Permit issued: November 5, 2009.

**46094119. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for water extension on Ziegler Road in Upper Hanover Township, **Montgomery County** with an expiration date of October 28, 2010. Permit issued: November 5, 2009.

**36094176. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Hawthorne Ridge Townhouse in Lancaster Township,

**Lancaster County** with an expiration date of December 31, 2009. Permit issued: November 6, 2009.

**36094177. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Giant Food Store in Mt. Joy Borough, **Lancaster County** with an expiration date of November 30, 2009. Permit issued: November 6, 2009.

**51094001. Controlled Demolition, Inc.**, (2737 Merrymans Mill Road, Phoenix, MD 31131), demolition blasting for the demolition of Penn Coachyard Chimney in the City of Philadelphia, **Philadelphia County** with an expiration date of November 15, 2009. Permit issued: November 10, 2009.

**52094114. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Milford Highlands in Milford Township, **Pike County** with an expiration date of November 4, 2010. Permit issued: November 10, 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

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

**E15-782. Parke Mansion Partners LP**, 1380 Wilmington Pike, West Chester, PA 19382, Parkesburg Borough, **Chester County**, ACOE Philadelphia District.

To the following water obstruction and encroachment activities associated with the proposed Parke Mansion Estates Residential Development Project within and along Little Buck Run (TSF, MF):

1. To construct and maintain an open-bottom box culvert secured to a poured foundation constructed on both sides of the stream associated with Parke Drive.
2. To install and maintain a water and sanitary sewer utility line crossing within the roadway bed of Parke Drive.
3. To construct and maintain four stormwater outfalls along Little Buck Run.

The site is located along SR 0010 (Church Street) between Main Street and Sadsbury Road (Parkesburg, PA USGS Quadrangle N: 16.5 inches; W: 5.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E23-479. Kimberly-Clark of Pennsylvania, LLC**, Front and Avenue of the States, Chester, PA 19013-4471, City of Chester, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a new building addition adjacent to the existing building No. 86 at the Kimberly-Clark facility in and along the 100-year floodway of the Delaware River. The site is located approximately 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ, PA N: 15.5 inches; W: 14.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E40-699. Luzerne County Redevelopment Authority**, 16 Luzerne Street, Suite 210, West Pittston, PA 18643. Jenkins Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain the Knox Mine Disaster Memorial Enhancement Project with work consisting of excavation and placement of fill in approximately 0.62 acre of the floodway/floodplain of the Susquehanna River and the construction of paths, a wooden viewing platform, signage, landscaped areas, and other site amenities within the same area. This project is located along the left bank of the Susquehanna River approximately 1 mile upstream of the Eighth Street Bridge (Pittston, PA Quadrangle Latitude: 41° 18' 47"; Longitude: -75° 48' 48") in Jenkins Township, **Luzerne County**. (Subbasin: 5B)



**E40-695. PPL Susquehanna Steam Electric Station.** 769 Salem Boulevard (NUSCA3), Berwick, PA 18603-6828, Salem Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 0.2 acre of wetlands in and along the floodway (right bank) of an unnamed tributary to Lake Took-A-While (CWF), which will include the lowering of the stream bank elevation over a length of 160 L.F. The purpose of the project is to create floodplain wetlands as a water quality improvement project along this unnamed tributary to reduce sedimentation from entering Lake Took-A-While. (Subbasin: 5D)

**E40-698. Danial J. Reggie**, R. R. Box 3568, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing 374 S.F. boat dock and to construct and maintain a pile-supported boathouse and dock in Harveys Lake (HQ-CWF), with work consisting of the construction of a 299 S.F. dock, and the construction of a 591 S.F. boathouse. The total surface area of the pile-supported structures will be approximately 890 S.F. and will extend approximately 38.2 ft from the shoreline. The project is located approximately 3.59 miles north west of the intersection of SR 415 and SR 115 (Harveys Lake, PA Quadrangle Latitude: 41° 22' 5.6"; Longitude: 76° 3' 12.4") in Harveys Lake Borough, Luzerne County. (Subbasin: 5B)

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

**E05-353: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Holidaysburg, PA 16648, Bedford Township, **Bedford County**, ACOE Baltimore District.

To extend and maintain an existing open bottom arch culvert 12 feet having a clear span of 18.0 feet, a minimum underclearance of 9.0 feet, a skew of 75°, and a total length of 91.8 feet within an unnamed tributary to Raystown Branch Juniata River (WWF). The proposed activities will result in 0.07 acre permanent impact to a PEM wetland and 0.02 acre temporary impact to a PEM wetland. The purpose of the project is to add a turn lane along SR 0030 at the intersection with SR 0056 (Bedford, PA Quadrangle Latitude: 40° 2' 34"; Longitude: 78° 32' 21", North: 8.8 inches; West: 7.1 inches) in Bedford Township, Bedford County. The applicant is required to provide a minimum of 0.07 acres replacement wetlands, and has proposed to replace the wetlands at the Huntingdon Advanced Wetland Compensation site.

**E31-214: Shoup's Run Watershed Association**, 976 Dudley Road, Six Mile Run, PA 16679, Green Garden Road Acid Mine Drainage Treatment Facility, Carbon Township, **Huntingdon County**, ACOE Baltimore District

To construct and maintain a 510-foot long rock revetment along the right bank, two limestone cells, three stilling basins impacting 0.067 acre of a forested wetland, and related improvements along the floodway and floodplain of Shoup Run (WWF) to improve the acid mine discharge located along the area bounded by Green Garden Road and PA 913 (Saxton, PA Quadrangle N: 14.63 inches; W: 6.0 inches, Latitude: 40° 12' 20"; Longitude: 78° 10' 05") in Carbon Township, Huntingdon County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E19-276. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815-1870. Water Obstruction and Encroachment Joint Permit, in the Town of Bloomsburg, **Columbia County**, ACOE Susquehanna River Basin District (Catawissa, PA Quadrangle N: 40° 59' 26.5"; W: 76° 27' 11.5").

To construct and maintain five tennis courts, 254-feet by 130-feet fenced bituminous paved area within the Bloomsburg Town Park. The proposed improvements will include the construction of the proposed tennis courts, 2,100 square-feet of bituminous pavement walking path, parking area, and stormwater infiltration trench. The project will relocate the town's tennis courts to a less flood prone area. Approximately 1.62-acres will be disturbed. The project will be constructed within the floodplain of the Susquehanna River (WWF, Warm Water Fishery). This project is located along the Susquehanna River east of Fishing Creek, 4,000-feet southwest of the intersection of SR 487 and West Fort McClure Blvd. (Catawissa, PA Quadrangle N: 40° 59' 26.5"; W: 76° 27' 11.5") in the Town of Bloomsburg, Columbia County. This project proposes to have a minimal impact to the floodplain of the Susquehanna River, which is designated a Warm Water Fishery, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

**E41-601. Anadarko Petroleum Corp.** P. O. Box 1330, Houston, TX, 77251-1330. Water Obstruction and Encroachment Joint Permit, in the Nippenose Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5").

To construct and maintain a surface water withdrawal intake in the floodway of the West Branch of the Susquehanna River. The project will include upgrades to the main access off of SR 44, construction of a stone parking area, two dry hydrants, a subsurface pump house, and a 12" flexible water line connecting the pump house to the riverbank. Minor grading and filling to construct a safe entrance to SR 44 will be balanced by some minor cutting elsewhere on the site. There will be approximately 0.69 acre of earth disturbance. The project area is situated near a small corn field adjacent to upland, floodplain woods along the West Branch of the Susquehanna River. There will be no fill added to the floodway. All excavation material will be removed from the site and disposed of outside of the 100-year floodplain. This project is located 4,200-feet east of the intersection of Main Street and SR 44, (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5") in Nippenose Township, Lycoming County. This project proposes to have a minimal impact to the West Branch of Susquehanna River, which is designated a Warm Water Fishery, 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.*

**E02-1042-A2. Butler Concrete and Supply Company**, 409 Saxonburg Boulevard, Saxonburg, PA 16056. To extend an existing retaining wall in East Deer Township, **Allegheny County**, Pittsburgh ACOE District. To amend Permit No. E02-1042-A1 to extend and maintain

the existing retaining wall an additional 110.0 feet in the channel and along the right bank of the Allegheny River (WWF) for the purpose of providing better access to the Butler Concrete & Supply Company. The project is located near River Mile 19.6 and will impact approximately 135.0 linear feet of stream channel.

**E02-1621. Department of Transportation, District 11**, 45 Thoms Run Road, Bridgeville, PA 15017. To regrade streambank in Etna Borough, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 21.4 inches; W: 9.7 inches, Latitude: 40° 1' 34"; Longitude: 79° 56' 50"). Regrade and maintain 680 feet of stream bank along Pine Creek (TSF) required to stabilize the slope for the to-be widened SR 28. Within this 680 LF, to place and maintain approximately 190 LF of rip rap to prevent erosion of the streambank. The project is centered approximately 3,000 feet upstream of Pine Creek's confluence with the Allegheny River.

**E32-492. Turm Oil Incorporated**, 110 Dodds Road, Suite 203, Butler, PA 16002. To construct an arch culvert in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District. (New Florence, PA Quadrangle N: 9.8 inches; W: 12.8 inches, Latitude: 40° 25' 46"; Longitude: 79° 5' 30") To construct and maintain a 30' long 42" arched culvert (depressed 12") on the East Branch of Richards Run (CWF), and to place and maintain fill and four 12" culverts in 0.01 acre of wetland (located within the floodplain of the East Branch of Richards Run) for the purpose of building an access road to an existing compressor station.

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

**E42-346, Steven M. Gustin**, 266 McCrea Brook, Eldred, PA 16731-5216. McCrea Run Creek Crossing in Ceres Township, **McKean County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 47.70571°; W: 79.01974°).

To install and maintain a 72" diameter culvert pipe crossing of McCrea Run Creek at a point approximately 3,000 feet southeast of the intersection of Route 446 and McCrea Brook Road on the north side. McCrea Run Creek is classified as a CWF.

*DEP—Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**PAG-2-1449-08-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, for Shamokin Creek Flood Protection Project, located in Borough of Mount Carmel and Mount Carmel Township, **Northumberland County**, ACOE Baltimore District. The project (Mount Carmel, PA Quadrangle N: 8.9 inches; W: 5.5 inches) will be constructed in multiple phases, with a total area of disturbance of 17.3 acres.

#### ENVIRONMENTAL ASSESSMENTS

*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. Shippen Township, **Cameron County**, ACOE Baltimore District. This Environmental Assessment is for construction of an acid mine drainage passive 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 (Cameron, PA Quadrangle N: 14.4 inches; W: 14.0 inches).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

11/12/2009

ESCGP-1 No.: ESX09-059-0035

Applicant Name: EQT Gathering, LLC

Contact Person: Hanna McCoy

Address: 625 Liberty Avenue

City: Pittsburgh State: PA Zip Code: 15222

County: Greene Township(s): Center and Morris

Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF), HQ, Other

11/12/2009

ESCGP-1 No.: ESX09-063-0007

Applicant Name: XTO Energy, Inc.

Contact Person: Michael Hahn

Address: 395 Airport Road

City: Indiana State: PA Zip Code: 15701

County: Indiana Township(s): White/Brush Valley/Center

Receiving Stream(s) and Classifications: Patterson Creek (HQ-WWF), HQ, Other

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

ESCGP-1 # ESX09-115-0013

Applicant Name: ALTA Operating Company, LLC

Contact Person: Joseph Greenberg

Address: 500 Dallas, Suite 2930

City, State, Zip: Houston, TX 77002

County: Susquehanna

Township(s): Middletown Township

Receiving Stream(s) and Classification(s): UMT to Middle Branch Wyalusing Creek

ESCGP-1 # 58-09-802  
 Applicant Name: Cabot Oil & Gas Corporation  
 Contact Person: Jeffrey Keim  
 Address: 900 Lee Street East, Suite 1100  
 City, State, Zip: Charleston, WV 25301  
 County: Susquehanna  
 Township(s): Springville Township  
 Receiving Stream(s) and Classification(s): UNT to Meshoppen Creek

ESCGP-1 # 58-09-802  
 Applicant Name: Cabot Oil & Gas Corporation  
 Contact Person: Jeffrey Keim  
 Address: 900 Lee Street East, Suite 1100  
 City, State, Zip: Charleston, WV 25301  
 County: Susquehanna  
 Township(s): Springville Township  
 Receiving Stream(s) and Classification(s): Meshoppen Creek

ESCGP-1 # ESX09-015-0060  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Wyalusing  
 Receiving Stream(s) and Classification(s): UNT to Susquehanna River

ESCGP-1 # ESX09-015-0058  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Wysox  
 Receiving Stream(s) and Classification(s): UNT to Wysox Creek

ESCGP-1 # ESX09-015-0059  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Troy  
 Receiving Stream(s) and Classification(s): UNT to Mud Creek

ESCGP-1 # ESX09-015-0057  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Albany  
 Receiving Stream(s) and Classification(s): Sugar Creek

ESCGP-1 # ESX09-015-0056  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 100 1ST Center  
 City, State, Zip: Horseheads, NY 14845  
 County: Bradford  
 Township(s): Albany  
 Receiving Stream(s) and Classification(s): UNT to South Branch

ESCGP-1 # ESX09-015-0061  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: P. O. Box 18496  
 City, State, Zip: Oklahoma City, OK 73154

County: Bradford  
 Township(s): Granville Township  
 Receiving Stream(s) and Classification(s): North Branch Towanda Creek

ESCGP-1 # ESX09-081-0013  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski, P. E.  
 Address: 380 Southpointe Blvd., Suite 300  
 City, State, Zip: Canonsburg, PA 15317  
 County: Lycoming Cnty  
 Township(s): Cummings Twp  
 Receiving Stream(s) and Classification(s): Receiving Water/Watershed Name: First Fork Larry's Creek (HQ)

## SPECIAL NOTICES

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

### *General Permits:*

**42081006. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Final bond release of a GP-103 mining operation in Annin Township, **McKean County**. Restoration of 3.5 acres completed. Receiving streams: Allegheny River. Application received: September 22, 2009. Final bond release approved: October 27, 2009.

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

**A. W. Long Coal Company, GFCC No. 17-08-18**, Sullivan Operation, Morris Township, **Clearfield County** (Emigh Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to A. W. Long Coal Company that will result in the reclamation of approximately 15.0 acres of abandoned mine land, the reclamation of 1,700-feet of abandoned highwall and the daylighting and reclamation of 5.8 acres of abandoned deep mines. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of 145 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$61,600 which will be done at no cost to the Commonwealth. The site is located just northwest of Hawk Run on lands formerly mined and subsequently abandoned by Thompson Coal Company in the early 1960's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site. An NPDES permit (PA-0257125) has also been approved for the site.

[Pa.B. Doc. No. 09-2186. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

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

The Department encourages the use of the Internet to view and download technical guidance documents. When



this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance*

DEP ID: 563-2112-606. Title: Procedures for Establishing the Quantity of Water in Low-Yield Wells. Description: Surface and underground coal mine operators are required to conduct premining surveys of the quality and quantity of the water supplies that may be impacted by mining operations. In performing premining surveys to establish the quantity of a water supply, it is important that operators follow established testing procedures to ensure that results are meaningful and valid for pre- and post-mining comparisons. This guidance provides direction to the District Mining staff, surface and underground coal mine operators, and their consultants by establishing alternative methods that may be used to evaluate low-yield water supplies (five gallons per minute or less). The Department did not receive any public comments on this guidance. Contact: Questions regarding the draft technical guidance should be directed to Gregory Shuler at (717) 783-1199, gshuler@state.pa.us.

Effective date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2187. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Bid Opportunity**

**OSM 26(0149)102.1, Mine Subsidence/Fire Control Project, Prittstown, Upper Tyrone Township, Fayette County.** The principal items of work and approximate quantities include mobilization and demobilization; 3,724 linear feet of 6" air rotary drilling; 1,470 linear feet of overburden casing, steel or PVC; 4,844 tons of supply, delivery and injection of grout material and 114 each of sealing boreholes. This project issues on November 25, 2009, with bids opened on December 22, 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. 09-2188. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Bid Opportunity**

**OSM 40(1031)101.1, Abandoned Mine Reclamation Project, Cranberry West, Hazle Township, Luzerne County.** The principal items of work and approximate quantities include mobilization and demobilization; 1,308,650 cubic yards of grading; 2,220 cubic yards of ditch excavation; 2,560 square yards of rock lining and 167.6 acres of seeding. This project issues on November 25, 2009, with bids opened on December 22, 2009, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by 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. 09-2189. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Board of Coal Mine Safety; Rescheduling of Meeting Date**

The December 9, 2009, meeting of the Board of Coal Mine Safety has been rescheduled to January 27, 2010. The meeting will begin at 10 a.m. in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA.

Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or agaida@state.pa.us. The agenda and meeting materials for this 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 the Department at (724) 439-7289 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. 09-2190. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Chesapeake Bay Advisory Committee Meeting**

The Chesapeake Bay Advisory Committee will meet December 3, 2009, from 9 a.m. to 12 p.m. in Room 105 of the Department of Environmental Protection's (Department), Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Marjorie Hughes at mahughes@state.pa.us or (717) 772-5660. The agenda and meeting materials will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in



the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5660 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. 09-2191. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Registration For Residual Waste General Permits

### Extension of Comment Period

**Application for Registration 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 17105-8472.*

**General Permit Application Number WMGR097 R011. Hazleton Creek Properties, LLC**, Route 924 Mined Lands, City of Hazleton, PA 18201. Registration to operate under General Permit Number WMGR097R011 for research and development activities. The proposed project involves use of dredged material or other regulated fill with fines from processing construction and demolition waste in mine reclamation and as construction material in the Mammoth Strip Pit in Hazleton. The registration was received by Central Office on August 26, 2009.

Comments concerning the registration should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. The public comment period has been extended. Comments must be received by December 8, 2009, and may recommend revisions to, and approval or denial of, the application.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2192. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Small Water Systems Technical Assistance Center Board Special Meeting

The Small Water Systems Technical Assistance Center Board will hold a special meeting on December 17, 2009, from 10 a.m. in the 2nd Floor Training Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The purpose of the meeting is to discuss Final Revisions to Chapter 302 Operator Certification Regulations.

Questions concerning this meeting should be directed to Veronica B. Kasi at (717) 772-4053 or vbkasi@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Janet Fisher directly at (717) 783-2294 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. 09-2193. Filed for public inspection November 25, 2009, 9:00 a.m.]

## Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on December 2, 2009, at 10 a.m. in the 2nd Floor Training Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the December 2, 2009, meeting will be available at the meeting. Questions concerning this meeting should be directed to Becky Campbell, Pennsylvania Energy Development Authority, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, recampbell@state.pa.us.

Persons with a disability who require accommodations to attend the December 2, 2009, meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2194. Filed for public inspection November 25, 2009, 9:00 a.m.]

## State Board for Certification of Sewage Enforcement Officers; 2010 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled the 2010 Sewage Enforcement Officers (SEO) Precertification Academy and examination. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the

examination. The 2010 Precertification Academy and examination schedule is as follows:

April 21—23 and Examination Date: April 30, 2010  
 April 27—29, 2010 (8:30 a.m. to 12:30 p.m.)  
 PSATS Enola Examination Application Deadline:  
 April 2, 2010

Additional academy and exam dates will be posted as scheduled. To qualify to sit for the certification exam, all SEO candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains multiple choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Board.

Persons who anticipate the need for a testing accommodation due to a disability, should contact the Board at (717) 772-5158 or through the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD) to discuss their request. This request should be submitted with their application form.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2195. Filed for public inspection November 25, 2009, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators; Change of Meeting Location

The State Board for Certification of Water and Wastewater Systems Operators (Board) conference call meeting on December 18, 2009, at 10 a.m. is now scheduled as a regular Board meeting in the 16th Floor Delaware Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of this meeting is to discuss Chapter 302 Proposed Revised Regulations for the Operator Certification Program.

Questions concerning the Board meeting can be directed to Cheri Sansoni at (717) 772-5158, or csansoni@state.pa.us. The agenda and meeting material for the previously listed meeting date will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2196. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Westmoreland County

The Department of General Services (Department) will accept bids for the purchase of 0.32-acre ± of land and building formerly known as the Latrobe National Guard Armory located at 1017 Ridge Avenue, City of Latrobe, Westmoreland County. Bids are due Thursday, January 28, 2010. Interested parties wishing to receive a copy of Solicitation No. 94320 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 09-2197. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Advisory Health Board Meeting

The Department of Health (Department) gives notice that the Advisory Health Board (Board) will meet on December 1, 2009, from 10 a.m. until 12 noon in Room 812 of the Health and Welfare Building to review and approve final amendments to the School Immunization Regulations. The Board will also be presented with a summary of proposed changes to the Department's regulations relating to Communicable and Noncommunicable Diseases.

Further information regarding the meeting or to obtain a copy of the draft regulations interested persons may contact Heather Stafford, Acting Director, Bureau of Communicable Diseases, Department of Health, Room 1023, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 or (717) 787-5681.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, or require a copy of this notice or the draft regulations in an alternative format (for example, large print, audiotape, Braille), should contact Heather Stafford at the previously-listed telephone number or address, or at V/TT (717) 783-6154 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2198. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application of Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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, 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. 09-2199. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 16, 2009, at 10 a.m., in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Linda Pavlesich, Bureau of Health Planning at (717) 772-5298, or e-mail at lpavlesich@state.pa.us, 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).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2200. Filed for public inspection November 25, 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 § 205.36(h) (relating to bathing facilities).

Haven Convalescent Home, Inc.  
725 Paul Street  
New Castle, PA 16101

Schuylkill Medical Center-South Jackson Street  
Transitional Care Unit  
420 South Jackson Street  
Pottsville, PA 17901

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

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division 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 they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), contact the Division of Nursing Care Facilities at the address 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. 09-2201. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 2, 2009, from 9 a.m. to 11 a.m. A teleconference call will be held at the Department of Health, Conference Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen Zitka at (717) 787-5251, 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. 09-2202. Filed for public inspection November 25, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$1,000 A Week For Life Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:



1. *Name:* The name of the game is Pennsylvania \$1,000 A Week For Life.

2. *Price:* The price of a Pennsylvania \$1,000 A Week For Life instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania \$1,000 A Week For Life instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania \$1,000 A Week For Life instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Moneybag symbol (BAG) and an X symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR SYMBOLS" area and a "LUCKY SYMBOLS" area. The play symbols and their captions located in the "YOUR SYMBOLS" area and the "LUCKY SYMBOLS" area are: Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Shoe symbol (SHOE), Wallet symbol (WALLET) and a Cash symbol (CASH).

(e) The prize play symbols and their captions and the play symbols and their captions located in the "Fast Cash Bonus" area are: \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

(b) The play area for "Game 3" will contain six "prize" areas. The prize symbols and their captions located in the six "prize" areas for "Game 3" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WK).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are: \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100 and \$500. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 43,200,000 tickets will be printed for the Pennsylvania \$1,000 A Week For Life instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of LIFE (\$1,000/WK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching prize play symbols of \$50<sup>00</sup> (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching prize play symbols of \$40<sup>00</sup> (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching prize play symbols of \$25<sup>00</sup> (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching prize play symbols of \$20<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching prize play symbols of \$4<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of LIFE (\$1,000/WK) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal,



and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching Moneybag (BAG) play symbols in the same row, column or diagonal, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of LIFE (\$1,000/WK) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1

million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(d) Determination of prize winners for the "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(2) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a prize play symbol of \$50<sup>00</sup> (FIFTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a prize play symbol of \$40<sup>00</sup> (FORTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets with a prize play symbol of \$25<sup>00</sup> (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with a prize play symbol of \$20<sup>00</sup> (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 43,200,000 Tickets</i>
	\$2			\$2	25	1,728,000
		\$2		\$2	25	1,728,000
			\$2	\$2	30	1,440,000
\$4				\$4	150	288,000
	\$4			\$4	150	288,000
		\$4		\$4	150	288,000
			\$4	\$4	150	288,000
	\$2	\$2		\$4	150	288,000
	\$2		\$2	\$4	150	288,000
			\$2 x 2	\$4	150	288,000
\$5				\$5	150	288,000
	\$5			\$5	150	288,000
		\$5		\$5	150	288,000
			\$5	\$5	166.67	259,200
\$10				\$10	250	172,800
	\$10			\$10	750	57,600
		\$10		\$10	750	57,600
\$5	\$5			\$10	750	57,600
\$5		\$5		\$10	750	57,600
\$5			\$5	\$10	750	57,600
			\$2 x 5	\$10	750	57,600
			\$5 x 2	\$10	750	57,600
\$20				\$20	1,500	28,800
	\$20			\$20	1,500	28,800
			\$10 x 2	\$20	1,500	28,800
			\$4 x 5	\$20	1,500	28,800
			\$5 x 4	\$20	1,500	28,800
\$25				\$25	1,500	28,800
	\$25			\$25	1,500	28,800
		\$25		\$25	1,500	28,800
			\$25	\$25	1,500	28,800
			\$5 x 5	\$25	1,500	28,800
\$40				\$40	4,800	9,000
	\$40			\$40	4,800	9,000
		\$40		\$40	4,800	9,000
			\$40	\$40	4,800	9,000
\$20	\$20			\$40	4,800	9,000
\$20		\$20		\$40	4,800	9,000
\$20			\$20	\$40	4,800	9,000
\$10	\$10	\$10	\$2 x 5	\$40	4,800	9,000
\$10	\$10	\$10	\$5 x 2	\$40	4,800	9,000

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 43,200,000 Tickets</i>
\$20			\$10 × 2	\$40	4,800	9,000
\$50				\$50	8,000	5,400
	\$50			\$50	8,000	5,400
		\$50		\$50	8,000	5,400
\$10	\$20		\$20	\$50	8,000	5,400
\$20	\$20	\$5	\$5	\$50	8,000	5,400
	\$20	\$20	\$5 × 2	\$50	8,000	5,400
\$10	\$10	\$10	\$4 × 5	\$50	8,000	5,400
\$10	\$10	\$10	\$5 × 4	\$50	8,000	5,400
\$10	\$10	\$10	\$10 × 2	\$50	8,000	5,400
\$20	\$20		\$5 × 2	\$50	12,000	3,600
\$100				\$100	8,000	5,400
	\$100			\$100	8,000	5,400
		\$100		\$100	8,000	5,400
			\$100	\$100	8,000	5,400
			\$50 × 2	\$100	8,571	5,040
\$500				\$500	40,000	1,080
	\$500			\$500	40,000	1,080
		\$500		\$500	40,000	1,080
			\$500	\$500	40,000	1,080
\$100	\$100	\$100	\$100 × 2	\$500	40,000	1,080
	\$1,000			\$1,000	120,000	360
		\$1,000		\$1,000	120,000	360
			\$1,000	\$1,000	120,000	360
			\$500 × 2	\$1,000	120,000	360
	LIFE			\$1,000/WK/LIFE	14,400,000	3
		LIFE		\$1,000/WK/LIFE	14,400,000	3
			LIFE	\$1,000/WK/LIFE	14,400,000	3

Fast Cash Bonus—Reveal prize amount from \$4 to \$500, win that prize.

Game 1—Get 3 like amounts, win that prize. Get three “LIFE” symbols, and win \$1,000 a week for life.

Game 2—Get three “MONEYBAG” (BAG) symbols in a row, column or diagonal, win prize shown. When the prize won is “LIFE,” you win \$1,000 a week for life.

Game 3—When any of YOUR SYMBOLS match either LUCKY SYMBOL, win the prize shown under the matching symbol. When the prize won is “LIFE,” you win \$1,000 a week for life.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania \$1,000 A Week For Life game, “lifetime” for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1,000 A Week For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000 A Week For Life, prize money from winning Pennsylvania \$1,000 A Week For Life instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000 A Week For Life instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1,000 A Week For Life or through normal communications methods.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2203. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Pennsylvania King Of Cash Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:



1. *Name:* The name of the game is Pennsylvania King Of Cash.

2. *Price:* The price of a Pennsylvania King Of Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania King Of Cash instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 10 "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S HAND" area are: 16 (SIXTN), 17 (SEVTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENTY) play symbols. The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE). A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas for "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania King Of Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol

of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$400 (FOR HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$80.

(n) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets where two King (KNG) playing card symbols appear in any "HAND," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets where the sum of the playing card symbols in any "HAND" is greater than the value of the play symbol in the "DEALER'S TOTAL," and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets where two Queen (QUN) playing card symbols appear in any "HAND," and a prize symbol



of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets where two King (KNG) playing card symbols appear in any “HAND,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$25.

(u) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets where two Queen (QUN) playing card symbols appear in any “HAND,” and a prize symbol

of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets where two Queen (QUN) playing card symbols appear in any “HAND,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets where the sum of the playing card symbols in any “HAND” is greater than the value of the play symbol in the “DEALER’S TOTAL,” and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “prize” area for that “HAND,” on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>If The Sum Of Any Of Your Hands Beats The Dealer's Total Win Prize Shown Under That Hand. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
\$5	\$5	10	960,000
\$5 × 2	\$10	60	160,000
\$5 w/PAIR OF QUEENS	\$10	30	320,000
\$10	\$10	60	160,000
\$5 × 4	\$20	300	32,000
\$10 × 2	\$20	300	32,000
\$10 w/PAIR OF QUEENS	\$20	150	64,000
\$20	\$20	300	32,000
\$5 × 5	\$25	300	32,000
\$5 w/PAIR OF KINGS	\$25	300	32,000
(\$5 w/PAIR OF QUEENS) + (\$5 × 3)	\$25	300	32,000
(\$10 w/PAIR OF QUEENS) + \$5	\$25	300	32,000
\$25	\$25	300	32,000
\$5 × 8	\$40	600	16,000
(\$5 w/PAIR OF KINGS) + (\$5 × 3)	\$40	600	16,000
\$10 × 4	\$40	600	16,000
\$20 w/PAIR OF QUEENS	\$40	600	16,000
\$40	\$40	600	16,000
\$5 × 10	\$50	600	16,000
\$10 w/PAIR OF KINGS	\$50	600	16,000
\$25 × 2	\$50	600	16,000
\$25 w/PAIR OF QUEENS	\$50	600	16,000
\$50	\$50	600	16,000
\$10 × 10	\$100	1,846	5,200
\$20 w/PAIR OF KINGS	\$100	1,846	5,200
\$25 × 4	\$100	1,714	5,600
(\$40 w/PAIR OF QUEENS) + (\$5 × 4)	\$100	1,846	5,200
\$50 w/PAIR OF QUEENS	\$100	1,846	5,200
\$100	\$100	1,846	5,200
\$40 × 10	\$400	30,000	320
\$50 × 8	\$400	30,000	320
(\$50 w/PAIR OF KINGS) + (\$50 × 3)	\$400	30,000	320
(\$100 w/PAIR OF QUEENS) + (\$25 × 8)	\$400	30,000	320
\$400	\$400	30,000	320
\$50 × 10	\$500	30,000	320
\$100 × 5	\$500	30,000	320
(\$100 w/PAIR OF QUEENS) + (\$50 × 6)	\$500	30,000	320
\$100 w/PAIR OF KINGS	\$500	30,000	320

If The Sum Of Any Of Your Hands Beats The Dealer's Total Win Prize Shown Under That Hand. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 9,600,000 Tickets
\$500	\$500	30,000	320
\$100 × 10	\$1,000	40,000	240
(\$100 w/PAIR OF KINGS) + (100 × 5)	\$1,000	40,000	240
\$500 × 2	\$1,000	40,000	240
\$500 w/PAIR OF QUEENS	\$1,000	40,000	240
\$1,000	\$1,000	40,000	240
\$10,000	\$10,000	480,000	20
\$100,000	\$100,000	480,000	20

PAIR OF QUEENS (QUN) = Win double the prize shown under that hand.  
PAIR OF KINGS (KNG) = Win 5 times the prize shown under that hand.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania King Of Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania King Of Cash, prize money from winning Pennsylvania King Of Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania King Of Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania King Of Cash or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2204. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania Lucky Cherries Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Cherries.

2. *Price:* The price of a Pennsylvania Lucky Cherries instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Cherries instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. Each

"GAME" features a play area and a "Prize" area. The play symbols and their captions located in the play area are: Banana symbol (BAN), Grapes symbol (GRPS), 7 symbol (SVN), Peach symbol (PCH), Bell symbol (BEL), Mellon symbol (MEL), Strawberries symbol (STRA), Pineapple symbol (PNA), Horse Shoe symbol (SHO), Moneybag symbol (MBAG), Bar symbol (BAR), Diamond symbol (DMD), Crown symbol (CRN), Sun symbol (SUN) and a Cherries symbol (CHRY).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area of each "GAME" are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$4,000 (FOR THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$40, \$100, \$1,000 and \$4,000. The player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Lucky Cherries instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4,000 (FOR THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Cherries (CHRY) play symbol, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that Cherries (CHRY) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with three like play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Cherries instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*Match 3 Like Symbols In Any Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 16,800,000 Tickets</i>
FREE	FREE \$1 TICKET	1,456,000
\$1	\$1	224,000
\$1 x 2	\$2	280,000
\$1 w/CHERRIES	\$2	336,000
\$2	\$2	336,000
\$1 x 4	\$4	84,000
\$2 x 2	\$4	84,000
\$2 w/CHERRIES	\$4	112,000
\$4	\$4	112,000
(\$1 x 3) + \$2	\$5	56,000
\$5	\$5	56,000
(\$3 x 3) + \$1	\$10	39,200
\$5 x 2	\$10	39,200
\$5 w/CHERRIES	\$10	44,800
\$10	\$10	44,800
\$5 x 4	\$20	11,200
\$10 x 2	\$20	11,200
\$10 w/CHERRIES	\$20	22,400
\$20	\$20	11,200
\$10 x 4	\$40	4,060
\$20 x 2	\$40	4,060
\$20 w/CHERRIES	\$40	4,200
\$40	\$40	4,060
(\$20 x 3) + \$40	\$100	2,100
(\$40 x 2) + (\$10 x 2)	\$100	2,100
(\$40 w/CHERRIES) + \$20	\$100	2,100

Match 3 Like Symbols In Any Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 16,800,000 Tickets
\$100	\$100	8,000
\$1,000	\$1,000	240,000
\$1,000 × 4	\$4,000	480,000
\$4,000	\$4,000	480,000

Get a "CHERRIES" (CHRY) symbol, win double the prize shown to the right of that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Cherries instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Cherries, prize money from winning Pennsylvania Lucky Cherries instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Cherries instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Cherries or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2205. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Pennsylvania My Lucky Valentine Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania My Lucky Valentine.

2. *Price:* The price of a Pennsylvania My Lucky Valentine instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania My Lucky Valentine instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME

9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. The play symbols and their captions located in the 12 play areas are: Balloon symbol (BALLOON), Cupcake symbol (CUPCAKE), Cash symbol (CASH), Couple symbol (COUPLE), Crown symbol (CROWN), Diamond symbol (DMND), Gift symbol (GIFT), Kiss symbol (KISS), Note symbol (NOTE), Moneybag symbol (MNYBAG), Wallet symbol (WALLET), Necklace symbol (NCKLACE), Candle symbol (CANDLE), Double Heart symbol (DBLHRT) and a Rose symbol (ROSE).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,200,000 tickets will be printed for the Pennsylvania My Lucky Valentine instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that Double Heart (DBLHRT) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Rose (ROSE) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the



“PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with a Rose (ROSE) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Rose (ROSE) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with a Double Heart (DBLHRT) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Double Heart (DBLHRT) play symbol in the same “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with two like play symbols in the same “GAME,” and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Two Like Symbols In The Same Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,200,000 Tickets</i>
\$5	\$5	8.57	490,000
\$5 × 2	\$10	60	70,000
\$5 w/DOUBLE HEART	\$10	30	140,000
\$10	\$10	40	105,000
\$10 w/ DOUBLE HEART	\$20	120	35,000
\$20	\$20	120	35,000
\$5 w/ROSE	\$25	120	35,000
\$25	\$25	120	35,000
\$5 × 8	\$40	600	7,000
(\$5 w/ROSE) + (\$5 × 3)	\$40	600	7,000
\$10 × 4	\$40	600	7,000
\$20 w/DOUBLE HEART	\$40	600	7,000
\$40	\$40	600	7,000
\$5 × 10	\$50	600	7,000
\$10 w/ROSE	\$50	600	7,000
(\$20 × 2) + (\$5 × 2)	\$50	600	7,000
\$25 w/DOUBLE HEART	\$50	600	7,000
\$50	\$50	600	7,000
(\$5 × 10) + (\$25 × 2)	\$100	2,353	1,785
\$10 × 10	\$100	2,400	1,750

Get Two Like Symbols In The Same Game, Win Prize Shown To The Right Of That Game. Win With Prize(s) Of

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,200,000 Tickets
\$20 w/ROSE	\$100	2,353	1,785
\$25 × 4	\$100	2,400	1,750
\$50 × 2	\$100	2,400	1,750
\$50 w/DOUBLE HEART	\$100	2,400	1,750
\$100	\$100	2,400	1,750
(\$20 × 10) + (\$100 × 2)	\$400	30,000	140
\$40 × 10	\$400	30,000	140
(\$50 w/ROSE) + (\$50 × 3)	\$400	30,000	140
(\$100 w/DOUBLE HEART) + (\$100 × 2)	\$400	30,000	140
\$400	\$400	30,000	140
(\$40 × 10) + (\$50 × 2)	\$500	24,000	175
\$50 × 10	\$500	24,000	175
\$100 × 5	\$500	24,000	175
\$100 w/ROSE	\$500	24,000	175
\$500	\$500	24,000	175
\$500 w/DOUBLE HEART	\$1,000	24,000	175
\$1,000	\$1,000	24,000	175
\$50,000	\$50,000	420,000	10

Get a "DOUBLE HEART" (DBLHRT) symbol, win double the prize shown for that game.

Get a "ROSE" (ROSE) symbol, win 5 times the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania My Lucky Valentine instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania My Lucky Valentine, prize money from winning Pennsylvania My Lucky Valentine instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania My Lucky Valentine instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania My Lucky Valentine or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2206. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Pennsylvania White Ice 9s Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania White Ice 9s.

2. *Price:* The price of a Pennsylvania White Ice 9s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania White Ice 9s instant lottery game ticket will contain one play area. The play symbols printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (BLACK9). The play symbols printed in white ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (WHITE9).

4. *Prize Symbols:* The prize symbols and their captions are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$90<sup>00</sup> (NINTY), \$100 (ONE HUN), \$500 (FIV HUN), \$900 (NIN HUN) and \$29,000 (TWININTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$9, \$10, \$20, \$30, \$50, \$90, \$100, \$500, \$900, and \$29,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania White Ice 9s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$29,000 (TWININTHO) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$29,000.

(b) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$900 (NIN HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(c) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$450.

(f) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$90.00 (NINTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(h) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(i) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$9.00 (NIN DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$81.

(j) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$45.

(l) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$30.00 (THIRTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$3.00 (THR DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(n) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$20.00 (TWENTY) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(p) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$9.00 (NIN DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(r) Holders of tickets with a play symbol of 9 (WHITE9), with the symbol printed in white ink, and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area to the right of that 9 (WHITE9) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(s) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$3.00 (THR DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a play symbol of 9 (BLACK9), with the symbol printed in black ink, and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area to the right of that 9 (BLACK9) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$1 x 2	\$2	21.43	560,000
\$2	\$2	23.08	520,000
\$1 x 3	\$3	33.33	360,000
\$3	\$3	33.33	360,000
\$1 x 5	\$5	75	160,000

<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
\$5	\$5	75	160,000
\$1 × 9	\$9	300	40,000
\$1 w/WHITE 9	\$9	150	80,000
\$9	\$9	300	40,000
\$1 × 10	\$10	750	16,000
\$2 × 5	\$10	750	16,000
(\$1 w/WHITE 9) + \$1	\$10	375	32,000
\$10	\$10	750	16,000
\$2 × 10	\$20	750	16,000
(\$2 w/WHITE 9) + \$2	\$20	500	24,000
\$5 × 4	\$20	1,500	8,000
\$10 × 2	\$20	1,500	8,000
\$20	\$20	500	24,000
\$5 × 6	\$30	2,400	5,000
(\$1 w/WHITE 9) + (\$3 × 7)	\$30	2,400	5,000
(\$2 w/WHITE 9) + (\$3 × 4)	\$30	2,400	5,000
(\$3 w/WHITE 9) + \$3	\$30	2,400	5,000
\$10 × 3	\$30	2,400	5,000
\$30	\$30	2,400	5,000
\$5 × 10	\$50	2,400	5,000
(\$5 w/WHITE 9) + \$5	\$50	2,400	5,000
\$10 × 5	\$50	2,400	5,000
\$50	\$50	2,400	5,000
\$9 × 10	\$90	4,800	2,500
\$10 × 9	\$90	4,800	2,500
(\$9 w/WHITE 9) + \$9	\$90	4,800	2,500
\$10 w/WHITE 9	\$90	4,800	2,500
\$30 × 3	\$90	4,800	2,500
\$90	\$90	4,800	2,500
\$10 × 10	\$100	10,000	1,200
(\$10 w/WHITE 9) + (\$5 × 2)	\$100	10,000	1,200
(\$10 w/WHITE 9) + \$10	\$100	10,000	1,200
\$50 × 2	\$100	10,000	1,200
\$100	\$100	10,000	1,200
\$50 × 10	\$500	60,000	200
\$100 × 5	\$500	60,000	200
(\$50 w/WHITE 9) + \$50	\$500	40,000	300
\$500	\$500	60,000	200
\$90 × 10	\$900	60,000	200
\$100 w/WHITE 9	\$900	40,000	300
\$900	\$900	40,000	300
\$29,000	\$29,000	600,000	20

WHITE 9 (WHITE9) = Win 9 times the prize shown to the right of that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania White Ice 9s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania White Ice 9s, prize money from winning Pennsylvania White Ice 9s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania White Ice 9s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania White Ice 9s or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-2207. Filed for public inspection November 25, 2009, 9:00 a.m.]



# ENVIRONMENTAL HEARING BOARD

## GSP Management Company v. DEP; EHB Doc. No. 2009-142-M

The GSP Management Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to GSP Management Company for a facility in Halifax Township, Dauphin 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,  
*Chairperson*

[Pa.B. Doc. No. 09-2208. Filed for public inspection November 25, 2009, 9:00 a.m.]

# HUMAN RELATIONS COMMISSION

## Proposed Adoption of Policy Guidance

The Pennsylvania Human Relations Commission, or PHRC, proposes the adoption of policy guidance titled, *The Disparate Impact Discrimination Implications of a Denial of Employment Based on a Criminal Record*. The proposed guidance is intended to provide assistance to public and private employers, employment agencies and labor unions in their efforts to comply with the employment provisions found in the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

The proposed guidance, unlike PHRC regulations, does not have the full force and effect of law, but is meant to serve as a tool to help ensure equal opportunity for all who seek employment in this Commonwealth. Guidance is also intended as a preventative measure to reduce employment discrimination by helping jobseekers, employees and employers understand the implications of adopting hiring and job retention policies that may disparately impact racial minority job applicants and employees. Additional background documents in the form of Appendix A and Appendix B are available on the Commission web site at [www.phrc.state.pa.us](http://www.phrc.state.pa.us).

### Public Comments

Public comments, prior to final consideration of the proposed guidance, will be received by the Commission

for a period of 60 days ending on January 26, 2010. Comments may be submitted by e-mail to [phrc@state.pa.us](mailto:phrc@state.pa.us) and should include the subject line, "Comments on Proposed Policy Guidance." Comments can also be mailed to Homer C. Floyd, Executive Director, Pennsylvania Human Relations Commission, 301 Chestnut Street, Suite 300, Harrisburg, PA 17101-1702. Comments submitted by fax will not be accepted.

### Consideration of Comments

Commissioners will have the opportunity to review comments prior to consideration of final policy guidance, which is tentatively scheduled during their monthly public meeting, held February 22, 2010, at the address listed previously. The meeting begins at 1 p.m. and is open to the public. To determine whether consideration of comments will be on the agenda, contact the Commission the week prior to the meeting at (717) 787-4410.

### Policy Guidance Concerning the Disparate Impact Discrimination Implications of a Denial of Employment Based on a Criminal Record

Prepared by Pennsylvania Human Relations Commission. (Adopted by the Pennsylvania Human Relations Commission on \_\_\_\_\_).

### The Policy Guidance

#### 1. Presumption of Disparate Impact.

It is the position of the Pennsylvania Human Relations Commission (PHRC or Commission) that an employer's policy or practice of excluding individuals from employment on the basis of a prior criminal conviction has a disparate impact on Blacks and Hispanics in light of statistics that demonstrate that they are convicted at a rate disproportionately greater than their representation in the population.<sup>1</sup>

Given this position, when investigating complaints of alleged unlawful disparate impact discrimination presented by Black and Hispanic complainants that are otherwise jurisdictional, the PHRC will presume that the complainant has established the disparate impact element of a *prima facie* case of unlawful discrimination under Section 5 of the Pennsylvania Human Relations Act (PHRA).

The PHRC takes the position that this presumption is warranted in light not only of national data demonstrating the disparity but also in light of data showing that Pennsylvania has a more pronounced racial disparity in its conviction and incarceration rates than the nation as a whole. Consequently, Black or Hispanic complainants alleging disparate impact based on an employer's conviction policy need not provide statistical evidence to establish the disparate impact element of a *prima facie* case.

#### 2. Presumption of Disparate Impact is Rebuttable.

To rebut the presumption of disparate impact, respondent employers, upon an appropriate showing of relevance, may utilize conviction data from a more limited geographical boundary than the Commonwealth of Pennsylvania (for example, the relevant city, census region or county) or conviction data for the specific crimes being screened by the respondent. In utilizing more narrowly drawn statistics, the Commission also will consider "applicant pool" data. The Commission notes, however, that there is an inherent likelihood that such "applicant pool"

<sup>1</sup>As is more fully discussed in Section 2 of the Overview of the Need for and Parameters of the Policy Guidance which follows the Policy Guidance, nothing in the Policy Guidance is intended to prohibit employers from denying employment based on a criminal record where required or authorized to do so based on existing State or Federal laws.

data will exclude otherwise interested applicants who chose not to apply due to the existence of an employer's conviction policy or practice and may thus have little persuasive effect. Moreover, in accordance with prior U.S. Supreme Court decisions, an employer cannot rebut a presumption of disparate impact by relying on evidence of diversity within its workplace (that is, the so-called "bottom-line defense").

### 3. The Business Necessity Defense.

A respondent employer, in addition to being able to offer evidence intended to rebut the presumption, also may defend the existence of such a policy or practice by presenting evidence intended to prove that the policy or practice is required as a matter of business necessity.

If a respondent employer's criminal records conviction policy has a disparate impact, it will not be deemed a violation of Section 5 of the PHRA if the employer can demonstrate that the policy is justified by business necessity. To demonstrate business necessity, an employer must show with "some level of empirical proof" that the individual excluded from employment has been convicted of a crime, not merely arrested<sup>2</sup>, and poses an "unacceptable level of risk."

Among the factors the Commission will consider in deciding whether the employer has provided evidence that amounts to "some level of empirical proof" that the disqualified individual poses an "unacceptable level of risk," the Commission will consider the following:

- *The circumstances, number and seriousness of the disqualified individual's prior offense(s).*

- *Whether the disqualified individual's prior conviction substantially relates to his or her suitability for the job.* In determining whether the conviction relates to the job, the Commission will consider: (1) the duties and responsibilities of the job; and (2) the bearing, if any, of the applicant's prior criminal offense(s) on the applicant's suitability to assume these duties and responsibilities.

- *The length of time that has elapsed subsequent to the disqualified individual's conviction, or release from prison.* Modern criminological research shows that the risk of recidivism clearly decreases with time. The Commission, therefore, will consider the length of time that has elapsed subsequent to the individual's conviction or release from prison. A presumption against business necessity will be established if an individual has not re-offended seven or more years prior to his or her disqualification (excluding time spent in jail or prison).

- *Evidence of the disqualified individual's rehabilitation, including:*

- satisfactory completion of all terms and conditions of parole and/or probation;
- maintenance of steady employment since the conviction or release from prison;
- educational attainment or professional training since the conviction;
- completion of rehabilitative treatment (for example, alcohol or drug treatment);
- letters of recommendation from employers, parole, or probation officers who have been in contact with the individual subsequent to his or her conviction or release from prison.

<sup>2</sup>Arrests which have not led to conviction should virtually never be considered for hiring purposes within the Commonwealth of Pennsylvania. The Pennsylvania Superior Court held that 18 Pa.C.S.A. § 9125—based on its legislative history—precludes employers from considering arrests not leading to conviction. See *Cisco v. United Parcel Services*, 476 A.2d 1340 (Pa. Super. 1984).

- *The manner in which the employer solicited the disqualified individual's criminal history during the hiring process.* A hiring policy in which the employer considers the above-listed factors and does not inquire into, or consider, an individual's criminal background until later stages of the hiring process (for example, after the interview or after a conditional offer of employment has been made) will be looked upon favorably by the Commission.

### 4. Evidence of the Existence of alternative, less discriminatory measures.

If the employer is able to demonstrate that the challenged employment disqualification policy or practice is justified by business necessity, a complainant may prevail on a disparate impact claim if he or she can demonstrate that there is an alternative, less discriminatory policy or practice available that would satisfy the employer's demonstrated business needs.

## Overview of the Need for and Parameters of Policy Guidance Concerning the Disparate Impact Discrimination Implications Related to a Denial of Employment Based on a Criminal Record

### 1. Introduction.

The Pennsylvania Human Relations Commission (hereinafter Commission or PHRC), cognizant of the fundamental guarantee found in the Pennsylvania Human Relations Act (hereinafter PHRA) that the opportunity to obtain employment is a civil right that must be provided irrespective of race, color, religious creed, ancestry, age, sex, national origin, non-job related disability or other protected classification sets forth the following Guidance for use by those responsible for providing employment opportunities within the Commission's jurisdiction. Those responsible for providing such employment opportunities include, but are not limited to, the Commonwealth or any political subdivision or board, department, commission or school district as well as any person employing four or more persons within the Commonwealth unless otherwise excluded under the PHRA and all others involved, whether directly or indirectly, in providing employment opportunities.

The Commission, in proposing this Guidance, begins with the recognition that it is the expressed public policy of the Commonwealth to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, non-job related disability or other protected classification found in the PHRA. The Commission further recognizes that to safeguard the right to obtain and hold employment without unlawful discrimination and to assure equal opportunities requires the elimination of policies or practices not only that result in disparate treatment but also that have a disparate or adverse impact on one or more protected classes under the PHRA within the parameters set forth in this Guidance.<sup>3</sup>

The Commission notes at the outset that this Guidance, as is apparent from the Guidance Heading, is limited to delineating Guidance in the area of the disparate impact theory of proving discrimination. Such Guidance does not affect complaints alleging disparate treatment on a prohibited protected class basis with respect to an employer's use of a conviction record as a disqualification from employment. A complaint brought under the disparate treatment theory of discrimination is one that includes an

<sup>3</sup>The terms "disparate impact" and "adverse impact" as they may appear in the Guidance have the same meaning and may be used interchangeably.

allegation, for example, that an employer rejects African American applicants who have a conviction record but does not reject similarly situated Caucasian applicants. Complainants alleging disparate treatment regarding disqualification from employment based on a conviction record will continue to be processed in accordance with standard PHRC policies and procedures for investigating disparate treatment cases.

## 2. Parameters and Purpose of Policy Guidance.

In proposing this Guidance, the Commission has set forth factors that it considers to be important in determining whether, in any given case, a party has engaged in unlawful disparate impact discrimination based on race, ethnicity or other protected classification in violation of Section 5 of the PHRA. In so doing, the Commission reiterates its longstanding position that this Guidance is not intended to impose hard and fast rules that must be absolutely applied without regard to the specific facts involved. The Guidance is intended to provide both guidance and assistance to those who come under the jurisdiction of the Commission as it continues its effort to ensure that the right to equal employment opportunities as set forth in the PHRA is achieved.

Nothing in this Guidance shall affect statutory or regulatory requirements. The Guidance is neither an adjudication nor a regulation. There is no intent on the part of the PHRC to give the Guidance that type of binding force or effect. This Guidance indicates the manner in which the Commission intends to exercise its administrative discretion, unless it is convinced otherwise during the course of a specific proceeding. The Commission, as in the past, remains committed to ensuring that its adjudicative determinations are made on a case-by-case basis after consideration of all evidence of record in the given matter.

To this end, the Guidance may be deviated from whenever the PHRC believes that any statute or regulation requires it, or that it is otherwise appropriate to do so. The Guidance may not be cited as binding legal authority for any PHRC ruling, adjudication or other legally binding action. The legal rationales set forth in a policy guidance may be cited as the basis for PHRC action to the extent that the Commission believes the rationale is valid in the context of the specific proceeding.

The Commission recognizes that various State and Federal laws require some employers to obtain criminal records and reject applicants with certain convictions from employment. This Guidance is limited to delineating policy guidance in the area of the disparate impact theory of proving discrimination under the PHRA and has no impact upon these laws. Because of the above, and consistent with the underlying premise that policy guidance is intended to assist employers in complying with the law, attached to this Policy Guidance on the web site under Appendix A is an illustrative list of various State and Federal laws which require employers to reject applicants with certain convictions from employment. The Commission encourages employers who may be impacted by such laws to fully explore and understand the parameters of such laws, as well as any others that may be applicable, and to confine any employment restrictions solely to those parameters.

## 3. Summary of Need for the Issuance of the Policy Guidance.

Criminal background checks have become a routine part of the hiring process throughout Pennsylvania and the United States. Whereas 51% of large employers used

criminal background checks in 1996, 80% of large employers utilized them in 2003, and the percentage is likely even greater today. Due to the increased use of criminal background checks for screening prospective and current employees, a growing number of Americans are being excluded from employment opportunities on the basis of having a prior criminal record. In Pennsylvania, legal services organizations such as Community Legal Services (CLS) report that job applicants with criminal records are routinely facing “unwarranted stigmatization” by employers—in contravention to the public policy of the Commonwealth.

Employment policies or practices that disqualify individuals from employment on the basis of a prior criminal conviction may violate State and Federal civil rights statutes. While such hiring policies are facially neutral they can produce a severe disparate impact on Black and Hispanic populations due to the significantly higher rates of criminal convictions experienced by these populations.

At the Federal level, the Equal Employment Opportunity Commission (EEOC) has issued a Policy Statement advising that hiring policies which exclude individuals from employment on the basis of a prior conviction are “unlawful under Title VII in the absence of a justifying business necessity.” Federal courts, including the Third Circuit, have interpreted Title VII in a similar manner as the EEOC. However, the Commission has yet to issue any guidance on the acceptable considerations of a criminal background under the PHRA.

Because current data from Pennsylvania indicates that racial minorities have significantly higher rates of conviction and incarceration than Whites and that this in-state racial disparity is significantly more pronounced than the national average, the exclusion from employment of individuals with prior convictions in Pennsylvania is having a disparate impact on protected classes under the PHRA. According to CLS, the unwarranted use by employers of criminal background information remains the “most significant” issue of employment discrimination faced by their clients.

Among the data reviewed by the Commission in connection with its decision to consider adopting this Policy Guidance are the following:

- As of June 2008, Black Americans were incarcerated in State and Federal prisons at a rate 6.5 times higher than Whites.
- The Department of Justice estimates that the lifetime chance of a Black male going to prison is 32.6%. The lifetime chance for an Hispanic male is 17.2%. By contrast the respective rate for White males is 5.9%.
- The rate of incarceration in State prisons and local jails is higher for Blacks than Whites in every single state.
- Blacks have a higher jail incarceration rate than Whites for every violent offense, property offense, and drug offense measured by the Department of Justice.

The disparity in incarceration and conviction rates between Black, Hispanic and White Americans is more pronounced in the Commonwealth of Pennsylvania than it is for the nation as a whole. For example:

- The Pennsylvania incarceration rate for Blacks is 9.2 times higher than the incarceration rate for Whites in State prisons and local jails.
- Only 9 other states have a more pronounced disparity in incarceration rates between Blacks and Whites than Pennsylvania.



- The Pennsylvania incarceration rate for Hispanics is 5.6 times higher than the incarceration rate for Whites in State prisons and local jails. Only one other state has a greater disparity.

- Although minorities comprise less than 14% of the Pennsylvania population, they received 32% of the convictions issued in 2007.

#### 4. PHRC Executive and Legal Staff Review of the Policy Guidance.

Commission staff, prior to development of the proposed Policy Guidance, prepared and presented to Commissioners a Proposed Policy Guidance memorandum on the issue of disqualification from employment based on criminal records history. Additionally, Commissioners had the opportunity to hear presentations from staff involved in the matter as well as an attorney from Community Legal Services who had previously presented testimony to the Equal Employment Opportunity Commission on the subject of disqualification from employment based on criminal records history.

Development of the Policy Guidance springs from and is framed by the aforementioned memorandum. Reliance on the memorandum is deemed appropriate because of its review for content and legal sufficiency by members of the Executive Staff and by the Office of Chief Counsel. Following said reviews, a joint recommendation for adoption of the Policy Guidance in a manner consistent with the information provided in the memorandum was made to the Commissioners by the Executive Director and Chief Counsel. Based upon the recommendation, and after review of the material provided, Commissioners directed the Executive Director and Office of Chief Counsel to prepare a proposed Policy Guidance consistent with the analysis and recommendations found in the memorandum for consideration by the Commissioners.

Because of the above, and consistent with the underlying premise that any Policy Guidance is intended to assist employers in complying with the law, attached to the Policy Guidance on the web site under Appendix B and incorporated by reference into said Guidance to the extent not otherwise set forth is a copy of the staff memorandum.

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 09-2209. Filed for public inspection November 25, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allstate Fire and Casualty Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On November 11, 2009, Allstate Fire and Casualty Insurance Company submitted a filing for rate level changes for private passenger automobile insurance to the Insurance Department (Department).

The company requests an overall 8.5% increase amounting to \$21.436 million annually, to be effective February 15, 2010, for new business and March 18, 2010, for renewals.

Unless formal administrative action is taken prior to December 11, 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](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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, e-mail at [mmckenney@state.pa.us](mailto: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. 09-2210. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application for Approval to Acquire Control of PMA Capital Insurance Company

#### Conclusion of Public Comment Period

On June 7, 2008, the Insurance Department (Department) published notice in the *Pennsylvania Bulletin* that they had received from The Armour Reinsurance Group Limited an application to acquire control of PMA Capital Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The notice afforded persons the opportunity to provide written comments on the filings to the Department on the grounds of public or private interest for a period to expire no earlier than September 5, 2008 ("the Public Comment Period").

On September 13, 2008, the Department published notice in the *Pennsylvania Bulletin* to announce an extension of the Public Comment Period for an indefinite period of time to afford persons ample opportunity to provide written comments.

The purpose of this notice is to announce that the Department will close the Public Comment Period on December 11, 2009. Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2211. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application for Approval of the Recapitalization of Daily Underwriters of America

Daily Underwriters of America, a Pennsylvania domiciled stock property insurance company, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was made under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988) and the GAA Amendments Act of 1990 (15 P.S. §§ 21205—21207). Persons



wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this recapitalization are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2212. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Pennsylvania Casualty Company

Pennsylvania Casualty Company, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room

1345, Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2213. Filed for public inspection November 25, 2009, 9:00 a.m.]

### GKK McKnight, LLP Golden Oil; Prehearing

#### Appeal of GKK McKnight, LLP Golden Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0137(M); Doc. No. UT09-10-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on December 16, 2009, at 9:30 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 30, 2009. Answers to petitions to intervene, if any, shall be filed on or before December 14, 2009.

A date for a hearing shall be determined, if necessary, at 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. 09-2214. Filed for public inspection November 25, 2009, 9:00 a.m.]

### General Guidance for Disclosure of Prescribed Differences from NAIC Statutory Accounting Principles; No. 2009-11

This document supersedes the notice published at 34 Pa.B. 6807 (December 25, 2004) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

By Insurance Department Notice Nos. 1998-04 and 2000-02, all types of domestic insurers were advised of the requirement to adhere to the NAIC's codified *Accounting Practices and Procedures Manual* (Manual) in preparing financial statements to be filed with the Insurance Department (Department). The Manual establishes a comprehensive basis of accounting to be adhered to when not in conflict with the statutes or regulations of an insurer's domiciliary state or when the domiciliary state's statutes and regulations are silent. It does not preempt the legislative or regulatory authority of the states.

The Department has identified the following Pennsylvania laws and regulations relating to statutory financial statement presentation that may require disclosure<sup>1</sup> in the notes to financial statements and CPA audit reports filed by domestic insurers:

*Pennsylvania Laws and Regulations*

31 Pa. Code Chapter 161.6 (relating to revocation of reinsurer qualification)

*NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

A-785 Credit for Reinsurance (9.e.)

<sup>1</sup>See SSAP No. 1, Disclosure of Accounting Policies, Risks & Uncertainties, and Other Disclosures and A-205, Illustrative Disclosure of Differences Between NAIC Statutory Accounting Practices And Procedures And Accounting Practices Prescribed Or Permitted By The State of Domicile in the Manual.

*Pennsylvania Laws and Regulations*

31 Pa. Code Chapter 161.8 (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States)

Section 1008 of The Insurance Company Law of 1921 (40 P. S. § 968) (relating to reserves of reciprocal and inter-insurance exchanges)

31 Pa. Code Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts)

Sections 714—716 of The Insurance Company Law of 1921 (40 P. S. §§ 910-14—910-16) (relating to unearned premium reserves of title insurance companies)

31 Pa. Code Chapter 116 (relating to discounting of worker's compensation loss reserves)

Section 661 of The Insurance Company Law of 1921 (40 P. S. § 832) (relating to premium reserves of surety companies)

This notice provides general guidance to assist in a domestic insurer's review of Pennsylvania laws and regulations to identify required disclosures in financial statements and CPA audit reports. *The laws and regulations referenced in this notice are not intended to be an all-inclusive list.*

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Insurance Department, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, fax (717) 787-8557, e-mail: stjohanson@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2215. Filed for public inspection November 25, 2009, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Christine Zeigler Gillespie; file no. 09-169-77880; Nationwide Insurance Company of America; Doc. No. P09-11-003; January 5, 2010, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

### *NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

SSAP No. 62 Property and Casualty Reinsurance

SSAP No. 53 Property Casualty Contracts—Premiums

SSAP No. 54 Individual and Group Accident and Health Contracts and A-010 Minimum Reserve Standards for Individual and Group Health Insurance Contracts

SSAP No. 57 Title Insurance and A-628 Title Insurance

SSAP No. 55 Unpaid Claims, Losses and Loss Adjustment Expenses and No. 65 Property and Casualty Contracts

SSAP No. 53 Property Casualty Contracts—Premiums

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2216. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of John M. McManus; file no. 09-183-78636; Donegal Mutual Insurance Company; Doc. No. P09-11-013; January 7, 2010, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of James and Robin Wagner; file no. 09-215-75512; Great Northern Insurance Company; Doc. No. PH09-11-004; January 13, 2010, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2217. Filed for public inspection November 25, 2009, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Commonwealth Financing Authority Certification for Fiscal Year 2009-2010

I, Mary A. Soderberg, Secretary of the Budget, hereby certify in accordance with, and as required by, section 1543(e) of the act of April 1, 2004 (P. L. 163, No. 22), 64 Pa.C.S. § 1543(e), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2010-2011 and 2011-2012 to pay any liabilities which will be incurred by the Commonwealth during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2010-2011 and 2011-2012 as a result of the activities of the Commonwealth Financing Authority are \$400,000,000 and \$150,000,000 respectively.

MARY A. SODERBERG,  
*Secretary*

[Pa.B. Doc. No. 09-2218. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, December 8, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 09-2219. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Review of Existing Railroad Transportation Regulations; 52 Pa. Code Chapter 33; Doc. No. M-2009-2140262

To seek more efficient and effective means to regulate the rail industry, the Pennsylvania Public Utility Commission (Commission) has undertaken a review of the existing railroad transportation regulations contained in 52 Pa. Code §§ 33.1—33.129. These regulations, originally adopted in 1945, have not undergone a comprehensive revision since 1975, making many appear obsolete, unenforceable or superseded by Federal law or regulations.

The Commission's regulations pertaining to railroads should reflect the technological and operational changes of the railroad industry that have occurred over the last 30 years and reflect current Federal standards. In addition, this review is intended to ensure that the regulations address a compelling public interest; ensure that the costs of the regulation do not outweigh the benefits; are written in a clear and concise manner; and, where



Federal regulations exist, the Commission's regulations should not exceed Federal standards unless justified by a compelling Commonwealth interest or required by State law. By revising, updating and streamlining these regulations, the Commission will be well prepared to continue to efficiently and effectively regulate this industry.

The Commission has directed that the Law Bureau, in conjunction with the Bureau of Transportation and Safety's Rail Division, undertake a comprehensive review of the Commission's existing rail regulations at 52 Pa. Code Chapter 33 and to prepare a proposed rule-making order to update and amend the existing regulations in this area. Interested parties may file comments regarding any proposed revisions to those regulations, including proposed regulatory language, with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due within 30 days of the date of publication of this notice. Reply comments may also be filed and are due within 45 days of the date of publication of this notice. Comments and reply comments will be posted on the Commission's web site at this docket upon receipt. All comments and reply comments should reference this docket and the specific section of Chapter 33 addressed. An original and three copies of any comments or reply comments must be filed with the Commission.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2220. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following offices of the Pennsylvania Public Utility Commission's (Commission) Bureaus of Transportation and Safety have recently relocated to the following addresses.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety, Motor Carrier Services and Enforcement Division, David J. Johnston, Western Regional Manager, Pittsburgh District Office and Altoona District Offices, 245 William Pitt Way, Pittsburgh, PA 15238, (412) 423-9309.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety, Motor Carrier Services and Enforcement Division, William P. Kilrain, Philadelphia Regional Manager, Philadelphia Regional Office, 801 Market Street, Philadelphia, PA 19107, (215) 965-3721.

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 Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 14, 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-2009-2141249. Rogers M. Ongera, t/a Macungie Medical Transport** (3674 Clauss Drive, Macungie, Lehigh County, PA 18062), for the right to begin to transport persons, in paratransit service, to and from medical appointments, hospitals, nursing homes and rehabilitation centers, from points in the Counties of Berks, Bucks, Lehigh and Northampton, to points in Pennsylvania, and return.

**A-2009-2141314. Mary Jane T. Kline** (447 Glenville Road, Cochranville, Chester County, PA 19330) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County and the portion of Chester County west of Route 10, to points in Pennsylvania, and return.

### Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.

**A-2009-2141733. Atlas Van Lines, Inc.** (P. O. Box 509, Evansville, IN 47703-0509), a corporation of the Commonwealth of Delaware—brokerage license—to arrange for the transportation of household goods in use, between points in Pennsylvania. *Attorney:* Todd A. Suter, Corporate Counsel & Assistant Secretary, Atlas Van Lines, Inc., 1212 St. George Road, Evansville, IN 47711.

### Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

**A-2009-2128886. Compass R. Care, Ltd.** (507 Pottsville Street, Minersville, Schuylkill County, PA 17954) for the discontinuance of service and cancellation of its certificate as a common carrier, persons in paratransit service, from points in the Counties of Northumberland and Schuylkill, to points in Pennsylvania, and return.

**A-2009-2140936. Centregistics Unlimited, Inc., t/a Tim Fischer's Limousine Service, Inc.** (1015 West College Avenue, State College, Centre County, PA 16801) for the discontinuance of service and cancellation of their certificate as a common carrier, by motor vehicle, for the right to transport, as a common carrier, persons in limousine service, between points in the Borough of State College, Centre County and within an airline distance of 45 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Walter K. Gikami;*  
*Doc. No. C-2008-2071103*

### 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 Walter K. Gikami, respondent maintains his principal place of business at 125 Houston Avenue, Harrisburg, PA 17103.

2. That respondent was issued a Certificate of Public Convenience by this Commission on October 14, 2008, at A-8910276.

3. That respondent, by certified letter dated July 30, 2008, was informed to submit to a Safety Fitness Review by a Commission Enforcement Officer within 180 days of the date the Certificate of Public Convenience was issued. On July 30, 2009, a certified letter was sent advising respondent that several attempts to contact the company was unsuccessful and advising respondent to contact the Harrisburg District Office within 10 days of the date of the letter to schedule its Safety Fitness Review. The letter was returned on August 5, 2009. The return receipt indicated that Walter K. Gikami moved.

4. That numerous attempts were made by Enforcement Officer Supervisor Kurt Kauffman of the Harrisburg District Office to establish a date and time for respondent's safety fitness review. As of this date, respondent has not contacted the Commission to schedule a safety fitness review.

5. That, to date, respondent has failed to submit its company to a Safety Fitness Review. A satisfactory rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

6. That respondent, by failing to obey and comply with a Commission certified letter directing him to submit his company to a Safety Fitness Review, violated 66 Pa.C.S. § 501(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Walter K. Gikami's Certificate of Public Convenience at A-8910276, for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### 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, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. 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 will include the revocation of your Certificate of Public Convenience.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. 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. 09-2221. Filed for public inspection November 25, 2009, 9:00 a.m.]

#### **Tentative Order**

Public Meeting held  
November 6, 2009

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli;  
Wayne E. Gardner, Absent; Robert F. Powelson

*Law Bureau Prosecutory Staff v. Marathon  
Communications Corp.; Doc. No. C-2009-2130643*

#### **Tentative Order**

*By the Commission:*

Marathon Communications Corp. has failed to file its 2007 Annual Report with the Commission. Failure to file an annual report violates 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Law Bureau Prosecutory Staff filed a complaint at the above docket number for failure to file the 2007 Annual Report. However, the United States Postal Service was unable to deliver the complaint and returned it to the Commission.

Marathon Communications Corp. was issued a certificate of public convenience by the Commission as a reseller of toll services. Based upon the findings of the Law Bureau Prosecutory Staff that Marathon Communications Corp. failed to file its 2007 Annual Report, we tentatively conclude that revocation of Marathon Communications Corp.'s certificate of public convenience is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301; *Therefore*,

*It Is Ordered That:*

1. Revocation of Marathon Communications Corp.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Marathon Communications Corp. at A-310681 will be cancelled by the Secretary's Bureau, and Marathon Communications Corp.'s name shall be stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2222. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Tentative Order**

Public Meeting held  
November 6, 2009

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli; Wayne E. Gardner, Absent; Robert F. Powelson

*Law Bureau Prosecutory Staff v. Millenianet Corp.;*  
*Doc. No. C-2009-2130644*

**Tentative Order**

*By the Commission:*

Millenianet Corp. has failed to file its 2007 Annual Report with the Commission. Failure to file an annual report violates 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter

whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

Law Bureau Prosecutory Staff filed a complaint at the above docket number for failure to file the 2007 Annual Report. However, the United States Postal Service was unable to deliver the complaint and returned it to the Commission.

Millenianet Corp. was issued a certificate of public convenience by the Commission as a reseller of toll services. Based upon the findings of the Law Bureau Prosecutory Staff that Millenianet Corp. failed to file its 2007 Annual Report, we tentatively conclude that revocation of Millenianet Corp.'s certificate of public convenience is in the public interest.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders, including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301; *Therefore*,

*It Is Ordered That:*

1. Revocation of Millenianet Corp.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this Order becoming final and without further action by the Commission, the certificate of public convenience held by Millenianet Corp. at A-311190 will be cancelled by the Secretary's Bureau, and Millenianet Corp.'s name shall be stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2223. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Water Service**

**A-2009-2142015. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Jackson Township, Butler County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 14, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2224. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

### Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, December 3, 2009, at 11 a.m. in Conference Room 1, 6th Floor, Forum Place Building, 555 Walnut Street, Harrisburg, PA.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 09-2225. Filed for public inspection November 25, 2009, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-132.S, Trash Removal Services, Tioga Administration Building and Maintenance Building, until 2 p.m. on Tuesday, December 22, 2009. All information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, and will be available Tuesday, December 1, 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. 09-2226. Filed for public inspection November 25, 2009, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### In the Matter of the Citation Issued to Arisleyda A. Munoz; Doc. No. 1883-45-2009

On October 16, 2009, Arisleyda A. Munoz, license number CL182566, of Philadelphia, Philadelphia County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 09-2227. Filed for public inspection November 25, 2009, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Douglas Downing D'Orio, RN, CRNP; Doc. No. 0343-51-2009

On October 1, 2009, Douglas Downing D'Orio, RN, CRNP, license nos. RN566516 and SP009079, last known of Mullica Hill, NJ, had his Pennsylvania licenses to practice nursing indefinitely suspended, based on findings that he is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2228. Filed for public inspection November 25, 2009, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Lori Ann Faulx, RN; Doc. No. 0884-51-2009

On October 5, 2009, Lori Ann Faulx, RN, license no. RN562438, last known of Mesa, AZ, had her license to



practice nursing indefinitely suspended, retroactive to July 15, 2009, based on findings that she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2229. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Dorian Johnson, LPN; Doc. No. 1654-51-2008**

On October 5, 2009, Dorian Johnson, license no. PN260686L, of Philadelphia, Philadelphia County, had her license to practice nursing indefinitely suspended, retroactive to December 10, 2008, based on findings that she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as such dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FANN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 09-2230. Filed for public inspection November 25, 2009, 9:00 a.m.]

**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**Bureau of Professional and Occupational Affairs v.  
Glenn F. Factor; Doc. No. 0944-60-2009**

On October 6, 2009, Glenn F. Factor, license no. MV139729L, of Philadelphia, Philadelphia County, was revoked and ordered to pay a civil penalty of \$27,000, based upon his criminal convictions.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeal is the previously-named Board Counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 09-2231. Filed for public inspection November 25, 2009, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Tara Wright McClintock; Doc. No. 1822-51-2009**

On October 8, 2009, Tara Wright McClintock, license no. PN-102378-L, of Topton, Berks County, had her license reinstated subject to a 3-year suspension stayed in favor of probation, subject to terms and conditions enumerated in the November 7, 2008, State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) order adopting the hearing examiner's memorandum order of September 30, 2008, which required participation in the Commonwealth's Professional Health Monitoring Program.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the Board final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeal is the previously-named Board Counsel.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 09-2232. Filed for public inspection November 25, 2009, 9:00 a.m.]