

# PENNSYLVANIA BULLETIN

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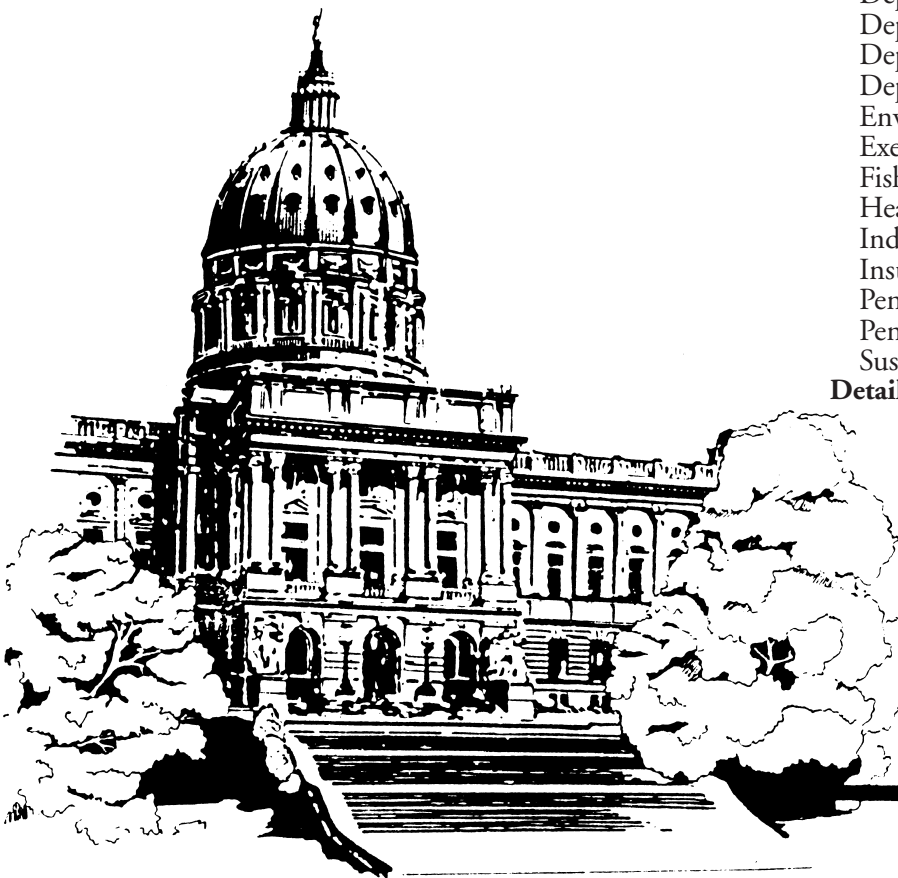
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 428 July 2010**

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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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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2010.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 032 through 034</b>					
032	Jun 16	HB1641	PN2886	60 days	Circulating Nurse Act—enactment
033	Jun 16	HB1720	PN3373	60 days	Crimes Code (18 Pa.C.S.)—offense of organized retail theft
034	Jun 16	SB0987	PN1756	Immediately	Conveyance—Commonwealth property in Cecil Township, Washington County

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 10-1196. Filed for public inspection July 2, 2010, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 3 ]

#### Proposed Amendments to Rules 311, 313 and 342

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 311 and 342. The amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court. The proposed amendments are necessary to assure orderly administration of estates, trusts and guardianships.

The proposed Recommendation is endorsed by the Orphans' Court Procedural Rules Committee and was drafted by a joint subcommittee of the Appellate Court Procedural Rules Committee and Orphans' Court Procedural Rules Committee. Its primary purpose is to provide for immediate appeal of Orphans' Court orders, many of which were appealable prior to the 1992 amendment to Pa.R.A.P. 341 defining a final order as any order that disposes of all claims and all parties. Amendments to Rule 342 in 2000 and 2005 required the trial judge to determine that the order was final before the aggrieved party could take an immediate appeal. The Committee believes this Recommendation is necessary because this requirement has proven to be unworkable.

The proposed amendment to Rule 342 provides additional categories of orders that would be immediately appealable and deletes the requirement of a determination of finality by the Orphans' Court judge. For instance, an order interpreting a will or trust will now be immediately appealable as of right. See proposed amended Note to Pa.R.A.P. 342. See Pa.R.A.P. 342(a)(3). Orders confirming an account or determining an interest in real or personal property, previously appealable only upon a determination of finality, will be immediately appealable as of right without the requirement of determination of finality. Pa.R.A.P. 342(a)(1), (a)(5). Orders determining the validity of a will or trust, currently appealable as interlocutory orders as of right pursuant to Pa.R.A.P. 311(a)(8), shall be appealable as of right under the amendment to Rule 342. See Pa.R.A.P. 342(a)(2). Orders determining the status of a fiduciary, sometimes allowed to be appealed as collateral orders under Pa.R.A.P. 313, shall be appealable as of right under Pa.R.A.P. 342(a)(4).

Rule 342(a)(6) recognizes that other orders in Orphans' Court proceedings may be immediately appealable under the other rules of Chapter 3. For example, certain orders may be appealable as of right under Pa.R.A.P. 311(a)(4) (injunctions), under Pa.R.A.P. 313 (collateral orders) or under Pa.R.A.P. 341(b) (final orders) or they may be appealable by permission under Pa.R.A.P. 312 and 1311. None of the amendments proposed in this Recommendation would eliminate the right of an aggrieved party in an Orphans' Court proceeding to file an appeal pursuant to Pa.R.A.P. 311, 312 and 1311, 313 or 341, assuming the order meets the requirements of any of those rules.

As proposed in the Recommendation, failure to appeal an order that is immediately appealable under paragraphs (a)(1)—(5) of Rule 342 shall constitute a waiver of all objections to such order and may not be raised in any

subsequent appeal. See Pa.R.A.P. 342(c). The consequences of failing to appeal an Orphans' Court order which falls within paragraph (a)(6) will depend on whether such order is immediately appealable under Rules 311, 313, or 341.

Proposed new material is bold while deleted material is bold and bracketed.

All communications in reference to the proposed amendment should be sent no later than August 2, 2010 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
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Procedural Rules Committee

HONORABLE MAUREEN E. LALLY-GREEN,  
Chair

#### Annex A

### TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE I. PRELIMINARY PROVISIONS CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN INTERLOCUTORY APPEALS

#### Rule 311. Interlocutory Appeals as of Right.

(a) *General rule.* An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

\* \* \* \* \*

(8) [ *Estate and trust matters. An order determining the validity of a will or trust.*

(9) ] *Other cases.* An order which is made appealable by statute or general rule.

\* \* \* \* \*

**Official Note:** Authority—This rule implements 42 Pa.C.S. § 5105(c) (interlocutory appeals), which provides:

\* \* \* \* \*

Subdivision (h) (Further proceedings in lower court)—  
See note to Rule 1701(a) (effect of appeal generally).

#### Explanatory Comment—2010

**Following a 2005 amendment to Rule 311, orders determining the validity of a will or trust were formerly appealable as of right under subdivision (a)(8). Pursuant to 2010 amendments to Rule 342 (Appealable Orphans' Court Orders), such orders are now immediately appealable under subdivision (a)(2) of Rule 342.**

#### Rule 313. Collateral Orders.

\* \* \* \* \*

**Official Note:** Rule 313 is a [ **codificatioin** ] **codification** of existing case law with respect to collateral

orders. See *Pubar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Corp.*, 337 U.S. 541 (1949)). Examples of collateral orders include an order denying a pre-trial motion to dismiss based on double jeopardy, *Commonwealth v. Brady*, 510 Pa. 363, 508 A.2d 286, 289—91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court makes a finding that motion is not frivolous); an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: *Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate, Practice Second Edition*, §§ 313:1—313:201 (1994) and *Byer, Appealable orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts* (PBI No. 1994-869); *Pines, Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction*, 91 Dick. L. Rev. 55, 107—115 (1986).

If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply under Rule 313.

#### Explanatory Comment—2010

Following the 2010 amendments to Rule 342 (Appealable Orphans' Court Orders) an order denying a petition for removal of a fiduciary, previously appealable as a collateral order, is now expressly appealable under subdivision (a)(4) of Rule 342.

#### FINAL ORDERS

Rule 342. [ Orphans' Court Orders Appealable. Orders Determining Realty, Personalty and Status of Individuals or Entities. Orders Making Distribution ] Appealable Orphans' Court Orders.

[ An order of the Orphans' Court Division making a distribution, or determining an interest in realty or personalty or the status of individuals or entities, shall be immediately appealable:

(1) upon a determination of finality by the Orphans' Court Division, or

(2) as otherwise provided by Chapter 3 of these rules.

**Official Note:** This rule was amended in 2001 to allow appeals from orders determining an interest in realty, personalty or status of individuals or entities, upon certification of the Orphans' Court judge. Prior to the 2001 amendment, this rule only permitted appeals from an order of distribution not final under Rule 341(b). The amendment to the rule was not intended to preclude immediate appeals in Orphans' Court matters as heretofore permitted under Rule 311 (Interlocutory Appeals as of Right) and Rule 313 (Collateral Orders).

However, Rule 342 may have been ambiguous in that regard because in *Estate of Sorber*, 2002 Pa. Super. 226, 803 A.2d 767 (2002), a panel of the Superior Court interpreted the 2001 amendment of Rule 342 to preclude immediate appeals from collateral orders unless determined to be final by the

Orphans' Court judge. The holding in *Estate of Sorber*, to wit, that Rule 342 precludes collateral order appeals under Rule 313, is now superseded by the 2005 amendment to Rule 342.

The 2005 amendment provides that Rule 342 is not the exclusive means for appealing orders: (a) determining an interest in realty or personalty or the status of individuals or entities, or (b) making a distribution. An aggrieved party may appeal such orders under any other Rule in Chapter 3 of the Rules of Appellate Procedure to the extent that the order meets the requirements for appealability under any such rule. ]

(a) **General rule.** An appeal may be taken as of right from the following orders of the Orphans' Court Division:

(1) An order confirming an account;

(2) An order determining the validity of a will or trust;

(3) An order interpreting a will, trust, or other document that forms the basis of a claim against an estate or trust;

(4) An order determining the status of fiduciaries, beneficiaries or creditors in an estate, trust, or guardianship;

(5) An order determining an interest in real or personal property; or

(6) As otherwise provided by Chapter 3 of these rules.

(b) **Definitions.** As used in this rule,

(1) "estate" includes decedent's, minor's and incapacitated person's estates, and the estate of a principal under Chapters 33, 35, 51, 55 and 56 of Title 20 ("the PEF Code");

(2) "trust" includes inter vivos and testamentary trusts, and the "custodial property" under Chapters 53 and 77 of the PEF Code; and

(3) "guardianship" includes guardians of the person for both minors and incapacitated persons under Chapters 51 and 55 of the PEF Code.

(c) **Waiver of objections.** Failure to appeal an order that is immediately appealable under paragraphs (a)(1)—(5) of this rule shall constitute a waiver of all objections to such order and may not be raised in any subsequent appeal.

(d) **Nonprofit corporations.** This rule shall not apply to orders involving nonprofit corporations within the jurisdiction of the Orphans' Court pursuant 20 Pa.C.S. § 711(21) and Pa.R.J.A. No. 2156(1).

**Official Note:** In 1992, the Supreme Court amended Rule 341 to make clear that, as a general rule, a final order is an order that ends a case as to all claims and all parties. As a result, many Orphans' Court orders that may have been considered constructive final orders prior to 1992 became unappealable interlocutory orders. While some Orphans' Court orders were construed by case law to be appealable as collateral orders, see *Estate of Petro*, 694 A.2d 627 (Pa. Super. 1997), the collateral order doctrine was neither consistently applied nor was it applicable to other Orphans' Court orders that our appellate courts had previously deemed to

be final under the “final aspect” doctrine. See, e.g. *Estate of Habazin*, 679 A.2d 1293 (Pa. Super. 1996).

In response, the Supreme Court adopted Rule 342 that initially permitted appeals from Orphans’ Court orders concerning distribution even if the order was not considered final under Rule 341(b). In 2001, Rule 342 was amended to allow appeals from orders determining an interest in realty, personalty or the status of individuals or entities, in addition to orders of distribution, if the Orphans’ Court judge made a determination that the particular order should be treated as final. In 2005, the Supreme Court amended Rule 342 again, adding subdivision (2) to clarify that Rule 342 was not the exclusive method of appealing Orphans’ Court orders.

Also, in 2005, the Supreme Court amended Rule 311 to provide for an interlocutory appeal as of right from an order determining the validity of a will or trust. See former Rule 311(a)(8). Such an order needed to be immediately appealable and given finality so that the orderly administration of the estate or trust could appropriately proceed.

Since that time, it has become apparent that other adversarial disputes arise during the administration of an estate, trust and guardianship, and that orders adjudicating these disputes also must be resolved with finality so that the ordinary and routine administration of the estate, trust or guardianship can continue. Experience has proven that the determination of finality procedure in subdivision (1) of Rule 342 is not workable and has been applied inconsistently around the Commonwealth.

Experience has also proven that it is difficult to analogize civil litigation to estate, trust and guardianship administration because the civil proceeding defines the scope of the dispute, but the administration of a trust or estate does not define the scope of Orphans’ Court litigation. Administration of a trust or an estate continues over a period of time, and litigation in Orphans’ Court occurring at some point during the administration needs to be determined with finality so that the estate or trust administration can continue properly and orderly. Thus, the traditional notions of finality that are applicable in the context of ongoing civil adversary proceedings do not correspond to litigation in Orphans’ Court.

Therefore, in order to facilitate orderly administration of estates, trusts and guardianships, the 2010 amendments list certain orders that will be immediately appealable without any requirement that the Orphans’ Court make a determination of finality.

Subdivisions (a)(1)—(5) list orders unique to Orphans’ Court practice that closely resemble final orders ending a case or controversy as to all outstanding claims and parties. Subdivision (a)(1) provides that the adjudication of any account, even an interim or partial account, is appealable. Previously, only the adjudication of the final account would have been appealable as a final order under Rule 341. This limitation has proven unworkable for estate administration taking years and trusts established for generations during which interim and partial accounts may be adjudicated and confirmed. Orders under new subdivision (a)(2)(orders

determining validity of will or trust) were appealable following the 2005 Amendment to Rule 311 as interlocutory appeals as of right. See old Rule 311(a)(8). Subdivision (a)(3) is a new provision that allows an immediate appeal from an order interpreting a will, trust, or other relevant document that forms the basis of a claim asserted against an estate or trust. Such orders can include, among other things, an order determining that a particular individual is or is not a beneficiary under the will or trust, to what degree a particular standard gives the beneficiary rights to principal or income, to what degree the remainder interests in a trust are vested, and determining if an underlying agreement executed by the decedent during life creates rights against the estate. Subdivision (a)(4) is a restatement of prior Rule 342 intended to clarify, among other things, that the removal or refusal to remove a fiduciary is an appealable order, a determination of the status and claim of a creditor is an appealable order, and that such orders include orders pertaining to estates, trusts and guardianships. Subdivision (a)(5) retains the same language from prior Rule 342. Orders falling with subdivisions (a)(1)—(5) no longer require the lower court to make a determination of finality.

In keeping with the 2005 amendment that added subdivision (2) to prior Rule 342, subdivision (a)(6) provides that there may be other orders that are appealable under the other rules in Chapter 3 of the Rules of Appellate Procedure. Examples would include injunctions appealable under Rule 311(a)(4), Interlocutory Orders Appealable by Permission under Rule 312 and 1311, Collateral Orders appealable under 313, and an order approving a final accounting which is a true final order under Rule 341(b). Whether or not such orders require certification or a further determination of finality by the trial court depends on the applicable rule in Chapter 3. Compare Rules 311(a)(4), 313 and 341(c) with Rules 312 and 1311.

Failure to appeal an order that is immediately appealable under subdivisions (a)(1)—(5) of this rule shall constitute a waiver of all objections to such order and may not be raised in any subsequent appeal. See 342(c). The consequences of failure to appeal an Orphans’ Court order under (a)(6) will depend on whether such orders fall within Rules 311, 312, 1311 or 341.

[Pa.B. Doc. No. 10-1197. Filed for public inspection July 2, 2010, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY  
Local Rule 500; 96-1335 Civil

### Order

*And Now*, this 21st day of June, 2010, and effective June 21, 2010, or thirty (30) days after publication in the *Pennsylvania Bulletin*, Cumberland County Rule of Procedure 500 is amended to read as follows:

**Rule 500.** The Prothonotary shall provide and maintain in the public room of his office a bulletin board upon

which notices, the posting of which is required by the Rules of Court, may be posted.

The Prothonotary shall make all matters or documents required or authorized, except juvenile cases and other non-public files, from August 2001 forward available on the Prothonotary's website for public access. The Prothonotary shall provide access to the public to search these records by docket number or by name of the plaintiff or defendant.

Note: For the purpose of internet access, non-public files shall include divorce, custody, and protection from abuse cases filed after the effective date of this rule.

Adopted September 21, 1953, effective January 1, 1954.

Amended June 21, 2010, effective June 21, 2010.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

KEVIN A. HESS,  
*President Judge*

[Pa.B. Doc. No. 10-1198. Filed for public inspection July 2, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 61 AND 65 ]

#### Fishing

The Fish and Boat Commission (Commission) amends Chapters 61 and 65 (relating to seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

##### C. *Statutory Authority*

The amendment to § 61.1 (relating to Commonwealth inland waters) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

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

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

##### E. *Summary of Changes*

(1) *Amendment to § 61.1.* The Commission recently adopted an amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) that reduced the creel limit for American shad on the West Branch and the entire Delaware River mainstem from the confluence of the East and West Branches downstream to the Commodore Barry Bridge from six to three. This change went into effect on January 9, 2010.

Upon further review of its regulations, however, the Commission determined that an amendment to § 61.1 was also needed. This section provides for a daily limit for American shad of six on all inland waters that are not covered by other sections within Chapter 61. Section 61.2, which is applicable only to those Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence, does not cover large tributaries upriver of the tidal influence, such as the Lackawaxen River in Pike County. It is likely that a limited number of shad enter the larger tributaries upriver of the tidal influence. Currently, the limit for American shad on those Delaware River tributaries is six under § 61.1. Therefore, the Commission amended this section to reduce the creel limit to three as set forth in proposed rulemaking.

(2) *Amendment to § 65.24.* On October 26, 2009, the act of August 27, 2009 (P. L. 377, No. 40) (Act 40) went into effect. Act 40 amended section 2907.2 of the code

(relating to Lake Erie fishing permits) to provide that a Lake Erie permit is required to fish in Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries, instead of "the Pennsylvania waters of Lake Erie, Presque Isle Bay and their tributaries" only. This amendment requires anglers to procure a Lake Erie fishing permit to fish in Conneaut Creek, Turkey Creek and their tributaries when previously one was not required because although these streams begin in this Commonwealth, they enter Lake Erie in Ohio. Although a Lake Erie permit will be required to fish these streams, Act 40 also provides that proceeds derived from their sale may now be used to fund projects on those waters.

Section 65.24 currently provide that a Lake Erie permit is not required on Conneaut Creek, Turkey Creek and their tributaries. To be consistent with Act 40, this section is amended to remove that language.

In addition, the Commission currently applies the seasons, sizes and creels limits applicable to Lake Erie and its tributaries under § 69.12 (relating to seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries) to the portion of Conneaut Creek that flows through Erie County. However, the Commission applies the seasons, sizes and creel limits applicable to Commonwealth inland waters under § 61.1 to the portion of Conneaut Creek and its tributaries that flow through Crawford County except with regard to salmon and steelhead that are addressed in § 65.24. To be consistent with Act 40, § 65.24 is amended to remove the existing language. With this change, the Commission will apply the Lake Erie seasons, sizes and creel limits to the entire length of Conneaut Creek and its tributaries. The Commission is actively developing a viable steelhead fishery in Conneaut Creek by annually stocking smolts. Accordingly, the Commission amended § 65.24 to read as set forth in proposed rulemaking published at 40 Pa.B. 427 (January 16, 2010).

##### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

##### H. *Public Comments*

A notice of proposed rulemaking was published at 40 Pa.B. 427. During the public comment period, the Commission received one public comment supporting the proposal to amend § 61.1. The Commission did not receive public comments concerning the proposal to amend § 65.24. Copies of the public comment was provided to the Commissioners.

##### *Findings*

The Commission finds that:

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

(2) A public comment period was provided and public comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61 and 65, are amended by amending §§ 61.1 and 65.24 to read as set forth at 40 Pa.B. 427.

(b) The Executive Director shall submit this order and 40 Pa.B. 427 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 427 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on immediately upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
Executive Director

**Fiscal Note:** Fiscal Note 48A-216 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-1199. Filed for public inspection July 2, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [ 58 Pa. Code Ch. 75 ]

#### Fishing

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The final-form rulemaking adds the Northern Redbelly Dace, Northern Cricket Frog and Blue-spotted Salamander to the list of endangered species. The final-form rulemaking also removes the Silver Chub from the list of endangered species, the Mooneye, Goldeye and Skipjack Herring from the list of threatened species and the Brook Silverside from the list of candidate species.

#### A. Effective Date

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

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

#### C. Statutory Authority

The amendments to §§ 75.1 and 75.2 (relating to endangered species; and threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species). The amendment to § 75.3 (relating to candidate species) is published under the statutory authority of section 2102 (relating to rules and regulations).

#### D. Purpose and Background

The final-form rulemaking is designed to update, modify and improve the Commission's regulations regard-

ing endangered, threatened and candidate species. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

#### E. Summary of Changes

##### Additions to the Endangered Species List

(1) Northern Redbelly Dace (*Phoxinus eos*). The Northern Redbelly Dace is a small cyprinid. Characterized as a colorful minnow, this dace has a dark olive or brown back with spots, and two dark, broad bands on the side. The space between the two bands is cream, reddish or dark. The stomach is cream-colored except in breeding males where the stomach is yellow-orange to red. It occurs in ponds and slow and swampy sections of streams. In this Commonwealth, it appears to be strictly confined to springs, wetlands and sections of waterways impounded by beavers (Doug Fischer, personal observation).

Its National distribution includes the Atlantic, Great Lakes, Hudson Bay, upper Mississippi, Missouri, and Peace-Mackenzie River drainages, from Nova Scotia west to Northwest Territories and British Columbia, south to northern Pennsylvania, Wisconsin, Nebraska and Colorado (Page and Burr, 1991). In this Commonwealth, it currently inhabits the Allegheny River drainage in Erie and Warren Counties (unpublished data). It also occurs adjacent to northwest Pennsylvania in the Brokenstraw Creek and Conewango Creek drainages in New York (Smith, 1985). This species is listed as endangered in Massachusetts.

Only one historic occurrence record, Susquehanna County, exists in this Commonwealth (Cope, 1862). More recently, five occurrences were documented in 2008: two in the French Creek drainage in Erie and Warren Counties; and three in the Brokenstraw Creek drainage in Warren County. Apparently three of these occupied waterways have not been previously surveyed and surveys on the remaining two did not include the occupied sections or habitat suitable for Northern Redbelly Dace (Raney, 1938; Stauffer, 1987; E. Cooper field notes; Commission unpublished data). The total known lineal occupancy appears to be no more than 10 kilometers.

The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed the Heritage rank of the Northern Redbelly Dace and recommended it be changed from Extirpated (SX) to "critically imperiled" (S1) "because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation" from this Commonwealth. Typically five or fewer occurrences or very few remaining individuals or acres occur in this Commonwealth. The PABS committee recommended endangered status based on the previously referenced data and apparent rarity of the species in this Commonwealth.

The Northern Redbelly Dace was described by Cope (1862) from specimens collected in Meshoppen Creek, Susquehanna County. Specimens have not been reported from this Commonwealth since that time and this taxon was considered extirpated (Cooper, 1983). This species was evaluated through the Commission's fish species documentation and objective listing criteria and met Criteria B.3 (Distribution & Trends) that the extent of occupancy in the stream/river is less than 10 miles. Recently discovered populations of this species in north-eastern Erie and northwestern Warren Counties justify a change in status from extirpated to endangered. Therefore, the Commission added the Northern Redbelly Dace to the list of endangered species.

(2) Northern Cricket Frog (*Acris crepitans*). The Northern Cricket Frog is the smallest frog species in this



Commonwealth, averaging around 23mm. This small tree frog is variable in coloration and markings. The dorsal body color can be golden brown, tan, gray or olive and can vary among individuals depending on ground temperature. Most often middorsal stripes are present and vary in color from brown to lime green. The most characteristic marking of the Northern Cricket Frog is the V-shaped or dark triangle spot located between the eyes and the well defined longitudinal stripe along the rear surface of the dark dorsal thigh.

Breeding habitats are typically described as permanent bodies of water such as slow-moving streams, ponds, lakes, marshes, bogs and swamps, but breeding sites can also be semipermanent ponds and seasonal forest pools. Often, breeding microhabitats within these larger systems are open-canopied, usually contain emergent vegetation and contain areas of flat, sparsely vegetated patches along the margins of open water (Bayne, 2004; Gibbs, et al., 2007; White and White, 2002). Upland habitats surrounding breeding habitats are varied but include floodplain forest, small scrub-shrub islands in impoundments, mature deciduous forest with rocky substrates, mature deciduous forest with sandy substrates and old fields.

The Northern Cricket Frog is known from southeastern New York, south along the Atlantic Coastal states and west along the Gulf Coast from northwestern Florida to eastern Texas. Southern populations range as far north as Tennessee and Missouri. Isolated populations occur on the coastal plain of South Carolina. It is listed as an endangered species in New York and as a species of concern in Ohio.

The Northern Cricket Frog was historically distributed throughout the southeastern and southcentral portions of this Commonwealth with several apparently disjunct populations found in northeastern and southwestern Pennsylvania. Counties in this Commonwealth of historical occurrence included Allegheny, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Franklin, Lebanon, Montgomery, Philadelphia and York. Nearly half of all records were collected from within or near the coastal plain in southern Bucks, Delaware, Montgomery and Philadelphia Counties. All records considered historical were initially documented before 1983.

The Northern Cricket Frog is apparently extirpated from approximately 92% of historically (initially discovered pre-1983: 34 of 37 locations) documented collection sites. Two of the three historical sites considered extant are included as a "best case scenario" since investigations or surveys have not been conducted for the species at these locations. The species may very well have disappeared from these locations as well. A total of six recent new sites have been initially documented since 1983. Of these sites, 50% (three of six) are considered extirpated, and an additional 33% (two of six) are located in a heavily disturbed industrial/urbanized landscape making future viability uncertain (these sites are considered extant in this analysis). Presently, of the 43 total sites that have been adequately documented as valid collection locations in this Commonwealth, only 14% (6 of 43) are considered extant. Suitable habitats in the vicinity of all but two of the historical collection locations (single sites in Chester and Franklin Counties have not been investigated since their initial discovery, but are considered extant in this analysis as a best case scenario) have been investigated in the last 15 years, thus documenting a significant (86%) population reduction for this species in this Commonwealth in the last 20 years (Listing Criterion A.1: Range

Reduction of > 80% in the last 20 years). The Area of Occupancy for *A. crepitans* in this Commonwealth is under 4 square miles (Listing Criterion B.2) and severely fragmented (Listing Criterion B.2.a). Additionally, declines are projected in the area of occupancy, area/extent/and or quality of habitat, number of locations or subpopulations and number of mature individuals (Listing Criterion B.2.b).

The Amphibian and Reptile Technical Committee of PABS reviewed the Heritage rank of the Northern Cricket frog and recommended it be changed to "critically imperiled" (S1), critically imperiled in this Commonwealth "because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation" from this Commonwealth. As the species meets Listing Criteria A.1 and B.2, the Committee recommended the status of the Northern Cricket Frog (*Acris crepitans*) be elevated to endangered in this Commonwealth. Therefore, given the apparent rarity and threats to the Statewide population, and multiple listing criteria met, the Commission added the Northern Cricket Frog to the list of endangered species.

(3) *Blue-spotted Salamander (Ambystoma laterale)*. The Blue-spotted Salamander is member of the Ambystomatidae (mole salamander) family. They are characterized as a small to medium sized salamander with a pattern of bright blue spots scattered over a grayish-black or black body. They live mostly a terrestrial, fossorial/subterranean existence. Blue-spotted Salamanders require both breeding (aquatic) and nonbreeding (upland) habitats. Breeding habitat in this Commonwealth consists of hardwood swamps, open marshes, oxbow ponds, ditches and seasonal forest pools, often within or near floodplains of large streams and rivers. Nonbreeding habitat can be characterized as deciduous and mixed forests surrounding breeding habitats.

Blue-spotted Salamanders occur in southeastern Quebec to Lake Winnipeg, south through the Great Lakes region and New England to northern Indiana and northern New Jersey. Hybrid *A. laterale* populations (in association with *A. jeffersonianum*, *A. texanum* and *A. tigrinum*) occur throughout the range of this species. The Blue-spotted Salamander is listed as endangered in Ohio and New Jersey and as a species of concern in New York.

The Blue-spotted Salamander complex (including associated hybrids) is a peripheral species to this Commonwealth with all known populations being found in northern tier counties bordering the New Jersey and New York: the Delaware River drainage (Northampton County) and the Allegheny River drainage (McKean County and Warren County).

The Blue-spotted Salamander was not discovered in this Commonwealth until April 2000. The Blue-spotted Salamander probably did not recently colonize this Commonwealth; rather, this species likely escaped detection due to locations being situated in fairly rural areas and general similarity in appearance to the Jefferson Salamander. This species was not detected during the 7-year long Pennsylvania Herpetological Atlas project.

The Blue-spotted Salamander was first discovered in this Commonwealth in McKean County (Allegheny River drainage) during the spring of 2000 as part of a distribution-wide survey for the Jefferson Salamander (*Ambystoma jeffersonianum*) and Blue-spotted Salamander complex (Bogart and Klemens, 2008; Ruhe, unpublished). Two additional populations were subsequently found in Northampton (Delaware River drainage) and

Warren (Allegheny River drainage) Counties (Bogart and Klemens, 2008; Ruhe, unpublished). The Northampton County population was discovered in October 2003 and the Warren County population in October 2008 (Ruhe, unpublished).

The known extent of occurrence for the Blue-spotted Salamander in this Commonwealth encompasses an area of under 3 square miles, qualifying the species for listing as endangered under listing criteria B.1. (Extent of Occurrence < 40 mi<sup>2</sup>). As the Blue-spotted Salamander meets the listing criteria B.1, the Amphibian and Reptile Technical Committee of PABS recommends that the Blue-spotted Salamander be listed as an endangered species. Therefore, based upon the limited range of the species within the Commonwealth, the small number of known sites and threats to these sites, the Commission added the Blue-spotted Salamander to the list of endangered species.

*Removals from the Endangered, Threatened and Candidate Species Lists*

(1) Silver Chub (*Macrhybopsis storeriana*). The Silver Chub is a small, slender, silvery minnow with large eyes, small mouth and small, posterior maxillary barbel. It inhabits large rivers and lakes, where it prefers clean sand and gravel substrates. The Silver Chub's Nationwide distribution includes the Lake Erie drainage in Ontario, New York, Pennsylvania, Ohio and Michigan; Mississippi River basin from Pennsylvania and West Virginia to the Midwest, and south to Gulf Coast drainages from Alabama to Louisiana. In this Commonwealth, they occur in Lake Erie and in the Allegheny, Monongahela and Ohio River drainages (Argent and Carline, 2005).

The Silver Chub was probably common in the large rivers in this Commonwealth's portion of the Ohio River drainage prior to European settlement (Trautman, 1981). It was abundant in the Monongahela in the late 1800s (Evermann and Bollman, 1886). It was apparently extirpated during the early 1900s, when conditions in these rivers were degraded (Ortmann, 1909). The Ohio River Sanitation Commission collected one specimen in 1957 and eight in 1959 from the lower Allegheny River. Cooper (1983) collected a single specimen from Lake Erie near the mouth of Walnut Creek in 1971.

The Silver Chub is rarely taken in Lake Erie and was considered extirpated in the Ohio River drainage by Gilbert (1985). It was collected in 1986 in the Ohio River and has subsequently been documented in the Monongahela and lower Allegheny as well (unpublished data—California University of Pennsylvania (CU of PA), ORSANCO, Pennsylvania State University (PSU) and the Commission). It has been collected more often since the early 1990s, with collections ranging from 1 to 24 specimens (unpublished data—CU of PA, ORSANCO, PSU and the Commission). Multiple size classes including juveniles have been collected recently in the Ohio River (T. Stecko, PSU, personal communication, unpublished data, 2009).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the Silver Chub and recommended that it be changed from "critically imperiled" (S1) to "vulnerable-apparently secure" (S3S4) status, "uncommon but not rare, and usually widespread" in this Commonwealth. The PABS committee additionally recommended "delisting" status based on the previously referenced data and apparent commonality of the species in this Commonwealth. The PABS definition of "delisted species" is "species which were once listed but now cited for delisting."

The Silver Chub was listed as endangered based on a limited number of collections and apparent low numbers. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented an expansion in range and population size compared to pre-1990 information. These species were considered extirpated during the first half of the 20th century; however, recent electrofishing and benthic trawl surveys have documented a more or less continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers. Based on recent records, it appears that this species is now fairly widespread in the lock and dam section of the "Three Rivers" (Crisswell and Stauffer, 2005).

This species was evaluated through the Commission's fish species documentation and objective listing/delisting criteria. The Silver Chub now occupy much of their former range and their population is increasing. Therefore, it no longer meets endangered species listing criteria. It also does not meet the threatened species listing criteria. Enough information is available to make the determination that this species is secure in this Commonwealth at present and to justify removal from the list of endangered fishes. Therefore, the Commission removed the Silver Chub from the list of endangered species.

(2) Mooneye (*Hiodon tergisus*). The Mooneye is a medium-sized, deep-bodied pelagic fish that inhabits large rivers and reservoirs. The Mooneye is known from the St. Lawrence—Great Lakes drainage (except Lake Superior), Mississippi River and Hudson Bay basins from Quebec to Alberta and south to the Gulf; Gulf Slope drainages from Alabama to Louisiana. In this Commonwealth, it occurs in the Monongahela and Ohio Rivers, the lock and dam section of the Allegheny River and formerly occurred in Lake Erie (Fowler, 1940; Cooper, 1983).

Lessueur's original 1818 description of this species, based in part on specimens collected in Pittsburgh, is apparently the only historic record from the Ohio River drainage in this Commonwealth (Cooper, 1985). In Lake Erie, it was collected in 1920 near Erie (UMMZ 55667). The Mooneye was common in Ohio waters before 1900, but has decreased greatly since and is rarely taken in Lake Erie (Trautman, 1981). It was probably fairly common in this Commonwealth before 1900 as well but was apparently extirpated during the early 1900s when conditions in these rivers were degraded. Its recent recolonization is undoubtedly a result of improved water quality.

The Mooneye was collected in 1987 in the Allegheny River and since has been collected as far upriver as River Mile 60 and has subsequently been documented in the Monongahela and lower Ohio Rivers as well (unpublished data—CU of PA, ORSANCO, PSU and the Commission). It has been collected more often since the early 1990s with collections ranging from 1 to 22 specimens (unpublished data—CU of PA, ORSANCO, PSU and the Commission).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the Mooneye and recommended that it be changed from "imperiled-vulnerable" (S2S3) to "apparently secure" (S4) status, "uncommon but not rare, and usually widespread" in this Commonwealth with "usually more than 100 occurrences." The PABS committee additionally recommended "delisting" status based on the previously referenced data and apparent commonality of the species in this Commonwealth.

The Mooneye was listed as threatened in this Commonwealth based on a limited number of collections and

apparent low numbers. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. The Mooneye was considered extirpated from this Commonwealth, with no collections reported between 1920 and 1987 (Cooper, 1985; unpublished data); however, recent electrofishing and gillnet surveys have documented a more or less continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers. This species was evaluated through the Commission's fish species documentation and objective listing/delisting criteria. The Mooneye no longer meets listing the threatened species listing criteria as the distribution and population of the Mooneye is increasing.

Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify removal from the list of threatened fishes. Therefore, the Commission removed the Mooneye from the list of threatened species.

(3) Goldeye (*Hiodon alosoides*). Similar in shape and form to the Mooneye, the Goldeye inhabits large turbid rivers and the silty shallows of large lakes. It is known from tributaries to James Bay in Quebec and Ontario; Arctic, Missouri, Mississippi and Ohio River drainages from Northwest Territories to Pennsylvania and south to Louisiana. In this Commonwealth, the Goldeye was known from the Ohio River Basin.

The historic distribution of Goldeye within this Commonwealth is difficult to determine. Fowler (1911 and 1919) reported collections from the Beaver River (one specimen) and the Youghiogheny River (two specimens) made by Edward D. Cope, presumably in the 1860s or 1870s. Trautman (1981) reported that in Ohio it was far more numerous in the Ohio River below Portsmouth than in the industrially polluted upper Ohio River near the Pennsylvania state line and remained fairly common there from 1955 to 1980. However, recent records do not exist.

The Fishes Technical Committee of PABS reviewed the Heritage rank of the Mooneye and recommended it be changed to "extirpated" (SX) status, "believed to be extirpated from the 'state'" (State Rank Definitions, 1996). The PABS committee recommended "delisting" status based on the previously referenced data and lack of contemporary collections of the species in this Commonwealth.

The Goldeye was listed as threatened based on a limited number of collections and apparent low numbers. Field surveys conducted throughout the Ohio River basin during the last 110 years have not yielded a known collection of Goldeye supported by a preserved voucher specimen. These surveys include increasingly intensive efforts using multiple methodologies implemented by multiple scientific entities. At this time, enough information is available to make the determination that the Goldeye is presumed extirpated from this Commonwealth and to justify its removal from the list of threatened fishes. Therefore, the Commission removed the Goldeye from the list of threatened species.

(4) Skipjack Herring (*Alosa chrysochloris*). The Skipjack Herring is a streamlined, laterally compressed herring with a large mouth and protruding lower jaw. It inhabits open waters of medium to large rivers and reservoirs. The Skipjack Herring is known from the Hudson Bay drainage and Mississippi River basin from Minnesota south to the Gulf of Mexico, and from Pennsyl-

vania to South Dakota, Nebraska, Kansas, Oklahoma and Texas Gulf Slope drainages from Florida to Texas. In this Commonwealth, it is known from the Ohio, Monongahela and Allegheny River basins.

Early accounts indicated that the Skipjack Herring was evidently uncommon in the Commonwealth. Rafinesque (1820) stated that it seldom went as far upriver as Pittsburgh. Trautman (1981) reported that rivermen occasionally took individuals between Marietta, Ohio and the Pennsylvania state line. Fowler (1919) reported an occurrence from the Conemaugh River, Indiana County, that he thought was likely a Skipjack Herring. However, Fowler (1940) also reported this species from Blair County, a questionable record at best. Cooper (1985) considered it extirpated and thought it possible that the species never had been collected from this Commonwealth. It was occasionally collected in this Commonwealth's portion of the Ohio River during the mid-1980s and has continued to increase in numbers, and recent records show the Skipjack Herring is well distributed and taken regularly in the Ohio and Monongahela Rivers (Criswell and Stauffer, 2005; unpublished data—CU of PA ORSANCO, PSU and the Commission).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the Skipjack Herring and recommended it be changed to "apparently secure" (S4) status, "uncommon but not rare, and usually widespread" in this Commonwealth with "usually more than 100 occurrences." The PABS committee additionally recommended "delisting" status based on the previously referenced data and apparent commonality of the species in this Commonwealth.

The Skipjack Herring was listed as threatened based on a limited number of collections and apparent low numbers. Field surveys conducted throughout the historic Pennsylvania range since the 1990s have documented an expansion in range and population size compared to pre-1990 information. The Skipjack Herring was considered extirpated until the mid-1980s; however, recent electrofishing and gillnet surveys have documented a more or less continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers. This species was evaluated through the Commission's fish species documentation and objective listing/delisting criteria. The Skipjack Herring now occupy their former range (widespread in the Ohio and Monongahela and increasing in the Allegheny) and the population is increasing in this Commonwealth. They no longer meet the threatened species listing criteria.

Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify removal from the list of threatened fishes. Therefore, the Commission removed the Skipjack Herring from the list of threatened species.

(5) Brook Silverside (*Labidesthes sicculus*). The Brook Silverside is a slender, elongate fish with a nearly straight dorsal profile anteriorly, including a flattened head. It inhabits lakes and sluggish sections of large streams and rivers, where it occurs primarily in schools near the surface in open water, often over substrates of silt, sand or mud. The Brook Silverside is known from the St. Lawrence—Great Lakes drainage (except Lake Superior) and Mississippi River basin from southern Quebec to eastern Minnesota and south to Louisiana; Atlantic and Gulf drainages from South Carolina to Texas. It has been introduced elsewhere. In this Commonwealth, it is known from the Ohio River and Lake Erie drainages in western part of this Commonwealth (Cooper, 1983).

Little historical information on abundance is available for this Commonwealth. Trautman (1981) reported that in Ohio the Brook Silverside was abundant and distributed throughout this Commonwealth prior to 1900 but was severely reduced and many populations were extirpated. He identified the chief factor causing this decline as increased turbidity levels. Since this species is generally detected during surveys targeting other fishes, comprehensive data on distribution and abundance is lacking. It probably declined significantly in our western rivers, as did many other fishes, and is now rebounding there.

In the last 25 years, collection records indicate that the Brook Silverside is found to be locally common in larger water bodies. It is collected regularly in the Allegheny, Monongahela and Ohio Rivers, French Creek and tributaries, Shenango River and its tributaries and major impoundments, and Lake Erie (CU of PA, ORSANCO, PSU and the Commission).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the Brook Silverside and recommended it be changed to "apparently secure" (S4) status, "uncommon but not rare, and usually widespread" in this Commonwealth with "usually more than 100 occurrences." The PABS committee additionally recommended "delisting" status based on the previously referenced data and apparent commonality of the species in this Commonwealth.

The Brook Silverside was listed as a candidate species based on a limited number of collections and apparent low numbers. Recent field surveys conducted throughout the historic Pennsylvania range have documented a significant expansion in range and population size compared to pre-1990 information. This species was evaluated through the Commission's fish species documentation and objective listing/delisting criteria. The Brook Silverside population and distribution is increasing in this Commonwealth and they no longer meet the candidate species listing criteria. Enough information is available to determine that it is secure in this Commonwealth at present and to justify Brook Silverside's removal from the list of candidate fishes. Therefore, the Commission removed the Brook Silverside from the list of candidate species.

The Commission amends §§ 75.1, 75.2 and 75.3 to read as set forth in the proposed rulemaking published at 40 Pa.B. 429 (January 16, 2010).

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will not have direct adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new direct costs on the private sector or the general public. The direct regulatory significance of designating a species as endangered or threatened is limited to prohibiting persons from taking, catching, killing or possessing these mussels in this Commonwealth. Because none of the species that are proposed for listing have commercial or recreational significance because of their rarity, there are no direct fiscal impacts from providing these protections.

With respect to listings previously proposed by the Commission, the private sector and regulated community have asserted that the designation of certain species as

endangered or threatened may have indirect fiscal impacts on them and the Commonwealth because of impacts on permitting decisions by the Department of Environmental Protection and other agencies. If an endangered species is found in an area slated for development, applicants for permits may be required to conduct additional studies or adjust the project to avoid adverse impacts on these species and their habitat. These are fiscal impacts resulting from regulatory and statutory authorities other than those under the aegis of the Commission.

#### H. Public Comments

A notice of proposed rulemaking was published at 40 Pa.B. 429. During the formal comment period, the Commission received 67 public comments supporting the listings and one public comment advocating that the listings of the Northern Redbelly Dace and the Blue-spotted Salamander be deferred to allow for additional studies of both species to be undertaken and to explain the basis of the listing for the Blue-spotted Salamander to the public. The Commission received one public comment supporting the listings after the formal comment period. During the formal comment period, the Commission received one public comment supporting the delistings. Copies of the public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided and the public comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending §§ 75.1, 75.2 and 75.3 to read as set forth at 40 Pa.B. 429.

(b) The Executive Director shall submit this order and 40 Pa.B. 429 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 429 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on immediately upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-215 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-1200. Filed for public inspection July 2, 2010, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 54 ]

[L-2009-2095604/57-273]

[Correction]

### Default Service Regulations

An error occurred in the proposed rulemaking which appeared at 40 Pa.B. 2267, 2276 (May 1, 2010). A proposal to amend § 54.188(f) (relating to Commission review of default service programs and rates) was inadvertently omitted. The correct version of the proposed amendment to § 54.188(f) is as follows, with the ellipses referring to the proposal published at 40 Pa.B. 2267:

#### § 54.188. Commission review of default service programs and rates.

\* \* \* \* \*

(f) A DSP shall submit tariff supplements on a quarterly or more frequent basis, consistent with § 54.187(h) and (i) (pertaining to default service rate design and recovery of reasonable costs), to revise default service rates to ensure the recovery of costs reasonably incurred in acquiring electricity [ **at prevailing market prices** ]. The DSP shall provide written notice to the named parties identified in § 54.185(b) of the proposed rates at the time of the tariff filings. The tariff supplements shall be posted to the DSP's public internet domain at the time they are filed with the Commission. A customer or the parties identified in § 54.185(b) may file exceptions to the default service tariffs within 20 days of the date the tariffs are filed with the Commission. The exceptions shall be limited to whether the DSP has properly implemented the procurement plan approved by the Commission and accurately calculated the rates. The DSP shall post the revised PTC for each customer class within 1 business day of its effective date to its public internet domain to enable customers to make an informed decision about electric generation supply options.

\* \* \* \* \*

[Pa.B. Doc. No. 10-772. Filed for public inspection April 30, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 61 ]

### Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2011.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendments to §§ 61.1—61.3 (relating to Commonwealth inland waters; Delaware River, West Branch Delaware River and River Estuary; and Pymatuning Reservoir) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purposes of the proposed amendments are described in more detail under the summary of proposal.

#### E. Summary of Proposal

Because mussels, sometimes referred to as clams in slang, have declined greatly in their populations and their ranges both Nationally and within this Commonwealth, the conservation of mussels faces many challenges. Nearly 82% (54 species) of this Commonwealth's native mussels are considered endangered, extirpated or of special concern (PABS 2008). Nationally, mussels are declining; 70% of the 297 native species have an endangered, threatened, special concern or extinct status (Williams and Neves, 1995).

Under section §§ 61.1(d) and 61.2(d), harvest of up to 50 fish bait is permitted per day without seasons or size limits. Inland seasons, sizes and creel limits for fish bait apply to the Susquehanna and Lehigh Rivers under §§ 61.7 and 61.8 (relating to Susquehanna River and tributaries; and Lehigh River, Schuylkill River and tributaries). Under § 61.3(c), there are not season, size or creel restrictions on fish bait. Section 102 of the code (relating to definitions) defines "fish bait" as "[u]nless otherwise provided by commission regulation, crayfish or crabs, mussels, clams and the nymphs, larvae and pupae of all insects spending any part of their life cycle in the water."

Harvest of endangered and threatened mussels is prohibited under §§ 75.1 and 75.2 (relating to endangered species; and threatened species). Since mussels as a group are severely threatened, additional reduction of mussel populations by harvest as fish bait should be prohibited. Specifically, with the existing laws, the Commission is concerned that:

(1) Rare species will be harvested because they are difficult to identify correctly. Unless mussels are prohibited from bait use, anglers or other collectors could inadvertently collect rare or protected species. Additionally, enforcement of laws prohibiting harvest of protected species will not be effective if the Commission's waterways conservation officers are not well trained in the identification of mussels.

(2) Commercial pressure for mussel harvest for the pearl industry could decimate populations. Mussel shells are collected and pieces of nacre are used to seed pearl-producing oysters. At this time, a commercial harvester can legally take large quantities of mussels, remov-

ing many thousands of pounds of mussels a year. With a legal limit of 50 mussels per day and no season, 10 commercial collectors could legally take 500 mussels per day (182,500 mussels per year) as fishbait under existing Commission regulations. Commercial mussel poachers have been convicted for illegal harvest in West Virginia, Ohio, Illinois, Indiana, Michigan and in the southeastern United States. By prohibiting a legal possession limit of mussels as fishbait, the Commonwealth can better protect its mussel resource.

(3) The transportation of aquatic invasive mussels could result in the introduction to additional waterways. Discharged zebra mussel and quagga mussels used for bait present significant risk for invasive mussel infestation. Although it is unlawful to possess the exotic zebra mussel and the closely related quagga mussel, they may be inadvertently transported to otherwise uninfested waters as fishbait.

The Pennsylvania Biological Survey's Bivalve Subcommittee and the Mollusk Committee have requested that the current mussel harvest with a Pennsylvania fishing license be disallowed. Other states, such as West Virginia, Ohio, Maryland, New Jersey, New York, Indiana and Illinois, have laws making mussel harvest illegal.

For these reasons, the Commission proposes to prohibit the harvest of live mussels by amending §§ 61.1—61.3 to read as set forth in Annex A.

*F. Paperwork*

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

*G. Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public, except to the degree there is commercial harvest of mussels in the Commonwealth.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in another manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-219. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

\* \* \* \* \*

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogeny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* * *	
BAIT FISH FISH BAIT except mud bugs and mussels/clams	Open year-round	No minimum	50 (combined species)
MUD BUGS (dragonfly nymphs)	Open year-round	No minimum	Unlimited if taken from lakes, ponds, swamps and adjacent areas; 50 per day if taken from moving waters (rivers and streams)
MUSSELS/CLAMS	Closed year-round		0
	* * *	* * *	

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and to Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
BAIT FISH FISH BAIT, <b>except mussels/clams</b>	Open year-round	No minimum	50 (combined species)
<b>MUSSELS/CLAMS</b>	<b>Closed year-round</b>		<b>0</b>
	* * * * *		

§ 61.3. Pymatuning Reservoir.

\* \* \* \* \*

(c) Except as provided by special regulations, the following sizes and creel limits apply to Pymatuning Reservoir [ ; **no closed season applies** ]:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY [ CREEL ] LIMIT</i>
WALLEYE	<b>Open year-round</b>	15 inches	6
BASS	<b>Open year-round</b>	12 inches	5
MUSKELLUNGE AND MUSKELLUNGE HYBRIDS	<b>Open year-round</b>	30 inches	2
OTHERS (including Bait Fish and Fish Bait)	<b>Open year-round</b>	None	None
TURTLES (each species other than snapping turtles)	<b>Open year-round</b>	None	2
<b>MUSSELS/CLAMS</b>	<b>Closed year-round</b>		<b>0</b>

[Pa.B. Doc. No. 10-1201. Filed for public inspection July 2, 2010, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective June 11, 2010.

The organization chart at 40 Pa.B. 3673 (July 3, 2010) 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. 10-1202. Filed for public inspection July 2, 2010, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective June 11, 2010.

The organization chart at 40 Pa.B. 3674 (July 3, 2010) 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. 10-1203. Filed for public inspection July 2, 2010, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective June 11, 2010.

The organization chart at 40 Pa.B. 3675 (July 3, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

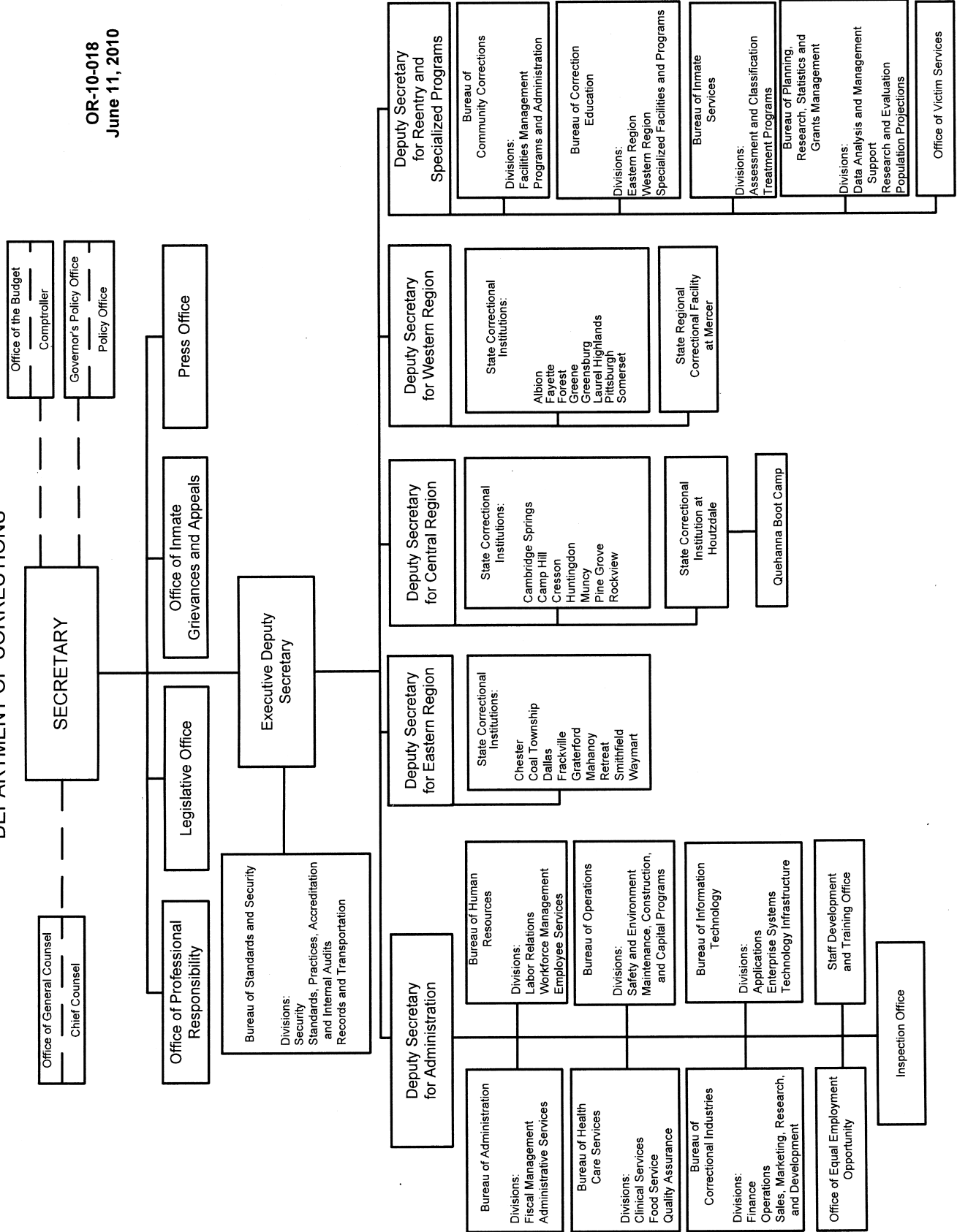
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

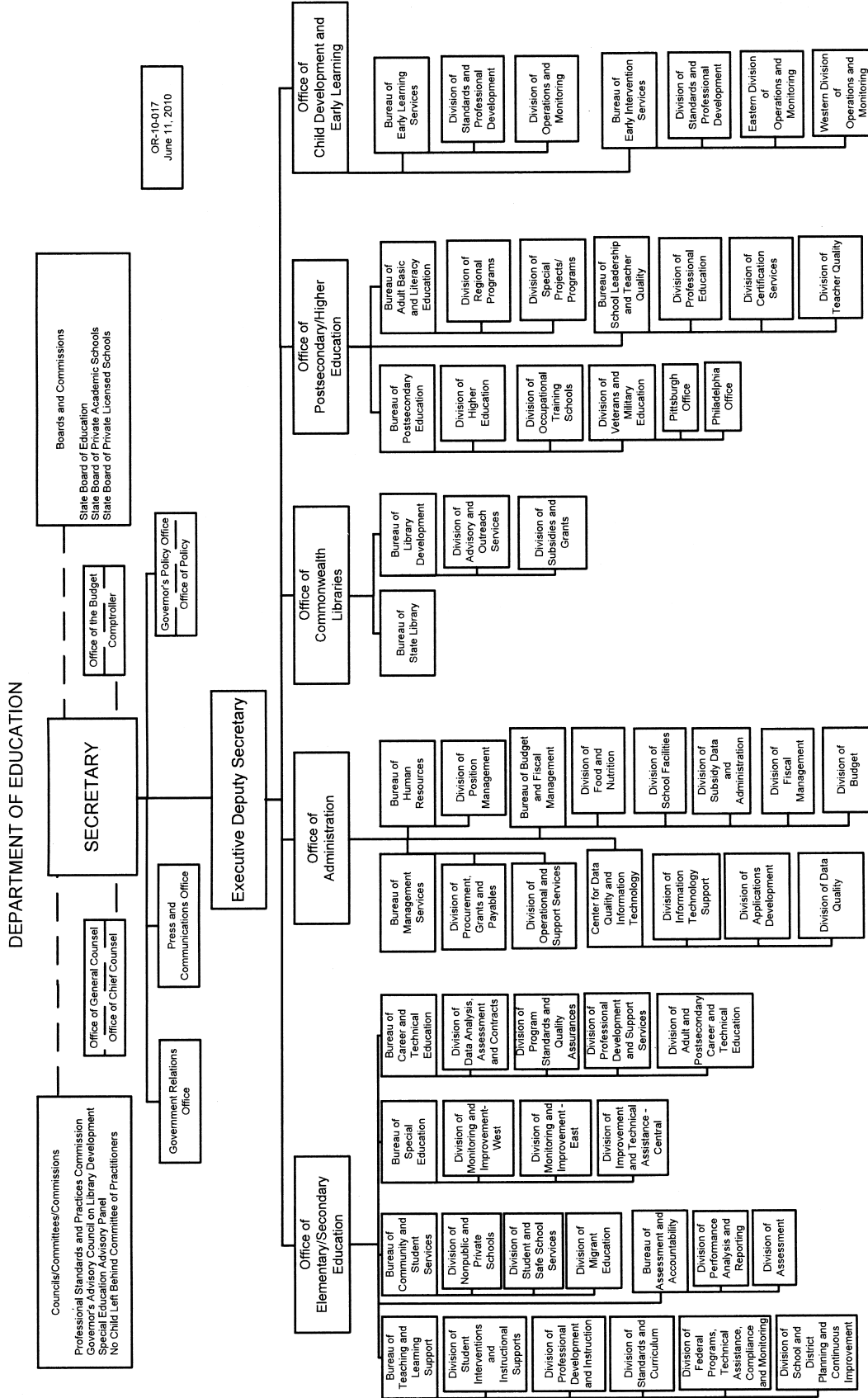
[Pa.B. Doc. No. 10-1204. Filed for public inspection July 2, 2010, 9:00 a.m.]

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DEPARTMENT OF CORRECTIONS  
 SECRETARY  
 OR-10-018  
 June 11, 2010







# 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, July 14, 2010. 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 West Trenton Volunteer Fire Company, located at 40 West Upper Ferry Road, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. and will consist of a presentation on the pass-by flow study being conducted by the Susquehanna River Basin Commission in partnership with The Nature Conservancy and a presentation by the United States Fish and Wildlife Service on the Delaware River Dwarf Wedgemussel Habitat Study.

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

1. *City of Burlington, D-1973-046 CP-2.* An application for a surface water withdrawal (SWWD) project to reduce the total system allocation from 120 million gallons per month (mgm) to 80 mgm from existing Intakes Nos. 2 and 3. The project is located in the Delaware River Watershed in the City of Burlington, Burlington County, NJ.

2. *Town of Bethel—Kauneonga Lake, D-1974-196 CP-2.* An application for the approval of an existing 0.6 million gallons per day (mgd) discharge from the Kauneonga Lake WWTP. The Kauneonga Lake WWTP discharges to the Delaware River at River Mile 261.10—16.21—5.43 (Delaware River—Mongaup River—White Lake Brook) and is located in the Town of Bethel, Sullivan County, NY. The project is located within the drainage area of the section of the Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

3. *Pottstown Borough Authority, D-1989-055 CP-2.* An application for the renewal of an existing 12.85 mgd discharge from Outfall No. 001. Additionally, the applicant has requested a Total Dissolved Solids (TDS) Determination, which is required for any discharge of more than 1,000 mg/l (the basin-wide monthly average effluent limit). The monthly average and daily maximum TDS effluent limit concentrations requested are 2,235 mg/l and 3,000 mg/l, respectively. The project will continue to discharge to the Schuylkill River at River Mile 92.47—51.3 (Delaware River—Schuylkill River) in the Borough of Pottstown, Montgomery County, PA.

4. *Honey Brook Borough Authority, D-1991-099 CP-2.* An application for renewal of an existing groundwater withdrawal project to continue to supply up to 12 mgm of water to the applicant's public water supply system from existing Wells Nos. 5—8. The project wells are completed in Precambrian-gneiss. The project is located in the West

Branch Brandywine Creek Watershed in Honeybrook Township, Chester County, PA.

5. *Hamburg Municipal Authority, D-1992-073 CP-3.* An application for approval of the Hamburg Municipal Authority WWTP. The project WWTP was approved by the Commission Docket No. D-1992-73 CP-2 on March 1, 2006; however, the docket expired on September 30, 2009. The project WWTP will continue to discharge 1.5 mgd of treated sewage effluent to the Schuylkill River. The facility is located in the Borough of Hamburg, Berks County, PA.

6. *Hatfield Quality Meats, LLC, D-1999-072-2.* An application for the renewal of a groundwater withdrawal to supply up to 20.57 mgm of water to the docket holder's meat processing system from Wells Nos. H-1, H-3, H-4, H-8, H-10, and H-12. No increase in the current allocation is proposed. The six project wells are constructed in the Brunswick Formation. The project is located in the Upper Reach Skippack Creek Watershed in Hatfield Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Borough of Dublin, D-2000-011 CP-2.* An application for the renewal of a groundwater withdrawal to continue the withdrawal of up to 7.13 mgm to supply the docket holder's public water supply from existing Wells Nos. 1—3 and 5 in the Lockatong Formation and Brunswick Group. The project is located in the East Branch Perkiomen—Morris Run and Tohickon Deep Run watersheds in the Borough of Dublin, Bucks County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

8. *United Mobile Homes, D-2005-003-2.* An application for approval to continue discharging 79,500 gallons per day (gpd) of treated effluent from the Kinnebrook WWTP. The WWTP is located at River Mile 261.1—16.0—3.62—1.17 (Delaware River—Mongaup River—Kinne Brook—Unnamed Tributary). The facility discharges to an unnamed tributary of Kinne Brook, and is located in the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters. The project is located in the Town of Thompson, Sullivan County, NY.

9. *Camp Ramah in the Poconos, D-2005-030-2.* An application for approval of the Camp Ramah in the Poconos WWTP. The project WWTP was approved by the Commission Docket No. D-2005-030-001 on March 1, 2006; however, the docket expired on April 30, 2007. The project WWTP will continue to discharge 30,000 gpd of treated sewage effluent to an unnamed tributary of the Equinunk Creek, which is a tributary of the Delaware River. The facility is located in Buckingham Township, Wayne County, PA, and is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

10. *Lehigh County Authority, D-2010-001 CP-1.* An application for approval of the existing 0.06 mgd Wynnewood Terrace WWTP. The Wynnewood Terrace WWTP discharges to the Lehigh River at River Mile 183.66—28.14 (Delaware River—Lehigh River) and 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.

11. *Lynn Township Sewer Authority, D-1977-041 CP-2.* An application for approval of an expansion of the existing Lynn Township Sewer Authority WWTP. The 0.08 mgd WWTP will be expanded to treat an average annual daily flow rate of 0.16 mgd. The WWTP will continue to discharge to Ontelaunee Creek, which is a tributary of the Schuylkill River. The facility is located in Lynn Township, Lehigh County, PA.

12. *Upper Gwynedd Township, D-1991-088 CP-5.* An application for approval of the modification of the Upper Gwynedd Township Wastewater Treatment Plant (WWTP). The docket holder proposes to replace the current disinfection system (chlorine contact tanks) with an ultraviolet light (UV) disinfection system. The WWTP will continue to treat an average annual flow of 5.7 mgd and discharge treated sewage effluent to the Wissahickon Creek, a tributary of the Schuylkill River. The facility is located in Upper Gwynedd Township, Montgomery County, PA.

13. *Borough of Bally, D-1994-044 CP-2.* An application for approval to increase the discharge from the Bally WWTP from 0.2 mgd to 0.5 mgd. Docket No. D-1994-044 CP-1 approved the construction of a 0.5 mgd WWTP but limited the discharge to 0.2 mgd. In 1996—the Borough of Bally Municipal Authority obtained PADEP approval to discharge at the WWTP design flow of 0.5 mgd. The Borough now seeks the Commission's approval for the larger discharge. In addition, the Borough of Bally has requested that the Commission issue a Transfer of Ownership to record that the Borough and not the Municipal Authority (which no longer exists) currently owns the facility. The Bally WWTP will continue to discharge to the West Branch of the Perkiomen Creek at River Mile 92.47—32.08—18.65—5.20—3.55 (Delaware River—Schuylkill River—Perkiomen Creek—Green Lane Reservoir—West Branch Perkiomen Creek) and is located in Washington Township, Berks County, PA.

14. *Lyons Borough Municipal Authority, D-1994-080 CP-2.* An application for approval to expand and upgrade the Lyons Borough Municipal Authority WWTP from 0.2 mgd to 0.3 mgd. Modifications will include phosphorous removal by chemical precipitation, effluent filtering, and replacement of the existing gas chlorination system with UV disinfection. The increase in annual average flow is proposed to treat additional industrial process water from East Penn Manufacturing Company, an existing industrial wastewater discharger to the WWTP. The WWTP will continue to discharge to Saucony Creek, a tributary of Maiden Creek, which is a tributary of the Schuylkill River. The project is located in the Borough of Lyons, Berks County, PA.

15. *Plumstead Township, D-1997-033 CP-3.* An application for approval of a groundwater withdrawal to supply up to 4.1 mgm of water to the docket holder's public water supply system from new Well No. 6 and to retain the existing withdrawal limit for all wells of 15.82 mgm. The project wells are located in the Brunswick Group, Lockatong Formation and Stockton Formation in Plumstead Township, Bucks County, PA. The project wells are in the following subbasins of the Southeastern Pennsylvania Ground Water Protected Area: Tohickon-Geddes-Cabin Runs, Pine Run, and North Branch Neshaminy Creek.

16. *Superior Water Company, D-2001-015 CP-2.* An application for the renewal of a groundwater withdrawal, consolidation of one docket and two GWPA permits, and to increase the withdrawal from all wells from 23.4 million gallons per 30 days (mg/30 days) to 36.82 mgm of water to the docket holder's distribution system. The increased allocation is requested in order to meet projected increases in service area demand. The ten project wells are constructed in the Brunswick, Lockatong and Leithsville Formations. The project is located in the Zacharias Creek, Scioto Creek and Minister Creek watersheds in Upper Frederick, Douglass, New Hanover, and Worcester Townships in Montgomery County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

17. *Tidewater Utilities, Inc.—Camden District, D-2004-024 CP-3.* An application for modification of an existing groundwater withdrawal project to include new Wells Nos. 222367 and 178898 completed in the Cheswold and Frederica aquifers, respectively. No increase is proposed in the previous allocation of 88.977 mg/30 days. The wells were installed to meet projected increases in service area demand. The project is located in the Saint Jones River Watershed in Dover West Township, Kent County, DE.

18. *Borough of Freeland Municipal Authority, D-1965-052 CP-3.* An application for approval of an expansion of the existing borough of Freeland Municipal Authority Wastewater Treatment Plant (WWTP) from 0.75 mgd to 1.2 mgd and to replace the existing trickling filter treatment system with a conventional activated sludge treatment process. The WWTP will continue to discharge to Pond Creek, a tributary of Sandy Run, which is a tributary of the Lehigh River. The project WWTP is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The facility is located in Foster Township, Luzerne County, PA.

19. *East Vincent Municipal Authority, D-2005-007 CP-1.* An application to rerate a 48,800 gpd sewage treatment plant (STP) to process a maximum monthly flow of 52,900 gpd, while continuing to provide tertiary treatment. The project will continue to serve flows from the built-out residential development known as Bartons Meadows in East Vincent Township, Chester County, PA. The additional 4,000 gpd is needed to handle wet weather related flows due to inflow and infiltration. Following ultraviolet light disinfection, STP effluent will continue to be discharged to subsurface seepage beds in the drainage area of French Creek, which is designated as a Scenic River in the Commission *Comprehensive Plan*. The project is located in the Schuylkill River Watershed within the Southeastern Pennsylvania Ground Water Protected Area, off Sheeder Road just north of its intersection with Pughtown Road.

20. *Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station D-2009-003-1.* An application for approval of a surface water withdrawal of 1,100.24 mg/30 days from an existing surface water intake. The existing Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station currently withdraws surface water from the Philadelphia U.S. Naval Shipyard Reserve Basin located on the Schuylkill River immediately upstream of the confluence

of the Schuylkill River with the Delaware River. The surface water withdrawal is used for noncontact cooling water. The facility is located in the City of Philadelphia, Philadelphia County, PA.

21. *Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station, D-2009-004-1*. An application for approval of a noncontact cooling water (NCCW) discharge from two existing (2) outfalls owned and operated by Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station (NSWCCD-SSES): 1) Outfall 001 is located on the Navy Reserve Basin, and the application includes increasing the discharge of NCCW from 24.0 mgd to 36.0 mgd; and 2) Outfall 005 is located on the Delaware River in Water Quality Zone 4 and will continue to discharge up to 0.60 mgd. The Navy Reserve Basin is located on the Schuylkill River immediately upstream of its confluence with the Delaware River. The facility is located in the Schuylkill River Watershed in the City of Philadelphia, Philadelphia County, PA.

22. *Deb-El Food Products, D-2009-036-1*. An application for approval to construct a 0.05 mgd industrial waste treatment plant (IWTP) that will discharge to the Neversink River at River Mile 253.64—28.7 (Delaware River—Neversink River) in the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The IWTP is located in the Town of Thompson, Sullivan County, NY.

23. *ArcelorMittal Plate, LLC—Conshohocken, D-2009-039-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 13.4 mgm of groundwater and 46.5 mgm of surface water to the applicant's industrial process from the existing Q&T Well and existing surface water intake. Surface water will be withdrawn from the Schuylkill River in the Schuylkill-Crow Creek Watershed. The well is located in the Elbrook Formation in the Schuylkill-Crow Creek Watershed in Plymouth Township, Montgomery County, PA in the Southeastern Pennsylvania Ground Water Protected Area.

24. *Wallenpaupack Area School District, D-2009-027 CP*. An application for approval of the existing Newfoundland Elementary School WWTP. The WWTP will continue to discharge an average annual flow of 0.01 mgd of treated sewage effluent to Wallenpaupack Creek, a tributary of the Lackawaxen River. The facility is located in Dreher Township, Wayne County, PA, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

25. *Green Top Management, LLC, D-2010-002 CP-1*. An application for approval of an expansion of the Green Top Mobile Home Park WWTP from 12,000 gpd to 18,000 gpd. The expansion includes the addition of a sequencing batch reactor unit. The WWTP will continue to discharge to an unnamed tributary of the Tohickon Creek, which is located upstream of Lake Nockamixon. The project is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. The facility is located in West Rockhill Township, Bucks County, PA.

26. *NIS Hollow Estates, LLC, D-2010-003 CP-1*. An application for approval of the existing NIS Hollow Estates, LLC WWTP. The WWTP will continue to discharge 18,000 gpd of treated sewage effluent to an

unnamed tributary of the Lehigh River. The facility is located in East Penn Township, Carbon 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.

In addition to the standard business meeting items, including adoption of the Minutes of the Commission's May 5, 2010, business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; and reports by the Executive Director and the Commission's General Counsel; the business meeting will include public hearings and consideration by the Commission of resolutions: (a) approving the Commission's Fiscal Year 2010-2015 Water Resources Program; (b) authorizing the Executive Director to require effluent nutrient monitoring by point source dischargers in Zones 2 through 6 of the Delaware Estuary; and (c) authorizing the Executive Director to enter into a contract for laboratory analysis of soil and water samples in connection with the control of polychlorinated biphenyls in the Delaware Estuary. The section of the meeting consisting of the General Counsel's report will include consideration by the Commission of two requests for hearing filed with the Commission in May 2010—one by Damascus Citizens for Sustainability concerning the applicability of the Commission's section 3.8 project review procedure to certain exploratory natural gas well projects sponsored by Newfield-Appalachia PA, LLC; and the other, jointly by the Delaware Riverkeeper Network and Nockamixon Township concerning the applicability of the Section 3.8 review procedure to the Cabot No. 2 natural gas well project sponsored by Arbor Operating, LLC in Nockamixon Township. The Commissioners also will consider draft water withdrawal Docket No. D-2009-013-1 for the Stone Energy Corporation, on which a hearing was conducted on February 24, 2010, and for which the written comment period opened on February 8, 2010, and closed on April 12, 2010. No additional testimony on the latter project will be accepted. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on July 14, 2010, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

Individuals 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. 10-1205. Filed for public inspection July 2, 2010, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Actions on Applications

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

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-15-2010	Michael G. Crofton Application for approval to acquire up to 24.99% of the common stock of The Philadelphia Trust Company, Philadelphia.	Filed
6-15-2010	Robert G. Thomson Application for approval to acquire up to 24.99% of the common stock of The Philadelphia Trust Company, Philadelphia.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-15-2010	Northwest Bancshares, Inc. Warren Warren County Application for approval to acquire 100% of NexTier, Inc. Butler, and thereby indirectly acquire 100% of NexTier Bank, National Association, Butler.	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-15-2010	Northwest Savings Bank Warren Warren County Application for approval to merge NexTier Bank, National Association, Butler, with and into Northwest Savings Bank, Warren.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-9-2010	Susquehanna Bank Lititz Lancaster County	2343 Oregon Pike Lancaster Lancaster County	Approved
6-10-2010	New Century Bank Phoenixville Chester County	1 South Main Street Yardley Bucks County	Approved
6-11-2010	NOVA Bank Berwyn Chester County	8000 West Chester Pike Upper Darby Delaware County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-15-2010	Republic First Bank Philadelphia Philadelphia County	30 Kings Highway East Haddonfield Camden County, NJ	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-28-2010	S & T Bank Indiana Indiana County	2000 Penny Lane Jeannette Westmoreland County	Closed
4-28-2010	S & T Bank Indiana Indiana County	2001 Lincoln Way White Oak Allegheny County	Closed
6-1-2010	Susquehanna Bank Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County (Limited Service Facility)	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-15-2010	Monument Bank Doylestown Bucks County	Filed

Amendment to the Second Article of the institution's Articles of Incorporation changes the principal place of business from 573 North Main Street, Doylestown, Bucks County, PA 18901, to 465 North Main Street, Doylestown, Bucks County, PA 18901.

Amendment to the Sixth Article of the institution's Articles of Incorporation provides for the issuance of preferred stock.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Community Charter Conversions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-10-2010	Norristown Bell Credit Union Blue Bell Montgomery County	Effective

Amendment to Article 8 of the credit union's Articles of Incorporation provides the following field of membership: "All people who live, work, worship, volunteer, attend school in, and businesses and other legal entities in Montgomery County, in the Commonwealth of Pennsylvania."

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-9-2010	Lancaster Red Rose Credit Union Lancaster Lancaster County	150 North Queen Street Lancaster Lancaster 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



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years, subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

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#### I. NPDES Renewal Applications

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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>
PA0021199 (Sewage)	Beaver Meadows Municipal Authority WWTP Plane Street Beaver Meadows, PA 18216-0247	Carbon County Banks Township	Beaver Creek 2-B CWF	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>
PA0088242 (CAFO)	Huston Hollow Partnership 410 East Lincoln Avenue Myerstown, PA 17067-2213	Fulton County Taylor Township	Wooden Bridge Creek 12-C	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>
PA0103934	David J. Gralak, d/b/a The Well Restaurant 4894 Ridgway St. Marys Road Ridgway, PA 15853	Elk County Ridgway Township	Elk Creek	Y

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

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

**PA0026794**, Sewage, SIC 4952, **Borough of Conshohocken Authority**, 601 East Elm Street, Conshohocken, PA 19428-1914. This facility is located in Conshohocken Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Conshohocken Borough STP. Effluent is discharged through Outfall 001, and stormwater discharges through Outfalls 002 and 003.

The receiving stream, the Schuylkill River, is in the State Water Plan watershed 3F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is located on the Schuylkill River and is approximately 6.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an average annual design flow of 2.3 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (05/01 - 10/31)	20	30		40
(11/01 - 04/30)	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (05/01 - 10/31)	8.0			16.0
(11/01 - 04/30)	20.0			40.0
Fecal Coliform (col/100 ml)	200			1,000*
Dissolved Oxygen: (Issuance—Year 2)	Monitor			
(Year 3—Expiration)	5.0 Minimum			
pH (Standard Units)	6.0 Minimum			9.0
Total Residual Chlorine	0.5			1.6
Copper, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Total Phosphorus	Monitor			Monitor
Total Dissolved Solids	1,000			2,500

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

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of an average stormwater event:

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

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change in Ownership.
7. Chlorine Minimization and Unit Maintenance.
8. Proper Sludge Disposal.
9. WETT with Renewal.
10. Operator Training.
11. Instantaneous Maximum Limits.
12. Pretreatment Program.
13. Operations and Maintenance Plan.
14. Laboratory Certification.
15. Fecal Coliform Reporting.
16. PCB TMDL.
17. Stormwater Requirements.

EPA waiver is not in effect.

**PA0057720**, Industrial Waste, SIC 2033, **Sunny Dell Foods, Inc.**, 135 North Fifth Street, Oxford, PA 19363. Address for this facility: 214 South Mill Road, Kennett Square, PA 19348. This facility is located in Kennett Township, **Chester County**.

Description of Activity: This application requests approval of a renewal NPDES permit. Outfall 001 discharges 0.072 mgd of treated process wastewater from mushroom washing, blanching and cleanup. Outfall 002 discharges 0.09 mgd of cooling water from can cooling.

The receiving stream, West Branch Red Clay Creek, is in the State Water Plan watershed 3I and is classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.072 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>					
(Outfall 001)	Report	Report	9.5	19	24
(Outfalls 001 + 002)	13.2*	26.4*			
Total Suspended Solids	18.0	27.0	30	45	60
Total Dissolved Solids	600	1,200	1,000	2,000	2,500
NH <sub>3</sub> N					
(Outfall 001)	Report	Report	1.9	3.8	4.8
(Outfalls 001 + 002)	1.2*	2.4*			
Phosphorus					
(Outfall 001)	Report	Report	1.9	3.8	4.8
(Outfalls 001 + 002)	1.2*	2.4*			
Oil and Grease			15		30
Dissolved Oxygen			5.0 (Minimum)		
Fecal Coliform			200/100 ml		1,000/100
pH (Standard Units)			(Geometric Mean)		9.0
Total Nitrogen**	Report	Report	6.0 (Minimum)	Report	
			Report		

\* Mass limits for CBOD<sub>5</sub>, NH<sub>3</sub>N and Phosphorus are based on allocations from the Christina River Basin TMDL for Low-flow Conditions, and are combined for Outfalls 001 and 002 and applied at Outfall 001.

\*\* Total Nitrogen = Kjeldahl-N + Nitrate-N + Nitrite-N

The proposed effluent limits for Outfall 002 are based on a discharge flow of 0.09 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
CBOD <sub>5</sub>	Report*	Report*	Report	Report	60
Total Suspended Solids	22.5*	33.8*	30	45	
NH <sub>3</sub> N	Report*	Report*	Report*	Report*	1,000/100 ml
Total Phosphorus	Report*	Report*	Report*	Report*	
Dissolved Oxygen			5.0		9.0
Fecal Coliform			(Instantaneous Minimum)		
pH (Standard Units)			200/100 ml		9.0
Total Residual Chlorine			(Geometric Mean)		
Total Nitrogen**	Report	Report	6.0	Report	
			(Instantaneous Minimum)		Instantaneous Maximum ° F
			0.5 Report		
<i>Temperature</i>			Daily		
			Average ° F		
January 1—January 31			87		110
February 1—February 29			83		110
March 1—May 31			110		110
June 1—June 15			92		110
June 16—June 30			108		110
July 1—July 31			78		110
August 1—October 15			110		110
October 16—October 31			98		110
November 1—November 15			110		110
November 16—November 30			73		110
December 1—December 31			77		110

\* Mass limits for CBOD<sub>5</sub>, NH<sub>3</sub>N, and Phosphorus are based on allocations from the Christina River Basin TMDL for Low-flow Conditions, and are combined for Outfalls 001 and 002 and applied at Outfall 001.

\*\* Total Nitrogen = Kjeldahl-N + Nitrate-N + Nitrite-N

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

- A. Effective Disinfection.
- B. Remedial Measures if Unsatisfactory Effluent.
- C. Discharge to Small Stream.
- D. BAT/ELG Reopener.
- E. 2° F Temperature Change in 1 Hour.
- F. Change in Ownership.
- G. 2° F Temperature Change in 1 Hour.
- H. Solids Handling.
- I. I-Max.
- J. Laboratory Certification.
- K. I-Max for Fecal Coliform.
- L. No Chemical Addition.

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

**PA0037052**, Sewage, SIC Code 4952, **Pen Argyl Municipal Authority**, 11 North Robinson Avenue, Pen Argyl, PA 18072. Facility Name: Pen Argyl Wastewater Treatment Plant. This existing facility is located in Pen Argyl Borough, **Northampton County**.

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

The receiving stream(s), Waltz Creek, is located in State Water Plan watershed 1-F and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream potable water supply intake for the Easton Area Water Authority is located approximately 14 miles downstream of the discharge on the Delaware River and is not expected to be affected by the discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.95 MGD:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.3
CBOD <sub>5</sub>	198	317 Weekly	XXX	25	40 Weekly	50
Total Suspended Solids	238	356 Weekly	XXX	30	45 Weekly	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	2,000
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geometric Mean 2,000	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	11.9	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	35.6	XXX	XXX	4.5	XXX	9.0
Total Copper (Interim)	0.22	0.44	XXX	0.028	0.056	0.070
Total Copper (Final)	0.126	0.198	XXX	0.016	0.025	0.040
Total Lead (Interim)	Report	Report	XXX	Report	Report	XXX
Total Lead (Final)	0.0472	0.0736	XXX	0.00596	0.00929	0.015
Total Zinc	1.07	1.62	XXX	0.135	0.204	0.337

The effluent limits for Total Copper (Final), Total Lead (Final) and Total Zinc reflect the Waste Load Allocations required by the Waltz Creek TMDL.

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

- Authorization for emergency use of the chlorine contact tank in the event that the ultraviolet disinfection system is not functional.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

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

**Application No. PA0043273**, Sewage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648. This facility is located in Frankstown Township, **Blair County**.

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

The receiving stream, Frankstown Branch Juniata River, is in Watershed 11-A, and is classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 124 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.0 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.0		8.0
(11-1 to 4-30)	11.0		22.0
Total Copper	0.055		0.110
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

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

## Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>	<i>Monthly Mass (lbs)</i>	<i>Annual</i>
	<i>Monthly Average</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	111,513*
Net Total Phosphorus	XXX	Report	14,612*

\* 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 October 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 October 28, 2013.

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.

**PA0087793**, Industrial Waste, SIC Code 4941, **United Water Pennsylvania, Inc.**, 4211 East Park Circle, Harrisburg, PA 17111-0151. Facility Name: Mechanicsburg Water Plant. This existing facility is located in Mechanicsburg Borough, **Cumberland County**.

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

The receiving stream(s), drainage swale to Trindle Spring Run, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	Minimum 30	60	XXX	75
Total Aluminum	XXX	XXX	1.40	2.80	XXX	3.50
Total Iron	XXX	XXX	0.30	0.60	XXX	0.75
Total Manganese	XXX	XXX	0.07	0.14	XXX	0.17

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

The EPA waiver is in effect.

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

**PA0027391**, Sewage, **Upper Allegheny Joint Sewer Authority**, 320 Fourth Avenue, Tarentum, PA 15084. This application is for renewal of an NPDES permit to discharge treated sewage from Upper Allegheny WWTP in East Deer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, 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 Oakmont Municipal Authority.

Outfall 001: existing discharge, design flow of 6 mgd.

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

The EPA waiver is not in effect.

**PA0252735**, Sewage, **Huston Farms, LLC**, 626 Cross Road, Rockwood, PA 15557. This application is for renewal of an NPDES permit to discharge treated sewage from Huston's Hickory Hollow Campground STP in Milford Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of South Glade 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 Ohiopyle Municipal Waterworks on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.014 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	2.5			5.0
Nov 1 to Apr 30	7.5			15.0
Fecal Coliform	200/100 ml as a Geometric Mean			
May 1 to Sep 30	2,000/100 ml as a Geometric Mean			
Oct 1 to Apr 30	0.2			
Total Residual Chlorine	0.6			
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814-332-6942.

**PA0263737**, Sewage, SIC Code 4952, 8811, **Adam Shaw**, 260 Railway Lane, Clarendon, PA 16313. Facility Name: Adam Shaw SFTF. This proposed facility is located in Cherry Grove Township, **Warren County**.

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

The receiving stream(s), unnamed Tributary of Minister Creek, is located in State Water Plan watershed 16-F and is classified for High Quality Waters-Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Flow (MGD)	Report					
pH (S.U.)	6.0					
BOD <sub>5</sub>	10					
Total Suspended Solids	10					
Fecal Coliform (CFU/100 ml)	200					

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

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


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

**WQM Permit No. 6780405, Amendment 10-1**, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17406. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the following: project is currently a dry well/wet well combination pump station. Project consists of replacing the existing pump station with a new wet well mounted pump station, all at the existing Farmbrook Industrial Park Pump Station.

**WQM Permit No. 0799404 10-1**, Sewerage, **Freedom Township Water and Sewer Authority**, 131 Municipal Street, East Freedom, PA 16637. This proposed facility is located in Blair Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for various upgrades at the wastewater treatment plant to improve operations and comply with more stringent effluent nutrient regulations set forth by the Chesapeake Bay Tributary Strategy.

**WQM Permit No. WQG02381001**, Sewerage, **North Lebanon Township Municipal Authority**, 725 Kimmerlings Road, Lebanon, PA 17046. This proposed facility is located in North Lebanon and Swatara Townships, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for extension of sanitary sewers to the small community of Rockwood.

**WQM Permit No. 2210201**, CAFO, **Noah W. Kreider & Sons, LLP**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval for the expansion of an egg washwater storage pond replacing the existing pond.

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

**WQM Permit No. 3068401-T1A1**, Sewerage, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. This existing facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Application for permit amendment to add an equalization tank at sewage treatment plant No. 1.

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

**WQM Permit No. 6210401**, Sewerage, **Adam Shaw**, 260 Railway Lane, Clarendon, PA 16313. This proposed facility is located in Cherry Grove Township, **Warren County**.

**WQM Permit No. 1097402**, Sewerage, **Amendment No. 1, Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16006. This existing facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: To re-rate and correct an organic overload to the existing Brush Creek STP. This organic re-rating is on paper; no construction is involved.

**WQM Permit No. 4210402**, Sewerage, **Eldred Borough Authority**, 3 Bennett Street, Eldred, PA 16731-0270. This proposed facility is located in Eldred Borough, **McKean County**.

Description of Proposed Action/Activity: Replacement of a pump station with a suction lift station constructed about 300 feet up gradient of the current station and down gradient of the grit removal chamber.

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


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


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


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*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 1505017-R	Chrome Road, Ltd. 157 West Locust Street Oxford, PA 19363	Chester	Oxford Borough	Little Elk Creek HQ-TSF-MF
PAI01 151015	1720 West Chester Pike, LLC P. O. Box 467 Concordville, PA 19331	Chester	Willistown Township	Ridley Creek HQ-TSF-MF

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

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



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910007	Air Products & Chemicals Attn: Kevin Synder 7201 Hamilton Boulevard Allentown, PA 18195	Lehigh	Upper Macungie Township	Iron Run HQ-CWF, MF

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

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

### STATE CONSERVATION COMMISSION

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

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>
Leon G. Burkholder 1336 Division Highway Ephrata, PA 17522	Lancaster	19.8	1,064.69	Swine	SQ	Renewal

## 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 mediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the mediator 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.*

**Sharon Hill Apartment**, Sharon Hill Borough, **Delaware County**. Richard S. Werner, P. G., Environmental Consulting, Inc., 50 East Washington Street, Suite 375, Norristown, PA 19401, Andrew D. Hubley, Environmental Consulting, Inc., 50 East Washington Street, Suite 375, Norristown, PA 19401, Matthew F. Selgrath, Environmental Consulting, Inc., 50 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of John Gilsenan, Woodland Investments, LLC, 911 Ormond Road, Drexel Hill, PA 19026 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of diesel fuel. The future use of the site will remain the same. A summary of the Notice to Intent to Remediate was reported to have been published in the *Delaware County Times* on June 15, 2010.

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

**June Boward Residence**, Lower Paxton Township, **Dauphin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Suite 300, Harrisburg, PA 17111, on behalf of June Boward, 4020 Locust Lane, Harrisburg, PA 17109, submitted a Notice of Intent to Remediate site soils, groundwater, and surface water contaminated with No. 2 fuel oil. The site will be remediated to a Statewide Health Standard and will remain residential.

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

**Frankstown Sterrett Plan of Lots, Lot 1, Allegheny County**. Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 on behalf of RSSI Homewood, LLC, 3910 Route 8, Allison Park, PA 15101 has submitted a Notice of Intent to Remediate. Lot 1 of the former Frankstown Sterrett Plan of Lots was formerly a trolley repair shop for the Pittsburgh Railways Company. In 2006, the Pittsburgh Urban Redevelopment

Authority attained a Nonresidential Statewide Health Standard relief of liability for the Site. RSSI Homewood, LLC is now seeking a residential release for the site with the intent of leasing the space to a day-care center and other commercial end users.

**WEM Housing 401—439 South Sixth Street**, City of Jeannette, **Westmoreland County**. Cribbs and Associates, P. O. Box 44, Delmont, PA 15626 on behalf of WEM Housing, LP, 352 Main Street, Latrobe, PA 15650 has submitted a Notice of Intent to Remediate. The odd numbered houses along South Sixth Street in Jeannette, PA will have 6-9 inches of arsenic contaminated soil removed. The consultants intends to achieve liability protection by using the background standard. The Site will remain residential.

## 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.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**04-00699G: NGC Industries, LLC** (2001 Rexford Road, Charlotte, NC 28211) for use of ammonium sulfate to replace potassium sulfate as a board hardening accelerating agent at the Shippingport Plant in Shippingport Borough, **Beaver County**.

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

**24-165B: Elkhorn Gas Processing, LLC—Whitetail Gas Processing Plant** (5422 Highland Road, Lamont, PA 16365) for modification of the CO emission limit established in plan approval 24-165A in Jones Township, **Elk County**. This is a State-only facility.

**62-032G: Ellwood National Forge Co.** (One Front Street, Irvine, PA 16329) for modification of ammonia limits established in plan approval 62-032F 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.**

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

**31-05012: Department of Corrections—Smithfield SCI** (1120 Pike Street, Huntingdon, PA 16652) for modification of their three existing coal fired boilers, installation of a fabric collector and construction of two No. 2 oil fired back up boilers at their Smithfield Correctional Facility in Smithfield Township, **Huntingdon County**. The modification is an increase in coal capacity for the existing boilers to provide steam to the SCI-Huntingdon facility and shut down the coal fired boilers at that site. Once the project is completed, the net project emissions will result in a reduction of 7.81 tons per year of carbon monoxide, 5.10 tons per year of nitrogen oxides, 1.96 tons per year of volatile organic compounds and an increase of 13.5 tons per year of particulate matter, 4.09 tons per year of PM<sub>10</sub>, 4.5 tons per year of PM<sub>2.5</sub> and 39.6 tons per year of sulfur oxides. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the sources operating

within all applicable air quality requirements. The facility currently operates under operating permit No. 31-05012. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment) at a later date.

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

**42-223A: Tennessee Gas Pipeline Co.—Station 310** (Off of SR 146, Tax Map 29-002-300-02, Clermont, PA 16740) for construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Sergeant Township, **McKean County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Combustion Turbine:
- Subject to 25 Pa. Code §§ 123.13 and 123.21
- The facility is subject to the following air contaminant emission limitations from the turbine during normal operations. Normal operation is defined as operation at temperatures of 0° F or higher and turbine load of 40 to 100% of maximum load.
  - NO<sub>x</sub>: 15 ppmdv @ 15% O<sub>2</sub>
  - CO: 25 ppmdv @ 15% O<sub>2</sub>
  - VOC: 25 ppmv @ 15% O<sub>2</sub>
  - The facility is subject to the following air contaminant emission limitations from the turbine during operations when the temperature is sub zero.
    - NO<sub>x</sub>: 42 ppmdv @ 15% O<sub>2</sub>
    - CO: 100 ppmdv @ 15% O<sub>2</sub>
    - VOC: 50 ppmv @ 15% O<sub>2</sub>
    - Emissions from the turbine, including emissions during sub zero temperature conditions, startups and shutdowns and normal operation, shall not exceed the following limits during any consecutive 12-month rolling period:
      - NO<sub>x</sub>: 30.3 tpy
      - CO: 66.0 tpy
      - VOC: 3.82 tpy
    - Subject to 40 CFR 60, Subpart KKKK
    - The facility is permitted to operate the combustion turbine in diffusion flame mode during sub-zero operation.
  - Miscellaneous Natural Gas-fired Sources
    - Subject to 25 Pa. Code §§ 123.11 and 123.22
    - The permittee shall maintain and operate this source and the control device(s) in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. The facility shall maintain a copy of the manufacturer's specifications onsite.
      - Emergency Generator
      - Subject to 25 Pa. Code §§ 123.13 and 123.21

- The CO emissions from the emergency generator shall not exceed 2.3 grams/hp-hr.

- Subject to 40 CFR 60, Subpart JJJJ

- The permittee shall only use natural gas as a fuel for the emergency generator set.

- The emergency generator set shall be operated less than 500 hours in any 12-month consecutive period.

- The permittee shall keep records of the number of hours that the source operates on a monthly basis to verify compliance with the hours of operation restriction in any 12-month consecutive period.

- The company shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**61-218A: Tennessee Gas Pipeline Company—Station 303** (Meadow Church Road, Map AS 08-15 Lot 71, Seneca, PA 16346) for construction of a compressor turbine, emergency generator, hot water boiler and fuel preheater in Cranberry Township, **Venango County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Combustion Turbine:

- Subject to 25 Pa. Code §§ 123.13 and 123.21

- The facility is subject to the following air contaminant emission limitations from the turbine during normal operations. Normal operation is defined as operation at temperatures of 0° F or higher and turbine load of 40 to 100% of maximum load.

- NOx: 15 ppmdv @ 15% O<sub>2</sub>

- CO: 25 ppmdv @ 15% O<sub>2</sub>

- VOC: 25 ppmv @ 15% O<sub>2</sub>

- The facility is subject to the following air contaminant emission limitations from the turbine during operations when the temperature is sub zero.

- NOx: 42 ppmdv @ 15% O<sub>2</sub>

- CO: 100 ppmdv @ 15% O<sub>2</sub>

- VOC: 50 ppmv @ 15% O<sub>2</sub>

- Emissions from the turbine, including emissions during sub zero temperature conditions, startups and shutdowns and normal operation, shall not exceed the following limits during any consecutive 12-month rolling period:

- NOx: 30.3 tpy

- CO: 66.0 tpy

- VOC: 3.82 tpy

- Subject to 40 CFR 60, Subpart KKKK

- The facility is permitted to operate the combustion turbine in diffusion flame mode during sub-zero operation.

- Miscellaneous Natural Gas-fired Sources

- Subject to 25 Pa. Code §§ 123.11 and 123.22

- The permittee shall maintain and operate this source and the control device(s) in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. The facility shall maintain a copy of the manufacturer's specifications onsite.

- Emergency Generator

- Subject to 25 Pa. Code §§ 123.13 and 123.21

- The CO emissions from the emergency generator shall not exceed 2.3 grams/hp-hr.

- Subject to 40 CFR 60, Subpart JJJJ

- The permittee shall only use natural gas as a fuel for the emergency generator set.

- The emergency generator set shall be operated less than 500 hours in any 12-month consecutive period.

- The permittee shall keep records of the number of hours that the source operates on a monthly basis to verify compliance with the hours of operation restriction in any 12-month consecutive period.

- The company shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

**AMS 10117: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141) to install an ethylene oxide sterilizer in the City of Philadelphia, **Philadelphia County**. There will be a potential increase of 0.2 tpy of ethylene oxide as a result of the installation. The Plan Approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 10066: HP Hood-Penn Maid-Ready Foods** (10975 Dutton Road, Philadelphia, PA 19154) to install a 800 Horsepower (33,475 mmBtu/hr) boiler firing natural gas and a 0.840 mmBtu/hr boiler firing natural gas in the City of Philadelphia, **Philadelphia County**. There will be a potential increase of 15 tpy of Nitrogen Oxides (NOx) as a result of the installation. NOx emissions from the facility will be limited to less than 25 tons per rolling 12-month period. The Plan Approval will contain emission limitations, and testing, operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**07-05010: ST Products, LLC, d/b/a Small Tube Products** (200 Oliphant Drive, Duncansville, PA 16635) for operation of a brass and copper tube manufacturing facility in Allegheny Township, **Blair County**. This is a renewal of the facility's Title V Operating Permit issued in 2005 and will extend all of the previous requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**53-00007: Dominion Transmission, Inc.** (501 Martindale Street, Suite 400, Pittsburgh, PA 15212-5817) for renewal of the Title V Operating Permit for their State Line Compressor station in Genesee Township, **Potter County**. The facility's sources include one 7.0 million Btu per hour heater; one 4.2 million Btu per hour boiler; five heaters each rated less than 1.0 mmBtu/hr; two water heaters each rated less than 1.0 mmBtu/hr; one glycol dehydrator; three 1,100 bhp natural gas-fired engines; one natural gas-fired engine rated at 1,350 bhp; one 400 bhp natural gas fired generator; four storage tanks; emergency gas blowdown; four engine transition vents, fuel gas and crankcase vents; two parts cleaners; and miscellaneous sources determined to be of minor significance. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) above their respective major emission thresholds. The potential emissions for particulate matter (PM/PM<sub>10</sub>), sulfur oxides (SO<sub>x</sub>) and volatile hazardous air pollutants (VHAPs) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00005: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001-0598) for renewal of the Title V Operating Permit for their Rockview State Correctional Institution in Benner Township, **Centre County**. The facility's sources include three bituminous coal-fired boilers, two natural gas-fired and No. 2 fuel oil-fired boilers and four emergency generators, which have the potential to emit major quantities of sulfur oxide (SO<sub>x</sub>) emissions. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>) volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM<sub>10</sub>) below the major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**04-00699G NGC Industries, LLC** (2001 Rexford Road, Charlotte, NC 28211) for use of ammonium sulfate to replace potassium sulfate as a board hardening accelerating agent at the Shippingport Plant in Shippingport Borough, **Beaver County**.

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

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

**46-00152: Upper Merion Area School District** (435 Crossfield Road, King of Prussia, PA 19406-2363) for the renewal of a non-Title V, State-only, Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**. Upper Merion Area School District owns and operates a variety of boilers and emergency generators on the contiguous properties of the high school and middle school. The facility has a maximum potential to emit 17.5 tons of NO<sub>x</sub> per year. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

**46-00266: Hanson Pipe and Pre-cast, LLC** (201 South Keim Street, Pottstown, PA 19348) to operate a concrete surface coating plant in Pottstown Borough, **Montgomery County**. Volatile organic compound (VOC) emissions are limited to 24.9 tons per year. This facility is a State-only synthetic minor facility. The Operating Permit will contain monitoring and recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-00127: Verizon Pennsylvania, Inc.—Fort Washington** (1050 Virginia Drive, Fort Washington, PA 19034) for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00127, for two emergency generators at their facility in **Montgomery County**. The permit was originally issued on September 16, 2004, and no changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00128: Verizon Pennsylvania, Inc.—Jenkintown** (100 Greenwood Avenue, Jenkintown, PA 19046) for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00128, for an emergency generator at the facility in **Montgomery County**. The permit was originally issued on December 29, 2004, and no changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**40-00117: Popple Construction, Inc.** (202 Main Street, Laflin, PA 18702) for operation of a batch mix asphalt plant and associated air cleaning devices at their facility in Plains Township, **Luzerne County**. This facility is currently operating under Operating Permit 40-303-023. All permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**28-03040: Valley Quarries, Inc.—Chambersburg Quarry** (169 Quarry Road, Chambersburg, PA 17201) for rock crusher plant in Guilford Township, **Franklin County**. This is renewal of a natural minor operating permit issued in December 2005.

**06-05061: Cambridge-Lee Industries, Inc.** (P. O. Box 14026, Reading, PA 19612) for operation of their secondary copper smelter and copper tube rolling mill in their Ontelaunee Township, **Berks County** facility. This is a renewal of the state only operating permit issued in November 2005.

**67-03007: Cooper Tools, LLC** (3990 East Market Street, York, PA 17402) for operation of a steel chain manufacturing facility in Springettsbury Township, **York County**. This action is a name change for the facility and its State-only operating permit issued in 2009. The

amended permit will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**49-00030: Sunbury Textile Mills, Inc.** (P. O. Box 768, Sunbury, PA 17801) for their broadwoven cotton textile mills facility in City of Sunbury, **Northumberland County**. The facility's main sources include two natural gas/No. 2 fuel oil fired boilers. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**41-00021: Buckeye Energy Services, LLC** (Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031) for their petroleum bulk storage and distribution (Williamsport Terminal) facility in Armstrong Township, **Lycoming County**. The facility's main sources include a seven storage tanks and two loading racks. The facility has taken restrictions to limit potential volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) emissions below Title V thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00018: Harmony Area School District** (5239 Ridge Road, Westover, PA 16692), for their high school located in Burnside Township, **Clearfield County**. The facility's main sources include two identical natural gas/No. 2 fuel oil/bituminous coal fired boilers and one No. 2 fuel oil/diesel fired emergency generator. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**41-00015: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001-0598) for a State-only (Synthetic Minor) operating permit for their Muncy Correctional Institution in Clinton Township, **Lycoming County**. The facility's sources include three anthracite coal-fired boilers, one No. 2 fuel oil-fired boiler, seven No. 2 fuel oil-fired small combustion units, three propane-fired +small combustion units and six emergency generators, which have the potential to emit major quantities of nitrogen oxides (NO<sub>x</sub>) and sulfur oxide (SO<sub>x</sub>) emissions. The facility has taken an elective yearly restriction not to exceed the major threshold for NO<sub>x</sub> and SO<sub>x</sub>. The facility has the potential to emit carbon monoxide (CO), volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM<sub>10</sub>) below the major emission thresholds. The proposed State-only (Synthetic Minor) operating permit contains all applicable

regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**S10-007: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 300 hp boilers, a 900 hp boiler with low NO<sub>x</sub> burner, a 10.5 mmBtu/hr co-gen unit, a 1,225 kW peak shaving generator which may operate as an emergency generator, and nine emergency generators.

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

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

Alkalinity greater than acidity<sup>1</sup>

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

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

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

**30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard, Perry and Whiteley Townships, **Greene County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 4,380.6. Subsidence Control Plan Acres Proposed 4,380.6. No additional discharges. Application received: November 20, 2009.

**30841317 and NPDES Permit No. PA0213527, Consol PA Coal Company, LLC**, (1525 Pleasant Grove

Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** and related NPDES permit to install the 3 North 6 Shaft site and add one NPDES discharge point. Surface Acres Proposed 26.7. Receiving stream: Unnamed Tributary EFT1 to Buffalo Creek, classified for the following use: HQ-WWF. Application received: December 1, 2009.

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

**32950201 and NPDES No. PA0213004 and General Permit GP-12—32950201, Cambria Reclamation Corporation**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019, revision of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in White and Rayne Townships, **Indiana County**, affecting 256 acres. Receiving stream(s): unnamed tributary to/and McKee Run classified for the following use(s): Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 14, 2010.

**32050103 and NPDES No. PA0249734. Amerikohl Mining, Inc.**, 1384 SR 711 Stahlstown, PA 15687, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 79.8 acres. Receiving stream(s): unnamed tributaries to/and Two Lick Creek classified for the following use(s): Cold Water Fishery, Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2010.

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

**03060101 and NPDES Permit No. PA0250848. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Revision application to add acres to the operation area and road variance to SR 3128 to an existing bituminous surface mine, located in South Buffalo Township, **Armstrong County**, affecting 175.9 acres. Receiving stream: Nicholson Run, classified for the following use: WWF. The potable water supply with intakes within 10 miles downstream from the point of discharge: Municipal Authority of Buffalo Township. Revision application received: June 15, 2010.

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

**37840104 and NPDES Permit No. PA0108324. Ambrosia Coal & Construction Co.** (P. O. Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous strip, auger and tippel refuse disposal operation in North Beaver Township, **Lawrence County** affecting 400.0 acres. This renewal is for reclamation only. Receiving streams: three unnamed tributaries to Hickory Run, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 14, 2010.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**08980301. Wysox Sand & Gravel, Inc.** (P. O. Box 128, Wysox, PA 18854). Renewal of the NPDES Permit. There are no discharges from this sand and gravel operation. Located in Asylum Township, **Bradford County**. Application received: May 27, 2010.

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

**5176SM7T. Rock Ridge Stone, Inc.**, (7295 Kingsley Road, Kingsley, PA 18825), transfer of an existing quarry operation from Eastern Industries, Inc. in Bridgewater Township, **Susquehanna County** affecting 38.0 acres, receiving stream: unnamed tributary to Williams Pond to Snake Creek, classified for the following use: cold water fishery. Application received: June 14, 2010.

**58960803. Edward L. Kelley and Clyde LaRue**, (R. R. 5, Box 189, Montrose, PA 18801), Stages I and II bond release of a quarry operation in Middletown Township, **Susquehanna County** affecting 2.0 acres on property owned by Edward L. Kelley. Application received: June 16, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office



noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E49-310. Patrice Hirt**, 14 East Mill Street, Elysburg, PA 17824. Hirt Culvert, in Shamokin Township, **Northumberland County**, ACOE Baltimore District (Trevorton, PA Quadrangle Latitude: 40° 51' 2.5"; Longitude: 76° 38' 38.9"). Patrice Hirt is applying for a Small Projects Water Obstruction and Encroachment permit to install two 48-inch culverts within the channels flow and two 24-inch culverts set two feet above the bed elevation in the flood plain of an Unnamed Tributary to Shamokin Creek, Warm Water Fishery. The crossing will have two feet clean rock placed on top of it for wearing surface of the private driveway. This project does not intend to impact any wetlands and will only impact 50 linear feet of stream channel.

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

**E02-1632. Chapman Commerce Center, LLP**, 100 Leetsdale Industrial Drive, Leetsdale, PA 15056-1008. To place and maintain fill in 9 separate wetland areas, and modify two other ponds in Findlay Township, **Allegheny County**, Pittsburgh ACOE District (Clinton, PA Quadrangle N: 13.5"; W: 8.7", Latitude: 40° 26' 57"; Longitude: 80° 18' 32"). The applicant proposes to:

1. Place and maintain fill in nine, separate wetland areas, which will cumulatively and permanently impact approximately 1.19 acres of wetland (PEM/PSS);

2. Temporarily impact 0.11 acre of wetlands, which are located on an existing impoundment, and to place and maintain fill in two ponds;

3. Place and maintain fill in approximately 1.95 acres of open water pond, which will cumulatively impact approximately 1.95 acres of open water, and to modify

two other ponds, to function as stormwater management facilities, all on the Potato Garden Run (WWF) and St. Patrick's Run (WWF) basins. These impacts are associated with the construction of the Chapman Commerce Center, a mixed-use commercial development, on an approximately 302 acre site, which is to be located along the Southern Beltway (SR 0576), at the interchange with Westport Road (formerly Bald Knob Road/T-439).

The Department of Environmental Protection's Division of Dam Safety is separately reviewing a plan to remove an existing Dam (DEP File No. D02-070) across an unnamed tributary to Potato Garden Run (TSF), in association with this development.

**E02-1637. Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To restore and maintain the channel of Bull Creek (TSF) in Tarentum Borough, **Allegheny County**, Pittsburgh ACOE District (New Kensington West, PA Quadrangle N: 18.5 inches; W: 1.1 inches, Latitude: 40° 36' 07"; Longitude: 79° 45' 29"). The applicant proposes to restore and maintain the channel of Bull Creek (TSF) consisting of repairing the stream banks (rock protection at three locations along the stream banks, a gabion wall on the left stream bank between the Railroad Bridge and the Fourth Avenue Bridge and planting native species of grass along the left stream bank) and dredge said stream from the Railroad Bridge at River Station 10+85 to River Station 5+70 for the purpose of restoring the channel of Bull Creek. The project is located at the 7th Street Bridge and extends downstream to the mouth of the Allegheny River and will impact approximately a total length of 1,600.0 linear feet of stream channel.

**E02-1639. Department of Transportation, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017-2834. For bridge rehabilitation in Marshall Township, **Allegheny County**, Pittsburgh ACOE District. The applicant proposes to:

1. clean and repair the existing 520 ft long, 6 ft by 10 ft box culvert under SR 79, carrying the East Branch of Big Sewickley Creek (TSF) with a drainage area of 340 acres (Emsworth, PA Quadrangle North 22.4 inches and West 13.5 inches, Latitude: 40° 37' 25" and Longitude: 80° 05' 48").

2. construct and maintain approximately 800 ft of stream relocation in East Branch of Big Sewickley Creek (TSF) with a drainage area of 450 acres (Emsworth, PA Quadrangle North 22.4 inches and West 14 inches, Latitude: 40° 37' 25" and Longitude: 80° 06' 01").

3. excavate a total of 0.636 acre of PEM/PSS/PFO/POW wetland. Wetland creation, to compensate for wetland impacts, will be onsite (Emsworth, PA Quadrangle North 22.4 inches and West 14 inches, Latitude: 40° 37' 25" and Longitude: 80° 06' 01").

This project is associated with the SR 79, Section A49 bridge rehabilitation project which begins at I-79 Exit 73 and extends approximately 3 miles north to I-79 Exit 76 in Marshall Township, Allegheny County (beginning from Emsworth, PA Quadrangle North 22.1 inches and West 13.4 inches, Latitude: 40° 37' 18" and Longitude: 80° 05' 50"; and ending North 7.2 inches and West 13.2 inches, Latitude: 40° 39' 55" and Longitude: 80° 05' 37").

*California District Office, 25 Technology Park, Coal Center, PA 15423, Phone: 724.769.1100.*

**CDO-001. Consol Pennsylvania Coal Company, LLC**, 1525 Pleasant Grove Road, P. O. Box J, Claysville,

PA 15323. Templeton Fork Stream Restoration and Wetland Mitigation Project in East Finley Township, **Washington County**, Pittsburgh ACOE District (Claysville, PA Quadrangle, project area centroid N: 8.34 inches; W: 2.80 inches). The applicant proposes to: (1) restore 40,413 linear feet of impaired stream reaches within the Templeton Fork watershed; and (2) construct three wetland mitigation areas in the flood plain of Templeton Fork along a 1.9 mile-long reach with a total of 6.77 acres of diverse wetland habitats. Templeton Fork is classified a Trout Stocked Fishery.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department of Environmental Protection within 30 days of the date of this notice to the California District Office, 25 Technology Park, Coal Center, PA 15423, Phone: 724.769.1100. Comments should contain the name, address, and telephone number of the

person commenting. Identification of the request for 401 Water quality Certification and Chapter 105 permit application, to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Office, by appointment, at the address listed previously.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D36-295. Lake Placida Dam. Elizabethtown College**, One Alpha Drive, Elizabethtown, PA 17022-2298. Description: To modify, operate and maintain Lake Placida Dam across a tributary to Conoy Creek (TSF), for the purpose of constructing a new concrete spillway structure and raising the dam approximately 1.5 feet to pass the required 100-year design storm in Elizabethtown, PA Quadrangle N: 5.0 inches; W: 12.7 inches, in Elizabethtown Borough, **Lancaster County**.

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0060941 (Sewage)	Crestwood School District Rice Elementary School 281 South Mountain Boulevard Mountaintop, PA 18707-1913	Luzerne County Rice Township	Unnamed Tributary to Little Wapwallopen Creek 05B	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<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>
PA0032115 (Sewage)	Ricketts Glen State Park 695 SR 487 Benton, PA 17814	Luzerne County Fairmount Township	Ganaga Glen HQ-CWF 5-C	Y
PA0036102 (Sewage)	Lehigh County Authority Heidelberg Heights 5132 Heidelberg Heights Road Germansville, PA 18053	Lehigh County Heidelberg Township	Unnamed Tributary to Mill Creek 2-C CWF, MF	Y
PA0063321 (Sewage)	Ararat Township WWTP R. R. 1 Thompson, PA 18465	Susquehanna County Herrick Township	Fiddle Lake Creek 5-A CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218162 Sewage	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana County Washington Township	Crooked Creek	Y
PA0093262 Sewage	Commonwealth of PA Department of General Services Bureau of Engineering & Architecture 18th and Herr Streets Harrisburg, PA 17125	Washington County North Bethlehem Township	Drainage Swale to Little Chartiers Creek	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>
PA0103608 (Sewage)	Robert L. and Wanda S. Braymer 17258 Siverling Road Saegertown, PA 16433	Crawford County East Mead Township	Unnamed Tributary of Little Sugar Creek 16-D	Y
PA0210161 (Industrial Waste)	PA American Water Company 207 Oneida Valley Road Butler, PA 16001	Butler County Oakland Township	Connoquenessing and Thorn Creeks 20-C	Y
PA0102130 (Industrial Waste)	Evans City Borough 204B South Jackson Street Evans City, PA 16033	Butler County Jackson Township	Likens Run 20-C	Y
PA0104299 (Sewage)	Lutherlyn P. O. Box 355 Prospect, PA 16052-0355	Butler County Connoquenessing Township	Semiconon Run 20-C	Y

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


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

**NPDES Permit No. PA0027421**, Sewage, **Norristown Municipality Waste Authority**, 235 East Airy Street, 2nd Floor, Norristown, PA 19401. This proposed facility is located in Norristown Municipality, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated effluent from the Norristown Municipality STP to the Schuylkill River in Watershed 3F.

**NPDES Permit No. PA0050547**, Sewage, **Indian Run Village, LLC**, P. O. Box 677, Morgantown, PA 19543. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 37,500 gpd of treated sewage to the Indian Run Creek in Watershed 3H.

**NPDES Permit No. PA0055034**, Sewage, **Jonna and Kevin McCoy**, 9 Hilldale Road, Malvern, PA 19355-2964. This proposed facility is located in Willistown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gpd of treated sewage to an Unnamed Tributary to Crum Creek in Watershed 3-G.

**NPDES Permit No. PA0058190**, Sewage, **Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054-2415. This proposed facility is located in Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 400 gpd of treated sewage to an Unnamed Tributary to Unami Creek in Watershed 3-E.

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

**NPDES Permit No. PA0248274**, CAFO, **Doug Woglemuth, Woglemuth Fairview Farm**, 2914 Orchard Road, Mount Joy, PA 17552. This proposed facility is located in Mount Joy and East Donegal Townships, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,262-AEU swine and layer operation with discharge to Watershed 7-D.

**NPDES Permit No. PA0246603**, CAFO, **Chris Hoffman, Lazy Hog Farm**, 4390 Mountain Road, McAlisterville, PA 17049. This proposed facility is located in Fayette Township, **Juniata County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 754-AEU swine and beef operation with discharge to Watershed 12-A.

**NPDES Permit No. PA0240495**, CAFO, **Steve Hershey, Steve Hershey Farm**, 2024 Donegal Spring Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 430-AEU layer and beef operation with discharge to Watershed 7-G.

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

**NPDES Permit No. PA0041831**, Sewage, **Amendment No. 1, Northwest Crawford County Sewer Authority**, 105 Project Street, Springboro, PA 16435. This existing facility is located in Springboro Borough, **Crawford County**.

Description of Proposed Action/Activity: Amendment for an existing NPDES permit to discharge treated sewage.

**NPDES Permit No. PA0104442**, Sewage, **Amendment No. 1, Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This existing facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an amended NPDES permit, for an existing discharge of treated sewage from a POTW. This is a major discharge.

**NPDES Permit No. PA0024571**, Sewage, **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499. This existing facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: Renewal of an existing NPDES permit to discharge treated sewage. This is a major discharge.

**NPDES Permit No. PA0263681**, Sewage, **Ralph and Cecilia LaRoche**, 15 Yohe Road, Bradford, PA 16701. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: This is a Single Residence Sewage Treatment Plant.

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

**WQM Permit No. 2010401**, Sewerage, **Robert L. and Wanda S. Braymer**, 17258 Silverling Road, Saegertown, PA 16433. This existing facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Add a diffused air aeration system to an existing wastewater treatment lagoon.

**WQM Permit No. 4210401**, Sewerage, **Ralph and Cecilia LaRoche**, 15 Yohe Road, Bradford, PA 16701. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

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


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


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


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*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>
PAI010908011	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Bucks and Montgomery	New Britain, Warrington and Montgomery Townships	Mill Creek, Little Neshaminy Creek, Neshaminy Creek WWF-MF-TSF

*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>
PAI024009003	Calvary Chapel of Philadelphia 13500 Philmont Avenue Philadelphia, PA 19116-1118	Luzerne	Buck Township	Lehigh River HQ-CWF, MF

*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>
PAI056510001	Courtesy Suzuki Landholdings, LP Jim Shorkey 13339 Route 30 West North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT to Long Run HQ-TSF

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


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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).

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


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Caln Township Chester County	PAR10-G495-R1	Skelp Level Associates 1171 Lancaster Avenue Bryn Mawr, PA 19312	East Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pocopson Township Chester County	PAG0200 151015	Barney Leonard 134 Cherry Lane Wynnwood, PA 19096	West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware County	PAG0200 2305018-R	The Cutler Group 5 Apollo Road Suite One Plymouth Meeting, PA 19462	West Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 461006	Iron Mountain 745 Atlantic Avenue Boston, MA 02111	Unnamed Tributary Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4608132-1	O&F Centennial Associates, LP 2589 Sibel Circle Lansdale, PA 19446	Unnamed Tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG0200 461035	Mount St. Joseph Academy 120 West Wissahickon Avenue Flourtown, PA 19031	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG0200 4609098	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Borough of Slatington Lehigh County	PAG2003910002	Northern Lehigh School District Attn: Greg Derr 1201 Shadow Oaks Lane Slatington, PA 18080	Tributary to Trout Creek CWF, MF	Lehigh County Conservation District 610-391-9583
Plains Township Wilkes-Barre City Luzerne County	PAG2004009025	Department of Transportation District 4-0 Attn: Douglas Yacuboski 55 Keystone Industrial Park Dunmore, PA 18512	Mill Creek CWF, MF	Luzerne County Conservation District 570-674-7991
Jenkins Township Luzerne County	PAG2004009003	Frank Braccini, Jr. 295 Schooley Avenue Exeter, PA 18643	Tributary to Susquehanna River CWF, MF	Luzerne County Conservation District 570-674-7991
East Stroudsburg Borough Monroe County	PAG2004510002	Pocono Medical Center 206 East Brown Street East Stroudsburg, PA 18301	Brodhead Creek CWF, MF	Monroe County Conservation District 570-629-3060
Allegheny County South Fayette Township	PAR10A541-1-R	Wadwell Group 122 Cidar Lane McMurray, PA 15317	Chartiers Creek WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County West Deer Township	PAG2000204120-R	Gigliotti-Sirera & Associates, LLC 11279 Perry highway Wexford, PA 15090	Deer Creek CWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County North Fayette Township	PAG2000205002-R	North Fayette Township 400 North Branch Road Oakdale, PA 15071	North Branch WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Monroeville	PAG02000205014-R	Houston-Starr 300 Bruston Avenue Pittsburgh, PA 15221	Simpson Run TSF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Elizabeth Township	PAG2000205033-R	CAR-McP, Inc. P. O. Box 221 Bridgeville, PA 15017	Wylie Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Upper St. Clair Township	PAG02000205052-R	John Bourlogianis 2338 Southhampton Drive Pittsburgh, PA 15241	Brush Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Collier Township	PAG2000205087-R	Woodville Associates 5020 Thoms Run Road Oakdale, PA 15071	Chartiers Creek WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

<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>
Allegheny County Findlay Township	PAG2000207081	A. R. Building Company 310 Seven Fields Boulevard Seven Fields, PA 16046	Montour Run TSF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless Township	PAG2000208073-1	Adventure Development 102 West Anderson Street Selma, NC 27576-2562	Pine Creek TSF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Findlay Township	PAG2000209020-1	Chapman Properties 100 Leetsdale Industrial Drive Leetsdale, PA 15056	Potato Garden Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Forward Township	PAG02000209057-1	Peoples Natural Gas Co. 1201 Pitt Street Pittsburgh, PA 15221	Beckets Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County North Fayette Township	PAG02000210001	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Robinson Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Ross Township	PAG02000210003	Minnock Land & Development Company 7202 Old McKnight Road Pittsburgh, PA 15237	Pine Creek CWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645



NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Pittsburgh	PAG02000210007	Urban Development Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219-2069	Monongahela River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Duquesne	PAG02000210009	Redevelopment Authority of Allegheny County 425 Sixth Avenue Pittsburgh, PA 15219	Monongahela River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Mt. Lebanon	PAG02000210010	The Salvation Army 700 North Bell Avenue Carnegie, PA 15106	Saw Mill Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Ross Township	PAG02000210012	Sheetz 817 Brookfield Drive Seven Fields, PA 16046	Girty's Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Ross Township	PAG02000210013	North Hills School District 135 Sixth Avenue Pittsburgh, PA 15229	Thompson and Girty's Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Baldwin Township	PAG02000210014	Aldi, Inc. 6000 North Noah Drive Saxonburg, PA 16056	Sawmill Run WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645

<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>
Allegheny County McKeesport	PAG02000210021	RIDC of Southwestern PA 425 Sixth Avenue Pittsburgh, PA 15219	Monongahela River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless Township	PAG02000210023	Adventure Phase IV 102 West Anderson Street Selma, NC 27576	Pine Creek TSF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Forest Hills Borough	PAG0200021027	Allegheny County Department of Public Works 542 Forbes Avenue Pittsburgh, PA 15219-2904	Monongahela River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG02000210028	MCC-MSC, LLC Fourth River Development 600 Waterfront Drive Pittsburgh, PA 15222	Ohio River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Allegheny County O'Hara Township	PAG02000210031	Chapel Harbor at the Water Associates, LP 1801 Main Street Pittsburgh, PA 15215	Allegheny River WWF	Allegheny County Conservation District Lexington Technology Park Building 1 Suite 102 400 North Lexington Avenue Pittsburgh, PA 15208 412-241-7645
Athens Township Bradford County	PAG2000810010	Powersecure, Inc. 1609 Heritage Commerce Court Wake Forest, NC 27587	Chemung River WWF-MF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bellefonte Borough Centre County	PAG2001410013	Northwest Savings Bank Stephen Bell 100 Liberty Street Warren, PA 16365	UNT to Spring Creek CWF/MF Spring Creek CWF/MF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Mount Carmel Township Northumberland County	PAG2004910009	Mt Carmel H.S. Outdoor Physical Education Complex 600 West Fifth Street Mount Carmel, PA 17851-1867	Shamokin Creek	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Buffalo and East Buffalo Townships Union County	PAG2006010004	Michael Derk Creative Plastiscapes 205 Bull Run Crossing Lewisburg, PA 17837	Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Conneaut Township Erie County	PAG049586	Wesleyan Church of the Nazarene of Albion, PA P. O. Box 95 9580 US Route 6N Albion, PA 16401-0095	Unnamed tributary to Marsh Run 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

## SAFE DRINKING WATER

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

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

**Operations Permit** issued to **Franklin County General Authority**, 7280045, Greene Township, **Franklin County** on 6/14/2010 for the operation of facilities approved under Construction Permit No. 2808509.

**Operations Permit** issued to **Broad Top City Water Authority**, 4310023, Wood Township, **Huntingdon County** on 6/21/2010 for the operation of facilities approved under Construction Permit No. 3108506.

**Operations Permit** issued to **K&S Group**, 7360775, East Lampeter Township, **Lancaster County** on 6/17/2010 for the operation of facilities approved under Construction Permit No. 3609502.

**Operations Permit** issued to **Miller's Restaurant**, 7360358, East Lampeter Township, **Lancaster County** on 6/17/2010 for the operation of facilities approved under Construction Permit No. 3610511 MA.

**Operations Permit** issued to **Hildebrant Learning Center**, 7360709, Upper Leacock Township, **Lancaster County** on 6/17/2010 for the operation of facilities approved under Construction Permit No. 3610516 MA.

**Operations Permit** issued to **Country Haven Campground, Inc.**, 7360817, Salisbury Township, **Lancaster County** on 6/17/2010 for the operation of facilities approved under Construction Permit No. 3610515 MA.

**Operations Permit** issued to **Warwick Township Municipal Authority**, 7360120, Warwick Township,

**Lancaster County** on 6/17/2010 for the operation of facilities approved under Construction Permit No. 3610508 MA.

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

**Permit No. 0209509**, Public Water Supply.

Applicant	<b>Moon Township Municipal Authority</b> 1700 Beaver Grade Road Suite 200 Moon Township, PA 15108
Borough or Township	Moon Township
County	<b>Allegheny</b>
Type of Facility	Western Area water storage tank
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit to Construct Issued	June 17, 2010

## 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.*

**New Kensington High School**, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, Envirosearch Consultants, P. O. Box 940, Spring House, PA 19477 on behalf of Ken D'Aurizio or Lee Norreli, AP/BSI, a Joint Venture, LLC, 735 Birch Avenue, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Statewide Health Standard and Background Standard.

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

**DDSP/New Cumberland Army Depot/IRP Site 63 Building 85 Plume**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, New Cumberland, PA 17070 submitted a Final Report concerning remediation of groundwater contaminated with chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

**Columbia Reduction Company/Colonial Metals**, Borough of Columbia, **Lancaster County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Colonial Metals Company, 217 Linden Street, P. O. Box 311, Columbia, PA 17512, submitted a Final Report concerning remediation of site soils and groundwater contaminated with inorganics. The Report is intended to document remediation of the site to meet a combination of the Statewide Health and Site-Specific Standards.

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

**Former Firth Sterling Steel Site**, City of McKeesport, **Allegheny County**. Chester Engineers, 260 Airside Drive, Moon Township, PA 15108 on behalf of the Redevelopment Authority of Allegheny County has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals and PCB containing transformers. The Final Report intends to show the Site meets a Site-Specific Standard. The Final Report was noticed in the *McKeesport Daily News* on May 26, 2010.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**BEO Services Group, Inc. I80 MM 194 Accident**, Green Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of BEO Services Group, Inc., 5700 Glen Rose Highway, Granbury, TX 76048 has submitted within 90 days of the release a Final Report concerning remediation of site soil contaminated with motor oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**West Erie Plaza**, Millcreek Township, **Erie County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of National Shopping Centers Management Corporation, 1104 La Vista Road, Santa Barbara, CA 93110 has submitted a Final Report concerning remediation of site soil contaminated with bromomethane, methyl chloride, trichloroethylene (TCE) and site groundwater contaminated with bromomethane, cis-1,2-dichloroethylene, trichloroethylene (TCE), vinyl chloride. The Report is intended to document the remediation of the site to meet the Background and Statewide Health Standards.

## 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.*

**Industrial Property**, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Keith D'Ambrosio, P. E., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Brad Adams, Wal-Mart Store, Inc., 2001 SE 10th Street, Bentonville, AR 72716 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with PAH's and inorganic. The Remedial Investigation Report was approved by the Department of Environmental Protection on June 16, 2010.

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

**Marquette Transportation, Inc.**, West Manchester Township, **York County**. Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Venezia, Inc., 86 Airport Road, Pottstown, PA 19464 and Marquette Transportation, Inc., 630 Loucks Mill Road, Suite 3, York, PA 17404, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from unregulated underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 21, 2010.

**Mastracola and Beltrante Residence**, Swatara Township, **Lebanon County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pottsville, PA 18073, on behalf of Robert Mastracola and Regina Beltrante, 325 Old Route 22, Fredericksburg, PA 17206, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 21, 2010.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Excalibur Energy/Pava, Inc. Property**, Asylum Township, **Bradford County**. Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 on behalf of Williams Oil Co., P. O. Box 207, Towanda, PA 18848 has submitted within 90 days of the release a Final Report concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 14, 2010.

**Bukovina & Kan I80E MM 118.1 Accident**, Lawrence Township, **Clearfield County**. Taylor Geoservices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Bukovina & Kan, 5024 Main Street, Tacoma, WA 98409 has submitted within 90 days of the release a Final Report 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 June 14, 2010.

**Clearfield Former MGP Site**. Clearfield Borough, **Clearfield County**. The Mahfood Group, 250 Millers Run Road, Bridgeville, PA 15017 on behalf of UGI Utilities, Inc., 2525 North 12th Street, Reading, PA 19605 has submitted a Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs) and benzene, toluene, ethylbenzene, and xylenes (BTEX). The Risk Assessment/Cleanup Plan was approved by the Department of Environmental Protection on June 15, 2010.

**Wirerope Works, Inc.**, City of Williamsport, **Lycoming County**. AGES, 2402 Hookstown Grade Road, Suite 200, Clinton, PA 15026 on behalf of Wirerope Works, 100 Maynard Street, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with lead and arsenic and groundwater contaminated with TCE, PAHs, lead and cadmium. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on June 14, 2010.

#### RESIDUAL WASTE GENERAL PERMITS

**Permits Renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit No. WMGR053-NWD01. Engineered Plastics, LLC**, 1241 Camphausen Avenue, Erie, PA 16511, Erie City, **Erie County**. The general permit determination of applicability is for the processing of post-consumer plastic packaging materials for recycling and re-use. The permit was issued by the Northwest Regional Office on June 14, 2010.

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

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.1904); 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 No. WMGR079D004. IA Construction Corp.**, 158 Lindsay, Road, Zelenople, PA 15748.

The general permit WMGR079D004 is for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a sub-base for road and driveway construction, processed at 8 different hot mix asphalt plants, owned and/or operated by IA Construction Corporation (IA), throughout the Commonwealth. Central Office approved the determination of applicability on June 16, 2010.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and 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.

## AIR QUALITY

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

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

**GP4-05-03059: Defiance Metal Products** (256 Weber Lane, Bedford, PA 15522) on June 18, 2010, for a burnoff oven at their metal fabrication shop in Bedford Township, **Bedford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**GP5-26-00549B: Phillips Production Co.** (502 Keystone Drive, Warrendale, PA 15086) on June 12, 2010, to operate one replacement natural gas compressor engine and one natural gas dehydrator at their Adams Compressor Station on Leisenring-Vanderbilt Road, Dunbar Township, **Fayette County**.

**GP5-32-00402A: Consol Gas Co.—CNX Center** (100 Consol Energy Drive, Canonsburg, PA 15317) on June 12, 2010, to operate one natural gas compressor engine at the Marchand Compressor Station on Kohlepp Road, North Mahoning Township, **Indiana County**.

**GP5-63-00701A: Appalachia Midstream Services, LLC** (P. O. Box 54368, Oklahoma City, OK 73154-1368) on June 11, 2010, to modify and operate the dehydration unit at their Pine Oaks Dehydration Station at Carroll Township, **Washington County**.

**GP5-65-00945B: CONSOL Gas Co.—CNX Center** (1000 Consol Energy Drive, Canonsburg, PA, 15317) on June 11, 2010, to operate one Caterpillar turbocharged, with aftercooler, G3516 LE, lean burn, compressor engine, rated at 1,285 bhp and one dehydration unit, at the Bell Point Compressor Station, in Bell Township, **Westmoreland County**.

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**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.**

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*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.*

**65-00986: Tiger Door, Inc.** (574 West Otterman Street, Greensburg, PA 15601) on June 8, 2010, to construct a composite plastic door production facility, in Hempfield Township, **Westmoreland County**.

Notice is hereby given that the Department of Environmental Protection has issued a Plan Approval to allow construction of a composite plastic door production facility, located in Hempfield Township, Westmoreland County.

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**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.**

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

**23-0082: Liberty Electric Power, LLC** (1000 Industrial Highway, Route 291, Eddystone, PA 19022) on June 11, 2010, to operate a combined cycle power plant in Eddystone Borough, **Delaware County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.*

**30-00177: Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501) on June 7, 2010. For an extension of the Plan Approval for the construction and temporary operation of a coal storage and transport facility at their Dooley Run Terminal located in Dunkard Township, **Greene County**. The Plan Approval has been extended.

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

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

**67-05041: Defense Logistics Agency** (DESSP-PG “S” Avenue and 3rd Street, Building 750, New Cumberland, PA 17070) on June 15, 2010, for the Defense Distribution Depot Susquehanna, PA in Fairview Township, **York County**. This is a renewal of the operating permit.

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

**65-00693: USA Valley Facility, Inc.—Valley Landfill** (625 Cherrington Parkway, Moon Township, PA 15108) on June 18, 2010, for their municipal solid waste landfill in Penn Township, **Westmoreland County**. Company operates landfill, gas control system and soil processing system at this site. Landfill’s design capacity makes it subject to the operating permit requirements of Title V of the Federal Clean Air Act, and Pa. Code Title 25 Chapter 127, Subchapter G. Proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

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

**39-00093: Blend Pro, Inc.** (601 South Tenth Street, Suite 300, Allentown, PA 18103) on June 9, 2010, for an initial State-only Operating Permit for the operation of a cement blending facility in the City of Allentown, **Lehigh County**.

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

**67-03031: Pennex Aluminum Co.** (P.O. Box 100, Wellsville, PA 17365-0100) on June 18, 2010, for a secondary aluminum foundry in Wellsville Borough, **York County**.

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

**37-00008: Ellwood City Forge** (800 Commercial Avenue, Ellwood City, PA 16117) on June 15, 2010, to re-issue a Synthetic Minor Permit to operate a steel forging operation in Ellwood City Borough, **Lawrence County**. This plant has established restrictions on Nitrogen Oxide emissions to qualify for a Synthetic Minor Operating Permit.

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

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

**38-03020: T Cast Holdings, LLC** (640 South Cherry Street, Myerstown, PA 17067-1511) on June 17, 2010, for a foundry operation in Myerstown Borough, **Lebanon County**. This State-only operating permit was administratively amended due to a change of ownership.

## 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.*

**63851702. NPDES Permit No. PA0215431, Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Westland Mine in Chartiers Township, **Washington County** for post-mining activity industrial waste treatment only. No additional discharges. Application received: April 5, 2006. Permit issued: June 16, 2010.

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

**32890109 and NPDES No. PA0598640. Keystone Coal Mining Corporation**, P. O. Box 219, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Blacklick Township, **Indiana County**, affecting 18.4 acres. Receiving stream(s): Aultmans Run classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2010. Permit issued: June 11, 2010.

**56753119 and NPDES No. PA0607622. Jenners, Inc.**, P. O. Box 171 Shelocta, PA 15774, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving stream(s): unnamed 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: April 1, 2010. Permit Issued: June 14, 2010

**56793091 and NPDES No. PA0119296. Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 559.9 acres. Receiving stream(s): unnamed tributaries to and Tubs Run and unnamed tributary to Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 27, 2009. Permit Issued: June 14, 2010.

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

**63090104 and NPDES Permit No. PA0251836. Mulligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving streams: unnamed tributary to Raccoon Creek. Application received: December 21, 2009. Permit issued: June 14, 2010.

**63090103 and NPDES Permit No. PA0251747. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Fallowfield and Somerset Townships, **Washington County**, affecting 222.2 acres. Receiving streams: Sawmill Creek and unnamed tributaries to Sawmill Creek. Application received: September 2, 2009. Permit issued: June 16, 2010.

**26080107 and NPDES Permit No. PA0251810. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Wharton Township, **Fayette County**, affecting 61.4 acres. Receiving streams: unnamed tributaries to Stony Fork. Application received: November 25, 2009. Permit issued: June 17, 2010.

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

**19881301R4 and NPDES Permit No. PA0223549. UAE CoalCorp Associates**, (P. O. Box 306, Mt. Carmel, PA 17851), renewal of an existing anthracite underground mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 34.1 acres, receiving stream: underground mine workings. Application received: November 2, 2009. Renewal issued: June 17, 2010.

### Noncoal Permits Actions

*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). Transfer of permit formerly issued to Seven Sisters Mining Co., Inc., for continued operation and reclamation of a large noncoal surface mining site (limestone quarry) located in Burrell and South Bend Townships, **Armstrong County**, affecting 34.7 acres. Receiving streams: Crooked Creek to Allegheny River. Application received: October 30, 2009. Transfer permit issued: June 14, 2010.

**02030301 and NPDES Permit No. PA0004278. LaFarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052). Revision issued to add 6.5 acres as an insignificant boundary correction to an existing large noncoal surface mining site located in West Mifflin Borough, **Allegheny County**, now affecting 112.5 acres. Receiving stream: Thompson Run. Application received: February 1, 2010. Revised permit issued: June 17, 2010.



**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

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

*Blasting Permits Actions*

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

**32104002. Independence Excavating**, (5720 Schaaf Road, Independence, OH 44131), blasting activity permit issued for Airport Expansion in White Township, **Indiana County**. Blasting activity permit end date is June 20, 2011. Permit issued: June 15, 2010.

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

**25104001. Precision Geophysical, Inc.** (2695 SR 83 South, Millersburg, OH 44654), blasting activity permit to conduct seismic activity in Cranesville Borough and Conneaut Township, **Erie County**. This blasting activity permit will expire on July 14, 2010. Permit Issued: June 17, 2010.

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

**08104014. Doug Wathen, LLC** (16282 State Highway 13, Suite J, Branson West, MO 65616). Blasting for a well—Fred 1H—6H—located in Canton Township, **Bradford County**. Permit issued: June 9, 2010. Permit expires: January 1, 2011.

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

**40104002. Controlled Demolition, Inc.**, (2737 Merymans Mill Road, Phoenix, MD 31131), demolition of 220' Brick Chimney in the City of Wilkes-Barre, **Luzerne County** with an expiration date of June 25, 2010. Permit issued: June 15, 2010.

**09104105. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Penn Villa in West Rockhill Township, **Bucks County** with an expiration date of June 6, 2011. Permit issued: June 15, 2010.

**35104106. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Mike Wince horse barn in Newton Township, **Lackawanna County** with an expiration date of August 30, 2010. Permit issued: June 15, 2010.

**36104131. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Goods Store in East Earl Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued: June 15, 2010.

**38104108. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Ft. Indiantown Gap Sanitary Sewer Areas 14 and 5 in East Hanover Township, **Lebanon County** with an expiration date of May 27, 2011. Permit issued: June 15, 2010.

**46104105. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for The Residence at Town Square in Towamencin Township,

**Montgomery County** with an expiration of June 6, 2011. Permit issued: June 15, 2010.

**45104112. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Pines in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2011. Permit issued: June 17, 2010.

**45104113. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Twin Lakes Estates in Smithfield Township, **Monroe County** with an expiration date of June 30, 2010. Permit issued: June 17, 2010.

**45104114. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting at 632 North Courtland Street, East Stroudsburg Borough, **Monroe County** with an expiration date of June 16, 2011. Permit issued: June 17, 2010.

**52104106. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Hemlock Farms in Porter, Blooming Grove and Dingman Townships, **Pike County** with an expiration date of June 30, 2011. Permit issued: June 17, 2010.

**52104107. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Ranchlands in Lehman Township, **Pike County** with an expiration date of June 30, 2011. Permit issued: June 17, 2010.

**09104106. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for 1172 Old School Road in Haycock Township, **Bucks County** with an expiration date of August 10, 2010. Permit issued: June 18, 2010.

**23104103. ME Drilling & Blasting**, (P. O. Box 279, Auburn, NH 03032), construction blasting for Brinton Lake in Concord Township, **Delaware County** with an expiration date of July 30, 2010. Permit issued: June 18, 2010.

**46104106. Silver Valley Drilling & Blasting, Inc.**, (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Upper Perkiomen Interceptor in Perkiomen and Skippack Townships and Collegeville Borough, **Montgomery County** with an expiration date of December 15, 2010. Permit issued: June 18, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E02-885-A2. Washington's Landing Marina, Inc.**, 100 Waterfront Drive, Pittsburgh, PA 15222. To amend Permit No. E02-885 in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 14.2 inches; W: 14.2 inches, Latitude: 40° 27' 57"; Longitude: 79° 58' 38"). To amend Permit No. E02-885 to include a 260.0 foot extension on the upstream end of the existing wooden boat dock (Washington's Landing Marina) in the channel and along the right bank of the Allegheny River (WWF) for the purpose of docking pleasure boats. The marina will have a total length of approximately 2,183.5 feet and will be approximately 185.0 feet wide and is located just upstream and downstream from the 31st Street Bridge along Waterfront Drive.

**E02-1615. O'Hara Township**, 325 Fox Chapel Road, Pittsburgh, PA 15238. To construct a culvert in O'Hara Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 22.5 inches; W: 1.2 inches, Latitude: 40° 29' 56"; Longitude: 79° 53' 01"). To:

1. remove the existing culvert and to construct and maintain, at a lower invert elevation, a new, 49 feet long culvert, having a span of 10.0 feet with an underclearance of 4.5 feet, in an Unnamed Tributary to Squaw Run (HQ-WWF);

2. to construct and maintain wingwalls at both ends of the new culvert, a 20 feet long bedrock cascade structure at the upstream end of the new culvert and 5 feet of riprap outlet protection;

3. to dredge and maintain the stream bed, and to regrade and maintain the stream banks, for approximately 274 feet, below the outlet protection;

4. to replace and maintain an outfall structure, which will tie into one of the new, upstream wingwalls; and

5. to install coir logs and mats, and to plant native vegetation, on and along the regraded stream banks, for approximately 276 feet,

for the purpose of widening Fox Chapel Road and improving the Fox Chapel Road/Delafield Road Intersection. The project is located at the intersection of Fox Chapel and Delafield Roads.

**E63-619. Department of Transportation, District 12-0**, 825 North Gallatin Avenue Ext., Uniontown, PA 15401. To remove bridge and construct and maintain a wider bridge in Chartiers Township, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 0.1 inch; W: 13.3 inches, Latitude 40° 15' 59"; Longitude 80° 13' 14.6"). To remove the existing 10.8' wide, 46' long Paxton Road bridge and to construct and maintain a new 26' wide bridge having a span of 52.1' and underclearance of 19.1' over Chartiers Run (WWF); to construct and maintain fill in the floodplain for the associated approach road changes; to construct and maintain associated outfalls; to construct temporary stream diversion and causeways. The work is associated with the proposed roadway improvements to the Paxton Road intersection with SR 519. The new bridge is located approximately 60' downstream of the existing bridge. To compensate for the stream impacts the applicant will restore the banks at the site of the existing bridge.

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

**E25-724A. City of Erie**, 626 State Street, Room 400, Erie, PA 16501, ACOE Pittsburgh construct and maintain: 1) one 40-foot long by 8-foot wide and one 20-foot long and 8-foot wide pedestrian bridge over Cascade Creek (WWF); 2) walkway trails at grade within the assumed 50 foot floodway of Cascade Creek; 3) an oval shaped ice skating rink within the floodway and FEMA approximate floodplain at 0.5 foot below existing grade and having approximate dimensions of 180 feet by 145 feet; and 4) a stream stabilization/restoration project having a length of approximately 1,500 feet and including cross vanes, brush matting, log vanes, J-hooks and rock armoring at the NW corner of the intersection of West 8th Street and the Bayfront Parkway in Frontier Park in the City of Erie, **Erie County** (Erie South, PA Quadrangle N: 42° 07' 00"; W: 80° 07' 00").

**E25-734. Charlotte D. and Norman M. Martin**, 5282 Cidermill Road, Erie, PA 16509, ACOE Pittsburgh. To fill 0.03 acre (de minimis) of PSS wetland for the construction of a single family residence at the southeast corner of Crabapple Drive and Cidermill Road (Erie South, PA Quadrangle N: 42° 5' 41.5"; W: 80° 1' 48.07") in Millcreek Township, **Erie County**.

**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.

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

*Monroe County County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
4510801	Transcontinental Gas Pipeline Company, LLC 2800 Post Oak Boulevard Level 17 Houston, TX 77056	Monroe	Chestnuthill and Ross Townships	Sugar Hollow Creek CWF and associated EV wetlands; Princess Run CWF, MF Buckwheat Creek CWF, MF

**SPECIAL NOTICES**

**ENVIRONMENTAL HEARING BOARD**

New Morgan Landfill Company, Inc., d/b/a Conestoga Landfill v. Commonwealth of Pennsylvania, Department of Environmental Protection; EHB Docket No. 2008-020-L

Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and New Morgan Landfill Company, Inc., d/b/a Conestoga Landfill (Conestoga) have entered into a settlement of the previous appeal concerning objections to the Department's December 14, 2007, issuance of the Expansion Permit Modification to Conestoga for the Conestoga Landfill (Expansion Permit). The major provisions of the settlement provide in substance:

1. The Department agrees that Conestoga can: (1) implement a system of hydrofracking and pumping to enhance permeability of the geology at the Conestoga Landfill (Permeability Design); (2) develop the landfill Cells 24, 25 to the limits of the cell boundary for these cells as shown in existing Drawing BFI-34e046ri, Sheet 16 of 26 dated July 17, 2002, in the application for the Expansion Permit; and (3) develop a portion of cell 26 as shown in Drawing (to be added).

2. The Department also agrees to change existing Permit Condition 6 to read as follows: "Facility will conduct tritium sampling in accordance with current or future Department policy or regulation for municipal waste landfills."

3. The Department further agrees that Conestoga may develop the waste disposal area for cell 26 to the limits of the cell boundary for this cell as shown in drawing BFI-345E046RI, Sheet 16 of 26 dated July 17, 2002, in the application for the Expansion Permit if Conestoga can establish that the Permeability Design, after implementation, hits a target prelining enhanced flow rate at an agreed upon discharge point, as established with 12 months of verified, consecutive weekly monitoring at the discharge point.

Copies of the full Consent Adjudication are in possession of: Anthony L. Rathfon, Waste Management Program, Southcentral Regional Office.

And the Environmental Hearing Board (Board) at its office, and it may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the previously listed settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

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 Pennsylvania AT&T Relay Service at 1-800-654-5984.

Appeals must be filed within 20 days of this publication.

The Board is empowered to approve this settlement if no objection is timely made.

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

**SMP #17090106. C.M.T. Energy**, 108 South Twigg Street, Box 23, Smoke Run, PA 16681. Request for Section 401 Water Quality Certification for a temporary stream crossing in Jordan Township, **Clearfield County**, Irvona, PA USGS Quadrangle N: 40° 49' 40"; W: 78° 33' 32", ACOE Baltimore District.

Crossing will consist of two 36-inch CMP pipes installed across Hunter Run, a tributary to Witmer Run and Clearfield Creek. The crossing will be temporary. Upon completion of mining the crossing will be removed and the site will be reclaimed to existing or better condition. The stream is classified as CWF under 25 Pa. Code Chapter 93. Persons wishing to comment on or object to this request for Section 401 Water Quality Certification

must submit comments or objections to the District Mining Office identified previously within 30 days of the date of this public notice. Comments should contain the name, address and telephone number of the person commenting, the identification of the permit application to which the comments pertain, and a concise statement of the comments, objections or suggestions including relevant facts upon which they are based. The application describing the details of the proposed installation is available for review, by appointment, at the District Mining Office identified previously.

[Pa.B. Doc. No. 10-1207. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Availability of Technical Guidance

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

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

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

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 275-2101-003. Title: Air Quality Permit Exemptions. Description: On May 29, 2010, the Department of Environmental Protection (Department) published a notice in the *Pennsylvania Bulletin* of substantive revisions to the Air Quality Permit Exemptions Technical Guidance Document (DEP ID. 275-2101-003). (See 40 Pa.B. 2822)

Under 25 Pa. Code § 127.14 (relating to exemptions), the Department may determine sources or classes of sources which may be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). In accordance with § 127.14(d), the listing of these determinations is being revised and a draft is now available.

In response to requests from several commentators, the Department is extending the comment period for the

proposed Air Quality Permit Exemptions Technical Guidance Document (DEP ID. 275-2101-003) from June 28, 2010 to July 18, 2010.

Comments: Written comments should be submitted to Virendra Trivedi, Environmental Engineer Manager, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Comments must be received by the Department by July 18, 2010. Contact: Questions regarding the draft technical guidance document should be directed to Jeanette Van Skike at [jvanskike@state.pa.us](mailto:jvanskike@state.pa.us) or (717) 787-4325.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-1208. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Coastal Resources 309 Assessment and Strategy

The Coastal Resources Management Program (program) has developed a draft program Assessment and Strategy in accordance with section 309 of the Federal Coastal Zone Management Act, as amended in 1990 and 1996. This assessment is part of a voluntary coastal zone enhancement grants program that encourages states and territories to develop program changes in one or more of nine coastal enhancement areas: coastal wetlands; coastal hazards; public access; marine debris; cumulative and secondary impacts; special area management planning; ocean/Great Lakes resources; energy and government facility siting and activities; and aquaculture. Under this program, the United States Secretary of Commerce is authorized to make awards to states and territories to develop and submit for Federal approval program changes that support attainment of the objectives of one or more of the enhancement areas.

The Assessment and Strategy is available on the Department of Environmental Protection's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Coastal Zone"), or can be obtained by contacting the Water Planning Office at (717) 772-4785. Comments may be submitted until August 2, 2010.

Comments may be e-mailed to [kness@state.pa.us](mailto:kness@state.pa.us), or sent by means of postal mail to Kevin Hess, Coastal Resource Specialist, Department of Environmental Protection, Water Planning Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063.

Questions concerning this document can be directed to Kevin Hess at (717) 772-4785 or [kness@state.pa.us](mailto:kness@state.pa.us).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-1209. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Mining and Reclamation Advisory Board; Meeting Change

This is an update for the Mining and Reclamation Advisory Board which was published at 40 Pa.B. 3172 (June 12, 2010). The date of the meeting remains July 15 but the start time of the meeting is changed from 12 p.m. to 9 a.m. The location of the meeting remains the Greensburg District Mining Office, Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601.

Questions concerning the meeting can be directed to James Charowsky at (717) 787-7007 or [jcharowsky@state.pa.us](mailto:jcharowsky@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 <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Charowsky at (717) 787-7007 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. 10-1210. Filed for public inspection July 2, 2010, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of .25-acre of land and single family residence located at 962 East 20th Street, City of Chester, Delaware County. Bids are due Wednesday, September 22, 2010. Interested parties wishing to receive a copy of Solicitation No. 94367 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Jayne Fitzpatrick at (717) 787-2834.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 10-1211. Filed for public inspection July 2, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice contains the combined lists of prearrest breath testing devices and evidential breath testing devices.

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relat-

ing to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate these regulations is contained in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol) and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of the alcohol content of blood of persons suspected of driving, boating, hunting or furtaking, while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance), or for any other criminal offense under the Vehicle Code, the Fish and Boat Code, or the Game and Wildlife Code, which involves operating a vehicle or boat, hunting or furtaking while under the influence of alcohol.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices using either breath or bodily fluids, such as saliva to measure blood alcohol content. NHTSA established these specifications to support state laws and the Federal Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood.

NHTSA published a conforming products list of alcohol screening devices at 72 FR 4559 (January 31, 2007). The breath testing devices included in this Federal approval list have been incorporated into the list in this notice. Since this notice lists only those devices which test breath, items on the NHTSA list that test saliva or other bodily fluids are not included in this notice.

Additionally, there are a number of breath testing devices on this list of approved equipment that may be used as both prearrest and evidential testing devices. Any device on this list that was evaluated using the 1993 Model Specifications for Evidential Breath Testers (58 FR 48705) also fully meets the requirements of the Model Specifications for prearrest screening devices. Both procedures evaluate the performance of instruments at the 0.020% alcohol level.

The Department approves evidential breath testing devices under the authority of 75 Pa.C.S. § 1547(c)(1), 30 Pa.C.S. § 5125(c)(1), and 34 Pa.C.S. § 2502(c).

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain

test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802, or any other violation of the Vehicle Code arising out of the same action; or 30 Pa.C.S. § 5502, or any other violation of the Fish and Boat Code arising out of the same action; or 34 Pa.C.S. § 2501, or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The approval of evidential equipment listed in this notice is based on the evaluation of the equipment by NHTSA. Equipment which met the Federal requirements was published at 75 FR 11624 (March 1, 2010) as a Conforming Products List. The list contained in this notice is based on NHTSA's Conforming Products Lists.

Instruments marked with an asterisk (\*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. The amended specifications that were published on September 17, 1993, added a test for the presence of acetone and other low molecular weight alcohols including methyl and isopropyl. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood alcohol concentrations below 0.050%.

NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Most equipment on the list is approved for mobile and nonmobile operation. The listing at the end of this notice specifies nonmobile equipment only.

The instruments not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments marked with an asterisk may be used as evidentiary devices for law enforcement purposes that are concerned with blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be used for making arrests under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code where blood alcohol concentrations below 0.050% must be determined. Nonmobile devices can only be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by NHTSA and found to meet NHTSA's performance requirements. If a device is approved by NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of NHTSA acceptability to Dr. M. Jeffery Shoemaker at the

address given; so that the Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In such instances, the device is listed under the name of every company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in the Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*. This practice was implemented in 2009 and will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

#### **AK Solutions, Inc., Palisades Park, NJ<sup>1</sup>**

Alcoscan AL-2500  
 AlcoChecker  
 AlcoKey  
 AlcoMate  
 AlcoMate<sup>3</sup> (aka: AlcoHAWK Pro by Q3 Inovations)  
 AlcoMate Accu Cell AL-9000  
 AlcoMate Core<sup>4</sup> (formerly known as Alcoscan AL-6000)  
 AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000)<sup>4 5</sup>  
 AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000)<sup>4 6</sup>  
 AlcoMate Pro  
 Alcoscan AL-5000  
 Alcoscan AL-6000  
 SafeMate<sup>2</sup> (formerly known as AlcoChecker)  
 SafeDrive (formerly known as AlcoKey)

#### **Akers Laboratories, Inc., Thorofare, NJ**

Alcohol  $\checkmark$ <sup>TM</sup>

#### **Akers Biosciences, Inc., Thorofare, NJ**

Breath Alcohol  $\checkmark$  .02 Detection System<sup>8</sup>

#### **Alco Check International, Hudsonville, MI**

Alco Check 3000 D.O.T.<sup>7</sup>  
 Alco Check 9000<sup>7</sup>  
 Alco Screen 3000

#### **Alcohol Countermeasures Systems, Inc., Port Huron, MI**

Alert J3AD\*  
 PBA 3000C

#### **Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada**

Alert J3AD\*  
 Alert J4X.ec  
 PBA3000C

**Alcohol Countermeasure Systems, Inc., Cincinnati, OH**  
Alert J4

**Approved Technology, Inc., Grand Rapids, MI**  
Alco-Check I  
Alco-Check II  
Alco-Check 3000

**BAC Solutions, Inc., Birmingham, MI**  
BACmaster\*

**BAC Systems, Inc., Ontario, Canada**  
Breath Analysis Computer\*

**B.E.S.T. Labs., Boardman, Ohio**  
PB 9000e

**BHP Diagnostix, West Chester, PA**  
Prevent

**CAMEC Ltd., North Shields, Tyne and Ware, England**  
IR Breath Analyzer\*

**CMI-MPH, Owensboro, KY**  
CMI S-D2  
CMI S-L2

**CMI, Inc., Owensboro, KY**  
AlcoBlow

**Intoxilyzer Model:**

200  
200D  
240 (aka Lion Alcolmeter 400 + outside the US)  
300  
400  
400PA  
500 (aka: Alcolmeter 500-Lion Laboratories)  
1400  
4011\*  
4011A\*  
4011AS\*  
4011AS-A\*  
4011AS-AQ\*  
4011AW\*  
4011A27-10100\*  
4011A27-10100 with filter\*  
5000  
5000 (w/Cal. Vapor Re-Circ.)  
5000 (w/3/8" ID hose option)  
5000CD  
5000CD/FG5  
5000EN  
5000 (CAL DOJ)  
5000 (VA)  
8000  
PAC 1200\*  
S-D2  
S-D5

**Craig Technologies International Ltd., Aurora, CO**  
BreathScan

**Decator Electronics, Decator, IL**  
Alco-Tector model 500\*

**Draeger Safety, Inc., (aka: National Draeger) Durango, CO**  
**Alcotest Model:**  
6510  
6810  
7010\*  
7110\*  
7110 MKIII  
7110 MKIII-C  
7410

7410 Plus  
7510  
9510

**Breathalyzer Model:**

900\*  
900A\*  
900BG\*  
7410  
7410-II

**EnviteC by Honeywell GmbH, Fond du Lac, WI**  
AlcoQuant 6020

**First Innovative Technology Group, Ltd. Hong Kong**  
AAT198-Pro

**Gall's Inc., Lexington, KY**  
Alcohol Detection System-A.D.S. 500

**Guth Laboratories, Inc., Harrisburg, PA**  
Alco-Tector  
Alco-Tector Mark X  
Alcotector BAC-100  
Alcotector C<sub>2</sub>H<sub>5</sub>OH  
Alcotector WAT89EC-1  
Alcotector WAT90  
Mark X Alcohol Checker

**Han International Co., Ltd., Seoul, Korea**  
A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK ABI by Q3 Innovations)

**KHN Solutions, LLC, San Francisco, CA**  
BACTRACK Select S509  
BACTRACK Select S809

**Intoximeters, Inc., St. Louis, MO**  
Indium Encapsulation System  
Photo Electric Intoximeter\*  
GC Intoximeter MK II\*  
GC Intoximeter MK IV\*  
Auto Intoximeter\*  
Intox EC-IR  
Intox EC-IR 2  
Portable Intox EC-IR

**Intoximeter Model:**

3000\*  
3000 (rev B1)\*  
3000 (rev B2)\*  
3000 (rev B2A)\*  
3000 (rev B2A) w/FM option\*  
3000 (Fuel Cell)\*  
3000D\*  
3000DFC\*  
Alcomonitor  
Alcomonitor CC  
Alco-Sensor  
Alco-Sensor III  
Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)  
Alco-Sensor IV  
Alco-Sensor IV-XL  
Alco-Sensor V  
Alco-Sensor AZ  
Alco-Sensor FST  
Alco-Sensor Light Display  
Intox EC/IR  
Intox EC/IR II  
Intox EC/IR II (enhanced with serial number 10,000 or higher)  
Portable Intox EC/IR II  
RBT-AZ  
RBT III  
RBT III-A

RBT-IV  
RBT-IV with CEM (cell enhancement module)

**Komyo Kitagawa, Kogyo, K.K.:**

Alcolyzer DPA-2\*  
Breath Alcohol Meter PAM 101B\*

**Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.)  
Wheat Ridge, CO:**

Life Loc PBA 3000  
PBA 3000-B  
PBA 3000-P\*  
PBA 3000-C  
Alcohol Data Sensor  
Phoenix  
Phoeni 6.0  
EV 30  
FC 10  
FC 20

**Lion Laboratories, Ltd., Cardiff, Wales, UK****Alcolmeter Model:**

Auto-Alcolmeter\*  
300  
400  
400+ (aka: Intoxilyzer 240 in the U.S.)  
500 (aka: Intoxilyzer 500-CMI, Inc.)  
SD-2\*  
SD-5 (aka: S-D5 in the U.S.)  
EBA\*

**Intoxilyzer Model:**

200  
200D  
1400  
5000 CD/FG5  
5000 EN

**Luckey Laboratories, San Bernardino, CA****Alco-Analyzer Model:**

Mobat Sober-Meter-SM II  
1000\*  
2000\*

**Nanopuls AB, Uppsala, Sweden**

Evidenzer

**Medi-Scan, Inc., Denver, CO**

BreathScan

**National Draeger, Inc., Durango, CO****Alcotest Model:**

7010\*  
7110\*  
7110  
MKIII  
7110  
MKIII-C  
7410  
7410 Plus  
7410 Screener  
9510  
6510  
6810

**Breathalyzer Model:**

900\*  
900A\*  
900BG\*  
7410  
7410-II

**National Draeger, Inc., Pittsburgh, PA**

Alcotest

**National Patent Analytical Systems, Inc., Mansfield, OH**

BAC DataMaster (with or without the Delta-1 accessory)  
BAC Verifier DataMaster (with or without the Delta-1 accessory)  
DataMaster cdm (with or without the Delta-1 accessory)  
DataMaster DMT

**Omicron Systems, Palo Alto, CA**

Intoxilyzer 4011\*  
Intoxilyzer 4011AW\*

**PAS International, Fredericksburg, VA**

Mark V. Alcovisor  
PAS IIIa  
PAS Vr

**Plus 4 Engineering, Minturn, CO**

5000 Plus 4\*

**Q3 Innovations, Inc., Independence, IA<sup>4</sup>**

AlcoHAWK Precision  
AlcoHAWK Slim  
AlcoHAWK Slim 2  
AlcoHAWK Elite  
AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath indicator) by Han Intl.)  
AlcoHAWK Micro  
AlcoHAWK PRO (aka: AlcoMate by AK Solutions)  
AlcoHAWK PT500

**RepCo Marketing, Raleigh, NC**

Alco Tec III  
AlcoTec Breath-Alcohol Tester  
Breath Alcohol Tester Model BT-2  
Breath Alcohol Tester Model BT-3

**Seju Co. of Taejeon, Korea**

Safe-Slim

**Seres, Paris, France**

Alco Master  
Alcopro

**Siemens-Allis, Cherry Hill, NJ**

Alcomat\*  
Alcomat F\*

**Smith and Wesson Electronics, Springfield, MA****Breathalyzer Model:**

900\*  
900A\*  
1000\*  
2000\*  
2000 (Non-Humidity Sensor)\*

**SoundOff, Inc., Hudsonville, MI**

Alco-Check  
Alco-Check II  
AlcoData  
Alco Screen 1000  
Digitox D.O.T.  
Preliminary Breath Test II  
Seres Alco Master  
Seres Alcopro

**Stephenson Corp.**

Breathalyzer 900\*

**Takai-Denshi Inc., Tokyo, Japan**

ALC-PRO II (US)

**Team Building Systems, Inc., Houston, TX**

BreathScan



**U.S. Alcohol Testing, Inc./Protection Devices, Inc.,  
Rancho Cucamonga, CA**  
Alco-Analyzer 1000  
Alco-Analyzer 2000  
Alco-Analyzer 2100

**Verax Systems, Inc., Fairport, NY**

BAC Verifier\*  
BAC Verifier Datamaster  
BAC Verifier Datamaster II\*

<sup>1</sup> The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the US by AK Solutions.

<sup>2</sup> Manufactured by Seju Engineering, Korea.

<sup>3</sup> Han International does not market or sell devices directly in the United States market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q-3 Innovations, Inc.

<sup>4</sup> Manufactured by Sentech Korea Corp.

<sup>5</sup> These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with four detectors including the one that was already installed.

<sup>6</sup> These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with five detectors including the one that was already installed.

<sup>7</sup> While these devices are still being sold, they are no longer manufactured or supported.

<sup>8</sup> The Breath Alcohol  $\sqrt{.02}$  Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

<sup>9</sup> Manufactured by DA Tech Co., Ltd., Korea.

**Nonmobile only**

**Decator Electronics**

Alco-Tector model 500\*

**Draeger Safety, Inc.**

Alcotest Model 9510

**Intoximeters, Inc.**

Photo Electric Intoximeter\*  
Intoximeter Model—Alcomonitor  
Intoximeter Model—EC/IR II (enhanced with serial number 10,000 or higher)

**Lion Laboratories, Ltd.**

Auto-Alcolmeter\*

**Luckey Laboratories**

Alco-Analyzer Model—1000\*  
Alco-Analyzer Model—2000\*

**U.S. Alcohol Testing, Inc./Protection Devices, Inc.,  
Rancho Cucamonga, CA**

Alco-Analyzer 1000  
Alco-Analyzer 2000

**Laboratories Approved to Determine Analyses of  
Blood and/or Serum for Controlled Substances  
under the Clinical Laboratory Act, the Vehicle  
Code, the Fish and Boat Code, and the Game  
and Wildlife Code**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratories Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses are designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after their laboratory name.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1212. Filed for public inspection July 2, 2010, 9:00 a.m.]

the facility is located and licensed under the Federal Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

30483  
AIT LABORATORIES—SBS<sub>e</sub>, CBS<sub>e</sub>  
2265 EXECUTIVE DRIVE  
INDIANAPOLIS, IN 46241  
(317) 243-3894

00671  
ALLEGHENY COUNTY MED EX DIV OF LAB—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1520 PENN AVENUE  
2ND FLOOR  
PITTSBURGH, PA 15222  
(412) 350-4425

24997  
ATLANTIC DIAGNOSTIC LABORATORIES, LLC—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
3520 PROGRESS DRIVE  
UNIT C  
BENSALEM, PA 19020  
(267) 525-2470

00266  
DEPT OF PATHOLOGY & LAB MED-HUP—SS<sub>e</sub>, CS<sub>e</sub>  
3400 SPRCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-3423

00977  
DRUGSCAN, INC.—SBS<sub>e</sub>, CBS<sub>e</sub>  
1119 MEARN'S ROAD  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310

24655  
HEALTH NETWORK LABORATORIES—SBS<sub>e</sub>, CBS<sub>e</sub>  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

20512  
LABCORP OCCUPATIONAL TESTING SER—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1904 ALEXANDER DRIVE  
P. O. BOX 12652  
RESEARCH TRIANGLE PARK, NC 27709  
(919) 572-7465

09003  
MAYO CLINIC DEPT LAB MED & PATH—SBS<sub>e</sub>, CS<sub>e</sub>  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

05574  
MEDTOX LABORATORIES INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
402 WEST COUNTY ROAD D  
ST. PAUL, MN 55112  
(651) 286-6217

00504  
NATIONAL MED SVCS INC/DBA NMS LABS—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

29741  
NORTHERN TIER RESEARCH—SBS<sub>e</sub>, CBS<sub>e</sub>  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

30984  
OFFICE OF THE DISTRICT ATTORNEY—SS<sub>e</sub>  
37 EAST HIGH STREET  
FORENSIC LAB  
CARLISLE, PA 17103  
(717) 240-6526

00250  
PARKWAY CLINICAL LABORATORIES—SS<sub>e</sub>  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
(215) 245-5112

00520  
PC LAB INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

31399  
QUEST DIAGNOSTICS—SB, CB  
EMPLOYER SOLUTIONS  
1777 MONTREAL CIRCLE  
TUCKER, GA 30084  
(770) 936-5007

01136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

00482

QUEST DIAGNOSTICS OF PA, INC.—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

25461

QUEST DIAGNOSTICS VENTURE, LLC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

00151

ST. JOSEPH QUALITY MEDICAL LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

00018

WVHCS HOSP DBA PENNANT LABORATORY—SS<sub>e</sub>  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

00141

YORK HOSPITAL—SS<sub>e</sub>  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1213. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of

alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are licensed by the Department and approved for that purpose.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. § 263a), and implementing regulations 42 CFR 493.901 and 493.937, which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

The Commonwealth's Vehicle Code in 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in the Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood and/or serum and plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-578, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

00215

ABINGTON HEALTH LANSDALE HOSP—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100

00212

ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
(215) 576-2350

27180

ADVANCED TOXICOLOGY NETWORK—B  
3560 AIR CENTER COVE  
SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770

00233

ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK RD  
LABS-TOWER BLDG  
GROUND FLOOR  
PHILADELPHIA, PA 19141-3001  
(215) 456-6157

00671

ALLEGHENY COUNTY MED EX DIV OF LAB—SB  
1520 PENN AVENUE  
2ND FLOOR  
PITTSBURGH, PA 15222  
(412) 350-4425

28233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
(412) 359-6886

00077

ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521

00094

ALLEGHENY GENERAL HOSPITAL SUBURBAN  
CAMPUS—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020

00100

ALLEGHENY VALLEY HOSPITAL LAB—S  
1301 CARLISLE STREET  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100

00120

ALTOONA REGIONAL HEALTH SYSM-BON SECOURS  
CAMPUS—SB  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495

00119

ALTOONA REGIONAL HEALTH SYSTEM LAB—SB  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340

00192

ARIA HEALTH—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227

00236

ARIA HEALTH—S  
FRANKFORD AVE & WAKELING STREET  
PHILADELPHIA, PA 19124  
(215) 831-2068

00341

ARIA HEALTH—S  
RED LION & KNIGHTS ROADS  
PHILADELPHIA, PA 19114  
(215) 612-4000

00041

ARMSTRONG COUNTY MEMORIAL HOSP—S  
1 NOLTE DRIVE  
KITTANNING, PA 16201  
(724) 543-8500

00047

ASSOCIATED CLINICAL LABORATORIES—SB  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400

24997

ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB  
3520 PROGRESS DRIVE  
UNIT C  
BENSALEM, PA 19020  
(267) 525-2470

00251

AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
(215) 829-3541

00320

BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-5059

00001

BERWICK HOSPITAL LABORATORY—S  
701 EAST 16TH STREET  
BERWICK, PA 18603  
(570) 759-5110

00002

BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124

00033

BRADFORD REGIONAL MEDICAL CENTER—B  
116—156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247

00296

BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
COATESVILLE, PA 19320  
(610) 383-8000

00053

BROOKVILLE HOSPITAL—S  
100 HOSPITAL ROAD  
BROOKVILLE, PA 15825  
(814) 849-2312

- 00301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510
- 00107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916
- 00131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212
- 00132  
CHAMBERSBURG HOSPITAL DEPT OF  
PATHOLOGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153
- 00310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-5510
- 00198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182
- 00227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8113
- 00228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDRENS CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-4446
- 00329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500
- 00026  
CLEARFIELD HOSPITAL—S  
809 TURNPIKE AVENUE  
P. O. BOX 992  
CLEARFIELD, PA 16830  
(814) 768-2280
- 00005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000
- 00125  
CONEMAUGH VALLEY MEMORIAL HOSP—SB  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905  
(814) 534-9000
- 00326  
CORRY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORRY, PA 16407  
(814) 664-4641
- 00201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000
- 00209  
CROZER-CHESTER MED CTR—SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
(610) 447-2000
- 00204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100
- 00266  
DEPT OF PATHOLOGY & LAB MED-HUP—SB  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-3423
- 00194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250
- 00977  
DRUGSCAN INC—B  
1119 MEARN'S RD  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310
- 00027  
DUBOIS REG MED CTR—WEST UNIT—S  
100 HOSPITAL AVE  
DUBOIS, PA 15801  
(814) 371-2200
- 00175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140
- 00332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
(724) 752-0081
- 00164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311
- 00032  
ERHC ST MARYS LABORATORY—B  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
(814) 788-8525

00181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510

00115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500

00330  
FULTON COUNTY MEDICAL CENTER—S  
214 PEACH ORCHARD ROAD  
MCCONNELLSBURG, PA 17233  
(717) 485-6143

00173  
GEISINGER MEDICAL LABORATORIES—SB  
100 N ACADEMY AVENUE  
DANVILLE, PA 17822-0131  
(570) 271-6338

00019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
(570) 826-7830

00122  
GETTYSBURG HOSPITAL—SB  
147 GETTYS STREET  
GETTYSBURG, PA 17325  
(717) 339-2314

00152  
GNADEN HUETTEN MEMORIAL HOSP—SB  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
(610) 377-7083

00299  
GOOD SAMARITAN HOSPITAL—B  
4TH & WALNUT STS  
P. O. BOX 1281  
LEBANON, PA 17042-1218  
(717) 270-7500

00196  
GRAND VIEW HOSPITAL—S  
700 LAWN AVE  
SELLERSVILLE, PA 18960  
(215) 453-4528

00061  
GROVE CITY MEDICAL CENTER—SB  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
(724) 450-7125

00654  
GUTHRIE CLINIC LABORATORIES—S  
ONE GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 882-4160

00239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS  
MS 113  
PHILADELPHIA, PA 19102  
(215) 762-1783

00046  
HAMOT MEDICAL CENTER—S  
201 STATE STREET  
ERIE, PA 16550  
(814) 877-3131

00139  
HANOVER HOSPITAL LABORATORY—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
(717) 637-3711

00155  
HARRISBURG HOSPITAL LABORATORY—SB  
100 2ND STREET MEDICAL SCIENCES BLDG.  
HARRISBURG, PA 17101  
(717) 782-3131

00010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
(570) 501-4152

00169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
(610) 402-8150

00549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
(610) 402-8150

00600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
(610) 402-8150

24655  
HEALTH NETWORK LABORATORIES—SB  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

00166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
(717) 625-5605

00205  
HERITAGE VALLEY BEAVER—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000

00101  
HERITAGE VALLEY SEWICKLEY LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600

00103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
(724) 628-1500

- 00130  
HOLY SPIRIT HOSPITAL—S  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
(717) 763-2206
- 00052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
P. O. BOX 788  
INDIANA, PA 15701-0788  
(724) 357-7167
- 00135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645
- 00054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080
- 00240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
(215) 728-2347
- 00038  
JEFFERSON REGIONAL MED CTR—S  
P. O. BOX 18119  
565 COAL VALLEY ROAD  
PITTSBURGH, PA 15236  
(412) 469-5723
- 00200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080
- 00034  
KANE COMMUNITY HOSPITAL—B  
NORTH FRALEY STREET  
KANE, PA 16735  
(814) 837-4575
- 00532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100
- 01088  
LABCORP OF AMERICA HOLDINGS—SB  
69 FIRST AVENUE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400
- 0165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 544-4331
- 00167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022
- 00114  
LATROBE AREA HOSPITAL—S  
ONE MELLON WAY  
LATROBE, PA 15650  
(724) 537-1550
- 00138  
LEWISTOWN HOSPITAL—B  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 242-7474
- 00030  
LOCK HAVEN HOSPITAL—B  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000
- 00193  
LOWER BUCKS HOSPITAL LABORATORY—S  
501 BATH ROAD  
BRISTOL, PA 19007  
(215) 785-9300
- 00213  
MAIN LINE HEALTH LAB-BRYN MAWR—S  
130 S BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554
- 00242  
MAIN LINE HEALTH LABORATORIES—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615
- 00199  
MAIN LINE HEALTH LABS-PAOLI—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000
- 00004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042
- 09003  
MAYO CLINIC DEPT LAB MED & PATH—SB  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018
- 00049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000
- 05574  
MEDTOX LABORATORIES INC—SB  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 286-6217
- 00140  
MEMORIAL HOSPITAL CLINICAL LAB—S  
325 S BELMONT STREET  
P. O. BOX 15118  
YORK, PA 17403  
(717) 843-8623

00023  
MEMORIAL HOSPITAL LAB—SB  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191

00203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262

00247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181

00219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090

00336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100

00313  
MERCY TYLER HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705

28436  
METHODIST DIV TJUH CLINICAL LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9057

00231  
MEYERSDALE COMMUNITY HOSPITAL—S  
200 HOSPITAL DR  
MEYERSDALE, PA 15552  
(814) 634-5911

00269  
MIDVALLEY HOSPITAL—S  
1400 MAIN STREET  
PECKVILLE, PA 18452  
(570) 383-5520

00128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100

00108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021

00217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173

00007  
MOSES TAYLOR HOSPITAL—S  
700 QUINCY AVENUE  
SCRANTON, PA 18510  
(570) 340-2100

00214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ATTN: LAB  
ELKINS PARK, PA 19027  
(215) 456-6150

00025  
MOUNT NITTANY MEDICAL CENTER—B  
1800 EAST PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117

00035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282

00304  
NASON HOSPITAL—S  
105 NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-2141

00504  
NATIONAL MED SVCS INC/DBA NMS LABS—SB  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

00248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
(215) 335-6245

29741  
NORTHERN TIER RESEARCH—SB  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

30984  
OFFICE OF THE DISTRICT ATTORNEY—S  
37 E HIGH STREET  
FORENSIC LAB  
CARLISLE, PA 17103  
(717) 240-6526

00099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161

00334  
PALMERTON HOSPITAL—SB  
135 LAFAYETTE AVENUE  
PALMERTON, PA 18071  
(610) 826-1100

00520  
PC LAB INC—SB  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

00258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435



- 00316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
HERSHEY, PA 17033  
(717) 531-8353
- 22533  
PENNSYLVANIA DEPT OF HEALTH—SB  
110 PICKERING WAY  
EXTON, PA 19341  
(610) 280-3464
- 00197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
(610) 983-1612
- 00157  
PINNACLE HEALTH/COMM GENERAL HOSP—S  
4300 LONDONDERRY RD  
P. O. BOX 3000  
HARRISBURG, PA 17109  
(717) 657-7214
- 00022  
POCONO MEDICAL CENTER LAB—SB  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
(570) 476-3544
- 00221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
(610) 327-7000
- 00300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
(814) 938-1800
- 22715  
QUEST DIAGNOSTICS—SB  
10101 RENNEN BOULEVARD  
LENEXA, KS 66219-9752  
(913) 888-1770
- 31399  
QUEST DIAGNOSTICS—SB  
EMPLOYER SOLUTIONS  
1777 MONTREAL CIRCLE  
TUCKER, GA 30084  
(770) 936-5007
- 27461  
QUEST DIAGNOSTICS INC—SB  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
(610) 631-4219
- 01136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900
- 00482  
QUEST DIAGNOSTICS OF PA INC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600
- 25461  
QUEST DIAGNOSTICS VENTURE LLC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631
- 00150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
(610) 988-8080
- 00206  
RIDDLE MEMORIAL HOSPITAL—S  
1068 W BALTIMORE PIKE  
MEDIA, PA 19063  
(610) 891-3339
- 00243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
(215) 487-4394
- 00171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ATTN: LAB DEPT  
ALLENTOWN, PA 18102  
(610) 776-4727
- 00087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900
- 00174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558
- 00328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE—NEWTOWN RD  
LANGHORNE, PA 19047  
(215) 710-2162
- 00048  
SAINT VINCENT HEALTH CENTER—S  
232 WEST 25TH STREET  
ERIE, PA 16544  
(814) 452-5383
- 00182  
SCHUYLKILL MC E NORWEGIAN ST—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
(570) 621-4032
- 00183  
SCHUYLKILL MC S JACKSON ST—SB  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
(570) 621-5262
- 00064  
SHARON REGIONAL HEALTH SYSTEM—SB  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911

00039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133

00297  
SOMERSET HOSPITAL CENTER FOR HEALTH—B  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000

00105  
SOUTHWEST REGIONAL MEDICAL CENTER—S  
350 BONAR AVENUE  
WAYNESBURG, PA 15370  
(724) 627-2608

22376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543

00361  
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988

00260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-4207

00151  
ST JOSEPH QUALITY MEDICAL LAB—SB  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

00261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000

00318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 628-8646

00180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131

00195  
ST LUKES QUAKERTOWN HOSPITAL—S  
1021 PARK AVENUE  
QUAKERTOWN, PA 18951  
(215) 538-4681

00207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450

00235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-4353

00265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353

00104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724) 430-5143

00085  
THE WESTERN PA HOSP-FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560

00241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 S 11TH ST  
204 PAVILLION  
PHILADELPHIA, PA 19107  
(215) 955-1644

00051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851

00124  
TYRONE HOSPITAL—S  
187 HOSPITAL DRIVE  
TYRONE, PA 16686  
(717) 738-6695

00121  
UPMC BEDFORD MEMORIAL—SB  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506

00059  
UPMC HORIZON GREENVILLE—SB  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100

00057  
UPMC HORIZON SHENANGO—SB  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500

00098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233

00082  
UPMC MERCY DEPT OF LAB MEDICINE—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831

00084  
UPMC PASSAVANT—S  
9100 BABCOCK BLVD  
PITTSBURGH, PA 15237  
(412) 367-6700

05784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370

00083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S  
ROOM 5929  
MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000

00091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000

00092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR  
WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950

31400  
WARDE MEDICAL LABORATORY—S  
300 WEST TEXTILE ROAD  
ANN ARBOR, MI 48108  
(734) 214-0300

00066  
WARREN GENERAL HOSPITAL—S  
2 W CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3860

00111  
WASHINGTON HOSPITAL—S  
155 WILSON AVE  
WASHINGTON, PA 15301  
(724) 223-3136

00298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
(570) 253-1300

00133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

00095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
(412) 578-5779

30245  
WESTFIELD HOSPITAL LABORATORY—S  
4815 W TILGHMAN STREET  
ALLENTOWN, PA 18104  
(610) 776-1603

00113  
WESTMORELAND HOSP AT JEANNETTE—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 832-4371

00112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH STREET  
GREENSBURG, PA 15601  
(724) 832-4365

00037  
WILLIAMSPORT HOSP & MED CENTER—SB  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
(570) 321-2300

00106  
WINDBER HOSPITAL—SB  
600 SOMERSET AVE  
WINDBER, PA 15963  
(814) 467-6611

00018  
WVHCS HOSP DBA PENNANT LABORATORY—SB  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

25064  
WVU HOSPITAL CLINICAL LABS—S  
1 MEDICAL CENTER DR  
P. O. BOX 8009  
MORGANTOWN, WV 26506-8009  
(304) 598-4241

00141  
YORK HOSPITAL—S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1214. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code**

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products.

This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought. The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The Commonwealth's Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of that title arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Federal Clinical Laboratory Improvement Amendments of 1988 (Pub. L. No. 100-5768, 102 Stat. 2903). A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

00215  
ABINGTON HEALTH LANSDALE HOSP—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100

00212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
(215) 576-2350

27908  
ACM MEDICAL LABORATORY—SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
(716) 429-2264

27180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE  
SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770

30483  
AIT LABORATORIES—SC  
2265 EXECUTIVE DRIVE  
INDIANAPOLIS, IN 46241  
(317) 243-3894

00233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK RD  
LABS—TOWER BLDG  
GROUND FLOOR  
PHILADELPHIA, PA 19141-3001  
(215) 456-6157

24496  
ALERE TOXICOLOGY SERVICES INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
(804) 378-9130

26008  
ALERE TOXICOLOGY SERVICES INC—SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
(504) 361-8989

00116  
ALLE KISKI MED CNTR NEW KENSINGTON—S  
651 FOURTH AVENUE  
NEW KENSINGTON, PA 15068  
(724) 226-7089

00671  
ALLEGHENY COUNTY MED EX DIV OF LAB—SC  
1520 PENN AVENUE  
2ND FLOOR  
PITTSBURGH, PA 15222  
(412) 350-4425

28233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
(412) 359-6886

00077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521

- 00094  
ALLEGHENY GENERAL HOSPITAL SUBURBAN CAM-  
PUS—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020
- 00100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1301 CARLISLE STREET  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100
- 00120  
ALTOONA REGIONAL HEALTH SYSM-BON SECOURS  
CAMPUS—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495
- 00119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340
- 30223  
AMERITOX LTD—SC  
9930 WEST HWY 80  
MIDLAND, TX 79706  
(432) 561-5091
- 26620  
AMMON ANALYTICAL LABORATORY—SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
(908) 862-4404
- 31148  
ANALYTICAL DIAGNOSTIC LAB—S  
2115 AVENUE X  
BROOKLYN, NY 11235  
(718) 646-6000
- 00192  
ARIA HEALTH—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227
- 00236  
ARIA HEALTH—S  
FRANKFORD AVE & WAKELING STREET  
PHILADELPHIA, PA 19124  
(215) 831-2068
- 00341  
ARIA HEALTH—S  
RED LION & KNIGHTS ROADS  
PHILADELPHIA, PA 19114  
(215) 612-4000
- 00047  
ASSOCIATED CLINICAL LABORATORIES—S  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400
- 00363  
ATLANTIC DIAGNOSTIC LABORATORIES INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
(610) 626-2112
- 24997  
ATLANTIC DIAGNOSTIC LABORATORIES. LLC—SC  
3520 PROGRESS DRIVE  
UNIT C  
BENSALEM, PA 19020  
(267) 525-2470
- 31171  
AVEE LABORATORIES INC—SC  
14440 MYERLAKE CIRCLE  
CLEARWATER, FL 33760  
(757) 530-9990
- 00251  
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
(215) 829-3541
- 00320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-5059
- 21553  
BENDINER & SCHLESINGER INC—SC  
140 58TH STREET SUITE 8D  
BROOKLYN, NY 11220  
(212) 254-2300
- 00001  
BERWICK HOSPITAL LABORATORY—S  
701 EAST 16TH STREET  
BERWICK, PA 18603  
(570) 759-5110
- 27615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
(215) 997-8771
- 27616  
BIOLOGICAL SPECIALTY CORPORATION—S  
1236 NEW RODGERS RD  
#851  
BRISTOL, PA 19007  
(215) 826-9282
- 27617  
BIOLOGICAL SPECIALTY CORPORATION—S  
22 SOUTH 4TH STREET  
READING, PA 19602  
(610) 375-9862
- 22757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
(201) 791-3600
- 00002  
BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124
- 00033  
BRADFORD REGIONAL MEDICAL CENTER—S  
116—156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247

- 00296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
COATESVILLE, PA 19320  
(610) 383-8000
- 00472  
BROOKSIDE CLINICAL LAB INC—S  
4000 EDGMONT AVENUE  
BROOKHAVEN, PA 19015  
(610) 872-6466
- 00301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510
- 29116  
CALLOWAY LABORATORIES INC—SC  
34 COMMERCE WAY  
WOBBURN, MA 01801  
(781) 224-9899
- 00107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916
- 00131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212
- 00751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
(610) 435-3111
- 22388  
CENTER FOR DISEASE DETECTION—SC  
1603 NACOGDOCHES ROAD  
SUITE 100  
SAN ANTONIO, TX 78217  
(210) 590-3033
- 00132  
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-  
OGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153
- 00310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-5510
- 00198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182
- 00227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8113
- 00228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDRENS CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-4446
- 00329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500
- 27845  
CLINICAL REFERENCE LABORATORY—SC  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
(913) 492-3652
- 24916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
(508) 339-6106
- 00005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000
- 00125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905  
(814) 534-9000
- 00326  
CORY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORY, PA 16407  
(814) 664-4641
- 00201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000
- 00209  
CROZER-CHESTER MED CTR-SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
(610) 447-2000
- 00204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100
- 00266  
DEPT OF PATHOLOGY & LAB MED-HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-3423
- 28893  
DOMINION DIAGNOSTICS LLC—SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
(401) 667-0800

- 00194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250
- 00977  
DRUGSCAN INC—SC  
1119 MEARNES RD  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310
- 00175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140
- 00332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
(724) 752-0081
- 00612  
ENDLESS MOUNTAINS HEALTH SYSTEMS—S  
3 GROW AVENUE  
MONTROSE, PA 18801-1103  
(570) 278-3801
- 00164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311
- 00032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
(814) 788-8525
- 00181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510
- 00115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500
- 20644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
(215) 831-4600
- 09163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
(412) 247-4417
- 00330  
FULTON COUNTY MEDICAL CENTER—S  
214 PEACH ORCHARD ROAD  
MCCONNELLSBURG, PA 17233  
(717) 485-6143
- 30188  
GARCIA CLINICAL LABORATORY INC—S  
2195 SPRING ARBOR ROAD  
JACKSON, MI 49201  
(517) 787-9200
- 00173  
GEISINGER MEDICAL LABORATORIES—SC  
100 N ACADEMY AVENUE  
DANVILLE, PA 17822-0131  
(570) 271-6338
- 00019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
(570) 826-7830
- 00237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
(215) 456-6157
- 26799  
GHHA/HHWC OCC HEALTH LAB—S  
50 MOISEY DRIVE  
HAZLETON, PA 18202  
(570) 459-1028
- 00152  
GNADEN HUETTEN MEMORIAL HOSP—S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
(610) 377-7083
- 00299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS  
P. O. BOX 1281  
LEBANON, PA 17042-1218  
(717) 270-7500
- 00061  
GROVE CITY MEDICAL CENTER—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
(724) 450-7125
- 00654  
GUTHRIE CLINIC LABORATORIES—S  
ONE GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 882-4160
- 00239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS  
MS 113  
PHILADELPHIA, PA 19102  
(215) 762-1783
- 00139  
HANOVER HOSPITAL LABORATORY—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
(717) 637-3711
- 00155  
HARRISBURG HOSPITAL LABORATORY—S  
100 2ND STREET  
MEDICAL SCIENCES BLDG.  
HARRISBURG, PA 17101  
(717) 782-3131

00010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
(570) 501-4152

00169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
(610) 402-8150

00549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
(610) 402-8150

00600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
(610) 402-8150

24655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

00166  
HEART OF LANCASTER REGIONAL MEDICAL CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
(717) 625-5605

00205  
HERITAGE VALLEY BEAVER—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000

00101  
HERITAGE VALLEY SEWICKLEY LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600

00103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
(724) 628-1500

00216  
HOLY REDEEMER HOSPITAL—S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
(215) 947-3000

00130  
HOLY SPIRIT HOSPITAL—S  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
(717) 763-2206

00052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
P. O. BOX 788  
INDIANA, PA 15701-0788  
(724) 357-7167

00135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645

00054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080

00240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
(215) 728-2347

00038  
JEFFERSON REGIONAL MED CTR—S  
P. O. BOX 18119  
565 COAL VALLEY ROAD  
PITTSBURGH, PA 15236  
(412) 469-5723

00200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080

00312  
JERSEY SHORE HOSPITAL—S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
(570) 398-0100

00532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100

21306  
LAB CORP OCCUPATIONAL TEST SRVCS—SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
(886) 827-8042

20512  
LABCORP OCCUPATIONAL TESTING SER—SC  
1904 ALEXANDER DRIVE  
P. O. BOX 12652  
RESEARCH TRIANGLE PARK, NC 27709  
(919) 572-7465

01088  
LABCORP OF AMERICA HOLDINGS—SC  
69 FIRST AVENUE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400

00165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 544-4331

00167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022



00114  
LATROBE AREA HOSPITAL—S  
ONE MELLON WAY  
LATROBE, PA 15650  
(724) 537-1550

00138  
LEWISTOWN HOSPITAL—S  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 242-7474

00030  
LOCK HAVEN HOSPITAL—S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000

00193  
LOWER BUCKS HOSPITAL LABORATORY—S  
501 BATH ROAD  
BRISTOL, PA 19007  
(215) 785-9300

00639  
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH SYS-  
TEM—S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
(412) 647-4651

00213  
MAIN LINE HEALTH LAB-BRYN MAWR—S  
130 S BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554

00242  
MAIN LINE HEALTH LABORATORIES—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615

00199  
MAIN LINE HEALTH LABS-PAOLI—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000

00004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042

27684  
MARWORTH—S  
BOX 36  
LILLY LAKE ROAD  
WAVERLY, PA 18471  
(570) 563-1112

09003  
MAYO CLINIC DEPT LAB MED & PATH—SC  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

00049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000

05574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 286-6217

00140  
MEMORIAL HOSPITAL CLINICAL LAB—S  
325 S BELMONT STREET  
P. O. BOX 15118  
YORK, PA 17403  
(717) 843-8623

00023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191

00203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262

00247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181

00219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090

00336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100

00313  
MERCY TYLER HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705

28436  
METHODIST DIV TJUH CLINICAL LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9057

31050  
MILLENIU LABORATORIES—SC  
16981 VIA TAZON  
SUITE F  
SAN DIEGO, CA 92127  
(858) 451-3535

00128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100

28907  
MIRMONT TREATMENT CENTER—S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
(610) 744-1400

00108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021

00217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173

00214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ATTN: LAB  
ELKINS PARK, PA 19027  
(215) 456-6150

00025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 EAST PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117

00035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282

00304  
NASON HOSPITAL—S  
105 NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-2141

00504  
NATIONAL MED SVCS INC/DBA NMS LABS—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

00248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
(215) 335-6245

27246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66  
SUITE 1  
FLAGSTAFF, AZ 86004  
(928) 526-1011

29741  
NORTHERN TIER RESEARCH—SC  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

30984  
OFFICE OF THE DISTRICT ATTORNEY—S  
37 E HIGH STREET  
FORENSIC LAB  
CARLISLE, PA 17103  
(717) 240-6526

00099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161

00250  
PARKWAY CLINICAL LABORATORIES—S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
(215) 245-5112

00520  
PC LAB INC—SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

00258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435

00316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
HERSHEY, PA 17033  
(717) 531-8353

22533  
PENNSYLVANIA DEPT OF HEALTH—SC  
110 PICKERING WAY  
EXTON, PA 19341  
(610) 280-3464

31082  
PHAMATECH INC—SC  
10151 BARNES CANYON ROAD  
SAN DIEGO, CA 92121  
(858) 643-5555

00197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
(610) 983-1612

00157  
PINNACLE HEALTH/COMM GENERAL HOSP—S  
4300 LONDONDERRY RD  
P. O. BOX 3000  
HARRISBURG, PA 17109  
(717) 657-7214

00022  
POCONO MEDICAL CENTER LAB—S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
(570) 476-3544

00221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
(610) 327-7000

21648  
PSYCHEMEDICS CORPORATION—SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
(800) 522-7424

00300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
(814) 938-1800

- 22715  
QUEST DIAGNOSTICS—SC  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
(913) 888-1770
- 31399  
QUEST DIAGNOSTICS—SC  
EMPLOYER SOLUTIONS  
1777 MONTREAL CIRCLE  
TUCKER, GA 30084  
(770) 936-5007
- 09620  
QUEST DIAGNOSTICS CLIN LABS INC—SC  
8401 FALLBROOK AVENUE  
WEST HILLS, CA 91304  
(818) 737-6268
- 00315  
QUEST DIAGNOSTICS CLINICAL LABS INC—SC  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
(215) 957-9300
- 27461  
QUEST DIAGNOSTICS INC—SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
(610) 631-4219
- 01136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900
- 00482  
QUEST DIAGNOSTICS OF PA INC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600
- 25461  
QUEST DIAGNOSTICS VENTURE LLC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631
- 24249  
QUINTILES LABORATORIES LTD—SC  
1600 TERRELL MILL ROAD  
SUITE 100  
MARIETTA, GA 30067  
(770) 373-3500
- 00150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
(610) 988-8080
- 25348  
REDWOOD TOXICOLOGY LABORATORY—SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
(707) 577-7958
- 00206  
RIDDLE MEMORIAL HOSPITAL—S  
1068 W BALTIMORE PIKE  
MEDIA, PA 19063  
(610) 891-3339
- 00243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
(215) 487-4394
- 30821  
RXTOX INC—SC  
51 PROF PLAZA  
850 CLAIRTON BLVD  
SUITE 1300  
PITTSBURGH, PA 15236  
(412) 460-1310
- 00171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ATTN: LAB DEPT  
ALLENTOWN, PA 18102  
(610) 776-4727
- 00087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900
- 00174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558
- 00328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE—NEWTOWN RD  
LANGHORNE, PA 19047  
(215) 710-2162
- 29838  
SAN DIEGO REFERENCE LABORATORY—SC  
6122 NANCY RIDGE DRIVE  
SAN DIEGO, CA 92121  
(800) 677-7995
- 00182  
SCHUYLKILL MC E NORWEGIAN ST—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
(570) 621-4032
- 00183  
SCHUYLKILL MC S JACKSON ST—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
(570) 621-5262
- 28471  
SECON OF LOUISIANA—S  
825 KALISTE SALOOM RD  
BRANDYWINE 1  
SUITE 100  
LAFAYETTE, LA 70508  
(337) 235-3712
- 29038  
SECON OF NEW ENGLAND—SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
(508) 831-0703
- 29214  
SED MEDICAL LABORATORIES—C  
LOVELACE HEALTH SYSTEMS INC.  
5601 OFFICE BLVD NE  
ALBUQUERQUE, NM 87109  
(505) 727-6209

## 3740

00185  
SHAMOKIN AREA COMMUNITY HOSPITAL—S  
4200 HOSPITAL ROAD  
COAL TOWNSHIP, PA 17866-9697  
(570) 644-4200

00064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911

27649  
SMA MEDICAL LABORATORIES—S  
940 PENNSYLVANIA BOULEVARD  
UNIT E  
FEASTERVILLE, PA 19053  
(215) 322-6590

00039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133

00297  
SOMERSET HOSPITAL CENTER FOR HEALTH—S  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000

22376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543

00361  
ST. CATHERINE MED CTR—FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988

00260  
ST. CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-4207

00151  
ST. JOSEPH QUALITY MEDICAL LAB—SC  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

00261  
ST. JOSEPH'S HOSPITAL—DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000

00318  
ST. LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 628-8646

00180  
ST. LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131

## NOTICES

29015  
STERLING REFERENCE LABORATORIES—SC  
2617 EAST L STREET  
TACOMA, WA 98405  
(253) 552-1551

00187  
SUNBURY COMMUNITY HOSPITAL—S  
350 NORTH 11TH STREET  
SUNBURY, PA 17801  
(570) 286-3491

31474  
TASC INC—SC  
2234 N 7TH STREET  
PHOENIX, AZ 85006  
(602) 257-7588

00207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450

00235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-4353

00265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353

00104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724) 430-5143

00085  
THE WESTERN PA HOSP—FORBES REGIONAL CAM-  
PUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560

00241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 S. 11TH ST  
204 PAVILLION  
PHILADELPHIA, PA 19107  
(215) 955-1644

00051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851

00124  
TYRONE HOSPITAL—S  
187 HOSPITAL DRIVE  
TYRONE, PA 16686  
(717) 738-6695

00121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506

00059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100

00057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500

00098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233

00082  
UPMC MERCY DEPT OF LAB MEDICINE—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831

00058  
UPMC NORTHWEST—S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
(814) 676-7120

05784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370

00083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929  
MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000

00091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000

00092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR  
WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950

27225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
(847) 375-0770

00335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
(610) 539-8500

00066  
WARREN GENERAL HOSPITAL—S  
2 W CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3860

00298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
(570) 253-1300

00133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

00095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
(412) 578-5779

30245  
WESTFIELD HOSPITAL LABORATORY—S  
4815 W TILGHMAN STREET  
ALLENTOWN, PA 18104  
(610) 776-1603

00113  
WESTMORELAND HOSP AT JEANNETTE—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 832-4371

00112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH STREET  
GREENSBURG, PA 15601  
(724) 832-4365

00037  
WILLIAMSPORT HOSP & MED CENTER—S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
(570) 321-2300

00018  
VVHCS HOSP DBA PENNANT LABORATORY—SC  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

00141  
YORK HOSPITAL—S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1215. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories:

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests of 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests of less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hardcopy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory

employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*.

The name or location of a laboratory is sometimes changed but the personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name or location change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

22912  
ACL LABORATORIES—LP  
8901 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 328-7945

29169  
ADVANCED TOXICOLOGY NETWORK—LP  
3560 AIR CENTER COVE  
SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770

00016  
ANGELINE KIRBY MEM HEALTH CENTER—L  
71 NORTH FRANKLIN STREET  
WILKES-BARRE, PA 18701  
(570) 822-4278

24997  
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP  
3520 PROGRESS DRIVE  
UNIT C  
BENSALEM, PA 19020  
(267) 525-2470

- 20506  
CENTRAL PA ALLIANCE LABORATORY—L  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
(717) 851-1426
- 00228  
CHILDRENS HOSPITAL OF PHILADELPHIA—L  
ONE CHILDRENS CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-4446
- 27845  
CLINICAL REFERENCE LABORATORY—LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
(913) 492-3652
- 00561  
EAST PENN MFG. CO., INC.—LP  
DEKA RD  
KELLER TECH CENTER  
P. O. BOX 147  
LYONS STATION, PA 19536  
(610) 682-6361
- 00332  
ELLWOOD CITY HOSPITAL—LP  
724 PERSHING STREET  
ELLWOOD CITY, PA 16117  
(724) 752-0081
- 31378  
ENZO CLINICAL LABS—L  
60 EXECUTIVE BOULEVARD  
FARMINGDALE, NY 11735  
(631) 755-5500
- 00173  
GEISINGER MEDICAL LABORATORIES—L  
100 N ACADEMY AVENUE  
DANVILLE, PA 17822-0131  
(570) 271-6338
- 25914  
GENOVA DIAGNOSTICS—L  
63 ZILLICOA STREET  
ASHEVILLE, NC 28801  
(828) 253-0621
- 20802  
HAGERSTOWN MEDICAL LABORATORY—L  
11110 MEDICAL CAMPUS ROAD  
SUITE 230  
HAGERSTOWN, MD 21742  
(301) 790-8670
- 24655  
HEALTH NETWORK LABORATORIES—LP  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150
- 29723  
IMPACT HEALTH BIOMETRIC TESTING, INC.—L  
1040 FIRST AVENUE  
SUITE 100  
KING OF PRUSSIA, PA 19406  
(610) 962-9333
- 05618  
LAB CORP. OF AMERICA HOLDINGS—LP  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
(800) 282-7300
- 21885  
LAB CORP. OF AMERICA HOLDINGS—LP  
1447 YORK COURT  
BURLINGTON, NC 27215  
(800) 334-5161
- 01088  
LAB CORP. OF AMERICA HOLDINGS—LP  
69 FIRST AVENUE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400
- 00242  
MAIN LINE HEALTH LABORATORIES—L  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615
- 29685  
MAYO CLINIC DEPARTMENT OF LAB MEDICINE &  
PATHOLOGY—L  
3050 SUPERIOR DRIVE NW  
ROCHESTER, MN 55901  
(507) 538-3458
- 09003  
MAYO CLINIC DEPT LAB MED & PATH—P  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018
- 29251  
MAYO MEDICAL LABORATORIES NEW ENGLAND—  
LP  
160 DASCOMB ROAD  
ANDOVER, MA 01810  
(978) 658-3600
- 26302  
MEDICAL ASSOCIATES BDHG—P  
935 HIGHLAND BOULEVARD  
SUITE 2200  
BOZEMAN, MT 59715  
(406) 587-5123
- 05574  
MEDTOX LABORATORIES INC—LP  
402 WEST COUNTY ROAD D  
ST. PAUL, MN 55112  
(651) 286-6217
- 00504  
NATIONAL MED SVCS INC/DBA NMS LABS—LP  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900
- 30553  
NATIONWIDE CHILDRENS HOSPITAL—LP  
CORE LAB AND LAB INFORMATION SYSTEMS  
700 CHILDRENS DRIVE  
COLUMBUS, OH 43205  
(614) 722-5376
- 23801  
PACIFIC TOXICOLOGY LABORATORIES—LP  
9348 DE SOTO AVENUE  
CHATSWORTH, CA 91311  
(818) 598-3110

02125  
 PED ALLIANCE ST. CLAIR PED. DIV.—L  
 1580 MCLAUGHLIN RUN ROAD  
 PINERIDGE COMMONS  
 SUITE 208  
 UPPER ST CLAIR, PA 15241  
 (412) 221-2121

22533  
 PENNSYLVANIA DEPT. OF HEALTH—LP  
 110 PICKERING WAY  
 EXTON, PA 19341  
 (610) 280-3464

00022  
 POCONO MEDICAL CENTER LAB—L  
 206 EAST BROWN STREET  
 EAST STROUDSBURG, PA 18301  
 (570) 476-3544

00324  
 PRIMARY CARE HEALTH SERV. INC. LAB—L  
 7227 HAMILTON AVENUE  
 PITTSBURGH, PA 15208  
 (412) 244-4728

00255  
 PUBLIC HEALTH LAB CITY OF PHILA.—L  
 500 SOUTH BROAD STREET  
 ROOM 359  
 PHILADELPHIA, PA 19146  
 (215) 685-6812

22715  
 QUEST DIAGNOSTICS—LP  
 10101 RENNER BOULEVARD  
 LENEXA, KS 66219-9752  
 (913) 888-1770

00315  
 QUEST DIAGNOSTICS CLINICAL LABS, INC.—LP  
 900 BUSINESS CENTER DRIVE  
 HORSHAM, PA 19044  
 (215) 957-9300

00669  
 QUEST DIAGNOSTICS INCORPORATED—L  
 ONE MALCOLM AVENUE  
 TETERBORO, NJ 07608  
 (201) 393-5895

01136  
 QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP  
 14225 NEWBROOK DRIVE  
 P. O. BOX 10841  
 CHANTILLY, VA 20153-0841  
 (703) 802-6900

00482  
 QUEST DIAGNOSTICS OF PA, INC.—LP  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 (412) 920-7600

25461  
 QUEST DIAGNOSTICS VENTURE, LLC—LP  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 (412) 920-7631

00150  
 READING HOSPITAL & MED. CTR.—L  
 6TH AND SPRUCE STREETS  
 WEST READING, PA 19611  
 (610) 988-8080

22376  
 SPECIALTY LABORATORIES, INC.—L  
 27027 TOURNEY ROAD  
 VALENCIA, CA 91355  
 (661) 799-6543

00151  
 ST. JOSEPH QUALITY MEDICAL LAB—L  
 2500 BERNVILLE ROAD  
 READING, PA 19605-9453  
 (610) 378-2200

00104  
 THE UNIONTOWN HOSPITAL LABORATORY—L  
 500 WEST BERKELEY STREET  
 UNIONTOWN, PA 15401  
 (724) 430-5143

00083  
 UPMC PRESBYTERIAN SHADYSIDE CP PUH—L  
 ROOM 5929  
 MAIN TOWER CHP  
 200 LOTHROP STREET  
 PITTSBURGH, PA 15213-2582  
 (412) 648-6000

31400  
 WARDE MEDICAL LABORATORY—L  
 300 WEST TEXTILE ROAD  
 ANN ARBOR, MI 48108  
 (734) 214-0300

00018  
 WVHCS HOSP DBA PENNANT LABORATORY—L  
 575 NORTH RIVER STREET  
 WILKES-BARRE, PA 18764  
 (570) 829-8111

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-1216. Filed for public inspection July 2, 2010, 9:00 a.m.]

### **Newborn Screening and Follow-Up Program Technical Advisory Committee Meeting**

The Newborn Screening and Follow-Up Program's Technical Advisory Board, established under the Newborn Child Testing Act (35 P. S. §§ 621—625) will hold a public meeting on Tuesday, July 20, 2010, from 10 a.m. to 3 p.m. at Dixon University Center, Administration Building, Richards Hall Recital Room, 2986 North Second Street, Harrisburg, PA. R.S.V.P. by July 6, 2010, to Joan Wenerick at (717) 783-8143.

For additional information or for persons with a disability wishing to attend the meeting and require auxiliary aid, service or other accommodations to do so, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Screening and Genetics at (717) 783-8143, or speech and/or hearing impaired persons use 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. 10-1217. Filed for public inspection July 2, 2010, 9:00 a.m.]



# DEPARTMENT OF PUBLIC WELFARE

## Designated Exceptional Durable Medical Equipment

### *Purpose of Notice*

In accordance with the Department of Public Welfare's (Department) currently approved State Plan the Department is required to publish an annual list of exceptional durable medical equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2009, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds.* The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy).* A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover;

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater;

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses), and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out;

(d) A surface designed to reduce friction and shear;

(e) May be placed directly on a hospital bed frame; and

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

### *Effective Date*

This notice is effective upon publication in the *Pennsylvania Bulletin*.

### *Public Comment*

Interested persons are invited to submit petitions for the Department to consider additions to the Exceptional DME list or written comments regarding this notice to: Yvette Sanchez-Roberts, Department of Public Welfare/ Department of Aging, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

HARRIET DICHTER,  
*Secretary*

**Fiscal Note:** 14-NOT-648. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-1218. Filed for public inspection July 2, 2010, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Method of Filing Annual Notice for the Tax Year Beginning on or After January 1, 2010

Under the provisions of section 10 of the Fiscal Code (72 P. S. § 10) (Act 2009-50), the Secretary of the Department of Revenue (Department) announces that, effective January 1, 2011, for the tax year beginning on or after January 1, 2010, except as provided in this notice, any PA-40 (2010) Pennsylvania Personal Income Tax Return prepared by a third party preparer who submitted at least 50 PA-40 (2009) Pennsylvania Personal Income Tax returns required to be filed in the 2010 calendar year or amended PA-40 Pennsylvania Personal Income Tax returns filed in the 2010 calendar year for any taxable year beginning before January 1, 2010, or both, shall be filed

using the electronic method (e-file) in the manner prescribed by Departmental instructions.

For purposes of this notice, the phrase "third party preparer" means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit; (2) Persons who merely provide mechanical assistance such as typing; (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer's officers and regular employees; or (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

To determine if an entity meets the 50 return threshold, include all of the returns prepared by all of the members or employees of the entity. If it has multiple locations, use the combined total for all locations. Non-resident and part-year PA-40 returns are also included in determining whether a preparer meets threshold requirements. A PA-41 Fiduciary Income Tax Return, PA-40NRC Nonresident Consolidated Income Tax Return, PA-40 KOZ Pennsylvania Income Tax Keystone Opportunity Zones Return or fiscal year return is not counted.

A third party preparer is not required to e-file a return:

(1) Upon which the taxpayer has specifically directed the preparer to use the paper forms prescribed by the Department.

(2) If the preparer's tax software does not support e-filing of a required attachment to the return.

(3) That may not be e-filed under Chapter 4, "Filing An Electronic Return," of PA-1345 *Handbook For Electronic Filers of Pennsylvania Individual Income Tax Returns for Tax Year 2009*.

If the tax software of a preparer who is required to e-file under this notice cannot support the e-filing of PA-40 returns in conformity with Chapter 4, "Filing An Electronic Return," of PA-1345 *Handbook For Electronic Filers of Pennsylvania Individual Income Tax Returns for Tax Year 2009*, tax software that does so support the e-filing of PA-40 returns must be acquired. In accordance with 72 P. S. § 10(c), however, the Department may waive the method of filing prescribed under this notice if the Department determines the provisions of this notice constitute undue hardship on the preparer. The preparer must request a waiver in writing that clearly states why the filing method causes an undue hardship. Requests for waivers shall be mailed to the Department of Revenue, Bureau of Individual Taxes, P. O. Box 280507, Harrisburg, PA 17128 by November 30, 2010. If the Department grants the waiver, the preparer may file a signed, paper Pennsylvania Personal Tax Return or Returns beginning on January 1, 2011, through December 31, 2011.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-1219. Filed for public inspection July 2, 2010, 9:00 a.m.]

## Pennsylvania 9s in a Line '10 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 9s in a Line '10.

2. *Price:* The price of a Pennsylvania 9s in a Line '10 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania 9s in a Line '10 instant lottery game ticket will contain one play area consisting of "ROW 1," "ROW 2," "ROW 3" and "ROW 4." Each "ROW" is played separately. Each "ROW" features a play area and a "Prize" area. The play symbols and their captions located in the play area are: Cherry symbol (CHY), Melon symbol (MEL), Banana symbol (BAN), Star symbol (STA), Lemon symbol (LEM), Bell symbol (BEL), Moneybag symbol (BAG), Pineapple symbol (PNA), Horse-shoe symbol (SHO) and a 9 symbol (NINE).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area of each "ROW" are: FREE (TICKET), \$1.<sup>00</sup> (ONE DOL), \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$9.<sup>00</sup> (NIN DOL), \$19.<sup>00</sup> (NINTN), \$39.<sup>00</sup> (TRY NIN), \$99.<sup>00</sup> (NTY NIN), \$400 (FOR HUN) and \$999 (NINNTYNIN).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$3, \$5, \$9, \$19, \$39, \$99, \$400 and \$999. The player can win up to 3 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania 9s in a Line '10 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with three matching 9 (NINE) play symbols in the same "ROW," and a prize symbol of \$999 (NINNTYNIN) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$999.

(b) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$99.<sup>00</sup> (NTY NIN) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$99.

(d) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$39.<sup>00</sup> (TRY NIN) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$39.

(e) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$19.<sup>00</sup> (NINTN) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$19.

(f) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$9.<sup>00</sup> (NIN DOL) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$9.

(g) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$5.<sup>00</sup> (FIV DOL)

appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$1.

(j) Holders of tickets with three like play symbols in the same "ROW," and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of one Pennsylvania 9s in a Line '10 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 Across The Same Row, Win Prize Shown To The Right Of That Row. Win With Prize(s) Of:*

	Win	Approximate Odds Are 1 In:	Approximate No. of Winners Per 15,600,000 Tickets
FREE	FREE \$1 TICKET	11.54	1,352,000
\$1	\$1	75	208,000
\$1 x 3	\$3	30	520,000
\$3	\$3	30	520,000
(\$1 x 2) + \$3	\$5	100	156,000
\$5	\$5	100	156,000
\$3 x 3	\$9	300	52,000
\$5 + \$3 + \$1	\$9	300	52,000
\$9	\$9	300	52,000
(\$5 x 2) + \$9	\$19	1,000	15,600
(\$9 x 2) + \$1	\$19	1,000	15,600
\$19	\$19	750	20,800
(\$19 x 2) + \$1	\$39	2,400	6,500
\$39	\$39	2,400	6,500
\$99	\$99	4,800	3,250
\$400	\$400	60,000	260
\$999	\$999	80,000	195

Get three "9" symbols in the same ROW, win \$999.

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 9s in a Line '10 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 9s in a Line '10, prize money from winning Pennsylvania 9s in a Line '10 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 9s in a Line '10 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 9s in a Line '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-1220. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Pennsylvania 10X The Money '10 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 10X The Money '10.
2. *Price:* The price of a Pennsylvania 10X The Money '10 instant lottery game ticket is \$2.
3. *Play Symbols:* Each Pennsylvania 10X The Money '10 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE),

2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 10X (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.<sup>00</sup> (ONE DOL), \$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), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$10,000. 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 10X The Money '10 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" 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>Match Any of Your Numbers to Either Winning Number; 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 × 2	\$2	18.75	640,000
\$2	\$2	21.43	560,000
\$1 × 4	\$4	50	240,000
\$2 × 2	\$4	50	240,000
\$4	\$4	50	240,000
\$1 × 5	\$5	75	160,000
\$5	\$5	75	160,000
\$1 × 10	\$10	375	32,000
\$1 w/10X	\$10	150	80,000
\$5 × 2	\$10	500	24,000
\$10	\$10	500	24,000
\$2 × 10	\$20	750	16,000
\$2 w/10X	\$20	375	32,000
\$10 × 2	\$20	750	16,000
\$20	\$20	375	32,000
\$4 × 10	\$40	2,400	5,000
\$4 w/10X	\$40	2,400	5,000
\$10 × 4	\$40	2,400	5,000
\$20 × 2	\$40	2,400	5,000
\$40	\$40	2,400	5,000
\$5 × 10	\$50	2,400	5,000
\$5 w/10X	\$50	2,400	5,000
\$10 × 5	\$50	2,400	5,000
\$50	\$50	2,400	5,000
\$10 × 10	\$100	4,800	2,500
\$10 w/10X	\$100	4,800	2,500
\$50 × 2	\$100	4,800	2,500
\$100	\$100	4,800	2,500
\$40 × 10	\$400	40,000	300
\$40 w/10X	\$400	30,000	400
\$400	\$400	40,000	300
\$100 w/10X	\$1,000	30,000	400
\$1,000	\$1,000	30,000	400
\$10,000	\$10,000	120,000	100

10X (10TIMES) = Win 10 times the prize shown under 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 10X The Money '10 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 10X The Money '10, prize money from winning Pennsylvania 10X The Money '10 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 10X The Money '10 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 10X The Money '10 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-1221. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Pennsylvania Diamond Mine '10 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 Diamond Mine '10.

2. *Price:* The price of a Pennsylvania Diamond Mine '10 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Diamond Mine '10 instant lottery game ticket will contain four play areas designated as "Diamond 1," "Diamond 2," "Diamond 3" and "Diamond 4." There are 60 play symbols, 3 of which will be located in "Diamond 1," 6 of which will be located in "Diamond 2," 10 of which will be located in "Diamond 3" and 15 of which will be located in "Diamond 4." Each ticket will also contain a "YOUR NUMBERS" area. The "YOUR NUMBERS" area will consist of 28 play symbols. The play symbols that may be located in the four play areas and the "YOUR NUMBERS" area are the numbers 01 through 60.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$15, \$30, \$90, \$300, \$1,000 and \$60,000. The player can win up to 5 times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Diamond Mine '10 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which five of the "YOUR NUMBERS" play symbols match the same exact five play symbols, in "Diamond 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$60,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which four of the "YOUR NUMBERS" play symbols match the same exact four play symbols, in "Diamond 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$1,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which four of the "YOUR NUMBERS" play symbols match the same exact four play

symbols, in "Diamond 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$300 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which three of the "YOUR NUMBERS" play symbols match the same exact three play symbols, in either "Diamond 2" or "Diamond 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$90 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets upon which three of the "YOUR NUMBERS" play symbols match the same exact three play symbols, in "Diamond 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets upon which two of the "YOUR NUMBERS" play symbols match the same exact two play symbols, in "Diamond 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets upon which two of the "YOUR NUMBERS" play symbols match the same exact two play symbols, in either "Diamond 1," "Diamond 2" or "Diamond 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$9 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$9.

(h) Holders of tickets upon which one of the "YOUR NUMBERS" play symbols match the same exact one play symbol, in either "Diamond 1" or "Diamond 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$6 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$6.

(i) Holders of tickets upon which one of the "YOUR NUMBERS" play symbols match the same exact one play symbol, in either "Diamond 2" or "Diamond 3," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$3 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$3.

7. *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>When You Match All Of The Numbers In A Complete Horizontal Line On Any Diamond, Win Prize Shown In The Arrow Pointing To That Line.</i>				<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
Diamond 1	Diamond2	Diamond3	Diamond4	<i>Win: Approximate Odds of 1 in:</i>
	\$3			\$3 16.67
		\$3		\$3 20
\$6				\$6 50
			\$6	\$6 66.67
	\$3	\$3		\$6 28.57

When You Match All Of The Numbers In A Complete Horizontal Line On Any Diamond, Win Prize Shown In The Arrow Pointing To That Line.

				Win:	Approximate Odds of 1 in:	Approximate No. Of Winners Per 7,200,000 Tickets
\$9				\$9	100	72,000
	\$9			\$9	200	36,000
		\$3	\$6	\$9	200	36,000
			\$9	\$9	200	36,000
\$6		\$3		\$9	200	36,000
\$6 + \$9				\$15	250	28,800
\$6	\$3		\$6	\$15	250	28,800
\$6		\$3	\$6	\$15	250	28,800
	\$3	\$3	\$9	\$15	250	28,800
		\$30		\$30	333.33	21,600
			\$30	\$30	333.33	21,600
\$6	\$3+\$9	\$3	\$9	\$30	250	28,800
	\$90			\$90	774.19	9,300
		\$90		\$90	774.19	9,300
		\$300		\$300	10,000	720
			\$1,000	\$1,000	13,333	540
			\$60,000	\$60,000	720,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Diamond Mine '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamond Mine '10, prize money from winning Pennsylvania Diamond Mine '10 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 Diamond Mine '10 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.

10. *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.

11. *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 Diamond Mine '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-1222. Filed for public inspection July 2, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Meetings Scheduled

#### *State Transportation Advisory Committee Meeting*

The State Transportation Advisory Committee (TAC) will hold a meeting on Thursday, July 22, 2010, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie, Executive Secretary of TAC at (717) 787-2913 or nritch@state.pa.us.

#### *Rail Freight Advisory Committee Meeting*

The Rail Freight Advisory Committee (RFAC) will hold a meeting on Wednesday, July 28, 2010, from 1 p.m. to 3 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Minty Patel, Executive Secretary of RFAC at (717) 783-8567 or minpatel@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 10-1223. Filed for public inspection July 2, 2010, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Cumberland Coal Resources, LP v. DEP; Doc. No. 2009-103-L

The Department of Environmental Protection (Department) and Cumberland Coal Resources, LP (Cumberland) have agreed to a settlement of the previous matter.

The parties have agreed to a settlement, the major provisions of which provide for a revision to Coal Mining Activity Permit (CMAP) 30831303 and associated National Pollutant Discharge Elimination System Permit (NPDES Permit) PA 0013511. As set forth in the settlement, Cumberland has agreed not to appeal from the final issuance of the Amended CMAP.

Cumberland operates the Cumberland Mine located in Whiteley Township, Greene County. On June 30, 2009, the Department issued a CMAP to Cumberland authorizing the company to discharge storm water adjacent to a new bleeder shaft by means of Outfall 032 into an unnamed tributary of Turkey Hollow Run.

The original CMAP and NPDES Permit included limitations for certain parameters that are associated with the mining of coal. Upon review of the permit, during the pendency of the appeal, the Department realized that the discharge from the site is associated with stormwater runoff from first a construction site and, now, a vegetated area surrounding a bleeder shaft. The company has represented that the stormwater will not come into contact with coal before discharge. To verify this representation but to recognize the nature of the discharge, the Department has modified the effluent limitations from numerical limitations to a monitor and report requirement.

Copies of the full agreement are in the hands of:

Bruce M. Herschlag  
Assistant Regional Counsel  
Commonwealth of Pennsylvania  
Department of Environmental Protection  
Office of Chief Counsel  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
(412) 442-4262

and

Donald C. Bluedorn, II, Esquire  
Babst Calland Clements and Zomnir, PC  
Two Gateway Center  
603 Stanwix Street, Suite 8W  
Pittsburgh, PA 15222  
(412) 394-5400

and at the offices of the Environmental Hearing Board (Board), and may be reviewed by any interested person on request during normal business hours.

Any person interested in providing comment to the Board on the proposed Consent Order and Adjudication must do so within 30 days of the date this notice is published in the *Pennsylvania Bulletin*. Copies of all comments shall also be submitted to the attorney for each party listed previously.

Any person believing himself aggrieved by the previous settlement has a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 30 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the Pennsylvania Relay Service at (800) 654-5984.

The Board is empowered to approve this settlement if no objection is timely filed with the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 10-1224. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Locust Township Municipal Authority v. DEP; EHB  
Doc. No. 2010-092-L; 5-21-10—Issuance NPDES;  
Permit No. PA0228273**

Locust Township Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Locust Township Municipal Authority for a facility in Locust Township, Columbia 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 Center 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. 10-1225. Filed for public inspection July 2, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective July 1, 2010:



- Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (correspondence course)
- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-1226. Filed for public inspection July 2, 2010, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, June 23, 2010, 10 a.m. Payment Data Advisory Group; Wednesday, July 7, 2010, 10 a.m. Data Systems Committee, 1 p.m. Education Committee and 2:30 p.m. Executive Committee; Thursday, July 8, 2010, 9:30 a.m. Council Meeting; Wednesday, July 21, 2010, 10 a.m. Technical Advisory Group Teleconference. The meetings on June 23, July 7 and July 21 will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting on July 8 will be held at the Harrisburg Regional Chamber and CREDC offices located at 3211 North Front Street, Suite 201, Harrisburg, PA 17110-1342. The public is invited to attend. Persons who need accommodations due to a disability and wish to attend the meetings should contact René Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 10-1227. Filed for public inspection July 2, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 17, 2010, and announced the following:

### Action Taken—Regulations Approved:

Pennsylvania Public Utility Commission #57-260: Abbreviated Procedure for Review of Transfer of Control and Affiliate Filings for Telecommunication Carriers (amends 52 Pa. Code Chapter 63 by adding §§ 63.321—63.325)

Environmental Quality Board #7-440: Erosion and Sediment Control and Stormwater Management (amends 25 Pa. Code Chapter 102)

Environmental Quality Board #7-446: Wastewater Treatment Requirements (amends section 95.2 and adds section 95.10 to 25 Pa. Code Chapter 95)

### Approval Order

Public Meeting held  
June 17, 2010

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

*Pennsylvania Public Utility Commission—  
Abbreviated Procedure for Review of Transfer of Control  
and Affiliate Filings for Telecommunications Carriers;  
Regulation No. 57-260 (#2673)*

On January 30, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 63 by adding §§ 63.321—63.325. The proposed regulation was published in the February 9, 2008 *Pennsylvania Bulletin* with a 90-day public comment period. The final-form regulation was submitted to the Commission on May 6, 2010.

This final-form regulation establishes a three-tier timeline for PUC review and approval for mergers and stock transactions for telecommunications public utilities.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S.A. § 501(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
June 17, 2010

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

*Environmental Quality Board—Erosion and Sediment  
Control and Stormwater Management;  
Regulation No. 7-440 (#2783)*

On August 18, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 102. The proposed regulation was published in the August 29, 2009 *Pennsylvania Bulletin* with a 93-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2010.

This regulation updates erosion and sediment control requirements and incorporates Federal requirements for stormwater discharges.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. §§ 691.5 and 691.402, and 3 P. S. § 859(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
June 17, 2010

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

*Environmental Quality Board—Wastewater  
Treatment Requirements;  
Regulation No. 7-446 (#2806)*

On October 28, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends section 95.2 and adds section 95.10 to 25 Pa. Code Chapter 95. The proposed regulation was published in the November 7, 2009 *Pennsylvania Bulletin* with a 90-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2010.

This regulation establishes procedures, requirements and standards for effluent limits for wastewater discharges of high total dissolved solids (TDS). As the name implies, TDS is all dissolved solids in water. It includes all inorganic and organic substances, including minerals, salts and metals, dispersed within a volume of water.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. §§ 691.5 and 691.402, and 71 P. S. §§ 510-17 and 510-20(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 10-1228. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

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

### Final-Omit

Reg. No.	Agency/Title	Received	Public Meeting
125-127	Pennsylvania Gaming Control Board Definitions and Licensing Requirements	6/22/10	8/5/10

ARTHUR COCCODRILLI,  
Chairperson

[Pa.B. Doc. No. 10-1229. Filed for public inspection July 2, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Manufacturers Alliance Insurance Company, Pennsylvania Manufacturers Association Insurance Company and Pennsylvania Manufacturers Indemnity Company

Old Republic International Corporation has filed an application for approval to acquire control of Manufacturers Alliance Insurance Company, Pennsylvania Manufacturers Association Insurance Company and Pennsylvania Manufacturers Indemnity Company, all Pennsylvania domiciled stock casualty insurance companies. The filing was made under the requirements set forth under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1403).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 10-1230. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Patient Protection and Affordable Care Act—Guidance for Compliance Filings; Notice No. 2010-07

The Patient Protection and Affordable Care Act was enacted by the United States Congress and signed into law by the President on March 23, 2010, and the Health Care and Education Reconciliation Act was enacted by the United States Congress and signed into law by the President on March 30, 2010 (hereinafter collectively referred to as the PPACA). The PPACA sets forth immediate market reform requirements (for plan years beginning on or after September 23, 2010) for health insurance product forms for individual, small group, and large

group health benefit plans that provide “major medical” coverage, which is comprehensive health coverage, including PPO and HMO coverage.

The Insurance Department (Department) provides the following guidance to insurance entities seeking to demonstrate compliance with the PPACA relative to policies offered, issued or renewed in this Commonwealth. This guidance is limited to policy forms for which an insurance entity (insurer) is not seeking to make any changes other than as necessary to make the policy form comply with the PPACA.

If an insurer is ordinarily required by the Accident and Health Filing Reform Act (act) (40 P. S. §§ 3801—3815) to file one or more policy forms with the Department for prior approval, and the insurer is not seeking to make any changes other than as necessary to make those policy forms comply with the PPACA, the Commonwealth will accept as evidence of satisfying the PPACA immediate market reform requirements a “Certification” executed by an authorized representative of the insurer substantially identical to the “Certification” form as follows as Attachment A. Attachment A is also available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). File a “Certification” upon completion of all necessary modifications to the applicable policy forms.

Copies of the policy forms themselves are not required to be filed.

To accommodate the immediate nature of the PPACA’s market reform requirements, the policy form filings for which the “Certification” is submitted will be exempt from the prior approval filing requirements of the act. Upon submission of a “Certification” as previously set forth, the

policy forms will be presumed to comply with the immediate PPACA market reform requirements and may be used. Submit the “Certification” on or before September 10, 2010.

Subsequent policy form filings, or policy form filings containing changes beyond those required by the immediate PPACA provisions, must comply with the filing requirements of the act.

The Commonwealth does not require that the NAIC PPACA Uniform Compliance Summary form be filed for any policy form. However, insofar as it may provide guidance to the industry for purposes of assuring compliance with the PPACA, the form may be accessed on the System for Electronic Rate and Form Filing (SERFF) or on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov).

Finally, although the forms subject to this notice will not be reviewed and approved by the Department, those forms (and all forms used in this Commonwealth) remain subject to, and must comply in all respects with, the Commonwealth’s insurance laws and regulations, and the Department retains its ability to take enforcement actions and seek any available remedy for noncompliant forms. An insurer will be responsible for assuring that all of its insureds are provided the full benefits provided by the PPACA.

Questions regarding this notice may be directed to Peter Camacci, Director of the Bureau of Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-9100, [Pcamacci@state.pa.us](mailto:Pcamacci@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

### Attachment A

#### PENNSYLVANIA ISSUER CERTIFICATION FORM

(relating to immediate market reform requirements of the Patient Protection and Affordable Care Act (PPACA))

Name of Insurer:  
NAIC #:

### CERTIFICATION

I hereby certify that each policy form required to be brought into compliance with the requirements of the Patient Protection and Affordable Care Act, P. L. 111-148, 124 Stat. 119, and the Health Care and Education Reconciliation Act of 2010, P. L. 111-152, 124 Stat. 1051 (hereinafter collectively referred to as the “PPACA”) has been modified to bring it into compliance therewith. The PPACA sets forth immediate market reform requirements (for plan years beginning on or after September 23, 2010) for health insurance product forms for individual, small group, and large group health benefit plans that provide “major medical” coverage, which is comprehensive health coverage, including PPO and HMO coverage.

The information set forth in this Certification, to the best of my knowledge, information and belief, is true, correct, and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Authorized Representative of the Insurer

\_\_\_\_\_  
Signature of Authorized Representative of the Insurer

[Pa.B. Doc. No. 10-1231. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Repeal of Outdated Bulletins and Notices; Notices No. 2010-06**

The Insurance Commissioner hereby formally repeals the following Bulletin Notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation, or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these Notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

<i>Notice No.</i>	<i>Date</i>	<i>Title</i>
2009-10	11/21/09	Office Closing
2009-09	11/14/09	Children's Health Insurance Program; Benefit Changes and State Plan Amendment
2009-05	06/20/09	Per Diem Charges for Market Conduct Examinations
2009-04	06/20/09	Per Diem Charges for Financial Examinations
2008-07	06/21/08	Per Diem Charges for Financial Examinations
2008-06	06/21/08	Per Diem Charges for Market Conduct Examinations
2008-04	02/16/08	Workers' Compensation Security Fund Assessment
2007-03	06/16/07	Per Diem Charges for Financial Examinations
2007-04	06/16/07	Per Diem Charges for Market Conduct Examinations
2007-01	04/17/07	Workers' Compensation Security Fund Assessment
2006-05	06/24/06	Per Diem Charges for Market Conduct Examinations
2006-04	06/24/06	Per Diem Charges for Financial Examinations
2006-01	02/11/06	Workers' Compensation Security Fund Assessment
2004-11	12/25/04	Disclosure of Departures from Statutory Accounting Principles
2004-07	08/07/04	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application Update
2004-01	01/17/04	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application
2002-13	11/02/02	Notice and Amount of Assessment
1997-03	08/09/97	Mutual to Stock Notices

Questions regarding this notice may be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, phone (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1232. Filed for public inspection July 2, 2010, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Rodney Jones; file no. 10-183-86425; State Farm Mutual Automobile Insurance Company; Doc. No. P10-05-023; August 5, 2010, 11 a.m.

Appeal of Brenda Wofford; file no. 10-169-86604; Bristol West Insurance Company; Doc. No. P10-05-020; August 4, 2010, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1233. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Richard D. Hofer; file no. 10-119-86440; State Farm Fire & Casualty Insurance Company; Doc. No. P10-06-008; July 29, 2010, 9:30 a.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Kenneth Gosa; file no. 10-130-86463; Liberty Insurance Corporation; Doc. No. P10-05-012; August 4, 2010, 1 p.m.

Appeal of Emma LaFrance; file no. 10-183-86512; Erie Insurance Exchange; Doc. No. P10-05-001; August 4, 2010, 11 a.m.

Appeal of Patrick W. Tremel, Jr.; file no. 10-119-86438; State Farm Mutual Automobile Insurance Company; Doc. No. P10-05-026; August 5, 2010, 10 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.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commission) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1234. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Travelers Home and Marine Insurance Company; Homeowners; Rate Revision; Rate Filing

On June 11, 2010, the Insurance Department (Department) received from Travelers Home and Marine Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 5.14% increase amounting to \$3,280,000 annually, to be effective August 27, 2010, for new business and November 2, 2010, for renewal business.

Unless formal administrative action is taken prior to August 10, 2010, the subject filing may be deemed approved by operation of law.

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

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-1235. Filed for public inspection July 2, 2010, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Application Date for Category 3 Slot Machine License Applications

The Pennsylvania Gaming Control Board (Board), in accordance with 58 Pa. Code § 441a.2, hereby establishes August 2, 2010, as the date by which all Category 3 slot machine license applications which were filed by April 7, 2010, must be complete. An application that is not complete by August 2, 2010, will not be considered.

After August 2, 2010, applicants will not be allowed to supplement their application without prior Board approval. Thus, except as noted herein, the Board will evaluate the eligibility and suitability of each applicant only on the basis of the information contained within their respective application as of August 2, 2010.

The Board and the Bureau of Investigations and Enforcement will continue to have the authority to request information from an applicant at any time prior to

licensure. When received, such information will be incorporated into the appropriate application, even if the information was requested subsequent to August 2, 2010.

GREGORY C. FAJT,  
Chairperson

[Pa.B. Doc. No. 10-1236. Filed for public inspection July 2, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Order**

Public Meeting held  
June 16, 2010

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice-Chairperson; Wayne E Gardner;  
Robert F. Powelson

*Extension of the Fuel Cost Recovery Surcharge;*  
*R-2009-2108518, S.P. 28209*

**Order**

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit, and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and was extended on June 24, 2008 and June 18, 2009. It is currently scheduled to terminate on June 30, 2010.

In a letter received May 28, 2010, the Pennsylvania Taxicab and Paratransit Association, on behalf of its members, have requested that this Commission extend the fuel cost recovery surcharge for a period of one year. The Association cites the concern of additional expenses to the industry as the reason for this request.

Initially, all call or demand, paratransit, and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's website. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the U.S. Department of Energy. The amount of the fuel surcharge was determined by locating the average price of gasoline on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the Taxicab, Limousine and Paratransit Association: The average trip length of 6.8 miles for call or demand carriers

and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart below.

### PASSENGER CARRIER FUEL SURCHARGE CHART

FUEL (\$/GAL)	TAXICABS*	PARATRANSIT/ AIRPORT TRANSFER**
\$3.00—\$3.09	\$.75	\$1.70
\$3.10—\$3.19	\$.80	\$1.80
\$3.20—\$3.29	\$.85	\$1.95
\$3.30—\$3.39	\$.90	\$2.05
\$3.40—\$3.49	\$.95	\$2.15
\$3.50—\$3.59	\$1.00	\$2.25
\$3.60—\$3.69	\$1.05	\$2.35
\$3.70—\$3.79	\$1.10	\$2.45
\$3.80—\$3.89	\$1.15	\$2.55
\$3.90—\$3.99	\$1.20	\$2.65
\$4.00—\$4.09	\$1.25	\$2.75
\$4.10—\$4.19	\$1.30	\$2.85
\$4.20—\$4.29	\$1.35	\$2.95
\$4.30—\$4.39	\$1.40	\$3.05
\$4.40—\$4.49	\$1.45	\$3.15
\$4.50—\$4.59	\$1.50	\$3.25
\$4.60—\$4.69	\$1.55	\$3.35
\$4.70—\$4.79	\$1.60	\$3.45
\$4.80—\$4.89	\$1.65	\$3.55
\$4.90—\$4.99	\$1.70	\$3.65
\$5.00—\$5.09	\$1.75	\$3.75
\$5.10—\$5.19	\$1.80	\$3.85
\$5.20—\$5.29	\$1.85	\$3.95
\$5.30—\$5.39	\$1.90	\$4.05
\$5.40—\$5.49	\$1.95	\$4.15
\$5.50—\$5.59	\$2.00	\$4.25
\$5.60—\$5.69	\$2.05	\$4.35
\$5.70—\$5.79	\$2.10	\$4.45
\$5.80—\$5.89	\$2.15	\$4.55
\$5.90—\$5.99	\$2.20	\$4.65
\$6.00—\$6.09	\$2.25	\$4.75
\$6.10—\$6.19	\$2.30	\$4.85
\$6.20—\$6.29	\$2.35	\$4.95
\$6.30—\$6.39	\$2.40	\$5.05
\$6.40—\$6.49	\$2.45	\$5.15
\$6.50—\$6.59	\$2.50	\$5.25
\$6.60—\$6.69	\$2.55	\$5.35

FUEL (\$/GAL)	TAXICABS*	PARATRANSIT/ AIRPORT TRANSFER**
\$6.70—\$6.79	\$2.60	\$5.45
\$6.80—\$6.89	\$2.65	\$5.55
\$6.90—\$6.99	\$2.70	\$5.65
\$7.00—\$7.09	\$2.75	\$5.75

\* The amount is per trip.

\*\* The amount is per paying passenger per trip.

The Commission's intention was to create flexibility for both the carriers and the Commission. By establishing gasoline prices which would "trigger" a change in the surcharge, it would no longer be necessary to monitor the surcharge at different intervals. This flexibility would also aid in eliminating the need for emergency petitions, as was the case following Hurricane Katrina in 2005.

In the process of considering this request, the Commission has analyzed current information available from the Energy Information Administration of the U.S. Department of Energy, the American Automobile Association, and OPIS Energy Group. Data from these groups indicate that the retail price of gasoline will continue to increase throughout the summer months and even beyond, due to increased demand and the uncertainty of supply.

Many refineries have failed to return from unplanned outages and maintenance. Should more unplanned outages occur, there will be a significant impact on the future path of prices. Several analysts expect to see refinery maintenance remain relatively high even into June. High import volumes also play a part in keeping supplies adequate. Additionally, there remain many trouble spots across the globe that could affect the crude oil supply, prices, and gasoline prices (that is, Venezuela, Nigeria, Iran, and the like). Projections such as this indicate that the cost of gasoline will remain a problem for the transportation industry.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs and instability of gasoline prices at the present time. However, the industry should not continue to rely on this measure as a means of relief. Members of the industry will have the responsibility of taking appropriate measures.

After due consideration, we have determined that fuel costs are not likely to decrease. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

*It Is Ordered That:*

1. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be and is hereby extended until June 30, 2011, unless changed, cancelled, or extended by the Commission.

2. On the third Friday of every month, the Commission shall post on its web site at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx) the average cost of unleaded regular gasoline upon which the surcharge will be determined.

3. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge has been extended and shall terminate on June 30, 2011. The current surcharge is (insert current charge here) per trip for each paying passenger."

4. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be continued until midnight, June 30, 2011, at which time it will expire.

5. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 10-1237. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 19, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2010-2182050. Peaks and Valleys Transport, LLC** (1380 Route 286 Highway East, Building 2, Office 223, Indiana, Indiana County, PA 15701), a limited liability company of the Commonwealth—persons in airport transfer service from points in Indiana County to John Murtha Airport located in Johnstown, Cambria County, Pittsburgh International Airport located in Pittsburgh, Allegheny County, and University Park Airport located in State College, Centre County.

**A-2010-2182190. Kenny's Cab Service, LLC, t/a Kenny's Cab** (3014 Derry Street, Harrisburg, Dauphin County, PA 17111), a limited liability company of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand service in the Counties of Cumberland and Dauphin. *Attorney:* Matthew Totino, Esquire, Ryan, Russell, Ogden & Seltzer, PC, 800 North 3rd Street, Suite 101, Harrisburg, PA 17102-2025

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2010-2182756. (Martha K. Boyer, t/a Vu Gaesht Onna)** (191 King Road, Honey Brook, Chester County, PA 19344), for amendment to her common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the township of White Deer, and within 35 miles of said township, to points in Pennsylvania, and return; *SO AS TO PERMIT* the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Township of Honey Brook, Chester County, and within a 20-mile radius of said township, to points in Pennsylvania, and return.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2010-2182919. Basso Transportation Solutions, LLC** (2043 Locust Street, Philadelphia, Philadelphia County, PA 19130)—contract carrier-persons, between points in the City and County of Philadelphia, for the Medical Assistance Transportation Program (MATP), through Logisticare Solutions, LLC.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Eduard Belik;  
Doc. No. C-2010-2170272*

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 Eduard Belik, Respondent, maintains his principal place of business at 3201 East Market Street, Apt. 310, York, PA 17402.
2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 19, 2007 at Application Docket No. A-00123996.
3. That, by Secretarial Letter issued on August 10, 2009, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.
4. That Respondent violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Commission Secretarial Letter issued on August 10, 2009, at C-2009-2070804.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to

revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00123996.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to 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  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty 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). 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:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. The penalty could include the revocation of your Certificate of Public Convenience or other remedy.

C. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Tam Development, LLC,  
t/a City Limo; Doc. No. C-2010-2171404*

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 TAM Development, LLC, t/a City Limo, Respondent, maintains its principal place of business at 231 Waterman Road, Jefferson Hills, PA 15025.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on May 26, 2005, at Application Docket No. A-00121518.

3. That on December 20, 2007, Respondent received an initial assessment of \$1,151.00. On August 1, 2008, the Commission waived \$383.67 of Respondent's initial assessment. On August 29, 2008, Respondent received an initial assessment of \$1,180.00, and on September 9, 2009, Respondent received an initial assessment of \$942.00. Respondent failed to pay these assessments, as well as the remainder of its 2007 assessment; therefore, a balance was due in the amount of \$2,889.33.

4. That Respondent has an outstanding assessment of \$2,889.33.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to 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  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty 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). 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 copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. United Sales &  
Leasing Co., Inc., t/a Path Truck Lines;  
Doc. No. C-2010-2171409*

#### 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 United Sales & Leasing Co., Inc., t/a Path Truck Lines, Respondent, maintains its principal place of business at 3649 East Lake Road, P. O. Box 1338, Dunkirk, NY 14048.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 27, 1991, at Application Docket No. A-00107156, F.2.

3. That on August 29, 2008, Respondent received an initial assessment of \$4,283.00, and on September 9, 2009, Respondent received an initial assessment of \$4,502.00. Respondent failed to pay these assessments; therefore, a balance was due in the amount of \$8,785.00.

4. That Respondent has an outstanding assessment of \$8,785.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to 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  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty 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). 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 copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the

revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1238. Filed for public inspection July 2, 2010, 9:00 a.m.]

### Water Service

**A-2010-2183067. City of Lancaster Water Department.** Application of the City of Lancaster Water Department to seek approval to begin to offer, render, furnish or supply water service to the public in additional portions of East Hempfield Township, Lancaster 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 July 19, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* City of Lancaster

*Through and By Counsel:* Scott H. DeBroff, Esquire, Alicia R. Petersen, Esquire, Rhoads & Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-1239. Filed for public inspection July 2, 2010, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting on June 11, 2010, in Harrisburg, PA. At the public hearing, the Commission: 1) approved and tabled certain water resources projects, including approval of two projects involving diversions into the basin; and 2) approved amendments to its Regulatory Program Fee Schedule.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

### Supplementary Information

In addition to the public hearing and its related action items identified, the following items were also presented or acted on at the business meeting: 1) a presentation by the IMAX movie production staff at the Harrisburg Whitaker Center for Science and the Arts on development of an educational production on the future of the Chesapeake Bay; 2) a concluding report on the Paxton Creek Stormwater Management Project; 3) a progress report on implementation of the Commission Remote Water Quality Monitoring Network; 4) a report on the present hydrologic conditions of the basin; 5) approval for proposed rule-making amending 18 CFR Parts 806 and 808, and deleting and reserving Part 807; 6) ratification/approval of grants/contracts; 7) adoption of a FY-2012 budget commencing July 1, 2011; and 8) election of the member representing the State of New York as the new Chair and the member representing the Commonwealth of Pennsylvania as the new Vice Chair of the Commission to serve in the next fiscal year. The Commission heard counsel's report on legal matters affecting the Commission. The Commission also convened a public hearing and took the following actions:

### Public Hearing—Projects Approved

1. Project Sponsor and Facility: Carrizo Oil & Gas, Inc. (East Branch Wyalusing Creek—Bonnice), Jessup Township, Susquehanna County, PA. Surface water withdrawal of up to 0.720 mgd.

2. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Groundwater withdrawal of 0.075 mgd (30-day average) from two wells and six collection sumps; into-basin diversion of up to 0.050 mgd from the Delaware River Basin; and consumptive water use of up to 0.075 mgd.

3. Project Sponsor and Facility: Chief Oil & Gas, LLC (Chest Creek—Kitchen), Chest Township, Clearfield County, PA. Surface water withdrawal of up to 0.216 mgd.

4. Project Sponsor and Facility: East Resources, Inc. (Cowanesque River—Egleston), Nelson Township, Tioga County, PA. Surface water withdrawal of up to 0.267 mgd.

5. Project Sponsor: EOG Resources, Inc. Project Facility: Blue Valley AMD Treatment Plant, Horton Township, Elk County, PA. Into-basin diversion of up to 0.322 mgd from the Ohio River Basin.

6. Project Sponsor and Facility: KMI, LLC (West Branch Susquehanna River—Owner), Mahaffey Borough, Clearfield County, PA. Surface water withdrawal of up to 2.000 mgd.

7. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, Bethel Township, Berks County, PA. Modification to increase consumptive water use approval (Docket No. 20061206).

8. Project Sponsor and Facility: P. H. Glatfelter Company, Spring Grove Borough, York County, PA. Consumptive water use of up to 0.460 mgd.

9. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Loyalsock Creek—Hershberger), Gamble Township, Lycoming County, PA. Surface water withdrawal of up to 0.918 mgd.

10. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Pine Creek—Poust), Watson Township, Lycoming County, PA. Surface water withdrawal of up to 0.918 mgd.

11. Project Sponsor and Facility: Stone Energy Corporation (Wyalusing Creek—Stang), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd.

12. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC, Meshoppen Borough, Wyoming County, PA. Groundwater withdrawal of up to 0.216 mgd from the Meshoppen Pizza Well.

13. Project Sponsor and Facility: Talisman Energy USA, Inc. (Susquehanna River—Welles), Terry Township, Bradford County, PA. Surface water withdrawal of up to 2.000 mgd.

14. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Groundwater withdrawal of up to 0.071 mgd from Reeser Well 1 and 0.071 mgd from Reeser Well 2.

15. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Groundwater withdrawal of up to 0.066 mgd from Susquehanna Village Well 1 and 0.066 mgd from Susquehanna Village Well 2.

### Public Hearing—Projects Tabled

1. Project Sponsor and Facility: Linde Corporation (Lackawanna River—Carbondale Industrial Development Authority), Fell Township, Lackawanna County, PA. Application for surface water withdrawal of up to 0.905 mgd.

2. Project Sponsor and Facility: Novus Operating, LLC (Tioga River—Mitchell), Covington Township, Tioga County, PA. Application for surface water withdrawal of up to 1.750 mgd.

3. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA. Modification to increase the total groundwater system withdrawal limit (30-day average) from 0.523 mgd to 0.962 mgd (Docket No. 20070905).

*Public Hearing—Amended Regulatory Program Fee Schedule*

The Commission approved amendments to its Regulatory Program Fee Schedule intended to clarify the application of fees to certain projects and ease the impact of fees on groundwater remediation and municipal projects. There were no changes to the fee amounts.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: June 22, 2010.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 10-1240. Filed for public inspection July 2, 2010, 9:00 a.m.]