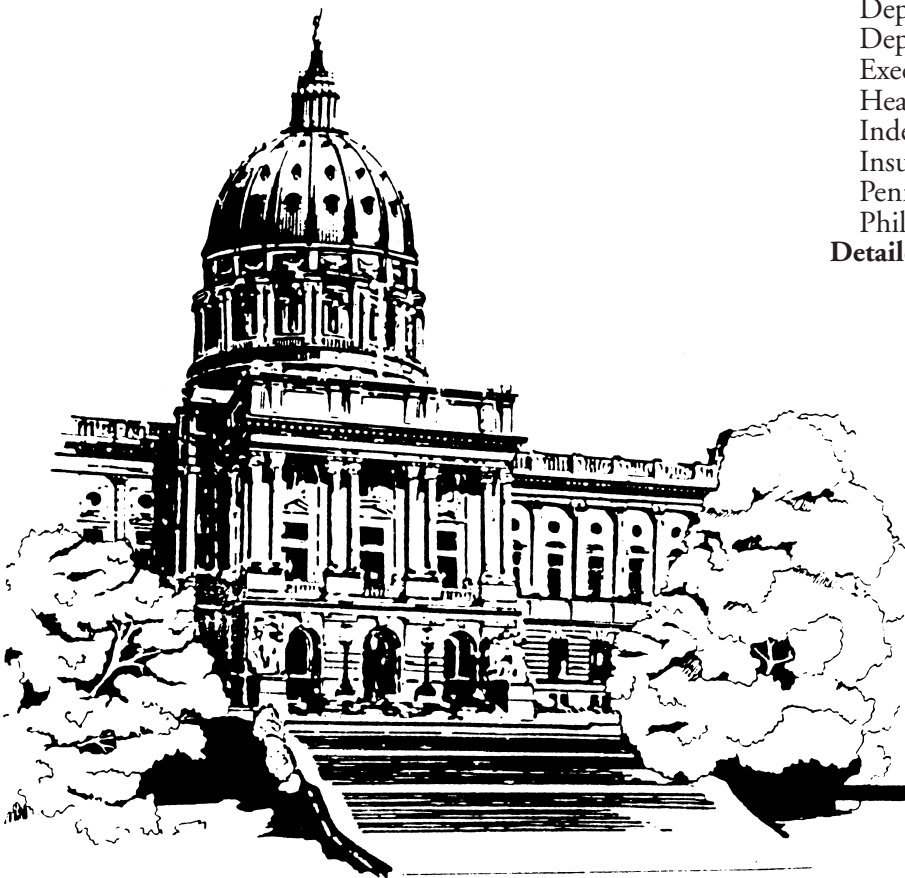


PENNSYLVANIA BULLETIN

Volume 40
Saturday, August 14, 2010 • Harrisburg, PA
Number 33
Pages 4621—4732

Agencies in this issue

The Governor
The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of Labor and Industry
Department of Public Welfare
Department of State
Department of Transportation
Executive Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Detailed list of contents appears inside.



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

No. 429, August 2010

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2010 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee..... 4630

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS
 Amendment of rule 521(c) of the rules of disciplinary enforcement; no. 89; disciplinary rules..... 4633

JUVENILE RULES
 Proposed amendments to rule 200 and proposed new rule 337 4646

LOCAL COURT RULES
 Amendment to rule of judicial administration 1901: termination of active cases; AD-90-10 4648

RULES OF CIVIL PROCEDURE
 Amendment of rule 1910.13-1 of the rules of civil procedure; no. 532; civil procedural rules 4634
 Amendment of rules 1915.8 and 1915.18 of the rules of civil procedure; no. 533 civil procedural rules 4634
 Amendment of rule 3135 of the rules of civil procedure; no. 531; civil procedural rules 4635

RULES OF CRIMINAL PROCEDURE
 Proposed new Pa.Rs.Crim.P. 595 and 596; amendments to Pa.Rs.Crim.P. 113, 119, 504, 510, 540, 571, and 578; and revision of the comment to Pa.R.Crim.P. 570..... 4636

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING
Notices
 Actions on applications..... 4655
 Maximum lawful rate of interest for residential mortgages..... 4656

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Notices
 Retention of environmental engineering firms; project reference no. FDC-500-970 4656
 Retention of two engineering firms; project reference no. FDC-500-950..... 4661

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices
 Applications, actions and special notices..... 4666
 Agricultural Advisory Board meeting cancellation ... 4713
 Air Quality Technical Advisory Committee meeting . 4713

Availability of technical guidance 4713
 Coastal Zone Grant application period opens for Federal Fiscal Year 2011 Grants 4714
 Extension of Pennsylvania National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) general permit (PAG-13)..... 4714
 Small Water Systems Technical Assistance Center Advisory Board meeting cancellations 4715

DEPARTMENT OF LABOR AND INDUSTRY
Notices
 Prevailing Wage Appeals Board Meeting..... 4715

DEPARTMENT OF PUBLIC WELFARE
Notices
 Fee schedule; addition of procedure codes for the administration of vaccines..... 4715
 Medical Assistance Program fee schedule revisions.. 4716

DEPARTMENT OF STATE
Notices
 Pennsylvania league of conservation voters; amended cease and desist order; correction 4724

DEPARTMENT OF TRANSPORTATION
Notices
 Clarification of restriction codes on driver’s license.. 4724
 Proposed Disadvantaged Business Enterprise goal for participation in Federal Aviation Administration contracts for Federal Fiscal Years 2011-2013 4725

EXECUTIVE BOARD
Statements of Policy
 Reorganization of the Department of Health..... 4650
 Reorganization of the Department of Public Welfare..... 4650
 Reorganization of the Pennsylvania Board of Probation and Parole..... 4650

HEALTH CARE COST CONTAINMENT COUNCIL
Notices
 Meetings scheduled 4725

INDEPENDENT REGULATORY REVIEW COMMISSION
Notices
 Notice of filing of final rulemakings 4725

INSURANCE DEPARTMENT
Notices
 Highmark Blue Cross Blue Shield; PPACA reform changes; applicability—CompleteCare Program; rate filing 4726
 Highmark Blue Cross Blue Shield; PPACA reform changes; applicability—Medically Underwritten PPO Program (Western Pennsylvania); rate filing 4726

Now Available Online at <http://www.pabulletin.com>

Highmark Blue Shield; PPACA reform changes; applicability—Medically Underwritten PPO Program (CentralPennsylvania); rate filing 4726

Keystone Health Plan West HMO; PPACA reform changes; applicability—direct pay individuals; rate filing 4726

Mini-COBRA coverage; 2010-09 4727

Review procedure hearings; cancellation or refusal of insurance 4727

State Farm Fire and Casualty Company; homeowners; rate and rule revision; rate filing 4727

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Notice of investigation into practice of paper invoice charges; doc. no. I-2010-2014444 4728

Service of notice of motor carrier applications 4728

Telecommunications 4731

Transfer by sale 4731

Water service 4732

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 4732

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

1 Pa. Code (General Provisions)		88	2373
Proposed Rules		89	2373
1	4392	90	2373
4 Pa. Code (Administration)		92	847
Adopted Rules		92a	847
1	8, 2513	93	2211, 2264
5	11, 398	96	876
6	12, 212, 399, 3078, 4630	105	2211
7a	14, 16	121	703
241	971	127	703
247	972, 973	129	420
249	2015	208	1749, 3836
Proposed Rules		250	1297
249	3859	253	1379
Statements of Policy		806	3860
1	4287	808	3860
9	888, 1406, 1926, 2135, 2287, 2979, 3361, 3672, 3866, 4394, 4650	901	1201, 4278
165	4396	28 Pa. Code (Health and Safety)	
7 Pa. Code (Agriculture)		Adopted Rules	
Proposed Rules		23	2747
143	3127	27	2747
Statements of Policy		31 Pa. Code (Insurance)	
28b	4304	Proposed Rules	
10 Pa. Code (Banks and Banking)		160	2976
Adopted Rules		34 Pa. Code (Labor and Industry)	
3	2939	Proposed Rules	
44	2940	61	2639
Statements of Policy		65	2643
47	3868	37 Pa. Code (Law)	
49	3869	Adopted Rules	
12 Pa. Code (Commerce, Trade and Local Government)		93	2759
Adopted Rules		40 Pa. Code (Liquor)	
145	2421	Adopted Rules	
Statements of Policy		1	1149
123	2772	3	1149
22 Pa. Code (Education)		5	1149, 3494, 4254
Adopted Rules		7	1149
4	240	11	1149
405	2940	13	1149
25 Pa. Code (Environmental Protection)		17	1149
Adopted Rules		49 Pa. Code (Professional and Vocational Standards)	
93	1734	Adopted Rules	
121	3328	16	250
129	3328	18	250
145	3346	21	3944
252	1898	25	1404
Proposed Rules		27	842
23	1635	31	3952
78	623, 3845, 4154	33	1082, 2532
86	2373, 2425	36	3956, 4254
87	2373	39	3090, 3092
		41	2947
		Proposed Rules	
		5	1641, 2128
		6	3041
		15	623
		16	884, 2652

18 884, 2652
 20 2428
 21 2276
 25 2660
 29 440
 31 4154
 35 2281
 43b 2263, 2423
 47 2131
 48 2131
 49 2131

Statements of Policy

5 1534

51 Pa. Code (Public Officers)

Adopted Rules

53 3825

52 Pa. Code (Public Utilities)

Adopted Rules

63 4254

Proposed Rules

23 1531
 54 1763, 1764, 2267, 3669
 57 1203, 1635
 59 1203
 62 1764
 64 3499
 65 1203
 67 1203
 76 1764

Statements of Policy

69 1210, 2289, 2443, 2668

55 Pa. Code (Public Welfare)

Adopted Rules

108 2762
 187 2762
 501 29
 2800 4073

Proposed Rules

165 2111
 3270 3527
 3280 3527
 3290 3527

Statement of Policy

1101 3963
 1102 3963
 1121 3963
 1123 3963
 1149 3963
 1151 3963
 1153 1644
 1163 3963
 1181 3963
 1187 1766, 3963
 1230 3963
 1243 3963
 2380 1644
 2600 1411
 5200 1644
 5210 1644
 6400 1644
 6500 1644

58 Pa. Code (Recreation)

Adopted Rules

61 254, 3663
 65 3663
 73 257
 75 620, 1500, 3664
 79 1500
 111 1503
 131 4386
 135 3095
 137 1736
 139 3096
 141 1737, 3103, 3105, 3106, 3107, 4387, 4388
 143 3107, 3108
 147 1739, 3109
 401a 2533
 434a 2533
 435a 975, 1082, 2535
 437a 975
 438a 2533
 441a 2533
 461a 1082, 2535
 463a 1082
 465a 416, 1082, 2535
 467a 2535
 491a 254
 501a 1082, 2535
 521 985, 1156, 1740, 2088, 2539, 3509
 523 2088, 3109, 3827
 524 2544
 525 2539, 2953, 3116, 3827
 526 3511
 527 1156
 528 1740
 529 844, 3109
 531 985
 533 985
 535 1504, 1911, 2959, 3109, 3827
 537 985, 2088, 3827
 539 1740
 541 1504, 2959, 3827
 543 1504, 2959, 3827
 545 1504, 2959, 3827
 549 985, 2959, 3827
 551 1504, 2959, 3827
 553 1156, 2959, 3827
 555 1156, 2959, 3827
 557 1156, 2959, 3827
 559 1156, 2959, 3827
 561 1156, 2959, 3109, 3827
 563 1156, 2959, 3827
 565 1156, 2959, 3827
 567 1911, 2959, 3827
 569 3519

Proposed Rules

61 427, 3669
 65 427
 69 1530
 75 429
 131 3126
 135 1755
 139 1756, 4390
 141 1750, 1752, 1753, 1754, 3123, 3124
 143 1749, 1754
 147 1761, 4391
 433a 434

61 Pa. Code (Revenue)

Adopted Rules
 53 1746
 151 3356
 153 3356

Proposed Rules

117 3122
 119 1916

67 Pa. Code (Transportation)

Adopted Rules
 229 2017
 231 2106, 2262

201 Pa. Code (Judicial Administration)

Adopted Rules
 7 19
 19 218

204 Pa. Code (Judicial System General Provisions)

Adopted Rules
 83 513, 1892, 4633
 87 700
 89 700
 93 700
 213 513
 221 1997

Proposed Rules

81 2516
 83 1066

210 Pa. Code (Appellate Procedure)

Proposed Rules
 3 3659
 15 2393
 19 2741

225 Pa. Code (Rules of Evidence)

Proposed Rules
 ART. I 3325

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 19, 518, 1395, 1490
 1000 1395
 1910 413, 586, 4140, 4634
 1915 3492, 4140, 4634
 1920 4140
 3000 19, 700, 2243, 4635

Proposed Rules

200 2242
 3000 413, 1892

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 1396
 2 1397
 5 1068, 1397
 10 1068, 2012

Proposed Rules

1 2397, 2517, 2519, 4143, 4636
 2 2394
 4 2519
 5 21, 4636
 8 2397
 9 4147
 10 4150
 11 4143

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 222, 518
 2 222
 3 222, 1073
 4 222
 5 222, 518
 8 1073
 11 222, 518
 13 222
 16 21

Proposed Rules

1 2245
 2 4646
 3 4646
 11 2245
 15 2245
 16 2245

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules
 100 1146

Proposed Rules

500 522

249 Pa. Code (Philadelphia Rules)

Unclassified 237, 1075, 1629, 1730, 2013, 3326

252 Pa. Code (Allegheny County Rules)

Unclassified 838, 1399, 2934

255 Pa. Code (Local Court Rules)

Unclassified 23, 24, 237, 238, 414, 415, 523, 701,
 702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490,
 1498, 1629, 1630, 1632, 1633, 1730, 1731, 1732,
 1733, 1893, 1896, 1897, 2014, 2254, 2257, 2414,
 2416, 2418, 2419, 2420, 2531, 2635, 2636, 2742,
 2743, 2745, 2934, 2935, 2938, 3083, 3087, 3089,
 3327, 3493, 3661, 3822, 3823, 3824, 3943, 4153,
 4248, 4249, 4250, 4251, 4384, 4648

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2010-02 AS AMENDED]

Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee

July 20, 2010

Whereas, the Patient Protection and Affordable Care Act was enacted by the U.S. Congress and signed into law by the President on March 23, 2010 and the Health Care and Education Reconciliation Act was enacted by the U.S. Congress and signed into law by the President on March 30, 2010 (hereinafter collectively referred to as the "Act") providing affordable health care coverage for nearly every citizen; and

Whereas, more than one million Pennsylvanians do not have access to affordable health care coverage; and

Whereas, the commonwealth's adultBasic program waiting list now stands at nearly 400,000 eligible persons and continues to grow; and

Whereas, nearly 200,000 Pennsylvanians who are on the adultBasic waiting list suffer from urgent, serious and expensive to treat illnesses; and

Whereas, Pennsylvania's small employers suffer extraordinary rate increases and many cannot afford to cover ever increasing premiums for employee coverage; and

Whereas, more and more small employers can no longer provide employee health insurance coverage and remain profitable enterprises; and

Whereas, the implementation of this Act will increase the numbers of individuals with reliable health insurance coverage, due to both an expansion of the Medical Assistance program and the creation of the health benefit exchange, will curb the trend of steep annual increases in health insurance premiums paid by employers and will provide direct assistance to small companies providing coverage and individuals purchasing their own coverage; and

Whereas, the Act provides incentives to further improve affordability of long term care services, and expansion and enhanced quality of home and community based services for older and disabled adults; and

Whereas, the Act relies on an expanded partnership between the federal and state governments in the administration of health care coverage and the regulation of health insurance products; and

Whereas, the Act authorizes and provides funds to states to create health benefit exchanges that will help citizens and businesses select the best health care coverage for their needs with tools to ensure that price and benefits can easily be compared among insurers; and

Whereas, innovations in the creation of the health benefit exchanges can ensure the continuity of coverage for individuals regardless of their employment situation; and

Whereas, the Act authorizes the federal government to work with states to create new temporary high-risk pools to help uninsured individuals, who cannot get insurance due to pre-existing conditions, obtain affordable coverage; and

Whereas, the Act immediately ends the imposition of pre-existing condition requirements on children and, in 2014, provides every adult the same protection in addition to standardizing the rate setting for insurance

products offered to small employers and individuals and providing other consumer protections, with the intention that states will enforce adherence to these new consumer protections; and

Whereas, the Act will produce annual reductions in state expenditures for prescription drug coverage for both Medical Assistance and Pennsylvania's PACE program recipients; and

Whereas, coordination among executive agencies regarding the Act's implementation will be needed to ensure Pennsylvanians get immediate and full access to all health care coverage, insurance protections, expanded access to care and federal subsidies to ensure affordability; and

Whereas, the commonwealth must develop an efficient and effective set of strategies to implement these reforms with input from experts, providers and citizens.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee; and do hereby delegate to the Insurance Department the authority to establish and administer the commonwealth's High Risk Pool program.

Edward G. Rendell

Governor

Fiscal Note: 2010-04. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter HH. COMMONWEALTH HEALTH CARE REFORM IMPLEMENTATION COMMITTEE AND THE COMMONWEALTH HEALTH CARE REFORM IMPLEMENTATION ADVISORY COMMITTEE

§ 6.422. Commonwealth Health Care Reform Implementation Advisory Committee.

(a) *Composition and appointment.* The members of the Commonwealth Health Care Reform Implementation Advisory Committee (Advisory Committee) will be appointed by the Governor and include, at a minimum, the following members or, in the case of the elected officials, their designees:

- (1) All members of the Health Care Reform Implementation Committee.
- (2) Two members of the Senate of Pennsylvania recommended by the Majority Leader of the Senate of Pennsylvania.
- (3) Two members of the Senate of Pennsylvania recommended by the Minority Leader of the Senate of Pennsylvania.
- (4) Two members of the Pennsylvania House of Representatives recommended by the Majority Leader of the Pennsylvania House of Representatives.
- (5) Two members of the Pennsylvania House of Representatives recommended by the Minority Leader of the Pennsylvania House of Representatives.
- (6) Four individuals representing insurance industry executives, including at least one Medical Assistance managed-care company, one non-profit health insurer and one for-profit health insurer.
- (7) Two hospital representatives recommended by the Hospital & Healthsystem Association of Pennsylvania.

(8) Four individuals who are medical professionals, including two physicians recommended by the Pennsylvania Medical Society, as well as representatives from the fields of nursing and behavioral health.

(9) Four individuals representing purchasers of group health insurance from the private sector, including at least one individual representing small businesses that offer insurance and at least one representative from an organized labor organization that offers health insurance.

(10) One individual representing a regional health initiative.

(11) One individual representing a Statewide budget policy organization.

(12) One individual representing a Statewide health policy organization.

(13) Four individuals who are experts in the health care policy.

(14) At least one health care consumer who lacks health care coverage at the time of appointment.

(b) *Chairperson.* The Governor will designate the Chairperson of the Advisory Committee.

(c) *Responsibilities.* The Advisory Committee shall:

(1) Receive a briefing on the Commonwealth Health Care Reform Implementation Committee's findings, recommendations and actions.

(2) Provide feedback to the Commonwealth Health Care Reform Implementation Committee on their findings, recommendations and actions.

(3) Identify best practices or models to be reviewed by the Commonwealth Health Care Reform Implementation Committee.

(4) Review and provide comments to the strategic plan for the implementation of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act (act) proposed by the Commonwealth Health Care Reform Implementation Committee.

(5) Advise the Commonwealth Health Care Reform Implementation Committee on the following activities:

(i) Design of the optimal programmatic model for the Commonwealth's High Risk Pool.

(ii) Design of the optimal organizational model to support a customer friendly and efficient health benefit exchange.

(iii) Identification of technology, organization and process improvements necessary to support the implementation of all State obligations under the act.

(iv) The strategic plan for the implementation of the act.

(v) Legislative action necessary to enable full implementation of the Act and draft legislation for discussion with appropriate members of the legislature.

(d) *Meetings.* The Advisory Committee will establish a meeting schedule, notify the public and hold its meetings in accordance with the Pennsylvania Sunshine Act.

[Pa.B. Doc. No. 10-1471. Filed for public inspection August 13, 2010, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 521(c) of the Rules of Disciplinary Enforcement; No. 89 Disciplinary Rules

Order

Per Curiam:

And Now, this 29th day of July, 2010, upon the recommendation of the Board of the Pennsylvania Lawyers Fund For Client Security; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 521(c) of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in thirty days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY

PAYMENT OF CLAIMS

Rule 521. Investigation and payment of claims.

* * * * *

(c) *Subpoenas.*

(1) At any stage of an inquiry being conducted in accordance with Rule 221, the Board or a designated representative on behalf of the Board shall have the right to require production of records by issuance of a subpoena(s). The attorney whose account is the subject of the inquiry under Rule 221 shall have the right, upon written request and payment of appropriate duplicating costs, to receive copies of the records produced.

(2) At any stage of an investigation and/or proceeding under this subchapter, the Board, a Claimant and a contesting Covered Attorney shall have the right to summon witnesses [before a hearing committee and] and/or require production of records [before the same] by issuance of subpoenas [in substantially the same manner, and with the effect provided by Rule 213(b), (e), (f), (g) and (h), and if applicable, (c) and (d) (relating to subpoena power, depositions and related matters)].

(3) Subpoenas authorized by this subparagraph (c) shall be obtained by filing with any Prothonotary of the Supreme Court of Pennsylvania a statement calling for the issuance of the subpoena. On the same day that the statement is filed with the Prothonotary, the party seeking the subpoena shall send by certified mail a copy of the statement to either the Executive Director or the Covered Attorney as the case may be. Upon the filing of the statement, the Prothonotary shall forthwith issue the subpoena and it shall be served by certified mail, return receipt or by personal service. A subpoena issued under this subparagraph (c) shall not be returnable until at least 10 days after the date of its issuance.

(4) A subpoena issued under this rule shall clearly indicate on its face that the subpoena is issued in connection with a confidential investigation under these rules and, that it is regarded as contempt of the Supreme Court or grounds for discipline under the Rules of Disciplinary Enforcement for a person subpoenaed to in any way breach the confidentiality of the investigation. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney. The subpoena procedures of this rule shall be subject to the protective requirements of confidentiality provided in Rule 504.

(5) Any challenge to the validity of a subpoena issued under this rule shall be heard by a hearing committee or the full Board. A determination by such committee or the Board may be appealed to the Supreme Court under subparagraph (8) within ten days after service of the determination on the party bringing the appeal.

(6) Witnesses before a hearing committee or the Board shall be examined under oath or affirmation.

(7) With the approval of a hearing committee or the Board, testimony may be taken by deposition or by commission if the witness is not subject to service of subpoena or is unable to attend or testify at the proceeding because of age, illness or other compelling reason. A complete record of the testimony so taken shall be made and preserved.

(8) Enforcement of subpoenas; appeal of challenges to subpoenas:

(i) The Board, through a designated representative, or a Covered Attorney may petition the Supreme Court to enforce a subpoena or to review a determination under subparagraph (5) on the validity of a subpoena. No challenge to the validity of a subpoena will be considered by the Court unless previously raised as provided in subparagraph (5).

(ii) Upon receipt of a petition for enforcement of a subpoena, the Court shall issue a rule to show cause upon the person to whom the subpoena was directed, returnable within ten days, why the person should not be held in contempt. If the period of response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

(iii) A petition for review of a determination made under subparagraph (5) must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

(9) Any rule of the Supreme Court or any statute providing for discovery shall not be applicable in a proceeding under these rules, which proceeding shall be governed by these rules alone.

* * * * *

[Pa.B. Doc. No. 10-1472. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rule 1910.13-1 of the Rules of Civil Procedure; No. 532; Civil Procedural Rules

Order

Per Curiam:

And Now, this 30th day of July, 2010, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.13-1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.13-1. Failure or Refusal to Appear Pursuant to Order of Court. Bench Warrant.

(a) If a party fails to appear at a conference and/or hearing as directed by order of court, the court may issue a bench warrant for the arrest of the party if it finds

(1) following a hearing on the record that the party had actual notice that the party was ordered to attend the conference and/or hearing, or

(2) upon the affidavit of a hearing officer or conference officer that

(i) the order of court scheduling the conference and/or hearing was served by ordinary mail with the return address of the domestic relations section appearing thereon, that the mail was not returned to the domestic

relations section within fifteen days after mailing, and that, at a date after the order of court was mailed, the [United States Postal Service] domestic relations section has verified through the U. S. Postal Service or by electronic means that mail for the party was being delivered at the address to which the court order was mailed; or

(ii) the party signed a receipt indicating acceptance of a copy of the court order; or

(iii) an employee of the court handed a copy of the order to the party; or

(iv) a competent adult handed a copy of the court order to the party, and filed an affidavit of service.

Official Note: See Rule 76 for the definition of “competent adult.”

The support statute, at 23 Pa.C.S.A. § 4353(a), requires parties to a support proceeding to notify the domestic relations section within seven days of a change of personal address. Pursuant to 23 Pa.C.S.A. § 4353(a.1), the court may deem due process service requirements to have been met upon delivery of written notice to the most recent address the party filed with the domestic relations section.

* * * * *

[Pa.B. Doc. No. 10-1473. Filed for public inspection August 13, 2010, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendment of Rules 1915.8 and 1915.18 of the Rules of Civil Procedure; No. 533; Civil Procedural Rules

Order

Per Curiam:

And Now, this 2nd day of August 2010, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.8 and 1915.18 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.8. Physical and Mental Examination of Persons.

* * * * *

(b) Unless otherwise directed by the court, the expert shall deliver to the court, to the attorneys of record [and] for the parties, to any unrepresented party, and to the guardian ad litem and/or counsel for the child, if any, copies of any reports arising from the evaluation setting out the findings, results of all tests made, diagnosis and conclusions. No reports shall be filed of record or considered evidence unless and until admitted by the court. Any report which is prepared at the request of a party, with or without a court order, and which a party intends to introduce at trial, must be delivered to the court and the other party at least thirty days before trial. If the report or any information from the evaluator is provided to the court, the evaluator shall be subject to cross-examination by all counsel and any unrepresented party without regard to who obtains or pays for the evaluation.

* * * * *

Rule 1915.18. Form of Order Directing Expert Examination and Report.

The order of court directing expert evaluation in a custody matter pursuant to Rule 1915.8 shall be in substantially the following form:

(Caption)
ORDER OF COURT

AND NOW, this ____ day of _____, 20____, it is hereby ORDERED, that:

* * * * *

5. [Both] If the evaluation is a medical necessity, the service may be covered by insurance. If so, both parties shall promptly cooperate to maximize the use of available insurance coverage, if any, and to notify the other party of the result. The plaintiff defendant shall submit the costs to his or her insurance first. The cost of the unreimbursed portion of the evaluation shall preliminarily be allocated between the parties with the plaintiff paying ____% and the defendant paying ____% without prejudice to the ultimate apportionment of such costs by subsequent agreement of the parties or order of court.

* * * * *

11. Provided that the parties cooperate on a timely basis, the evaluator shall deliver his or her report to counsel for the parties, any unrepresented party, the guardian ad litem and/or counsel for the child, if any, and to the court at least ____ days prior to the first day of trial. The report shall not be filed of record.

* * * * *

[Pa.B. Doc. No. 10-1474. Filed for public inspection August 13, 2010, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Amendment of Rule 3135 of the Rules of Civil Procedure; No. 531; Civil Procedural Rules

Order

Per Curiam:

And Now, this 28th day of July, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at

40 Pa.B. 413 (January 16, 2010) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 984 No. 3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 3135 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective September 1, 2010.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3135. Sheriff's deed to real property. Correction of deed.

(a) When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of twenty days **but no later than 40 days** after either the filing of the schedule of distribution or the execution sale if no schedule of distribution need be filed, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.

Official Note: See Rule 3136(a) governing the filing of the schedule of distribution.

(b) If the sheriff has made a defective return of the execution proceeding or has executed a defective deed, including the erroneous description of the real estate, the court upon petition of the purchaser or the purchaser's successors in title may correct the return or deed or order that a new return or deed be executed.

Explanatory Comment—2005

Prior to the present amendment, Rule 3135(a) governing execution sales provided in part that "the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold." There was a gap in the rule because Rule 3136(a) provides that a schedule of distribution need not be filed where the real property is sold to the plaintiff for costs only.

The amended rule eliminates this gap. Where a schedule of distribution is not required, the sheriff must execute and acknowledge the deed no sooner than twenty days after the date of the sale.

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of both Rule 3135 and the 2005 explanatory comment to the rule. First, current Rule 3135, which provides for the sheriff to execute a sheriff's deed only at the expiration of twenty days after either the filing of a schedule of distribution or the execution sale, is inconsistent with the 2005 explanatory comment, which advises that where a schedule of distribution is not required, the sheriff must execute and acknowledge the deed within twenty days of the date of the sale. The 2005 explanatory

comment was incorrect in that if the sheriff were required to execute the deed within twenty days of the date of the sale where no schedule of distribution is required, there would be no time for the debtor to petition the court before the delivery of the sheriff's deed if the sheriff were to execute the deed immediately after the sale. The proposed amendment corrects the 2005 explanatory comment by conforming it to the text of the rule.

Second, Rule 3135 has been amended to provide a set time period within which the sheriff must execute the deed after either the filing of the schedule of distribution or the execution sale if no schedule of distribution is required. Current Rule 3135 only provides a minimum amount of time, i.e. twenty days after the filing of the schedule of distribution or the execution sale if no schedule of distribution is required, after which the sheriff is authorized to execute the deed. It sets no future date by which the sheriff must have executed the deed. The proposed amendment establishes a twenty to forty day window within which the sheriff must execute the deed after either the filing of the schedule of distribution or the sheriff's sale. This time period will ensure that a debtor has sufficient time to petition the court to set aside the sale pursuant to Rule 3132, while encouraging the timely execution of the deed by the sheriff.

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 10-1475. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Proposed New Pa.Rs.Crim.P. 595 and 596; Amendments to Pa.Rs.Crim.P. 113, 119, 504, 510, 540, 571 and 578; and Revision of the Comment to Pa.R.Crim.P. 570

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules of Criminal Procedure 595 and 596; amend Rules of Criminal Procedure 113, 119, 504, 510, 540, 571 and 578; and approve the revision of the Comment to Rule of Criminal Procedure 570. The proposed rule changes establish the procedures for the transfer of cases from criminal proceedings to juvenile proceedings. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed rule changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

no later than Friday, September 10, 2010.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 113. Criminal Case File and Docket Entries.

* * * * *

(C) The docket entries shall include at a minimum the following information:

* * * * *

(6) **a notation if the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302;**

(7) the location of exhibits made part of the record during the proceedings; and

[(7)] (8) all other information required by Rules 114 and 576.

* * * * *

Official Note: Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004. New Rule 113 adopted March 3, 2004, effective July 1, 2004; **amended , 2010, effective , 2010.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment adding new paragraph (6) concerning defendants under the age of 18 published for comment at 40 Pa.B. 4642 (August 14, 2010).

Rule 119. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings.

(A) The court or issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding except:

* * * * *

(3) **proceedings pursuant to Rule 595;**

(4) trials;

[(4)] (5) sentencing hearings;

[(5)] (6) parole, probation, and intermediate punishment revocation hearings; and

[(6)] (7) any proceeding in which the defendant has a constitutional or statutory right to be physically present.

* * * * *

Official Note: New Rule 118 adopted August 7, 2003, effective September 1, 2003; renumbered Rule 119 and Comment revised June 30, 2005, effective August 1, 2006; amended January 27, 2006, effective August 1, 2006; Comment revised May 4, 2009, effective August 1, 2009; amended , 2010, effective 2010.

Committee Explanatory Reports:

* * * * *

Final Report explaining the May 4, 2009 revision to the Comment adding PCRA hearings as a proceeding to which the defendant may consent to be held using ACT published with the Court's Order at 39 Pa.B. [2434] 2435 (May 16, 2009).

Report explaining the proposed amendment to paragraph (A) adding proceedings under Rule 595 as a proceeding for which ACT may not be used published for comment at 40 Pa.B. 4642 (August 14, 2010).

**CHAPTER 5. PRETRIAL PROCEDURES
IN COURT CASES**

PART B(1). Complaint Procedures

Rule 504. Contents of Complaint.

Every complaint shall contain:

* * * * *

(10) a notation if the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302;

(11) a notation if the defendant is under the age of 18 at the time the complaint is filed whether the defendant's parents, guardian, or other custodian have been notified of the charge(s);

(12) a request for the issuance of a warrant of arrest or a summons, unless an arrest has already been effected;

[(11)] (13) a verification by the affiant that the facts set forth in the complaint are true and correct to the affiant's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and

[(12)] (14) the signature of the affiant and the date of the execution of the complaint.

Comment

* * * * *

The requirement that the affiant who prepares the complaint indicate whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is included so that the issuing authority knows whether it is necessary to issue a fingerprint order with the summons as required by Rule 510.

Paragraph (10) requires the law enforcement officer who issues a complaint to indicate on the complaint if the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

If the defendant is under the age of 18 when the complaint is filed, paragraph (11) requires the law enforcement officer to indicate on the complaint whether the defendant's parents, guardian, or other custodian were notified.

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

Official Note: Original Rule 104 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 104 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 132 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended July 25, 1994, effective January 1, 1995; renumbered Rule 104 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 504 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; amended July 10, 2008, effective February 1, 2009; amended , 2010, effective , 2010.

Committee Explanatory Reports:

* * * * *

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. [6] 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

* * * * *

Report explaining the proposed amendment adding new paragraphs (10) and (11) concerning defendants under the age of 18 published for comment at 40 Pa.B. 4642 (August 14, 2010).

PART B(2). Summons Procedures

Rule 510. Contents of Summons; Notice of Preliminary Hearing.

* * * * *

(D) If the defendant is under the age of 18 at the time the complaint is filed and is charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, the issuing authority shall determine whether the defendant's parents, guardian, or other custodian have been notified of the charge(s). If the parents, guardian, or other custodian have not been notified, the issuing authority shall send a copy of the summons to the parents, guardian, or other custodian.

Comment

* * * * *

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a

right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 511 for service of the summons and proof of service.

See Rule 543(D) for the procedures when a defendant fails to appear for the preliminary hearing.

For the consequences of defects in a summons in a court case, see Rule 109.

Official Note: Original Rule 109 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 109 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 110 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended August 9, 1994, effective January 1, 1995; renumbered Rule 510 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; **amended** , **2010, effective** , **2010.**

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. [6] 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

* * * * *

Report explaining the proposed amendments adding new paragraph (B) concerning notice to parents, guardian, or other custodian when defendant under the age of 18 published for comment at 40 Pa.B. 4642 (August 14, 2010).

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

* * * * *

(B) If the defendant is under the age of 18 at the time the complaint is filed and is charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, the issuing authority shall determine whether the defendant's parents, guardian, or other custodian have been notified of the charge(s). If the parents, guardian, or other custodian have not been notified, the issuing authority shall notify them.

(C) At the preliminary arraignment, a copy of the complaint accepted for filing pursuant to Rule 508 shall be given to the defendant.

[(C)] (D) If the defendant was arrested with a warrant, the issuing authority shall provide the defendant with copies of the warrant and supporting affidavit(s) at the preliminary arraignment, unless the warrant and affidavit(s) are not available at that time, in which event the defendant shall be given copies no later than the first business day after the preliminary arraignment.

[(D)] (E) If the defendant was arrested without a warrant pursuant to Rule 519, unless the issuing authority makes a determination of probable cause, the defendant shall not be detained.

[(E)] (F) The issuing authority shall not question the defendant about the offense(s) charged but shall read the complaint to the defendant. The issuing authority shall also inform the defendant:

* * * * *

[(F)] (G) Unless the preliminary hearing is waived by a defendant who is represented by counsel, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be less than 3 nor more than 10 days after the preliminary arraignment, unless:

* * * * *

[(G)] (H) After the preliminary arraignment, if the defendant is detained, the defendant shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail as provided by law.

[(H)] (I) If a monetary condition of bail is set, the issuing authority shall accept payment of the monetary condition, as provided in Rule 528, at any time prior to the return of the docket transcript to the court of common pleas.

Comment

* * * * *

Paragraph [(C)] (D) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. See also Rules 513(A), 208(A), and 1003.

Paragraph [(C)] (D) includes a narrow exception [which] that permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, 515 Pa. 501, 530 A.2d 414 ([Pa.] 1987).

When a defendant has not been promptly released from custody after a warrantless arrest, the defendant must be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. See Rule 519(A).

Under paragraph [(D)] (E), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before a defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Pursuant to the 2004 amendment to paragraph [(F)(2)] (G)(2), at the time of the preliminary arraignment, the defendant must be given notice, both orally and in writing, of the date, time, and place of the preliminary hearing. The notice must also explain that, if the defendant fails to appear without good cause for the preliminary hearing, the defendant's absence will constitute a waiver of the right to be present, the case will proceed in the defendant's absence, and a warrant for the defendant's arrest will be issued.

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Municipal Court.

See Rule 595 for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

Official Note: Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended , 2010, effective , 2010.

Committee Explanatory Reports:

Report explaining the provisions of the new Rule 140 published at 22 Pa.B. [6] 18 (January 4, 1992). Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

* * * * *

Report explaining proposed amendments concerning defendants under the age of 18 and charged with one of the offenses enumerated in 42 Pa.C.S. § 6302(2)(i), (ii), or (iii) for comment at 40 Pa.B. 4642 (August 14, 2010).

PART F. Procedures Following Filing of Information

Rule 570. Pretrial Conference.

* * * * *

Comment

* * * * *

The 1978 addition of the phrase "or a pro se defendant" in paragraph (A), and the deletion of paragraph (d), were made pursuant to the decision of the United States Supreme Court in *Faretta v. California*, 422 U.S. 806 (1975).

See Rule 595 for the requirements for a mandatory prehearing conference following the arraignment in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

Official Note: Rule 311 adopted June 30, 1964, effective January 1, 1965; amended February 15, 1974, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended August 12, 1993, effective September 1, 1993; renumbered Rule 570 March 1, 2000, effective April 1, 2001; Comment revised , 2010, effective , 2010.

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. [3826] 3836 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Report explaining proposed Comment revision cross-referencing proposed new Rule 595 concerning requests for transfer from criminal proceedings to juvenile proceedings published for comment at 40 Pa.B. 4642 (August 14, 2010).

Rule 571. Arraignment.

* * * * *

(C) At arraignment, the defendant shall be advised of:

* * * * *

(3) the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed.

* * * * *

Comment

* * * * *

Paragraph (D) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule 114.

See Rule 595 for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

Official Note: Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303.

New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended 2010, effective 2010.**

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. [3826] 3836 (July 25, 1992).

* * * * *

Report explaining proposed amendments concerning requests for transfer from criminal proceedings to juvenile proceedings published for comment at 40 Pa.B. 4642 (August 14, 2010).

PART F(1). Motion Procedures

Rule 578. Omnibus Pretrial Motion for Relief.

* * * * *

Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

* * * * *

- (8) for appointment of investigator; [and]
- (9) for pretrial conference; and

(10) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions in limine, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised , 2010, effective , 2010.**

Committee Explanatory Reports:

* * * * *

Report explaining the August 12, 1993 Comment revision published at 22 Pa.B. [3826] 3836 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Report explaining the proposed Comment revision adding motions for transfer published for comment at 40 Pa.B. 4642 (August 14, 2010).

(Editor's Note: The following part is new and printed in regular type to enhance readability.)

PART H. Transfer to Juvenile Proceedings

Rule 595. Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322.

(A) The motion requesting the transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 shall be filed within 30 days after arraignment unless opportunity did not exist; the defendant, the defendant's attorney, or the attorney for the Commonwealth was not aware of the grounds for the motion; or the time for filing has been extended by the judge for cause shown. The motion shall be filed with the clerk of courts. A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing.

(B) In all cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, the judge shall hold a prehearing conference not later than 35 days after the arraignment.

(1) The defendant, the defendant's attorney, and the attorney for the Commonwealth shall be present at the prehearing conference.

(2) At the prehearing conference, the judge shall determine whether the defendant has filed a motion requesting the transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322, or is requesting additional time to file a motion for transfer, or does not intend to file a motion.

(a) If the defendant is requesting additional time to file the motion for transfer and the judge agrees to the request, the judge shall set the date by which the motion for transfer shall be filed.

(b) When the defendant has filed a motion, the judge shall determine whether the motion for transfer is ready to be heard. If the parties agree the motion for transfer is ready to be heard, the judge shall schedule the hearing on the motion for transfer to be held no later than 30 days after the prehearing conference.

(c) If the defendant does not intend to file a motion for transfer, the case shall proceed as a court case under the Rules of Criminal Procedure.

(3) At the prehearing conference, the judge and parties may consider:

(a) the simplification or stipulation of factual issues, including admissibility of evidence;

(b) the qualification of exhibits as evidence to avoid unnecessary delay;

(c) the number of witnesses who are to give testimony of a cumulative nature; and

(d) such other matters as may aid in the disposition of the motion.

(4) The parties shall have the right to record an objection to rulings of the judge during the prehearing conference.

(5) The judge shall place on the record the agreements or objections made by the parties and rulings made by the judge as to any of the matters considered in the prehearing conference. Such order shall control the subsequent proceedings unless modified at the hearing on the motion to prevent injustice.

(C) If the judge at the prehearing conference determines the motion for transfer is not ready to be heard, the judge shall schedule status hearings no later than every 60 days after the prehearing conference until the motion for transfer is ready to be heard. At the status hearing, the parties shall advise the judge of the status of all matters pertinent to whether the motion for transfer is ready to be heard.

(D) When the judge determines the motion for transfer is ready to be heard, the judge shall schedule the hearing on the motion for transfer to be held no later than 30 days after the determination. Notice of the hearing date shall be given to the defendant, the defendant's attorney, and the attorney for the Commonwealth.

(E) At the conclusion of the hearing, but in no case longer than 20 days after the conclusion of the hearing, the judge shall announce the decision in open court. The judge shall enter an order granting or denying the motion for transfer, and set forth in writing or orally on the record the findings of fact and conclusions of law.

(F) If the judge does not render a decision within 20 days of the conclusion of the hearing, the motion for transfer shall be denied by operation of law. The clerk of courts immediately shall enter an order on behalf of the judge.

(G) If the judge grants the motion,

(1) the judge immediately shall order the transfer of the case from criminal proceedings to juvenile proceedings and the case shall proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act.

(2) The judge shall order the defendant to be taken to the juvenile probation office.

(H) If the judge denies the motion for transfer or the clerk of courts enters an order denying the motion for transfer on behalf of the judge, the case shall proceed as a court case under the Rules of Criminal Procedure.

(I) The clerk of courts shall serve copies of the order granting or denying the motion for transfer to the defendant, the defendant's attorney, and the attorney for the Commonwealth.

Comment

For the procedures concerning the pretrial place of detention of the defendant who was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, see Rule 596.

Paragraph (B) mandates a prehearing conference in all cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense, was charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, and therefore may seek transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322. *Cf.* Rule 570 (pretrial conference discretionary with judge).

The parties may request an order from the judge for the release of records or other materials relevant to the defendant's motion for transfer, for the appointment of experts, for the examination of the defendant, for a report from the juvenile probation office, or for any other aids necessary to the disposition of the motion for transfer. The request, if authorized by law, may be made *ex parte*.

Pursuant to 42 Pa.C.S. § 6322(a) of the Juvenile Act, at the hearing on the motion for transfer, the burden of

proof is on the defendant "to establish by a preponderance of the evidence that the transfer will serve the public interest."

Paragraph (E) is derived from the 42 Pa.C.S. § 6322(b) of the Juvenile Act. The judge, when making his or her findings of fact and conclusions of law, must comply with the Juvenile Act's requirement that the judge "make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order."

Paragraph (F) also is derived from the requirements of 42 Pa.C.S. § 6322(a) of the Juvenile Act, that "the defendant's petition to transfer the case shall be denied by operation of law" in any case in which the judge "does not make its finding within 20 days of the hearing on the petition to transfer the case."

When the judge grants a motion to transfer, paragraph (G) requires that the case immediately be transferred for juvenile proceedings pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act, and the criminal court no longer has jurisdiction over the case.

When the defendant is taken to the juvenile probation office following the granting of a transfer motion as required in paragraph (G)(2), the juvenile probation office should determine, for example, whether there should be a detention hearing or whether the defendant should be released to the custody of his or her parent, guardian, custodian, or other person legally responsible for him or her. *See, also*, 42 Pa.C.S. § 6322(d).

For the procedures for motions and answers, and filing and service of motions and answers, see Rules of Criminal Procedure 575 and 576.

Nothing in this rule gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of a defendant to have his or her parents, guardian, or other custodian present.

Official Note: Adopted _____, effective _____.

Committee Explanatory Reports:

Report explaining the proposed new rule published for comment at 40 Pa.B. 4642 (August 14, 2010).

Rule 596. Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322.

(A) Except as provided in paragraph (B), a defendant who is under the age of 18 at the time the complaint is filed and is charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302 shall be detained in the county jail unless released on bail.

(B) A defendant, who may seek transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 and has not been released on bail, may file a motion requesting that he or she be detained in a secure detention facility.

(1) If the attorney for the Commonwealth consents to the motion requesting detention in a secure detention facility, the judge may order that the defendant be detained in a secure detention facility until:

(a) the defendant is released on bail; or

(b) there is a disposition of the motion for transfer, or it is determined the defendant is not filing a motion for transfer.

(2) In no event may the defendant be detained in a secure detention facility after the defendant's 18th birthday.

(C) If the judge orders the defendant to be detained in a secure detention facility and subsequently denies the defendant's motion for transfer, or determines that the defendant is not filing a motion, or determines that the defendant has reached his or her 18th birthday, the judge promptly shall order the defendant's transfer to the county jail.

(D) If the defendant's motion for transfer is granted, the judge shall order the defendant to be taken to the juvenile probation office pursuant to Rule 595(G)(2).

Comment

As provided in paragraph (B), a defendant, who may seek transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322, with the consent of the attorney for the Commonwealth, may be transferred to a secure detention facility during the pendency of proceedings under this rule. As used in this rule, "secure detention facility" is a facility approved by the Department of Public Welfare to provide secure detention as defined in 55 Pa. Code § 3800.5 and does not include shelter care.

Nothing in paragraph (B) is intended to preclude detention in a secure detention facility of an individual older than 18 years of age who is otherwise subject to proceedings under the Juvenile Act.

Nothing in this rule is intended to restrict or enlarge the defendant's opportunity to address bail.

Official Note: Adopted _____, effective _____.
Committee Explanatory Reports:

Report explaining the proposed new rule published for comment at 40 Pa.B. 4642 (August 14, 2010).

REPORT

***Proposed New Pa.Rs.Crim.P. 595 and 596;
Amendments to Pa.Rs.Crim.P. 113, 119, 504,
510, 540, 571, and 578; and Revision of the
Comment to Pa.R.Crim.P. 570***

**Procedures for Transfer from Criminal
Proceedings to Juvenile Proceedings
Pursuant to 42 Pa.C.S. § 6322**

I. Background

The Committee, in conjunction with the Juvenile Court Procedural Rules Committee,¹ is planning to propose to the Supreme Court new Rules of Criminal Procedure 595 (Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322) and 596 (Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322); and correlative amendments to Rules 113, 119, 504, 510, 540, 570, 571, and 578 that would establish new procedures for requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

In June 2009, the Committee was asked to participate in a Joint Ad Hoc Subcommittee that was exploring

procedures for transferring "direct file" cases² from criminal proceedings to juvenile proceedings as permitted by statute.³ The other participants included members and staff from the Juvenile Court Judges Commission (JCJC), the Juvenile Court Procedural Rules Committee, and the Appellate Court Procedural Rules Committee. The Joint Ad Hoc Subcommittee's recommendations have been fully reviewed and approved for publication by both Committees.

Prior to the formation of the Joint Ad Hoc Subcommittee, JCJC formed a working group to develop best practices in de-certification proceedings to address issues such as detention of these "direct file" defendants, and the long delays in some cases before it is determined whether a case should be transferred. The JCJC's recommendations for best practices provided the starting point that the Joint Ad Hoc Subcommittee used in developing the rule proposals.

II. Introduction

In developing the proposed new Criminal Rules and the correlative rule changes, the Joint Ad Hoc Subcommittee agreed that, generally, the procedures for instituting a direct file case and the progression of that case should be pursuant to the Criminal Rules. In addition, the members determined that the procedures for requesting the transfer of these cases would not formally come into play until after the case is held for court. As explained more fully below in the discussion of the rules, procedurally, the direct file cases would be instituted by the filing of the complaint or an arrest without a warrant as provided in Pa.R.Crim.P. 502, and move through the preliminary hearing (Pa.R.Crim.P. 542), and the filing of an information (Pa.R.Crim.P. 560), to the "formal" arraignment (Pa.R.Crim.P. 571) in the same manner as any other court case under the Criminal Rules. In addition, if a motion for transfer of criminal proceedings to juvenile proceedings is going to be filed, the motion must be filed as part of the omnibus pretrial motion as provided in Pa.R.Crim.P. 578.

The Joint Ad Hoc Subcommittee determined that, following the arraignment, the direct file cases would vary procedurally from court cases by proceeding to a mandatory prehearing conference following the arraignment to determine whether a motion for transfer has been or will be filed. In those cases in which a motion has been filed but is not ready to be heard, the next procedural step would be mandatory status conferences. Finally, once the motion for transfer is ready to be heard, there would be a hearing on the motion. If the motion is granted, the case would be transferred for juvenile proceedings pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act. If the motion is not granted, the case would continue to proceed as a court case under the Criminal Rules.

The Joint Ad Hoc Subcommittee noted that, although direct file cases would proceed in the same manner as all other court cases under the Criminal Rules, these cases should be flagged as direct file cases at the time the case is instituted and, if the case is held for court, the case should be flagged in the docket entries. This notice will alert the participants and court to the nature of the case. In addition, the members agreed that the proposed changes should not prohibit earlier determinations of

¹ The Juvenile Court Procedural Rules Committee proposal is for new Pa.R.J.C.P. 337 (Filing of Petition After Case Has Been Transferred from Criminal Proceedings).

² A "direct file" case is one in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "juvenile act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302 so the case is considered a court case and proceeds as any other court case. For purposes of this Report, we will use the term "direct file" when we are referring to these cases.

³ See, 42 Pa.C.S. § 6322 (Transfer from Criminal Proceedings).

whether a direct file defendant's case should be transferred. The members noted, for example, in some judicial districts a determination is made as early as the preliminary hearing when the parties agree at the preliminary hearing that the case should be in Juvenile Court and the attorney for the Commonwealth withdraws the charges and re-files a petition in Juvenile Court.

In developing this proposal, the Joint Ad Hoc Subcommittee also addressed the issue of whether a defendant in a direct file case may be detained pretrial in a secure detention facility rather than the county jail when the defendant is unable to post bail. The members, acknowledging that there is no uniform statewide practice, ultimately agreed that there should be a separate motion procedure for determining the question of the place of pretrial detention.

III. Discussion of Rule Drafts

RULE 113 (Criminal Case File and Docket Entries)

Rule 113 (Criminal Case File And Docket Entries) requires the clerk of courts to maintain the criminal case file and to maintain a list of docket entries, and requires certain information to be maintained in the list of docket entries. Under this proposal, Rule 113(C) would be amended to require the clerk of courts to make a specific notation in the docket entries when the case is a direct file case. Having this information on the docket would provide early notice to the judges, court staff, and attorneys that this may be a case in which transfer to juvenile proceedings should be considered.

RULE 119 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings)

As explained in the discussion of proposed new Rule 595, the defendant will be required to appear in person for the mandatory prehearing conference. Because Rule 119 provides for the use of two-way simultaneous audio-visual communications in many criminal proceedings with exceptions, Rule 119 would be amended to include the prehearing conference under Rule 595 as one of the proceedings that is an exception to conducting the proceeding using two-way simultaneous audio-visual communications.

RULE 504 (Contents of Complaint)

In summary cases, when the defendant is under the age of 18, the parents must be notified when the defendant receives a citation.⁴ To ensure the issuing authority knows whether the police have notified the parents, Rule 403 (Contents of the Citation) includes a requirement that the law enforcement officer indicate on the citation whether the parents were notified. However, there is no comparable statutory or rule notice provision for court cases.

During the discussion about adding such a provision to the Criminal Rules for court case, the Committee agreed there are two purposes to be accomplished in "direct file" cases. First, it is important to flag that the defendant was under 18 at the time the excluded offense was committed for purposes of alerting the judges, court staff, and attorneys. Second, it is important to alert the magisterial district judge whether the defendant's parents, guardian, or other custodian were notified at the time the complaint was filed. In view of these distinct considerations, Rule 504 would be amended by the addition of new paragraphs (10) and (11) to require the police to note on the complaint that the case is a "direct file" case and whether

the defendant's parents, guardian, or other custodian have been notified of the case.

In considering the requirement that the defendant's parents, guardian, or other custodian be notified, the Committee agreed the notice would not give the defendant's parents, guardian, or other custodian standing in these "direct file" cases. Rather, the defendant's parents, guardian, or other custodian are being notified solely to alert them to the charges against their child. To make this clear, the Rule 504 Comment would be revised. The Committee agreed to use language similar to the language in the Juvenile Court Procedural Rule 131 Comment, which provides "[n]othing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of a juvenile to have his or her guardian present."

RULE 510 (Contents of Summons; Notice of Preliminary Hearing)

During the discussions about the proposed changes to Rule 504 concerning the requirement that the police make a notation on the complaint whether the defendant's parents, guardian, or other custodian have been notified if the defendant was under 18 at the time the complaint is filed, the members recognized that, realistically, at this point in the process, the police rarely will have notified the defendant's parents, guardian, or other custodian. Since the goal is to have the defendant's parents, guardian, or other custodian be notified of the case, the notification of the defendant's parents, guardian, or other custodian is more likely to occur when the defendant is arrested or when the summons is issued. In view of this consideration, in addition to the proposed new notice provision in Rule 504, a new paragraph (D) would be added to Rule 510 requiring, in cases in which a summons is being issued, that the issuing authority determine whether the defendant's parents, guardian, or other custodian have been notified at the time the summons is issued. If the defendant's parents, guardian, or other custodian have not been notified, then the issuing authority is required to send a copy of the summons to the defendant's parents, guardian, or other custodian. The Comment includes the provision about the defendant's parents, guardian, or other custodian not having standing in the proceedings discussed above.

RULE 540 (Preliminary Arraignment)

A new paragraph (B) would be added to Rule 540 for the same reasons discussed above with regard to Rule 510(D). In a "direct file" case, when the defendant has been arrested, the issuing authority would be required at the time of the preliminary arraignment to determine whether defendant's parents, guardian, or other custodian have been notified of the charges. If they have not been notified, the issuing authority would be required to notify the parents at the time of the preliminary arraignment. The Comment also includes the same provision about the parents not having standing in the proceedings.

In addition, the Rule 540 Comment includes a reference to proposed new Rule 595 to alert the bench and bar at this early stage in the proceedings to the special procedures for transfer from criminal proceedings to juvenile proceedings in "direct file" cases. The Committee agreed this early reference to proposed new Rule 595 is necessary because frequently there are attorneys who are new to the criminal and juvenile systems and not as knowledgeable about the procedures.

⁴ See 42 Pa.C.S. § 1522 concerning parental notification in certain summary cases involving juveniles.

RULE 570 (Pretrial Conference)

As explained more fully in the discussion below about proposed new Rule 595, the new rule will require that after the arraignment there should be a mandatory prehearing conference in the “direct file” cases. Although this prehearing conference is procedurally comparable to the Rule 570 pretrial conference, it is mandatory, rather than discretionary, and addresses issues that relate specifically to “direct file” cases. To alert the bench and bar to the new mandatory prehearing conference procedures, a cross-reference to new Rule 595 has been added to the Rule 570 Comment.

RULE 571 (Arraignment)

After reviewing the procedural flow of a criminal case from the time of arrest or issuance of a summons, the Committee agreed that the arraignment is the point in the proceedings when a “direct file” defendant formally should be advised of the right to file a motion for transfer from criminal proceedings to juvenile proceedings. To accomplish this, Rule 571(C)(3) would be amended by adding a motion requesting transfer from criminal proceedings to juvenile proceedings to the example of motions that are to be filed after the arraignment. In addition, a cross-reference to new Rule 595 for the procedures for transfer of proceedings would be added to the Rule 571 Comment.

RULE 578 (Omnibus Pretrial Motion for Relief)

Consistent with the decisions made with regard to the procedural framework of the “direct file” cases, as explained above, the motion for transfer from criminal proceedings to juvenile proceedings should be treated in the same manner as all other motions that are part of the omnibus pretrial motion. To make this clear, the transfer motion would be added to the list of the types of requests that are to be in the omnibus pretrial motion set forth in the Comment to Rule 578.

NEW RULE 595 (Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322)

Determining the placement of a new rule providing the procedures for requesting transfer from criminal proceedings to juvenile proceedings was difficult. However, once it was determined that these cases would proceed according to the Criminal Rules until after the arraignment, the members agreed the new rule should fall somewhere in the rules after Rule 571. To make the rule “fit” without renumbering all the rules in Chapter 5 Parts F and G, the Committee is proposing that the new rules governing transfer of proceedings be at the end of Chapter 5 (Pretrial Procedures in Court Cases) as a separate new Part H (Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings).

In discussing the title to the proposed new rule, the Committee considered using “decertification procedures,” “direct file procedures,” and “transfer from criminal court to juvenile court.” After thoroughly vetting all this terminology and recognizing that not all judicial districts have distinct criminal or juvenile courts, the members finally determined that, to more accurately represent the nature of the procedures set forth in the proposed new rule, the title should read “Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322.” The members also agreed that this phrase should be used throughout the rule.

Paragraph (A)

After considering a number of options with regard to the filing of the motion for transfer,⁵ the members concluded that a motion requesting transfer should be filed in the same manner as any other motion in a criminal case that is subject to the omnibus pretrial motion procedures. Paragraph (A) incorporates the provisions from paragraph (A) of Rule 579 (Time for Omnibus Pretrial Motion and Service). The motion for transfer must be filed within 30 days of the arraignment, unless the opportunity to file did not exist, or the parties were not aware of the grounds for the motion, or the time for filing was extended by the judge.

Paragraph (A) also requires that the motion be filed with the clerk of courts and a copy of the motion be served on the attorney for the Commonwealth concurrently with filing.

Paragraph (B)

Paragraph (B) sets forth the procedures for the mandatory prehearing conference. The prehearing conference must be conducted in every case in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with the direct file offenses enumerated in 42 Pa.C.S. § 6322(2)(i), (ii), and (iii).

The issues concerning the time when the prehearing conference should be held, whether the defendant should be required to be present at the prehearing conference, and what would occur at the prehearing conference were discussed at length. Concerning the time for the prehearing conference, the consensus was that the prehearing conference must be held no later than 35 days after the arraignment. The members reasoned that the time for the prehearing conference should be tied to the time for the arraignment and the time for filing omnibus pretrial motions. Setting the outside limit for the prehearing conference at 35 days after the arraignment provides adequate time for the defendant to file a motion for transfer as part of the omnibus pretrial motion.

Paragraph (B)(1) addresses the defendant’s presence at the prehearing conference. The Committee initially considered permitting the defendant to waive his or her presence with the consent of the defendant’s attorney and the judge. Upon further reflection, the members concluded the prehearing conference in the context of a request for transfer from criminal proceedings to juvenile proceedings is a critical stage in the proceedings. In these cases, it is important that the defendant be involved in making the decision whether to file a motion rather than permitting the defendant’s attorney to make the decision for the defendant. In view of these considerations, Rule 595(B)(1) and Rule 119 make the defendant’s presence in person at the prehearing conference mandatory. The defendant’s attorney and the attorney for the Commonwealth also are required to be present at the prehearing conference.

Paragraph (B)(2) sets forth the procedures the judge is to follow at the prehearing conference. The prehearing conference provides the forum for the judge to determine whether the defendant has filed a motion requesting transfer, is requesting additional time to file the motion, or has decided not to file the motion. The prehearing conference also is the stage in the proceedings from which the remaining proceedings related to the request for transfer will flow. Accordingly, the proposed new para-

⁵ The Committee agreed to use “motion” instead of “petition” to be consistent with the Criminal Rules. See Rule 575.

graph (B)(2)(a), (b), and (c) enumerate what the judge is to do once the judge ascertains whether a motion has been filed, or will be filed, or will not be filed.

If the defendant is requesting additional time and judge agrees, the judge is required to set a date for filing the motion, paragraph (B)(2)(a). The judge has the responsibility to move these cases along in a timely manner based on the information provided by the defendant. Accordingly, the judge is given the discretion to set the time when the motion must be filed.

If the motion for transfer has been filed, the judge must determine if the motion is ready to proceed, paragraph (B)(2)(b). If the parties agree the motion is ready to be heard, the judge is required to set the date for the hearing. Although it is left to the discretion of the judge to determine the date for the hearing, the hearing must be held no later than 30 days after the pretrial conference. If the motion is not ready to be heard, pursuant to paragraph (C), the judge is required set up status conferences.

If the defendant indicates he or she is not going to file a motion, the case will proceed as any other criminal case under the Criminal Rules, subparagraph (B)(2)(c).

Paragraphs (B)(3), (B)(4), and (B)(5) are taken from Rule 570 (Pretrial Conference). As with the Rule 570 pretrial conference, at the prehearing conference, the parties should consider such things as the simplification or stipulation of factual issues, the qualification of exhibits, the number of witnesses giving testimony of a cumulative nature, and such other matters that may aid the disposition of the motion. In addition, the parties should have the right to object to rulings by the judge, and the judge should be required to make a record of the agreements or objections of the parties and of any other rulings made during the prehearing conference.

Paragraph (C)

As noted above, paragraph (C) provides, in cases in which the judge determines the motion is not ready to be heard, that the judge is required to schedule status conferences. The status conferences provide a tool to assist the judge in moving the case along. The judge has the discretion for when to schedule the status conferences, but the dates have to be within the timeframe of "no later than every 60 days after the prehearing conference." This timeframe permits the judge to schedule the status conferences for shorter periods of time in the appropriate cases. The judge must conduct status conferences until the motion is ready to be heard.

At the status conferences, the parties are required to advise the judge of the status of all matters pertinent to whether the motion is ready to be heard.

Paragraph (D)

Paragraph (D) sets forth the requirements for the judge to schedule the hearing. The hearing must be held no later than 30 days after the motion is ready to be heard. Notice of the hearing date is to be given to the defendant, defendant's attorney, and the attorney for the Commonwealth. The Committee did not think it necessary to set forth what the hearing procedures should be so the rule is silent in this regard.

Paragraphs (E) and (F)

Paragraph (E) and paragraph (F) incorporate the provisions from 42 Pa.C.S. § 6322 that require a decision within 20 days after the hearing, paragraph (E), and require the clerk of courts to enter an order on behalf of

the judge denying the motion by operation of law if the judge does not decide the motion within 20 days, paragraph (F).

The issue of whether the judge should be required to make his or her findings in open court was discussed at length. The members noted that 42 Pa.C.S. § 6322(b) merely provides, *inter alia*, "the court shall make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order." The members believe that the transfer proceeding is a critical proceeding and the defendant and counsel should be in court when the judge issues his or her decision. Accordingly, proposed new Rule 595(E) requires that the judge announce the decision in open court with all the parties present at the conclusion of the hearing. If the judge delays making the decision, the judge still must announce the decision in open court with all the parties present. Paragraph (E) also requires the judge to enter an order granting or denying the motion and to set forth the findings of fact and conclusions of law orally on the record or in writing. The findings of fact and conclusions of law are important for the record in the event of an appeal.

Paragraph (G)

Paragraph (G) sets forth the procedures when the judge grants the motion. Once the motion is granted, the judge is required to order the transfer of the case from criminal proceedings to juvenile proceedings. Once the transfer is ordered, the case will then proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act.

One issue that the Joint Ad Hoc Subcommittee spent a great deal of time considering concerns the treatment of the defendant when a transfer is ordered. The members noted that the transfer proceedings are conducted in criminal court and, frequently, the judges are not as familiar with the proceedings for juveniles, particularly with regard to placement. In view of this, and because the juvenile probation office, as the intake office for juveniles, is in the best position to expeditiously assess the case and determine where the defendant should be placed and what should happen next in the case, proposed Rule 595(G)(2) requires the judge to order the defendant to be taken to the juvenile probation office. Although 42 Pa.C.S. § 6322(d) provides:

[w]here review of the transfer order is not sought or where the transfer order is upheld the defendant shall be taken forthwith to the probation officer or to a place of detention designated by the court or released to the custody of his parent, guardian, custodian, or other person legally responsible for him, to be brought before the court at a time to be designated,

the proposed new provisions in Rule 595(G)(2) and statute are not inconsistent because the rule provision merely sets the stage for the juvenile probation office to implement the "next step" and that includes the procedures set forth in Section 6322(d).

Paragraph (H)

Paragraph (H) addresses the procedures when the judge denies the motion for transfer or the clerk of courts enters an order on behalf of the judge denying the motion by operation of law. In these circumstances, the case will proceed as a court case under the Rules of Criminal Procedure.

Paragraph (I)

Paragraph (I) sets forth the requirement that the clerk of courts serve the order granting or denying the motion on the parties.

Rule 595 Comment

The first paragraph of the Comment cross-references proposed new Rule 596 that addresses the place of detention of a defendant in a “direct file” case. Proposed new Rule 596 is discussed more fully below.

The second paragraph of the Comment emphasizes that the prehearing conference in the rule is mandatory and therefore is different from the Rule 570 pretrial conference.

The third paragraph of the Comment addresses the difficulties the parties encountered in these transfer cases. The provision suggests to the parties that they may request that the judge issue an order for the release of records or other materials relevant to the defendant’s motion, for the appointment of experts, for the examination of the defendant, and any other aids necessary to the disposition of the motion. In addition, the provision makes it clear that these requests, if authorized by law, may be made *ex parte*.

During the discussions about the prehearing conference, the role of the juvenile probation office in these proceedings was discussed. Although the members agreed the rules should not require juvenile probation office to have a role, they thought the parties could request that probation prepare a report. Accordingly, the suggested list of things the parties may request the judge to order includes “a report from the juvenile probation office.”

The next three paragraphs include cross-references to the correlative provisions of 42 Pa.C.S. § 6322, and explain the interplay between these provisions and proposed new Rule 595. In addition, the third paragraph references the statutorily established burden of proof in these cases.

The sixth paragraph of the Comment makes it clear that once the judge grants a motion for transfer and has the defendant taken to the juvenile probation office, the criminal court no longer has jurisdiction over the case.

The seventh paragraph of the Comment elaborates on the interplay between Rule 595(G) and 42 Pa.C.S. § 6322(d) discussed above.

The ninth paragraph sets forth the provision that the defendant’s parents, guardian, or other custodian are not given standing in the matter nor do the rule provisions create a right for the defendant to have his guardian present.

NEW RULE 596 (Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322)

The issue of whether a defendant under the age of 18 and charged with one of the offenses enumerated in 42 Pa.C.S. § 6302(2)(i), (2)(ii), or (2)(iii) may be detained pretrial in a secure detention facility rather than in a county jail when the defendant is unable to make or ineligible for bail was debated at length. After researching this matter, the members concluded the new transfer procedures should include provisions for the detention of the “direct file” defendants in a secure detention facility.

Proposed new Rule 596 would provide, with the consent of the attorney for the Commonwealth, that the judge may transfer the defendant to a secure detention facility. Because the defendants in the direct file cases are charged with serious crimes including murder, if the defendant is going to be detained in other than the county jail, the facility must be a secure detention facility.

To make this clear, the first paragraph of the Comment includes the following definition of “secure detention facility” as the term is used in the new rule:

As used in this rule, “secure detention facility” is a facility approved by the Department of Public Welfare to provide secure detention as defined in 55 Pa. Code § 3800.5.

Proposed new Rule 596 sets forth the procedures related to the place of pretrial detention in “direct file” cases when the defendant is not released on bail. Paragraph (A) provides the “norm” with regard to pretrial detention. The defendant in a “direct file” case is to be detained in the county jail unless released on bail except as provided in paragraph (B).

Paragraph (B) provides the exception to detention in the county jail. The defendant may file a motion requesting to be detained in a secure detention facility pending disposition of a motion for transfer. If the attorney for the Commonwealth consents, the judge may order that the defendant be detained in a secure detention facility. If the judge orders a defendant to be detained in a secure detention facility, this place of pretrial detention has clear limitations. Specifically,

- (1) when the defendant is granted bail, he or she is released from detention;
- (2) if the judge denies the motion for transfer or the judge determines the defendant is not filing a motion for transfer, then the judge must order the defendant transferred to the county jail because the case will proceed as a criminal court case;
- (3) if the defendant turns 18 while in the secure detention facility before the motion is disposed, the judge must order the defendant transferred to the county jail because the defendant is no longer a child; and
- (4) if the judge grants the motion for transfer, then the judge must order that the defendant be taken to the probation office so that office will be able to promptly process the case as provided by the Juvenile Court Procedural Rules and the Juvenile Act.

These four scenarios are addressed on paragraphs (B)(1), (B)(2), (C), and (D).

The Comment clarifies that the detention facility provisions of new Rule 596 do not preclude detention in a secure facility of an individual older than 18 who is otherwise subject to proceedings under the Juvenile Act. The Comment also notes that the provisions of the new rule are not intended to restrict or enlarge the defendant’s opportunity to address bail.

[Pa.B. Doc. No. 10-1476. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 2 AND 3]

Proposed Amendments to Rule 200 and Proposed New Rule 337

Introduction

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsyl-

vania that the modification of Rule 200 and new Rule 337 be adopted and prescribed. The proposed modified Rule 200 adds that the new Pa.R.Crim.P. 595 be followed when transferring a case from a criminal proceeding to a juvenile proceeding. The new Rule 337 provides for the filing of a petition or conversion of the criminal complaint into a petition after a case has been transferred from criminal proceedings. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of the Rules. Please note that the Committee's Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

We request that interested persons submit suggestions, comments or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenile.rules@pacourts.us. E-mail is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of Comments to the Committee. If you send in an e-mailed comment, do not resubmit it as a written comment. We will acknowledge receipt of your comment.

If you do not have access to e-mail, comments may be faxed to the Committee at (717) 231-9541 or written comments may be mailed to:

Christine Riscili, Counsel
 Supreme Court of Pennsylvania
 Juvenile Court Procedural Rules Committee
 Pennsylvania Judicial Center
 601 Commonwealth Avenue, Suite 6200
 P. O. Box 62635
 Harrisburg, PA 17106-2635

no later than Friday, September 10, 2010.

By the Juvenile Court Procedural Rules Committee

CYNTHIA K. STOLTZ, Esq.,
Chairperson

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART A. COMMENCING PROCEEDINGS

Rule 200. Commencing Proceedings.

Juvenile delinquency proceedings within a judicial district shall be commenced by:

- 1) submitting a written allegation pursuant to Rule 231;
- 2) an arrest without a warrant:
 - a) when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or
 - b) upon probable cause when the offense is a felony; or
 - c) upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;

3) the filing of a certification with the court that a juvenile has failed to comply with a lawful sentence imposed for a summary offense;

4) transfer of a case from a criminal proceeding pursuant to **Pa.R.Crim.P. 595 and 42 Pa.C.S. § 6322**;

5) the court accepting jurisdiction of a resident juvenile from another state; or

6) the court accepting supervision of a juvenile pursuant to another state's order.

Comment

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. This procedure departs from the Juvenile Act, which provides that the filing of a petition commences a proceeding. Rule 800 suspends 42 Pa.C.S. § 6321 only to the extent that it is inconsistent with the procedures of this rule. Petitions filed by any person circumvent the juvenile probation's office ability to divert the case through informal adjustment as provided in 42 Pa.C.S. § 6323. Probation officers may "receive and examine complaints and charges of delinquency . . . of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304(a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," see Rule 120.

The Juvenile Act provides that "a child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

A proceeding may be commenced pursuant to paragraph (3) by filing a certification that attests the juvenile has failed to comply with a lawful sentence imposed for a summary offense, bypassing the need for a written allegation pursuant to Rule 231.

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160. **See Rule 337 for the filing of petition after case has been transferred from a criminal proceeding. See Rule 404 for prompt adjudicatory hearing.**

Paragraph (5) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph (6) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, see Rule 612.

For inter-county transfer of juveniles, see Rule 302.

See § 6321(a) of the Juvenile Act for commencement of proceedings under the Juvenile Act. 42 Pa.C.S. § 6321(a).

* * * * *

**CHAPTER 3. PRE-ADJUDICATORY PROCEDURES
 PART C. PETITION**

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 337. Filing of Petition After Case has Been Transferred from Criminal Proceedings.

A. *Commencement of Proceedings.* Pursuant to Rule 200(4), the transfer of a case from a criminal proceeding pursuant to Pa.R.Crim.P. 595 and 42 Pa.C.S. § 6322 commences juvenile court action.

B. *Filing of the petition.* When a juvenile is transferred from a criminal proceeding:

- 1) a new petition shall be filed; or
- 2) the criminal complaint shall be converted into a petition pursuant to paragraph (C).

C. *Conversion of Criminal Complaint.* The criminal complaint shall be converted into a petition when supplemented with the following information and filed with the clerk of courts pursuant to Rule 330(B):

- 1) the juvenile's date of birth;
- 2) the names and ages of any conspirators, if known;
- 3) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative;
- 4) whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(i) for limited public information; and
- 5) the transfer order, including, a statement which provides:
 - a) it is in the best interest of the juvenile and the public that the proceedings be brought in juvenile court; and
 - b) the juvenile is amenable to treatment, supervision, or rehabilitation as a juvenile.

Comment

When a judge orders that a juvenile is transferred from a criminal proceeding to a juvenile proceeding, the transfer order commences the juvenile delinquency proceeding. See Rule 200(4).

When a juvenile is transferred from a criminal proceeding to a juvenile proceeding, a new petition may be filed, but is not necessary if the criminal complaint is converted into a petition when supplemented with the information as provided in paragraph (C). The petition is to be filed with the clerk of courts and the case is to proceed as any other juvenile case following the Rules of Juvenile Court Procedure.

An adjudicatory hearing is to be held within ten days of the filing of the petition. See also Rule 404.

Explanatory Report

Committee members from the Appellate Court, Criminal, and Juvenile Court Procedural Rules Committees were asked to participate in a Joint Ad Hoc Subcommittee with the Juvenile Court Judges' Commission which was developing best practices for transferring "direct file" cases from criminal proceedings to juvenile proceedings.

The purpose of the Joint Ad Hoc Committee was to make recommendations and develop procedures to smooth the transition of cases from criminal proceedings to juvenile proceedings within the procedural rules.

The majority of the Recommendations affect the Rules of Criminal Procedure because procedures for these cases begin in criminal court. See the proposed Criminal Rule modifications and new Pa.R.Crim.P. 595 for these procedures.

The Juvenile Court Procedural Rules Committee, in conjunction with the Criminal Procedural Rules Committee, is planning to propose the modification of Rule 200 and adoption of new Rule 337.

Rule 200—Commencing Proceedings

The cite to the new Pa.R.Crim.P. 595 was placed in paragraph (4) when transferring a case from a criminal proceeding to juvenile proceedings.

In the Comment, the cite for new Pa.R.J.C.P. 337 was referenced in addition to Rule 404 for a prompt adjudicatory hearing.

Rule 337—Filing of Petition After Case has Been Transferred from Criminal Proceedings

Rather than require a new petition to be filed in every transfer case, this new rule was added to allow the criminal complaint to be converted into the petition when supplemented with the information in paragraph (C). The requirements of this paragraph are the items that are required in the petition which are not required in the criminal complaint. See Pa.R.Crim.P. 504 and Pa.R.J.C.P. 330.

[Pa.B. Doc. No. 10-1477. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 25—LOCAL COURT RULES

SCHUYLKILL COUNTY

Amendment to Rule of Judicial Administration 1901: Termination of Active Cases; AD-90-10

Order of Court

And Now, this 2nd day of August, 2010 at 3:00, p.m. the Court hereby amends Schuylkill County Rule of Judicial Administration 1901(a), (b) and (c). This rule is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

Pursuant to Rule of Judicial Administration 103, the Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rules with the Administrative Office of the Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a CD-ROM reflecting the text in the hard copy version.
- 3) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 4) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

**AMENDMENT TO SCHUYLKILL COUNTY
RULES OF JUDICIAL ADMINISTRATION****Rule 1901. Termination of Inactive Cases.**

(a) On or before September 1 of each year, the Prothonotary shall prepare and forward to the Court a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. The Court shall pursuant to Pa.R.C.P. 230.2 initiate proceedings to terminate the cases contained on said list.

(b) On or before September 1 of each year, the Clerk of Courts shall prepare and forward to the Court a list of all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto. The Court shall thereafter give to the district attorney, any private prosecutor, the defendant and defense counsel of record notice of the Court's intention to terminate the proceedings as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown in response to said notice, an order for dismissal shall be ordered forthwith by the Court. If an action is terminated pursuant to this rule, an aggrieved party may petition the Court to reinstate the proceeding. The Court may rein-

state the proceeding upon good cause shown both for the failure to respond to the Court's notice of intent to terminate and for continuing the proceeding.

(c) On or before September 1 of each year, each Magisterial District Judge shall prepare and forward to the Court a list of all civil and summary proceedings in the judge's magisterial district in which no steps or proceedings have been taken for two years or more prior thereto. The Court shall thereafter give to the parties in a civil matter and to the prosecutor and defendant in a summary matter notice of the Court's intention to terminate the proceedings as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown in response to said notice, an order for dismissal shall be ordered forthwith by the Court. If an action is terminated pursuant to this rule, an aggrieved party may petition the Court to reinstate the proceeding. The Court may reinstate the proceeding upon good cause shown both for the failure to respond to the Court's notice of intent to terminate and for continuing the proceeding.

[Pa.B. Doc. No. 10-1478. Filed for public inspection August 13, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective July 23, 2010.

The organization chart at 40 Pa.B. 4651 (August 14, 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. 10-1479. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective July 23, 2010.

The organization charts at 40 Pa.B. 4652, 4653 (August 14, 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. 10-1480. Filed for public inspection August 13, 2010, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania Board of Probation and Parole

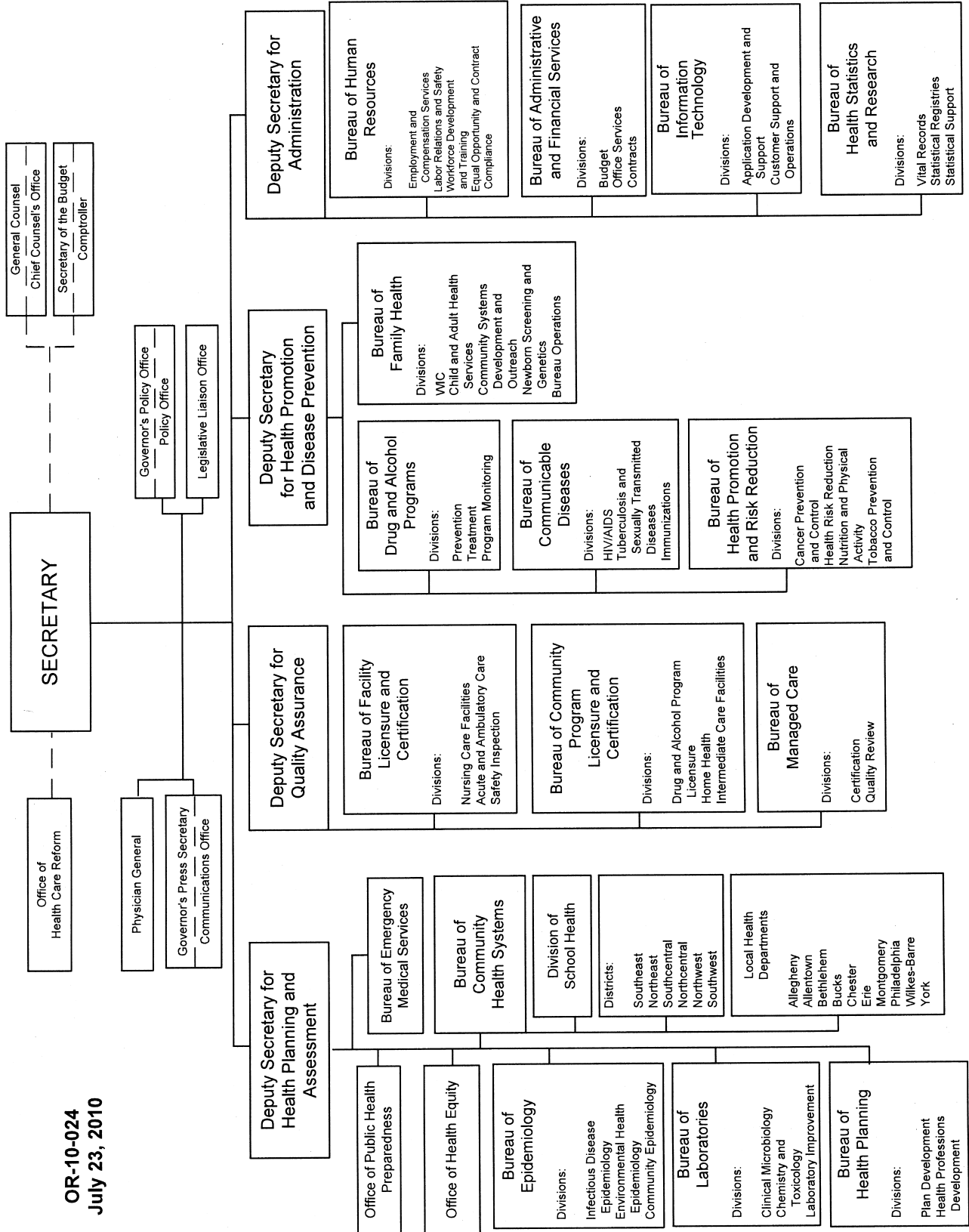
The Executive Board approved a reorganization of the Pennsylvania Board of Probation and Parole effective July 23, 2010.

The organization chart at 40 Pa.B. 4654 (August 14, 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).

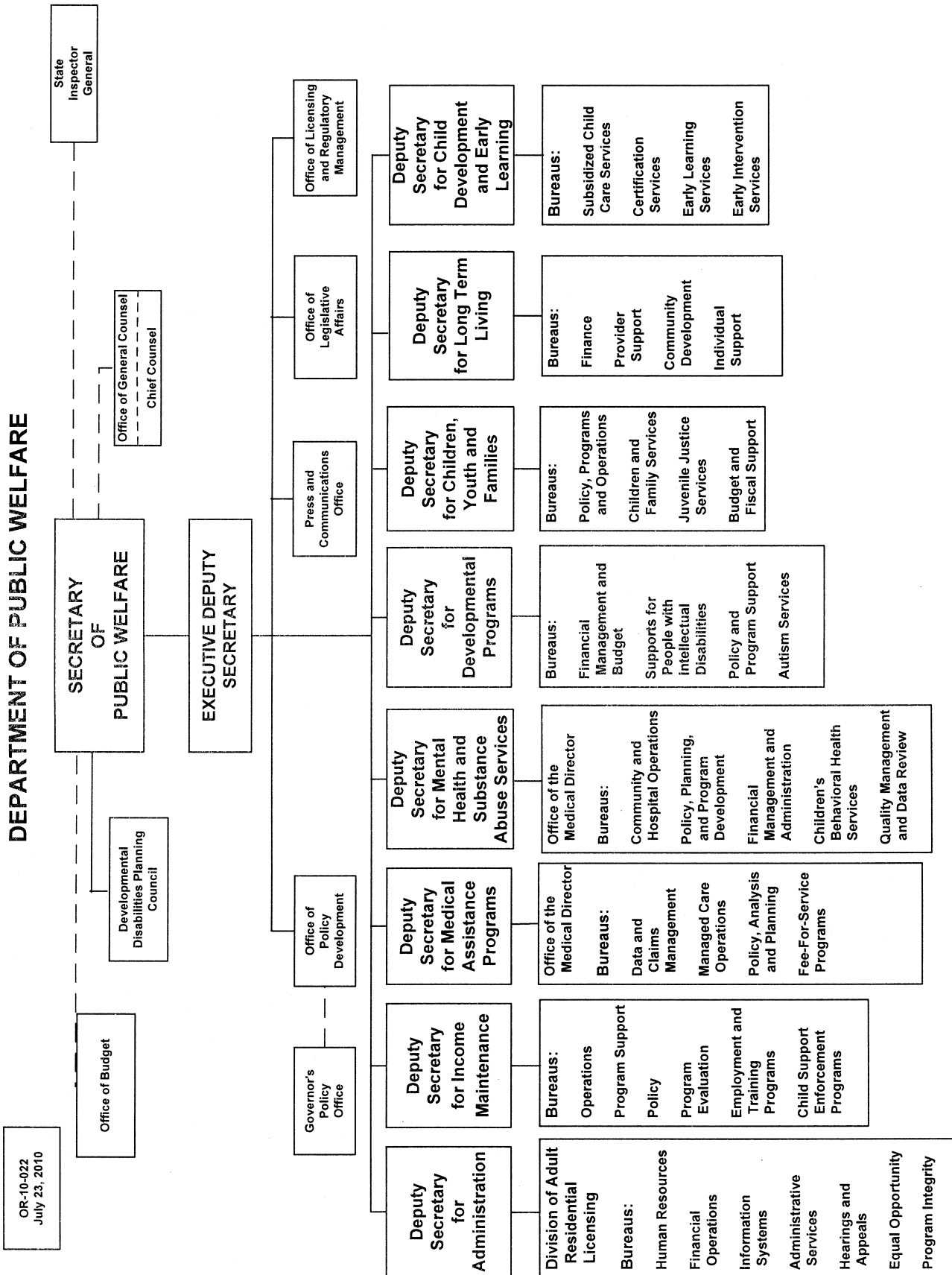
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 10-1481. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

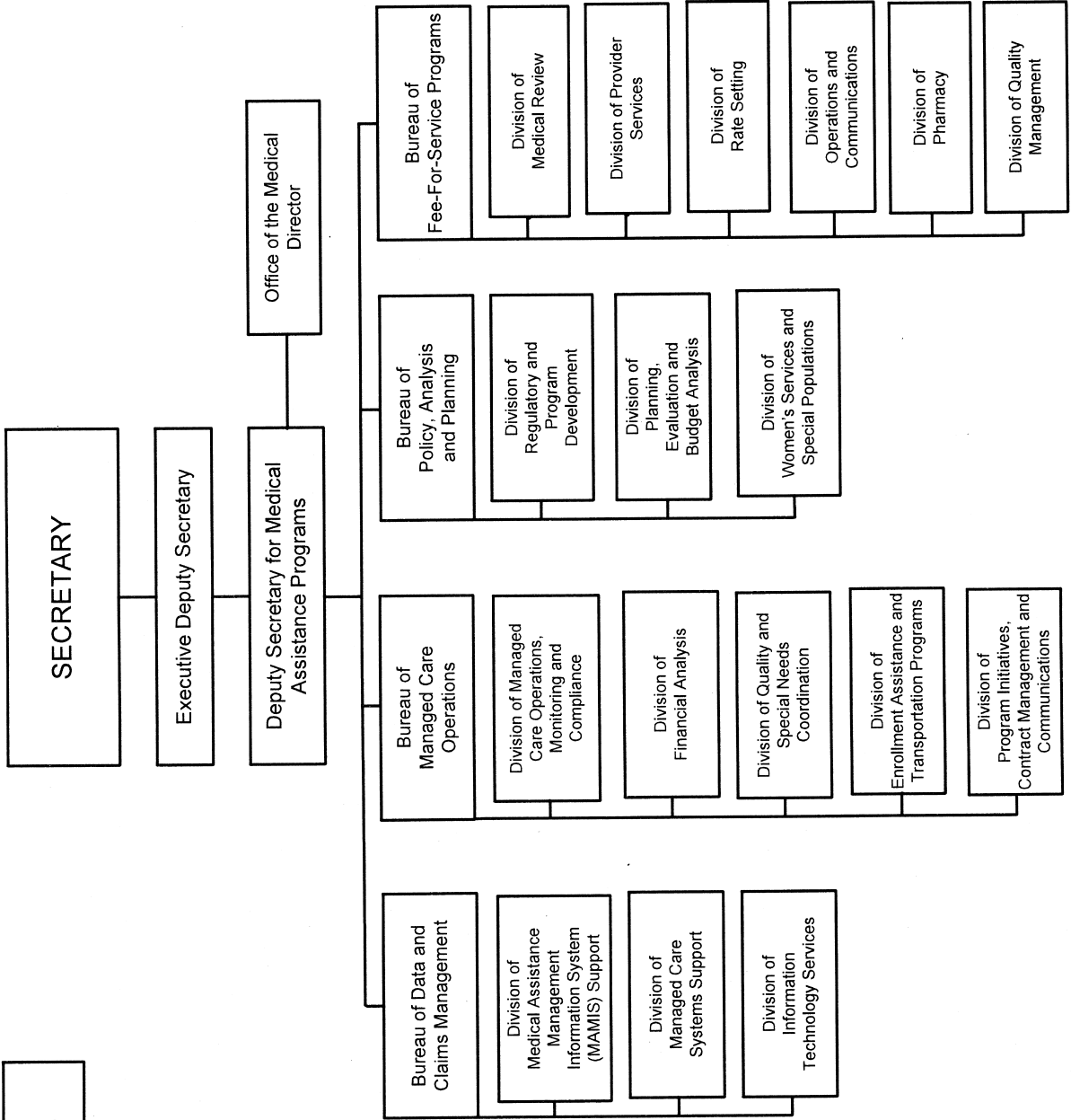


OR-10-024
July 23, 2010

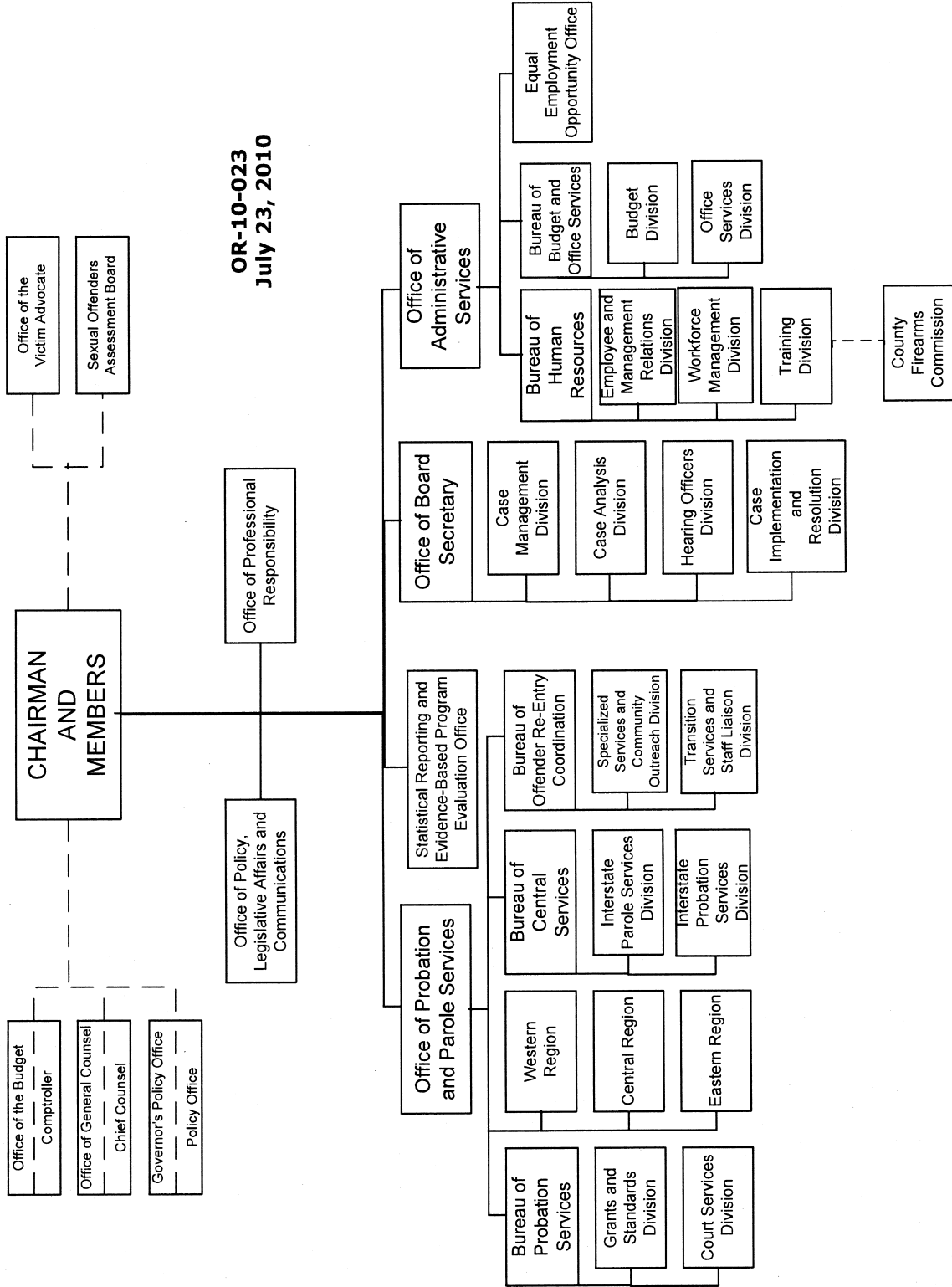


DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MEDICAL ASSISTANCE PROGRAMS

OR-10-022
July 23, 2010



BOARD OF PROBATION AND PAROLE



OR-10-023
July 23, 2010

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 3, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-27-2010	Somerset Trust Company Somerset Somerset County	228 West Main Street Ligonier Westmoreland County	Filed
7-29-2010	First Commonwealth Bank Indiana Indiana County	345 Court Street Corapolis Allegheny County (Limited Service Facility)	Approved
8-3-2010	Northwest Savings Bank Warren Warren County	115 East 3rd Street Waterford Erie County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-29-2010	First Commonwealth Bank Indiana Indiana County	312 North Liberty Street New Castle Lawrence County	Approved
7-29-2010	Susquehanna Bank Lititz Lancaster County	275 Clifton Boulevard Westminster Carroll County, MD	Approved
7-30-2010	Graystone Tower Bank Lancaster Lancaster County	2001 Lincoln Way East Chambersburg Franklin County	Filed
7-30-2010	Graystone Tower Bank Lancaster Lancaster County	11050 Buchanan Trail East Waynesboro Franklin County	Filed
8-2-2010	NOVA Bank Berwyn Chester County	1819 John F. Kennedy Boulevard Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2010

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2010, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.41 to which was added 2.50 percentage points for a total of 5.91 that by law is rounded off to the nearest quarter at 6%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-1483. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Environmental Engineering Firms; Project Reference No. FDC-500-970

The Department of Conservation and Natural Resources (Department) will retain one or more engineering firms for Open-End Contracts for various engineering, inspection and related environmental and geological services on various civil and environmental projects located on State park and State forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis in order to ensure proper and safe operation of Department infrastructure and facilities.

Letters of Interest for this project will only be accepted from individuals or firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short

completion schedules. The anticipated types of projects may include, but are not limited to, water and sewage conveyance and treatment systems, swimming pools, environmental and wetland assessments, environmental permitting and other civil/environmental engineering related work as assigned by the Department.

Typically the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications), suitable for public bid and in accordance with a prescribed Department format and in accordance with applicable State and Federal codes and requirement.

Areas of related environmental study associated with these design projects may include, but are not limited to, wetlands, soil, geology, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), and Corps of Engineers 404 permits, Act 537 planning and Department of Environmental Protection water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare type, size and location reports; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; develop other details and narratives; inspect simple, major and unusual structures; develop rehabilitation strategies; and also, review shop drawings, catalog cuts and occasional attendance at construction job conferences may be required.

The number of Open-End Contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

The services shall include, but not be limited to, a preliminary meeting in the Bureau of Facility Design and Construction, 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, for this project. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The design work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by same staff.

SPECIAL PROVISIONS CONCERNING DISADVANTAGED BUSINESSES AND ENTERPRISE ZONE BUSINESSES FOR REQUESTS FOR PROPOSALS

(Note: If the contract involves the use of Federal highway, transit or aviation funds originating from the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration or the National Highway Transportation Safety Administration, then the requirements of the Federal Disadvantaged Business Enterprise Program set forth in Title 49 Code of

Federal Regulations Part 26 must be adhered to in lieu of the standard requirements of this Section. Otherwise, use the text provided in this Section in its entirety.)

PART I. General Information (must be inserted in Part I of every RFP)

Disadvantaged Business Information:

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

- a. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO) certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and
- b. United States Small Business Administration certified 8(a) small disadvantaged business concerns.
- c. Businesses that BMWBO determines meet the Small Business Administration criteria for designation as a small disadvantaged business.

Small businesses are businesses in the United States which are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent employees, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, gsbmwbo@state.pa.us or www.portal.state.pa.us/portal/server.pt?open=512&objID=1360&mode=2

A database of BMWBO-certified minority-and women-owned businesses can be accessed at www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx. The Federal vendor database can be accessed at www.ccr.gov by clicking on "Dynamic Small Business Search" (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas the Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor, Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, akartorie@state.pa.us.

PART II. Disadvantaged Businesses Submittal (must be inserted in Part II of every RFP)

a. Disadvantaged Business Information

i) To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as indicated as follows:

1) A Small Disadvantaged Business certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2) Businesses certified by the U.S. Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C. § 636(a)) as an 8(a) small disadvantaged business must submit proof of U.S. Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.

3) Businesses, which assert that they meet the U.S. Small Business Administration criteria for designation as a small disadvantaged business, must submit: a) self-certification that the business meets the Small Business Administration criteria; and b) documentary proof to support the self-certification. The owners of such businesses must also submit proof of United States citizenship, and provide any relevant disadvantaged business certifications by other certifying entities.

4) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an 8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

5) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an

8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii) All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

1) Be rooted in treatment which the business person has experienced in American society, not in other countries.

2) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii) In addition to the previous verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) Those Small Disadvantaged Businesses submitting a proposal as the Offeror, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Offeror and not by subcontractors and suppliers.

2) Those Small Disadvantaged Businesses submitting a proposal as a part of a joint venture partnership, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Small Disadvantaged Business joint venture partner and not by subcontractors and suppliers or by joint venture partners who are not Small Disadvantaged Businesses. Offeror must also provide:

a) The amount of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide.

b) A copy of the joint venture agreement signed by all parties.

c) The business name, address, name and telephone number of the primary contact person for the Small Disadvantaged Business joint venture partner.

3) All Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Disadvantaged Businesses as subcontractors. To support its total percentage DB subcontractor commitment, Offeror must also include:

a) The dollar amount of each subcontract commitment to a Small Disadvantaged Business;

b) The name of each Small Disadvantaged Business. The Offeror will not receive credit for stating that after the contract is awarded it will find a Small Disadvantaged Business.

c) The services or supplies each Small Disadvantaged Business will provide, including the time frame for providing the services or supplies.

d) The location where each Small Disadvantaged Business will perform services.

e) The time frame for each Small Disadvantaged Business to provide or deliver the goods or services.

f) A signed subcontract or letter of intent for each Small Disadvantaged Business. The subcontract or letter of intent must identify the specific work, goods or services the Small Disadvantaged Business will perform and how the work, goods or services relates to the project.

g) The name, address and telephone number of the primary contact person for each Small Disadvantaged Business.

4) The total percentages and each subcontractor commitment will become contractual obligations once the contract is fully executed.

5) The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business information.

iv) The Offeror is required to submit two copies of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v) A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vi) An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

b. Enterprise Zone Small Business Participation

i) To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3) Proof of United States citizenship of the owners of the business.

4) Certification that the business employs 100 or fewer employees.

5) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii) In addition to the previously listed verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

- 1) The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.
- 2) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.
- 3) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.
- 4) The total cost amount submitted in the Offeror's cost proposal and the estimated dollar value of the contract to each Enterprise Zone Small Business.
- 5) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.
- 6) The location where each Enterprise Zone Small Business will perform these services.
- 7) The time frame for each Enterprise Zone Small Business to provide or deliver the goods or services.
- 8) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.
- 9) The form and amount of compensation each Enterprise Zone Small Business will receive.
- 10) For a joint venture agreement, a copy of the agreement, signed by all parties.
- 11) For a subcontract, a signed subcontract or letter of intent.

iii) The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

- 1) The amount of the selected Offeror's Enterprise Zone Small Business commitment;
- 2) The name of each Enterprise Zone Small Business; and
- 3) The services each Enterprise Zone Small Business will provide, including the time frame for performing the services.

PART III. Criteria for Selection (must be inserted in Part III of every RFP)

Disadvantaged Business Participation:

BMWBO has established the weight for the Disadvantaged Business Participation criterion for this RFP as 20% of the total points. Evaluation will be based upon the following in order of priority:

- | | |
|-----------------|--|
| Priority Rank 1 | Proposals submitted by Small Disadvantaged Businesses. |
|-----------------|--|

- | | |
|-----------------|--|
| Priority Rank 2 | Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner. |
| Priority Rank 3 | Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses. |
| Priority Rank 4 | Proposals submitted by Socially Disadvantaged Businesses. |

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the previously-listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation:

In accordance with the priority ranks listed as follows, bonus points in addition to the total points for this RFP, will be given for the Enterprise Zone Small Business Participation criterion. The maximum bonus points for this criterion is 3% of the total points for this RFP. The following options will be considered as part of the final criteria for selection:

- | | |
|-----------------|--|
| Priority Rank 1 | Proposals submitted by an Enterprise Zone Small Business will receive the highest score. |
| Priority Rank 2 | Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion. |
| Priority Rank 3 | Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion. |
| Priority Rank 4 | Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion. |

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

PART IV, Work Statement (must be inserted in Part IV of every RFP)

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation:

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an offeror to receive credit for disadvantaged businesses utilization.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Al Thomas at (717) 772-0650 for general information concerning the design work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number.

The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number; the estimated or actual construction cost of the portion of the work which the firm designed; the project manager; and the names of all personnel who made major contributions to the project. Actual or estimated design fee/costs shall not be included. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at <http://www.dgs.state.pa.us>. Then choose from the Menu on left margin: "Construction and Public Works," "Project Administration," "Professional Selections," then "Forms."

Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing a request to nspadestate.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the previous criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on September 23, 2010. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submit-

ted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-1484. Filed for public inspection August 13, 2010, 9:00 a.m.]

Retention of Two Engineering Firms; Project Reference No. FDC-500-950

The Department of Conservation and Natural Resources (Department) will retain two engineering firms for Open-End Contracts for various engineering, inspection, and related environmental and geological services on various civil and environmental projects located on State park and State forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities. One contract will be primarily for various projects at facilities located in the western half of the state and one contract will be primarily for projects at facilities located in the eastern half of the state.

Letters of Interest for this project will only be accepted from individuals or firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacement and rehabilitation (single and multi-span), roadway reconstruction/rehabilitation, structural evaluation or design of various building types, and other civil engineering related work as assigned by the Department.

Typically the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications), suitable for public bid and in accordance with a prescribed Department format and in accordance with applicable State and Federal codes and requirement.

Areas of related environmental study associated with these design projects may include, but are not limited to, wetlands, soil, geology, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), and Corps of Engineers 404 permits, Act 537 planning and Department of Environmental Protection water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare type, size and location reports; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; develop other details and narratives; inspect simple, major and unusual structures; develop rehabilitation strategies; and also, review shop drawings, catalog cuts and occasional attendance at construction job conferences may be required.

The number of Open-End Contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

The services shall include, but not be limited to, a preliminary meeting in the Bureau of Facility Design and Construction, 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, for this project. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The design work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction, and when acceptable, approved by same staff.

SPECIAL PROVISIONS CONCERNING DISADVANTAGED BUSINESSES AND ENTERPRISE ZONE BUSINESSES FOR REQUESTS FOR PROPOSALS

(*Note:* If the contract involves the use of Federal highway, transit or aviation funds originating from the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration or the National Highway Transportation Safety Administration, then the requirements of the Federal Disadvantaged Business Enterprise Program set forth in Title 49 Code of Federal Regulations Part 26 must be adhered to in lieu of the standard requirements of this Section. Otherwise, use the text provided in this Section in its entirety.)

PART I. General Information (must be inserted in Part I of every RFP)

Disadvantaged Business Information

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures, and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

a. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO) certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and

b. United States Small Business Administration certified 8(a) small disadvantaged business concerns.

c. Businesses that BMWBO determines meet the Small Business Administration criteria for designation as a small disadvantaged business.

Small businesses are businesses in the United States which are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent employees, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, email: gs-bmwbo@state.pa.us or www.portal.state.pa.us/portal/server.pt?open=512&objID=1360&mode=2.

A database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx. The federal vendor database can be accessed at www.ccr.gov by clicking on "Dynamic Small Business Search" (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas the Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor, Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, email: akartorie@state.pa.us.

PART II. Disadvantaged Businesses Submittal (must be inserted in Part II of every RFP)

a. Disadvantaged Business Information

i) To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for

entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as indicated as follows:

1) A Small Disadvantaged Business certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2) Businesses certified by the U.S. Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C. § 636(a)) as an 8(a) small disadvantaged business must submit proof of U.S. Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.

3) Businesses, which assert that they meet the U.S. Small Business Administration criteria for designation as a small disadvantaged business, must submit: a) self-certification that the business meets the Small Business Administration criteria, and b) documentary proof to support the self-certification. The owners of such businesses must also submit proof of United States citizenship, and provide any relevant disadvantaged business certifications by other certifying entities.

4) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an 8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

5) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or U.S. Small Business Administration certification as an 8(a) or self-certification as a U.S. Small Business Administration small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii) All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender. The submitted evidence of prejudice or bias must:

1) Be rooted in treatment which the business person has experienced in American society, not in other countries.

2) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii) In addition to the previous verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) Those Small Disadvantaged Businesses submitting a proposal as the Offeror, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Offeror and not by subcontractors and suppliers.

2) Those Small Disadvantaged Businesses submitting a proposal as a part of a joint venture partnership, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Small Disadvantaged Business joint venture partner and not by subcontractors and suppliers or by joint venture partners who are not Small Disadvantaged Businesses. Offeror must also provide:

a) The amount of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide.

b) A copy of the joint venture agreement signed by all parties.

c) The business name, address, name and telephone number of the primary contact person for the Small Disadvantaged Business joint venture partner.

3) All Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Disadvantaged Businesses as subcontractors. To support its total percentage DB subcontractor commitment, Offeror must also include:

a) The dollar amount of each subcontract commitment to a Small Disadvantaged Business;

b) The name of each Small Disadvantaged Business. The Offeror will not receive credit for stating that after the contract is awarded it will find a Small Disadvantaged Business.

c) The services or supplies each Small Disadvantaged Business will provide, including the time frame for providing the services or supplies.

d) The location where each Small Disadvantaged Business will perform services.

e) The time frame for each Small Disadvantaged Business to provide or deliver the goods or services.

f) A signed subcontract or letter of intent for each Small Disadvantaged Business. The subcontract or letter of intent must identify the specific work, goods or services the Small Disadvantaged Business will perform and how the work, goods or services relates to the project.

g) The name, address and telephone number of the primary contact person for each Small Disadvantaged Business.

4) The total percentages and each subcontractor commitment will become contractual obligations once the contract is fully executed.

5) The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business information.

iv) The Offeror is required to submit two copies of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v) A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vi) An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

b. Enterprise Zone Small Business Participation.

i) To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3) Proof of United States citizenship of the owners of the business.

4) Certification that the business employs 100 or fewer employees.

5) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii) In addition to the previously listed verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

2) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

4) The total cost amount submitted in the Offeror's cost proposal and the estimated dollar value of the contract to each Enterprise Zone Small Business.

5) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

6) The location where each Enterprise Zone Small Business will perform these services.

7) The time frame for each Enterprise Zone Small Business to provide or deliver the goods or services.

8) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

9) The form and amount of compensation each Enterprise Zone Small Business will receive.

10) For a joint venture agreement, a copy of the agreement, signed by all parties.

11) For a subcontract, a signed subcontract or letter of intent.

iii) The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

1) The amount of the selected Offeror's Enterprise Zone Small Business commitment;

2) The name of each Enterprise Zone Small Business; and

3) The services each Enterprise Zone Small Business will provide, including the time frame for performing the services.

PART III. Criteria for Selection (must be inserted in Part III of every RFP)

Disadvantaged Business Participation

BMWBO has established the weight for the Disadvantaged Business Participation criterion for this RFP as 20% of the total points. Evaluation will be based upon the following in order of priority:

Priority Rank 1	Proposals submitted by Small Disadvantaged Businesses.
Priority Rank 2	Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.
Priority Rank 3	Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.
Priority Rank 4	Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the above-listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcon-

tracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation

In accordance with the priority ranks listed as follows, bonus points in addition to the total points for this RFP, will be given for the Enterprise Zone Small Business Participation criterion. The maximum bonus points for this criterion is 3% of the total points for this RFP. The following options will be considered as part of the final criteria for selection:

Priority Rank 1	Proposals submitted by an Enterprise Zone Small Business will receive the highest score.
Priority Rank 2	Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.
Priority Rank 3	Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.
Priority Rank 4	Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

PART IV. Work Statement (must be inserted in Part IV of every RFP)

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an Offeror to receive credit for disadvantaged businesses utilization.

Revised 2/24/2010

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Al Thomas at (717) 772-0650 for general information concerning the design work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number; the estimated or actual construction cost of the portion of the work which the firm designed; the project manager; and the names of all personnel who made major contributions to the project. Actual or estimated design fee/costs shall not be included. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at <http://>

www.dgs.state.pa.us. Then choose from the Menu on left margin: "Construction and Public Works," "Project Administration," "Professional Selections," then "Forms."

Form 150-ASP may also be obtained in hard copy. Written requests for a hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing requests to nspade@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in the firm's own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the previous criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on September 20, 2010. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-1485. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of the Pennsylvania 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 listed 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 listed 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 NPDES applications 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 any public hearing is held.

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085677 (GWCU)	Harley-Davidson Motor Company Operations, Inc. 1425 Eden Road York, PA 17402	York County Springettsbury Township	Codorus Creek 7-H	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087041 (Sew)	Klass Bakker, Inc. (Lake-in-Wood Campground) 576 Yellow Hill Road Narvon, PA 17555-9335	Lancaster County Brecknock Township	UNT Black Creek 7-J	Y
PA0083526 (IW)	R. H. Sheppard Co., Inc. 101 Philadelphia Street Hanover, PA 17331	York County Hanover Borough	Oil Creek 7-H	Y
PA0247804 (IW)	PMP Investments, LLC 44 Denver Road P. O. Box 300 Denver, PA 17517	Lancaster County East Cocalico Township	Stony Run 7-J	Y
PA0035157 (IW)	Farmer's Pride, Inc. West Main Street P. O. Box 39 Fredericksburg, PA 17026	Lebanon County Bethel Township	Deep Run 7-D	Y
PA0032379 (IW)	Safe Harbor Water Power Corporation One Powerhouse Road Conestoga, PA 17516	Lancaster County Manor Township	Susquehanna River 7-J	Y

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

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

PA0030431, Sewage, SIC Code 4952, 6513, **Fox Valley Community Services, Inc.**, P. O. Box 462, Chester Heights, PA 19017-0462. Facility Name: Fox Valley STP. This existing facility is located in Concord Township, **Delaware 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), West Branch Chester Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory 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 0.074 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅	15.4	XXX	XXX	25	XXX	50
Total Suspended Solids	18.5	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geometric Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	6.2	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	12.4	XXX	XXX	20	XXX	40
Total Phosphorus (Interim)	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus						
May 1 - Oct 31 (Final)	0.6	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30 (Final)	1.2	XXX	XXX	2.0	XXX	4.0

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

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.

9. 2/Month Sampling.
10. Operations and Maintenance Plan.
11. Laboratory Certification.
12. Fecal Coliform Reporting.
13. Collection System Maintenance.

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

The EPA waiver is in effect.

PA0038903, Industrial Waste, SIC 5171, **Sunoco Partners Marketing & Terminals, LP**, 41 Malin Road, Malvern, PA 19355-4517. This facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated stormwater runoff from an oil/water separator located at a Petroleum Marketing Terminal located at 41 Malin Road, East Whiteland Township.

The receiving stream, Little Valley Creek, is in the State Water Plan watershed 3F and is classified for: EV, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Norristown is located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Oil and Grease					30
CBOD ₅					Report
pH					Report
Total Suspended Solids					Report

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

1. Remedial Measures.
2. Change of Ownership.
3. Product Contaminated Stormwater Runoff.
4. Additional Monitoring and Reporting.
5. PPC Plan.
6. Other Wastewater Discharges.
7. Definitions.
8. Petroleum Marketing Terminal BMPs.
9. Certified Laboratory.

The EPA waiver is in effect.

PA0055565, Industrial Waste, SIC 4581, **Wings Field Preservation Associates, LP**, 1501 Narcissa Road, Blue Bell, PA 19422. This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Proposed Activity: Renewal of a permit to discharge stormwater from a small airport or flying field.

The receiving stream, Prophecy Creek, is in the State Water Plan watershed 3F and is classified for: trout stocking fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for City of Philadelphia is located on Schuylkill River.

The proposed effluent limits for Outfalls 001 and 003 are based on stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD ₅					Report
Chemical Oxygen Demand					Report
Oil and Grease					30
pH					Report
Total Suspended Solids					Report
Propylene Glycol					Report
Iron, total					Report

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

1. Remedial Measures if Necessary.
2. Change of Ownership.
3. Product Contaminated Stormwater Runoff.
4. PPC Plan.
5. Other Wastewater Discharges.
6. Definitions.
7. Aircraft De-icing BMPs.
8. Certified Laboratory.

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

Texas Eastern Transmission, LP has applied to renew its current NPDES Permit, PA0086291, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth in Watershed 12-B. The Department of Environmental Protection (Department) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions, under waiver provision 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the following address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered before taking a final permit action. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Department of Environmental Protection
 Southcentral Regional Office
 Regional Water Management Program Manager
 909 Elmerton Avenue
 Harrisburg, PA 17110-8200

Following the 30-day comment period, the Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin*, at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file in the Regional Office.

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

Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570-327-0532.

PA0233901, Industrial Waste, SIC Code 4953, 562200, **Somerset Region Water Resources, LLC**, 4 SR 1006, Tunkhannock, PA 18657-0002. Facility Name: Tuscarora Township Facility. This proposed facility is located in Tuscarora Township, **Bradford County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 4-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 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
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
BOD ₅	221	680	XXX	53	163	204
Chemical Oxygen Demand	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	42	83	XXX	10	20	25
Total Dissolved Solids	2,085	4,170	XXX	500	1,000	1,250
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	63	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	104	209	XXX	25	50	63
Acidity, Total (as CaCO ₃)	Report	Report	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO ₃)	Report	Report	>Acidity	Report	Report	XXX
Total Aluminum	8.3	17	XXX	2.0	4.0	5.0
Total Arsenic	Report	Report	XXX	Report	Report	XXX
Total Barium	42	83	XXX	10	20	25
Total Beryllium	Report	Report	XXX	Report	Report	XXX
Total Boron	Report	Report	XXX	Report	Report	XXX
Total Cadmium	0.15	0.24	XXX	0.037	0.058	0.093
Total Chromium	Report	Report	XXX	Report	Report	XXX
Total Cobalt	Report	Report	XXX	Report	Report	XXX
Total Copper	1.0	1.6	XXX	0.24	0.38	0.60
Dissolved Iron	Report	Report	XXX	Report	Report	7.0
Total Iron	13	25	XXX	3.0	6.0	7.5
Total Lead	2.4	3.7	XXX	0.57	0.89	1.4
Total Lithium	Report	Report	XXX	Report	Report	XXX
Total Manganese	8.3	17	XXX	2.0	4.0	5.0
Total Magnesium	Report	Report	XXX	Report	Report	XXX
Total Calcium	Report	Report	XXX	Report	Report	XXX
Total Mercury	Report	Report	XXX	Report	Report	XXX
Total Molybdenum	Report	Report	XXX	Report	Report	XXX
Total Nickel	Report	Report	XXX	Report	Report	XXX
Total Selenium	Report	Report	XXX	Report	Report	XXX
Total Silver	0.27	0.42	XXX	0.065	0.10	0.16
Total Sodium	Report	Report	XXX	Report	Report	XXX
Total Strontium	42	83	XXX	10	20	25
Sulfate	1,043	2,085	XXX	250	500	625
Total Zinc	1.8	2.1	XXX	0.420	0.497	1.05
o-Cresol	2.3	8.0	XXX	0.561	1.92	2.4
2,4,6-Trichlorophenol	0.44	0.65	XXX	0.106	0.155	0.265
Phenol	4.5	15	XXX	1.08	3.65	4.6
Acetone	33	126	XXX	7.97	30.2	37.8
Acetophenone	0.23	0.48	XXX	0.056	0.114	0.14
Ethylbenzene	Report	Report	XXX	Report	Report	XXX
Benzene	4.2	6.7	XXX	1.0	1.6	2.5
Chloride	1,043	2,085	XXX	250	500	625
Bromide	Report	Report	XXX	Report	Report	XXX
2-Butanone	7.7	20	XXX	1.85	4.81	6.0
Ethylene Glycol	Report	Report	XXX	Report	Report	XXX
MBAS	Report	Report	XXX	Report	Report	XXX
p-Cresol	0.85	2.9	XXX	0.205	0.698	0.87
Pyridine	0.76	1.5	XXX	0.182	0.370	0.46
Toluene	Report	Report	XXX	Report	Report	XXX
Total Xylenes	Report	Report	XXX	Report	Report	XXX
Hardness, Total (as CaCO ₃)	Report	Report	XXX	Report	Report	XXX
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	Report	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual**</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia-N	Report	Report		Report	
Kjeldahl-N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Monthly Report	Annual**	Minimum	Monthly Average	Maximum
Net Total Nitrogen*	Report	0			
Net Total Phosphorus*	Report	0			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department. The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on the first full water year (November 1—October 31).

** The reporting requirements for annual loads will be required to be reported on the Supplemental DMR—Annual Nutrient Summary for each water year.

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

I. CHESAPEAKE BAY NUTRIENT REQUIREMENTS

II. OTHER REQUIREMENTS

- A. The right to require operation and/or construction changes, when necessary, to produce an acceptable discharge.
- B. Requires proper disposal of sludge.

III. RECEIPT OF RESIDUAL WASTE

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA waiver is not in effect.

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

PA0203815, Industrial Waste, SIC 4512, 4581 and 9224, **Allegheny County Airport Authority, Landside Terminal**, 4th Floor Mezzanine, P. O. Box 12370, Pittsburgh, PA 15231. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from Pittsburgh International Airport in Findlay and Moon Townships, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, East Fork Enlow Run and its tributaries, West Fork Enlow Run, West Fork McClarens Run and its tributaries, and East Fork McClarens Run, classified as trout stocked fisheries, and Raredon Run classified as warm water fishery, all with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Nova Chemical located on the Ohio River approximately 30 miles below the discharge(s).

Outfall 001: Existing discharge, average discharge flow of 0.0144 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			35		70
Iron			1.50	2.34	
Manganese			1.00	1.56	
Aluminum			0.50	0.75	
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfalls 002 and 003: Existing discharges, average discharge flow of 0.008 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 004: Existing discharge, average discharge flow of 0.08 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfalls 009, 016, 023, 029, 038, 041, 042, 066, 089 and 090: Existing discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Suspended Solids			Monitor and Report		
CBOD ₅			Monitor and Report		
COD			Monitor and Report		
Total Nitrogen			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Phosphorus			Monitor and Report		
Oil and Grease			Monitor and Report		
Propylene Glycol			Monitor and Report		
Acetate			Monitor and Report		
Formate			Monitor and Report		
Tolyltriazole			Monitor and Report		
Dissolved Oxygen			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 057: Existing discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum			0.5	0.75	
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 064: Existing discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids			Monitor and Report		
BOD ₅			Monitor and Report		
COD			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 S.U.				

Internal Outfall 167: Existing discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Suspended Solids			30		60
CBOD ₅			10		20
Oil and Grease			15		30
MBAS			1.0		2.0
Benzene			0.005		0.01
Total Residual Chlorine			0.07		0.16
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 067: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease					Monitor and Report
Nitrate-Nitrite Nitrogen					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 068: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Oil and Grease					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 074: Existing discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfall 076: New discharge, average monthly discharge flow of 4.2 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			10		20
CBOD ₅			10		20
Total Nitrogen			5		10
Phosphorus			0.5		1.0
Oil and Grease			15		30
Propylene Glycol			1.7		3.4
Tolyltriazole			0.10		0.16
Chemical Oxygen Demand					Monitor and Report
Ammonia Nitrogen					Monitor and Report
Acetate					Monitor and Report
Formate					Monitor and Report
Dissolved Oxygen					Minimum of 6.0 mg/l
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfalls 077—084: New discharges, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			10		20
CBOD ₅			10		20
Total Nitrogen			5		10
Phosphorus			0.5		1.0
Oil and Grease			15		30
Propylene Glycol			1.7		3.4
Tolyltriazole			0.10		0.16
Chemical Oxygen Demand					Monitor and Report
Ammonia Nitrogen					Monitor and Report
Acetate					Monitor and Report
Formate					Monitor and Report
Dissolved Oxygen					Minimum of 6 mg/l
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfalls 085—088: New discharges, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30	60	
pH	not less than 6.0 nor greater than 9.0 S.U.				

Outfalls 005—008, 011—014, 017—022, 024—028, 030—032, 036, 037, 039, 040, 043—056, 058—063, 065, 069—073 and 075: storm water discharges of varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist solely of uncontaminated storm water runoff.					

Other Conditions:

A SWPPP is required for Outfalls 064 and 067.

The permit is subject to the Montour Run Watershed TMDL.

The Department of Environmental Protection developed chronic and acute aquatic life criteria of 0.1 mg/l and 1.2 mg/l, respectively for tolyltriazole.

The EPA waiver is not in effect.

PA0216992, Sewage, **Shannock Valley General Services Authority**, 111 South Center Street, P. O. Box 168, NuMine, PA 16244. This application is for renewal of an NPDES permit to discharge treated sewage from Yatesboro Waste Water Treatment Plant in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cowanshannock 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 Kittanning Suburban Joint Water Authority on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.22 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
May 1 to Oct 31	20	30		40
Nov 1 to Apr 30	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	6.0	9.0		12.0
Nov 1 to Apr 30	18.0	27.0		36.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 3610404, Sewerage, **Mount Hope Nazarene Retirement Community**, 3026 Mount Hope Home Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction of an extended aeration plant.

WQM Permit No. 2910201, CAFO, **Huston Hollow Partnership**, 410 East Lincoln Avenue, Myerstown, PA 17067-2213. This proposed facility is located in Taylor Township, **Fulton County**.

Description of Proposed Action/Activity: Seeking approval for the construction of reinforced concrete manure storage pit addition for pit under barn configurations.

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

WQM Permit No. 5610201, Industrial Waste, **Pennwood Farms**, 262 Sugar Grove School Road, Berlin, PA 15330. This proposed facility is located in Brothersvalley Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a methane digester.

WQM Permit No. 6510409, Sewerage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo, PA 15613. This proposed facility is located in Washington Township, **Westmoreland County**.

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

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

WQM Permit No. 5608407-A1, Sewerage, **The Borough of Somerset**, 347 West Union Street, Somerset, PA 15501. This existing facility is located in Somerset Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 0210406, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5597. This proposed facility is located in McCandless Township, **Allegheny County**.

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

WQM Permit No. 6369406-A6, Sewerage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317. This existing facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for permit amendment.

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

WQM Permit No. 2503424, Sewerage, **Amendment No. 1, Mainlines, Manholes, and Wastewater Treatment, Inc.**, 9214 Tannery Road, Girard, PA 16417. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to replace tertiary tank with two new fixed media tertiary filtration tanks, enlarging the chlorine contact tank, adding dechlorination and adding an effluent pump station.

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

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

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

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

Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064-9211, 610-746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024810007	J.G. Petrucci Co., Inc. Attn: Gregory T. Rogerson 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton	Forks Township	Bushkill Creek HQ-CWF, MF

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905017R	Indian Mill Creek, LP Attn: Robert John son 1390 Ridgeview Drive Suite 302 Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF, MF

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

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, Ext. 4.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045310002	Nittany Minit Mart 321 North Front Street Philipsburg, PA 16866	Potter	Galeton Borough	Pine Creek HQ-CWF

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

Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208 (412-241-7645).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050210001	Allegheny County Department of Public Works County Office Building 542 Forbes Avenue Room 501 Pittsburgh, PA 15219	Allegheny	Turtle Creek Borough North Versailles Township	Turtle Creek TSF

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814-445-4352).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055610001	The Buncher Resort & Hospitality Group, LLC Penn liberty Plaza 1 Suite 300 Pittsburgh, PA 15222	Somerset	Jefferson Township	Kooser Run HQ-CWF

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

Warren County Conservation District, 300 Hospital Drive, Suite D, Warren, PA 16365, 814-726-1441.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0662 10 001	Municipal Authority of The Township of Sheffield P. O. Box 821 Sheffield, PA 16347	Warren	Sheffield Township	Tionesta Creek HQ-CWF

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

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<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>
Barry Good 1695 Rake Road Mohrsville, PA 19541	Berks	239.3	428.25	Layers and Dairy	None	Renewal Application
Edward B. Horst 251 West Bunker Hill Road Womelsdorf, PA 19567	Berks	119.8	873.45	Hogs and Dairy Heifers	None	Renewal Application
Greater Vision Farm Stephen R. Burkholder 313 Deka Road Fleetwood, PA 19522	Berks	50	304.5	Swine	None	Renewal Application
Martin's Pine Lane Farm Samuel Martin 11441 Gehr Road Waynesboro, PA 17268	Franklin	115.3	106.7	Layers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed above the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4510504, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township or Borough	Tobyhanna Township Monroe County
Responsible Official	Roswell S. McMullen, P. E. Manager, Projects & Development 1175 North Main Street Honesdale, PA 18431 570-647-0358
Type of Facility	Community Water System
Consulting Engineer	Douglas E. Berg, P. E. Entech Engineering, Inc. 4 South 4th Street P. O. Box 32 Reading, PA 19603 610-373-6667
Application Received Date	July 12, 2010
Description of Action	Application for the addition of a chemical feed system to sequester manganese at the Pinecrest Lake community water system.

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

Application No. 1810501—Construction, Public Water Supply.

Applicant	Suburban Lock Haven Water Authority
-----------	--

Township or Borough Woodward and Colebrook Townships
 County **Clinton**
 Responsible Official Jack D. Peters, Chairperson
 Suburban Lock Haven Water Authority
 326 Main Street
 Mill Hall, PA 17751
 Type of Facility Public Water
 Supply—Construction
 Consulting Engineer David M. Swisher, P. E.
 Herbert, Rowland and Grubic, Inc.
 474 Windmere Drive
 Suite 100
 State College, PA 16801
 Application Received July 27, 2010
 Description of Action Whiskey Run interconnection project. Construction of approximately 18,000 LF of 6" water line in Woodward and Colebrook Townships and a proposed booster pump station to include a backup generator.

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

Permit No. 3209505MA (Amended), Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701
 Township or Borough Conemaugh, Cherry Hill and Armstrong Townships
 Responsible Official Michael Duffalo, Executive Director
 Indiana County Municipal Services Authority
 602 Kolter Drive
 Indiana, PA 15701
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650
 Application Received Date February 20, 2009
 Description of Action Installation of approximately 89,000 feet of waterline to three areas of the Crooked Creek water system: Airport Road area, Parkwood area and Breeze Clamp extension. The project also includes the extension of 23,500 feet of waterlines to Prymack Road, a new 300,000 gallon water storage tank and replacement of the existing Gemmel Road pump station.

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program manager in the Department's 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 of Environmental Protection has received the following Notices of Intent to Remediate:

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

Goodwin Residence, Bristol Township, **Bucks County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Clare Erskine, Allstate Insurance Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the property will be for residential purposes. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on July 19, 2020.

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

Laird Technologies, Inc., 1 Shielding Way, Delaware Water Gap Borough, **Monroe County**. Mark Foley, WSP Environment & Energy, 334 Elizabeth Avenue, Somerset, NJ 08873 has submitted a Notice of Intent to Remediate (on behalf of his client, Laird Technologies, Inc., 16401 Swingley Ridge Road, Suite 700, Chesterfield, MO 63017), concerning the remediation of soil found to have been impacted by Trichloroethylene (TCE) as a result of historical operations at the site. The intended future use of the property is commercial/industrial. The applicant proposes to remediate the site to meet the nonresidential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application Number WMGR126. Gemark Service Corporation, 99 Stevens Lane, Exeter, PA 18643. General Permit Application Number WMGR126 is for processing silver bearing films and sludges through washing and calcining to recover silver. The application was determined to be administratively complete by Central Office on August 2, 2010.

Comments concerning the application should be directed to Scott E. Walters, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of the proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act 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.

65-00101C: MAX Environmental Technologies, Inc. (233 Max Lane, Yukon PA 15698) for installation of EAF dust processing controlled y two dust collectors at the Yukon Plant in South Huntingdon, **Westmoreland County** at the Yukon Plant.

63-00958: Markwest Liberty Midstream and Resources, LLC (1515 Arapahoe Street, Tower 2 Suite 700,

Denver, CO 80202) for proposed Welling Compressor Station in Buffalo Township, **Washington County**.

11-00527: Phoenix Services, LLC (1717 West Doe Run Road, P.O. Box 659, Unionville, PA 19375) for construction of slag processing and handling facility at Johnstown Slag Preparation Facility in Franklin Borough, **Cambria County**.

11-00332: Cambria CoGen Company (243 Rubisch Road, Ebensburg, PA 15931) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers located at their Cambria Gen Facility in Cambria Township, **Cambria County**.

04-00490: Dominion Resources Services, Inc. (D.L. Clark Building, 501 Martindale Street Suite 400, Pittsburgh, PA 15212) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers located at the Beaver Station in North Sewickley Township, **Beaver County**.

03-00180: Dominion Resources Services, Inc. (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers located at the South Bend Station in South Bend Township, **Armstrong County**.

65-00840: Dominion Transmission, Inc. (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers located at South Oakford Station in Hempfield Township, **Westmoreland County**.

65-00837C: Dominion Transmission, Inc. (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers at the Oakford Compressor Station in Salem Township, **Westmoreland County**.

63-00015A: Flexsys America, LP (829 Route 481, Monongahela, PA 15063) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers at the Monongahela Plant in Carroll Township, **Washington County**.

63-00016C: Allegheny Energy Supply Company, LLC (800 Cabin Hill Drive, Greensburg, PA 15601-1689) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial and Institutional (ICI) Boilers at the Mitchell Power Station in Union Township, **Washington County**.

30-00099: Allegheny Energy Supply Company, LLC (800 Cabin Hill Drive, Greensburg, PA 15601-1689) Company has requested that the Department of Environmental Protection make a case-by-case Maximum Available Control Technology determination for the Industrial,

Commercial and Institutional (ICI) Boilers at the Hatfeld's Ferry Power Station in Monongahela Township, **Greene County**.

30-00193: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-9642) for construction of new coal processing facility at Starford Mine Preparation Plant in Green Township, **Indian County**.

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

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (Department), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Departments' regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements.

Northwest Regional Office
Bureau of Air Quality Control
230 Chestnut Street
Meadville, PA 16335

For additional information on the following applications contact:

Mark Gorog
Engineering Services Chief 814/332-6940

24-016G: Keystone Powdered Metal Co. (251 State Street, St. Marys, PA 15857) for construction of an Induction Heat Treater (3892) and reactivation of a vapor degreaser (1294) in St Marys City, **Elk County**. This is a Title V facility.

25-066H: Accuride Corp. (1015 East 12th Street, Erie, PA 16503) for installation of two 7,000 ton forge presses and associated control devices at their facility in the City of Erie, **Erie County**.

37-181B: Xaloy Inc.—Tanner Plating Division (925 Industrial Street, New Castle, PA 16102) for construction of Chrome Tank No. 1 subject to 40 CFR 63 Subpart N in New Castle City, **Lawrence 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:

- Subject to 25 Pa. Code § 123.13
- Subject to 40 CFR 63 Subpart N
- The permittee shall maintain the source and control device in accordance with the manufacturer's specifications and good air pollution control practices.
- In accordance with 40 CFR 63.343(c)(1)(ii), each composite mesh pad system (CMP) shall be operated such that the pressure drop across the CMP system is within +/- 2 inches of water column of the pressure drop value established during the performance test of July 30-31, 2003. Therefore, the compliant range for each CMP system is:
 - CMP unit for tank # 7 / # 1: 2.4 inches water column

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.

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

25-066H: Accuride Corp. (1015 East 12th Street, Erie, PA 16503) for installation of two 7,000-ton forge presses and associated wet scrubbers in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to for their facility located in the City of Erie, Erie County. This plan approval will permit the installation of two 7,000-ton forge presses and associated wet scrubbers. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-066H is for the installation of two 7,000-ton forge presses and associated wet scrubbers. The installation of these units was previously permitted by the Department under Plan Approval 25-066G. Based on the information provided by the applicant and the Department's own analysis, the sources will have potential emissions of 39.97 tons of carbon monoxide, 19.13 tons of particulate matter, all of which will be particulate matter less than 10 microns (PM-10), 10.67 tons of volatile organic compounds (VOC's), 4.5 tons of sulfur oxides and 1.31 tons of nitrogen oxides per year.

The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

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

2. Identification of the proposed Plan Approval; No. 25-066H.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

43-182B: John Maneely Company—Wheatland Tube Division (One Council Avenue, Wheatland, PA 16161) for installation of a zinc metallizer and baghouse at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 43-182B to John Maneely Company—Wheatland Tube Division for installation of a zinc metallizer and baghouse at the company's facility located at One Council Avenue, Wheatland Borough, Mercer County. The facility currently has a Title V permit No. 43-00182. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-182B is for the installation of a zinc metallizer and baghouse. Based on the information provided by the applicant and the Department's own analysis, the proposed source will emit 3.0 tons of particulate matter per year. The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 43-182B.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by

publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

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

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

23-00045: Sunoco Partners Marketing & Terminals, LP—Twin Oaks (4041 Market Street, Aston, PA 19014) for renewal of a Title V Operating Permit in Upper Chichester Township, **Delaware County**. This action is for the renewal of a Title V Operating Permit. The facility is primarily involved in Petroleum bulk stations and terminals. Sunoco operates gasoline loading racks, fuel oil loading racks and storage tanks. The permit contains all applicable requirements including monitoring, record-keeping and reporting.

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

54-00073: Pine Grove Energy, LLC (2250 Dabney Road, Richmond, VA, 23230-3323) for electrical power generation in Pine Grove Township, **Schuylkill County**. This is an initial Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State 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.

36-05001: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for operation of their ceiling tiles plant in East Donegal Township, **Lancaster County**. This is a renewal of the Title V Operating Permit issued in September of 2005 and amended in October of 2008.

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

04-00084: Anchor Acquisition, LLC—Monaca Plant (400 9th Street, Monaca, PA 15061-1862) to operate the following air emission sources: 120 mmBtu/hr glass melting furnace, 11 lehrs, 2 glazers and miscellaneous natural gas usages in the manufacturing of pressed and blown glass in the Borough of Monaca, **Beaver County**. The facility, because of rulemaking, is a Title V facility and

therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Facility-wide emissions are limited to 279 tons NOx per consecutive 12-month period in accordance with the RACT Operating Permit. The facility is required to perform exhaust stack testing every 5 years and demonstrate compliance with the emission limits set forth by testing, recordkeeping, monitoring and work practice standards. The facility is subject to the new final-form rulemaking of 25 Pa. Code Chapter 129 for glass melting furnaces. The facility must demonstrate compliance by January 1, 2012.

Any person wishing to provide the Department of Environmental Protection (Department) with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit # TV 04-00084).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

For additional information concerning the permit or the issuance procedure, contact Sheila McCoy, Air Quality Engineer Specialist, at 400 Waterfront Drive, Pittsburgh, PA 15222 or phone at (412) 442-5227.

04-00446: AES Beaver Valley, LLC (394 Frankfort Road, Monaca, PA 15061) for operation of Electricity Cogeneration at Beaver Valley Plant in Potter Township, **Beaver County**. This is a Title V Renewal.

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

10-00267: Alcoa Commercial Windows LLC—previously Three Rivers Aluminum Company (71 Progress Avenue, Cranberry Industrial Park, Cranberry Township, PA 16066-3596) for re-issuance of the Title V Operating Permit in Cranberry Township, **Butler County**. The facility manufactures metal doors, sash and trim products. The facility's major emission sources include tellkamp line and binks booth, coated-extrusion bake oven, fill line adhesive application, assembly, extrusion press and preheaters, 2,750-ton extruder with preheater, extrusion aging ovens, caustic anodizing tank, acid anodizing tanks (3), facility space heating, miscellaneous natural gas usage, pyrolysis oven, two tone coating process line with oven and seven degreasers. The facility is a major facility due to its potential to emit of volatile organic compound. The compliance assurance monitoring (CAM) is included in the permit. The facility is also subject to 40 CFR Part 63, Subpart Mmmm for miscellaneous metal parts and products.

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

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

52-00004: Dingmans Ferry Stone, Inc. (P. O. Box 686, Dingmans Ferry, PA 18328-0686) a State-only Operating Permit for crushing stone plant operation, in Delaware Township, **Pike County**. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to maintain facility compliance with Federal and State air pollution 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.

67-05134: Krosaki Magnesita Refractories, LLC (320 North Baker Road, York, PA 17408) for operation of a refractory kiln and two refractory drying ovens at the former J.E. Baker facility in West Manchester Township, **York County**. These sources were previously operated by Magnesita Refractories and will now be a joint venture between the companies. The 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. The kiln and ovens are subject to 40 CFR Part 63, Subpart SSSSS—National Emission Standards for Refractory Manufacturing.

36-05111: Lippert Components, Inc. (2766 College Avenue, Goshen, IN 46528) for renewal of their air quality permit for their mobile home chassis facility in Brecknock Township, **Lancaster County**, at 1658 Dry Tavern Road, Denver, PA 17517. This is a renewal of the state only operating permit issued in November 2005.

06-03104: Bean Funeral Homes and Cremation Services, Inc. (129 East Lancaster Avenue, Shillington, PA 19607-2613) to operate a human crematory controlled by a secondary afterburner chamber in the Borough of Sinking Spring, **Berks County**. This is a renewal of the State-only Operating permit issued in 2005.

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

63-00621: Accutrex Products, Inc. (112 Southpointe Boulevard, Canonsburg, PA 15317) for operation of surface coating operation at the Cecil Plant in Cecil Township, **Washington County**. This is a State-only Operating Permit Renewal

11-00415: Greystone Materials, Inc. (150 North Radnor—Chester Road, Suite F200, Radnor, PA 19087) for operation of limestone crushing at Colver Processing Facility in Cambria Township, **Cambria County**. This is a State-only Operating Permit Renewal

63-00538: Dynamet, Inc. (195 Museum Road, Washington, PA 15301) for operation of Non-ferrous Metal Extrusion at the Arden Facility in Chartiers Township, **Washington County**. This is a State-only Operating Permit Renewal.

26-00547: Mypodiamond, Inc. (1101 Mt. View Drive, Smithfield, PA 15478) for operation at the Fayette Business Park in Georges Township, **Fayette County**. This is a State-only Operating Permit Renewal.

56-00199: Shade Central City School District (203 McGregor Avenue, P. O. Box 7, Cairnbrook, PA) for operation of CNB Tri-fuel No. 2 Oil Boilers at the High School

in Shade Township, **Somerset County**. This is a State-only Operating Permit Renewal.

65-00856: Ligonier Stone & Lime Co., d/b/a Derry Stone & Lime Co. (117 Marcia Street, Latrobe, PA 15650) for operation of Limestone Processing at the Horn Mine in Derry Township, **Westmoreland County**. This is a State-only Operating Permit Renewal.

03-00203: Equitrans, LP (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of Natural Gas Compression Station in Manor township, **Armstrong County**. This is a State-only Operating Permit Renewal.

63-00105: MIMCO Product, Inc. (731 East Main Street, Monongahela, PA 15063) for operation of Blenders, Packers, Silos at Monongahela Plant in Monongahela, **Washington County**. This is a State-only Operating Permit Renewal.

65-00280: Kalumetals, Inc. (P. O. Box 455, Latrobe, PA 15650) for operation of Tool Manufacturing at the Derry Plant in Derry Township, **Westmoreland County**. This is a State-only Operating Permit Renewal.

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

16-00141: Kahles Kitchens, Inc.—Leeper (P. O. Box 168, 7488 Route 36, Leeper, PA 16233) for issuance of a Natural Minor Operating Permit to operate a wooden kitchen cabinet manufacturing facility, in Farmington Township, **Clarion County**. The facility's primary emission sources are the five surface coating spray booths. The emissions of criteria pollutants from this facility are below major source levels.

20-00232: Meadville Plating (10775 Franklin Pike, Meadville, PA 16335) for renewal of State-only Operating Permit for the plating operations facility in West Mead Township, **Crawford County**. The sources at the facility include 8 hard chromium plating tanks (subject to 40 CFR Part 63, Subpart N), miscellaneous natural gas combustion sources, a TCE cold cleaning tank (subject to 40 CFR Part 63, Subpart T), nickel electroplating tanks (subject to 40 CFR Part 63, Subpart WWWWWW) and other trivial activities. The renewal permit also contains emission restrictions, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00938: Safety-Kleen Corp. (1606 Pittsburgh Avenue, Erie, PA 16505) to re-issue a Natural Minor Operating Permit for the distribution and collection of organic solvents used in degreasing operations facility in the City of Erie, **Erie County**.

25-00943: Serv-All Concrete (P. O. Box 179, Erie, PA 16512) for to re-issue a Natural Minor operating permit for concrete batching and delivery in the City of Erie, **Erie County**.

42-00154: Bradford Regional Medical Center (116 Interstate Parkway, Bradford, PA 16701-1036) to issue a renewal of the State-only Operating Permit for the two gas-fired boilers (with No. 2 oil for back up fuel) and two diesel fired emergency generators at their hospital in the City of Bradford, **McKean County**. The facility is a Natural Minor.

43-00326: Buckeye Leasing, Inc.—City Slag Quarry Plant (300 Ohio Street Extension, Hermitage, PA 16148) for re-issuance of a Natural Minor Permit to operate a

nonmetallic mineral processing plant at Hermitage, **Mercer County**. The significant sources are slag processing operations and diesel generator. The facility is natural minor because the emissions of the pollutants from the facility are less than the Title V threshold limits.

25-009268: Erie Commerce Millcreek—Steris, Corp. (P. O. Box 179, Erie, PA 16512) for re-issuance of a Natural Minor operating permit for concrete batching and delivery in the City of Erie, **Erie County**.

43-00062: Wheatland Tube Co.—Clinton Street Plant (P. O. Box 608, Wheatland, PA 16161) to issue a renewal of the State-only Operating Permit for the two gas-fired boilers and space heating units at the facility in Wheatland Borough, **Mercer County**. The facility is a Natural Minor.

10-00344: Fannie's Friends, Inc. (352 Railroad Street, Evans City, PA 16033) to re-issue the Natural Minor Operating Permit for this facility that performs animal cremations in Evans City Borough, **Butler County**. Emissions from this facility remain below major source levels.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19(a)); 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 such 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 before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) 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 before 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 Returned

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

40060201. New Generation Coal, Inc., (183 Market Street, Suite 200, Kingston, PA 18704), commencement, operation and restoration of an anthracite coal refuse

reprocessing operation in Hughestown and Duryea Boroughs, **Luzerne County** affecting 159.0 acres, receiving stream: none. Application received: October 2, 2006. Application returned: August 3, 2010.

Coal Applications Received

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

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

¹ 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.

Permit No. 56090701 and NPDES Permit No. PA0235938, PBS Coals, Inc., (P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15441), to operate the Schrock Run Coal Refuse Disposal Area in Stonycreek Township, **Somerset County** a new coal refuse disposal area and related NPDES permit. Application also includes a request for Section 401 Water Quality Certification. Written comments or objection on the permit application and the request for Section 401 Water Quality application may be submitted to the Department of Environmental Protection. Coal Refuse Disposal Support Acres Proposed 136.0, Coal Refuse Disposal Acres Proposed 127.0. Receiving streams: Schrock Run and an Unnamed Tributary to Schrock Run, classified for the following use: CWF. Application received December 24, 2009.

Permit No. 30743711 and NPDES Permit No. PA0033511, Cumberland Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Cumberland Mine Coal Refuse Disposal Area in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received June 9, 2010.

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

63090104 and NPDES Permit No. PA0251836. Muligan Mining, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Revision application for removing residential use as a land use change of an existing bituminous surface mine, located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving streams:

unnamed tributaries to Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 23, 2010.

65990101 and NPDES Permit No. PA0202428. Coal Loaders, Inc. (210 East Main Street, Ligonier, PA 15658). Application received for transfer of permit currently issued to Gary Gioia Coal Company for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 19.0 acres. Receiving streams: unnamed run to the Youghiogheny River, classified for the following use: warm water fishes. There are no potable water supply intakes within ten miles downstream from the point of discharge from this site. Transfer application received: July 22, 2010.

GP12-63090103 and NPDES Permit No. PA0251747. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Application for General Permit 12 to operate a portable coal crusher at an existing bituminous surface mine, located in Fallowfield and Somerset Townships, **Washington County**, affecting 222.2 acres. Receiving streams: Sawmill Creek and unnamed tributaries to Sawmill Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 26, 2010.

65000102 and NPDES Permit No. PA0202797. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Renewal application for continued mining of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 73.4 acres. Receiving streams: unnamed tributaries to McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 29, 2010.

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

16850116 and NPDES Permit No. PA0106577. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223)

Renewal of an existing bituminous strip, auger and coal ash disposal operation in Porter Township, **Clarion County** affecting 648.5 acres. Receiving streams: Unnamed tributary to Leisure Run, Leisure and Long Runs, each classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. This renewal is for reclamation only. Application received: July 26, 2010.

33050103 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 63.5 acres. Receiving streams: Nicely Run to Mahoning Creek, classified for the following: CWF.

There are no potable surface water supply intakes within 10 miles downstream. Application received July 29, 2010.

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

54793206R5 and NPDES Permit No. PA0593125. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing and surface mine operation in Mahanoy Township, **Schuylkill County** affecting 3,038.0 acres, receiving stream: Mahanoy Creek. Application received: July 21, 2010.

Noncoal Applications Received

Effluent Limit—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.

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

36900302C6 and NPDES Permit No. PA0594784. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), depth and boundary correction to add 3.79 acres to the permitted area for a total of 74.69 acres, receiving stream: unnamed tributary to Octoraro Creek, classified for the following use: trout stock fishery. Application received: July 23, 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 or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any 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 and wish to attend the hearing and you require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E58-291. Peter Pinkowski, 1807 Chestnut Ridge Road, Montrose, PA 18801, in Bridgewater Township, **Susquehanna County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 2-inch diameter sanitary sewer line across a tributary to Snake Creek (CWF) and

approximately 100 feet of adjacent wetlands (Montrose, PA Quadrangle Latitude: 41° 50' 14.0"; Longitude: -75° 50' 56.3").

E48-411. Bath Borough, 215 East Main Street, Bath, PA 18014, in Bath Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the Monocacy Park and Streetscape Project with work consisting of excavation and placement of fill in approximately 0.55 acre of the floodway/floodplain of Monocacy Creek (HQ-CWF) and the construction of walkways, benches, patio areas and other site amenities within the same area (Catasauqua, PA Quadrangle Latitude: 40° 43' 34.5"; Longitude: -75° 23' 41.6").

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

E01-292: Fairfield Municipal Authority, 108 West Main Street, P. O. Box 263, Fairfield, PA 17320-9126, **Adams County**, ACOE Baltimore District.

The applicant proposes to remove 2,657.0 square feet of wastewater treatment tanks and structures from the

100-year floodplain, and to install and maintain 14,758.57 square feet of wastewater treatment structures in the 100-year flood plain of Spring Run Creek (CWF, MF) for the purpose of upgrading and expanding an existing sewage treatment plant. The project is located west of Fairfield Borough on Water Street (Fairfield, PA Quadrangle N: 6.5 inches; W: 14.95 inches, Latitude: 39° 47' 03.7"; Longitude: 77° 21' 53.6") in Hamiltonban Township, Adams County.

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

E53-432. AES Fox Hill Wind, LLC, 86 Baltimore Street, Suite 300, Cumberland, MD 21502-3027. AES Fox Hill Wind Energy Project in Hector and Ulysses Townships, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle Latitude: 41° 51' 12.45"; Longitude: 77° 45' 18.98").

AES Fox Hill, LLC proposes to construct, operate and maintain a seventy wind turbine energy facility and its appurtenances requiring encroachment of the following six wetlands and five streams:

Permit ID	Activity	Resource	Water Quality	Latitude	Longitude
WET-B	Collector System Crossing	Wetland to Homestead Hollow	EV	41° 51' 54.12"	77° 46' 49.30"
WET-D	Collector System Crossing	Wetland to Homestead Hollow	EV	41° 51' 55.27"	77° 46' 44.34"
WET-E	Collector System Crossing	Wetland to Cushing Hollow	EV	41° 51' 58.93"	77° 45' 47.65"
WET-G	Collector System Crossing	Wetland to Cushing Hollow	EV	41° 52' 06.67"	77° 44' 14.47"
WET-K	Collector System Crossing	Wetland to Cushing Hollow	EV	41° 51' 07.63"	77° 44' 14.57"
WET-N	Collector System Crossing	Wetland to Cushing Hollow	EV	41° 52' 03.55"	77° 43' 17.07"
STR-A	Collector System Crossing	Homestead Hollow	HQ	41° 51' 54.68"	77° 46' 46.53"
STR-F	Collector System Crossing	Cushing Hollow	HQ	41° 52' 04.10"	77° 44' 57.10"
STR-H	Collector System Crossing	Cushing Hollow	HQ	41° 51' 08.33"	77° 44' 14.87"
STR-I	Collector System Crossing	California Creek	HQ	41° 52' 03.54"	77° 43' 17.60"
STR-J	Road Crossing	Cushing Hollow	HQ	41° 52' 10.73"	77° 45' 02.37"

Construction of the electric collector system and access road crossing any watercourse shall be accomplished in dry stream work conditions by boring, dam and pumping or fluming stream flow around work areas. Since California Creek, Homestead and Cushing Hollows are wild trout fisheries, no construction or future repair work shall be performed in or along the stream channel between October 1 and December 31 without obtaining prior written approval from the Fish and Boat Commission. Construction of the electric collection system and access road crossings will result in temporary impacts of 0.10-acre of wetland and 59-foot stream, while also resulting in permanent impacts to 0.11-acre of wetland and 166-foot of stream. The project is located along the eastern right-of-way of SR 1001 approximately 0.8-mile South of

Ulysses Township Road T-453 and SR 1001 intersection. The project proposes 0.11-acres and 166-feet of wetland and stream impact. For mitigation of the permanent impacts, the Department of Environmental Protection shall seek and approve stream restoration and replacement wetlands.

E59-499. East Resources, Inc., 301 Brush Creek Road, Warrendale, PA 15086. Water Obstruction and Encroachment Joint Permit Application, in Sullivan Township, **Tioga County**, ACOE Susquehanna River Basin District (Roseville, PA Quadrangle N: 41° 49' 5"; W: 76° 56' 1").

To remove an existing 80-inch diameter metal culvert and construct and maintain a pre-fab steel bridge having a span of 33 feet, width of 13 feet and an underclearance

of 7 feet over a UNT to Elk Run (CWF). The bridge is located off Huslander Road, 0.5 mile south of the intersection with SR 1010 in Sullivan Township, Tioga County. This project proposes to permanently impact 20 linear feet of the UNT to Elk Run, which is designated a Cold Water Fishery and proposes no impacts to jurisdictional wetlands.

E59-500. East Resources, Inc., 301 Brush Creek Road, Warrendale, PA 15086. Water Obstruction and Encroachment Joint Permit Application, in Osceola Township, **Tioga County**, ACOE Susquehanna River Basin District (Elkland, PA Quadrangle N: 41° 59' 14.8"; W: 77° 21' 14.2").

To place 15 cubic yard of clean-fill material in the floodway of a UNT to Holden Creek to construct a well pad access road. The fill is located off SR 4017, 0.5 miles north of the intersection with SR 0049 in Osceola Township, Tioga County. This project proposes to impact 28 linear feet of the jurisdictional floodway associated with the UNT to Holden Creek, which is designated a Warm Water Fishery and proposes no impacts to jurisdictional wetlands.

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

E02-1638. John W. Annesi, 1131 McLaughlin Road, Bridgeville, PA 15017-2532. To construct a carport on the left bank of McLaughlin Run in Bridgeville Borough, **Allegheny County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle N: 18.7 inches; W: 14.1 inches, Latitude: 40° 21' 11"; Longitude: 80° 06' 04"). The applicant proposes to construct and maintain a car port approximately 26.0 feet long by 18.0 feet wide by 11.0 feet

high on the left bank of McLaughlin Run (WWF) for the purpose of storing applicant's cars. The project is located on the north side of McLaughlin Run Road, approximately 300.0 feet east from the intersection of McLaughlin Run Road and Coolidge Street.

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

E10-463, Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. SR 0173-250 Dougherty Mills Bridge Across Slippery Rock Creek, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 41° 02' 14"; W: 80° 01' 48").

To conduct the following activities associated with the replacement of the Doughertys Mills Bridge on SR 0173, Section 250, Segment 0060, Offset 0615 at Doughertys Mills approximately 1.5 miles southeast of Slippery Rock:

1. To remove the existing two span concrete arch structure and to construct and maintain a steel plate girder bridge having a clear, normal span of 196.5 feet and an underclearance of approximately 14 feet across Slippery Rock Creek.

2. To extend the existing 82-foot long, 7-foot wide by 4.4-foot high stone arch by adding approximately 15 feet onto the upstream end and to remove the existing concrete inlet control structure and construct a new concrete inlet control structure within the existing mill race channel near the left end of the existing Park Dam (DEP File No. D10-062).

3. To install a temporary construction access causeway extending from the right (north) bank of Slippery Rock Creek to approximately mid channel for removal of the existing pier.

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

Northcentral Regional: Water Management Program Manager, 208 West Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0532.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0112020 (Sewage)	Brookside MHP 89 Valley Drive Berwick, PA 18603	Columbia County North Centre Township	West Branch Briar Creek 5-D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0061662 (Sewage)	Arrowhead Sewer HC 88 Box 305 Pocono Lake, PA 18347	Monroe County Coolbaugh Township	Lehigh River 2-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0033120	Warren County School District 185 Hospital Drive Warren, PA 16365	Farmington Township Warren County	Fairbanks Run 16-B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0098558 Sewage	Wilson C. Fox 390 Wilson Fox Road New Stanton, PA 15672	Westmoreland County Hempfield Township	UNT of Sewickley Creek	Y
PA0046116 Sewage	Department of Conservation and Natural Resources— Bureau of State Parks— Ohiopyle State Park P. O. Box 105 Ohiopyle, PA 15470	Fayette County Henry Clay Township	UNT of Beaver Creek	Y

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

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

NPDES Permit No. PA0058921, Industrial Waste, **JDM Materials**, 851 County Line Road, Huntingdon Valley, PA 19006-1111. This proposed facility is located in Upper Southampton Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge stormwater from JDM County Line Batch Plant into an Unnamed Tributary to Southampton Creek in Watershed 3-J.

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

NPDES Permit No. PA0085171, Sewage, **Lyons Borough Municipal Authority**, 316 South Kemp Street, P. O. Box 131, Lyons Station, PA 19536. This proposed facility is located in Lyons Borough and Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Sacony Creek in Watershed 3-B.

NPDES Permit No. PA0021709, Sewage, **Birdsboro Municipal Authority**, P. O. Box 340, Birdsboro, PA 19508. This proposed facility is located in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Hay Creek in Watershed 3-C.

NPDES Permit No. PA0026743, Sewage, **Lancaster City Wastewater Treatment Plant**, 120 North Duke Street, Lancaster, PA 17608-1599. This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Conestoga River in Watershed 7-J.

NPDES Permit No. PA0261432, Industrial Waste, **Newport Borough Water Authority**, 231 Market Street, Newport, PA 17074-1533. This proposed facility is located in Oliver Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to the Juniata River in Watershed 12-B.

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

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

WQM Permit No. 1503401, Sewerage, Amendment, **Easttown Municipal Authority**, 566 Beaumont Road, Devon, PA 19333. This proposed facility is located in Easttown Township, **Chester County**.

Description of Action/Activity: Replacing the existing 8" AC pipe with a 12" PVC pipe to avoid overloading during peak flows.

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

WQM Permit No. 4510401, Sewerage, **Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372. This proposed facility is located in Stroud Township and Stroudsburg Borough, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction and operation of a sewage force main to convey sewage from Pocono and Hamilton Townships through Stroud Township and Stroudsburg Borough to the regional wastewater treatment plant.

WQM Permit No. 6610401, Sewerage, **Eaton Sewer and Water Company, Inc.**, P. O. Box 316, Nicholson, PA 18446. This proposed facility is located in Eaton Township, **Wyoming County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the upgrading of an existing pump station that will serve the Wal-Mart Store, the Wyoming County Building and the Moose Lodge. The sewage will be treated at the existing Eaton Sewer and Water Company treatment plant.

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

WQM Permit No. 0694423, Amendment 10-1, Sewage, **Lyons Borough Municipal Authority**, 316 South Kemp Street, Lyons Station, PA 19536. This proposed facility is located in Lyons Borough and Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/modification of sewerage facilities consisting of: Two equalization tanks, one raw sewage pump, one package treatment train containing aeration tank, final clarifier, and aerobic digester, three finishing units, UV system and post aeration tank, one screw press, chemical addition facilities and filtration building at existing plant.

WQM Permit No. WQG01051001, Sewage, **Daniel A. Imler**, 2826 Lower Snake Spring Road, Everett, PA 15537. This proposed facility is located in Snake Spring Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the installation of a SFTF for a single family dwelling having a peak design flow of 400 gallons per day.

WQM Permit No. WQG01071011, Sewage, **Jared Oakes**, 300 Fawn Lane, Duncansville, PA 16635. This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the installation of an SFTF for a single family dwelling having a peak design flow of 400 gallons per day.

Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street Suite 101, Williamsport, PA 17701-6448.

WQM Permit No. 02191001, SIC Code, **Pine Township Columbia County**, 328 Wintersteen School Road, Millville, PA 17846. This proposed facility is located in Pine Township, **Columbia County**.

Description of Proposed Action/Activity: New low pressure sanitary sewer system extension to serve 28 current properties along Legion Road, then crossing under Little Fishing Creek to SR 42. System will run parallel to SR 42 and into an existing public sanitary sewer manhole (SMH GT-5) that is part of Millville Borough's sanitary sewer collection system.

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

WQM Permit No. WQG026127, Sewerage, **Perry Township Municipal Authority**, P. O. Box 306, Star Junction, PA 15482. This proposed facility is located in Perry Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewers and pump stations.

WQM Permit No. 2609401, Sewerage, **Touchstone Center for the Arts**, 1059 Wharton Furnace Road, Farmington, PA 15437. This proposed facility is located in Wharton Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment system with land application.

WQM Permit No. 6572410A3, Sewerage, **Western Westmoreland Municipal Authority**, 12441 Route 993, North Huntingdon, PA 15642. This existing facility is located in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

WQM Permit No. WQG018760, Sewerage, **American First Enterprises, LLP**, 1768 North Main Street—Suite 4, Butler, PA 16001. This proposed/existing facility is located in Portersville Borough, **Butler County**.

Description of Proposed Action/Activity: A Small Flow Treatment Facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023510001	Great Bend Holdings, Inc. P. O. Box 239 Harford, PA 18823	Lackawanna	Jefferson Township	West Branch Wallenpaupack Creek HQ-CWF, MF
PAI023910006	Liberty Property, LP 74 West Broad Street Suite 530 Bethlehem, PA 18018	Lehigh	Upper Macungie Township	Iron Run HQ-CWF, MF Schaefer Run HQ-CWF, MF
PAI024010001	Borough of Freeland Municipal Authority 711 Birkbeck Street Freeland, PA 18224	Luzerne	Foster Township	Pond Creek HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041410001	Nittany Valley Alliance Church P. O. Box 108 Mingoville, PA 16856	Centre	Walker Township	Little Fishing Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041810001	High Street Rentals, LLC 772 Ridge Road Mill Hall, PA 17751	Clinton	Porter Township	UNT to Fishing Creek HQ-CWF

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, Ext. 102.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041910001	PPL Electric Utilities Corp. c/o William Miller 4810 Lycoming Mall Drive Montoursville, PA 17754-8301	Columbia	Greenwood Township Madison Township Millville Borough	Chillisquaque Creek Basin WWF-MF Little Fishing Creek Basin CWF-MF Hemlock Creek Basin CWF-MF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2
Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Mahanoy Township Schuylkill County	PAG2005410004	Kreitzer Sanitation Management, Inc. 318 South Liberty Street Orwigsburg, PA 17961	Tributary to Mill Creek CWF, MF	Schuylkill County Conservation District 570-622-3742
Archbald and Jermyn Boroughs Lackawanna County	PAG2003510011	Lackawanna Heritage Valley Authority 538 Spruce Street Suite 516 Scranton, PA 18503	Tributary to Lackawanna River CWF, MF	Lackawanna County Conservation District 570-281-9495
Armstrong and Clinton Townships Lycoming County	PAG2004110006	Department of Transportation 715 Jordan Avenue Montoursville, PA 17754	Black Hole Creek TSF West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Washington Township Northumberland County	PAG2004910011	Spickler Poultry Barns 1038 Snowdale Road Dornsife, PA 17823	UNT to Schwaben Creek TSF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114 Ext. 4
East Buffalo Township Union County	PAG2006010001	Earl Pilling River View 2525 Old Route 15 P. O. Box 119 West Milton, PA 17886	West Branch of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Slippery Rock Township Butler County	PAG02 0010 10 007	Department of Transportation District 10 2550 Oakland Avenue P. O. Box 429 Indiana PA 15701	Slippery Rock Creek CWF	Butler Conservation District 724-284-5270

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Adams County Biglerville Borough	PAR143501	TIN, Inc. Temple-Inland 136 East York Street Biglerville, PA 17307	UNT of Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Littlestown Borough	PAR143529	TIN, Inc. Temple-Inland 2190 Whitehall Road Littlestown, PA 17340	Alloway Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Hempfield Township	PAR233546	Roberts Oxygen Company, Inc. P. O. Box 5507 Rockville, MD 20855	UNT to West Branch Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Conoy Township	PAG043725	Debra Halbleib 2512 River Road Bainbridge, PA 17502	Stoney Run WWF 7G	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County Snake Spring Township	PAR043902	Daniel A. Imler 2826 Lower Snake Spring Road Everett, PA 15537	Snake Spring Valley Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Freedom Township	PAG043901	Jared Oakes 300 Fawn Lane Duncansville, PA 16635	Poplar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Portersville Borough Butler County	PAG049592	America First Enterprises, LLP 1768 North Main Street Suite 4 Butler, PA 16001	Unnamed Tributary to Camp Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Windham Township Wyoming County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-3501 PAG08-0002 PAG08-3535 PAG08-3551 PAG08-3517 PAG08-9903 PAG08-3596 PAG08-3510	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Phil Goodwin Farm RD 1 Box 215 Mehoopany, PA 18629	DEP—NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
North Branch Township Wyoming County	PAG08-2211	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Tim Delwolf Farm R. R. 2 Box 280 Mehoopany, PA 18629	DEP—NCRO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
	PAG08-3506			
	PAG08-3522			
	PAG08-3515			
	PAG08-3502			
	PAG08-9904			
	PAG08-3547			
	PAG08-0006			
	PAG08-3540			
	PABIG-9903			
	PAG08-3547			
	PAG08-3600			
	PAG08-3565			
	PAG07-3508			
	PAG07-0005			
	PAG08-0003			
	PAG08-3825			
	PAG08-3542			
	PAG08-0004			
	PAG08-3518			
	PAG08-9905			
	PAG08-3556			
	PAG08-0018			
	PAG08-3573			
	PAG08-3597			
	WMGR-099			
	PAG08-2203			
	PAG07-0003			
	PAG08-0008			
	PAG08-3501			
	PAG08-0002			
	PAG08-3535			
	PAG08-3551			
	PAG08-3517			
	PAG08-9903			
	PAG08-3596			
	PAG08-3510			
	PAG08-2211			
	PAG08-3506			
	PAG08-3522			
	PAG08-3515			
	PAG08-3502			
	PAG08-9904			
PAG08-3547				
PAG08-0006				
PAG08-3540				
PABIG-9903				
PAG08-3547				
PAG08-3600				
PAG08-3565				
PAG07-3508				
PAG07-0005				
PAG08-0003				
PAG08-3825				
PAG08-3542				
PAG08-0004				
PAG08-3518				
PAG08-9905				
PAG08-3556				
PAG08-0018				
PAG08-3573				
PAG08-3597				
WMGR-099				

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield Municipal Authority Lawrence Township Clearfield County	PAG 084817	Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830	Bud Sankey Farm Goshen Township Clearfield County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Elk Creek Erie County	PAG088310	Lake City Borough 2350 Main Street Lake City, PA 16423	Lee Payne Farm Biosolids Site Miller Road Cranesville, PA 16410	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

STATE CONSERVATION COMMISSION

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

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approval or Disapproved</i>
Hilandale Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	Adams	1,683	17,810.72	Chicken- layers	NA	Approved

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available

in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit 2310512 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence Township, Delaware County on June 17, 2009, for the operation of Facilities approved under construction permit No. 2309506 for operation of improvements to improvements at the Crum Creek Water Treatment Facility located Nether Providence Township, **Delaware County**.

Operations Permit 2310506 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence and Springfield Townships, Delaware County on March 25, 2010, for operation Improvements to Delta Flocc 801 (Polyaluminum chloride) located at Nether Providence and Springfield Townships, **Delaware County**.

Operations Permit 2310508 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence Township, Delaware County on January 18, 2010, for operations Facilities approved under construction permit No. 2302502 for operations to improvements at the Crum Creek Treatment Facility located at Nether Providence Township, **Delaware County**.

Operations Permit 2310509 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence Township, Delaware County on January 18, 2010, for operations Facilities approved under construction permit No. 2305502 for operations to improvements at the Crum Creek Treatment Facility located at Nether Providence Township, **Delaware County**.

Operations Permit 2310510 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence Township, Delaware County on January 18, 2010, for operations Facilities approved under construction permit No. 2302503 for operations to improvements at the Crum Creek Treatment Facility located at Nether Providence Township, **Delaware County**.

Operations Permit 2310511 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Nether Providence Township, Delaware County on January 18, 2010, for operations Facilities approved under construction permit No. 2307503 for operations to improvements at the Crum Creek Treatment Facility located at Nether Providence Township, **Delaware County**.

Operations Permit 4610512 issued to **Schwenksville Borough Authority**, 298 Main Street, P. O. Box 458, Schwenksville, PA 19473.

(PWSID No. 1460042) Schwenksville Borough, Montgomery County on April 27, 2010, for operations to improvements at the Sodium Hypochlorite at Well No. 7, located at Schwenksville Borough, **Montgomery County**.

Operations Permit 0910507 issued to **Meter Services Company**, 1490 Durham Road, New Hope, PA 18938, Buckingham Township, Bucks County on April 16, 2010, to improvements at the Sodium Hypochlorite at Buckingham Springs Village Facility located Buckingham Township, **Bucks County**.

Operations Permit 1510513 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Schuylkill Township, Chester County on June 17, 2010, for the operation of Facilities approved under construction permit No. 1505503 for operation of improvements to improvements at Pickering West Waste.

Operations Permit 1510514 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Schuylkill Township, Chester June 17, 2009, for operations Facilities approved under construction permit No. 1505507 for operations to improvements at the Air Scour at Pickering West Waste Water Treatment Plant located at Schuylkill Township, **Chester County**.

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

Permit No. 6710511 MA, Minor Amendment, Public Water Supply.

Applicant	United Water Pennsylvania
Municipality	Newberry Township
County	York
Responsible Official	Steven Metzler, Senior Project Engineer 4211 East Park Circle Harrisburg, PA 17111
Type of Facility	Eden Well Wetwell Relining.
Consulting Engineer	Steven Metzler, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued:	8/2/2010

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

Permit No. 1484502—Operation Public Water Supply.

Applicant	Walker Township Water Association
Township or Borough	Walker Township
County	Centre
Responsible Official	Karen Moore, Vice President Walker Township Water Association P. O. Box 160 Mingoville, PA 16856
Type of Facility	Public Water Supply—Operation
Consulting Engineer	David A. McCullough, P. E. Uni-Tec Consulting Engineers 2007 Cato Avenue State College, PA 16801
Permit Issued Date	July 30, 2010
Description of Action	Operation of the Hecla Well chlorination facility that has been relocated in accordance with the minor amendment to permit No. 1484502 for construction, issued on March 11, 2010.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	Kratzerville Water System
Township or Borough	Jackson Township
County	Snyder
Responsible Official	Patrick R. Burke Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Type of Facility	Public Water Supply—Construction Consulting Engineer William Ladieu, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit Issued Date	July 30, 2010
Description of Action	Construction of detention piping to provide 4-log inactivation of viruses and replacement of gas chlorination with sodium hypochlorite facilities at Well Stations 4 and 5.

HAZARDOUS SITES CLEANUP

**Public Notice of Consent Orders and Agreement;
Millcreek Dump Site Millcreek Township,
Erie County**

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. section 9622, and Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, 35 P. S. § 6020.1113, notice is provided that the Department of Environmental Protection (Department) has en-

tered into a consent order and agreement (CO&A) among Millcreek Township (Township) and the Erie Regional Airport Authority (Airport Authority) concerning the Millcreek Dump Site (Site) in Millcreek Township, Erie County, PA.

From approximately 1970 until 1981, wastes containing hazardous substances were disposed at the Site. The 1995, 1997 and 2000 consent orders and agreements between the Department and the Township concerned, among other things, ownership and usage of five parcels of property that the Township owns within the Site. Also under these past agreements, the Township, among other things, paid the Department \$1,000 in response costs and provided permanent easements for the construction of the landfill cap and flood retention basin at the Township and former Conrail parcels.

The original Record of Decision for the Site called for a standard landfill cap over the wastes at the Site. On December 14, 2000, the Department and the United States Environmental Protection Agency (USEPA) agreed to modify this remedy to provide for a recreation area at the Site, along with protecting the public and environment from the wastes at the Site. Specifically, the remedy was modified to allow for the construction of a golf course, tennis courts, ball fields and hiking trails on top of the landfill cap.

On August 13, 2010, the Department entered into a proposed Consent Order and Agreement with the Township and Airport Authority that modifies and replaces the 1995, 1997 and 2000 consent orders and agreements. Under the August 13, 2010 Consent Order and Agreement, the Site Remedy will be modified to allow the Airport Authority to extend Runway 6-24 at the Erie International Airport. This extension will require reconfiguration of the golf course and relocation of a portion of Powell Avenue. This CO&A does not address the Airport Authority's or the Township's obligations with the USEPA.

The Department will receive and consider comments on the August 13, 2010 Consent Order and Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent if the comments disclose facts that indicate that the August 13, 2010 Consent Order and Agreement with the Township and Airport Authority is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the August 13, 2010 Consent Order and Agreement shall become final and shall replace the 1995, 1997 and 2000 consent orders and agreements upon the filing of the Department's response to significant written comments (if any) to the August 13, 2010 Consent Order and Agreement.

Copies of the August 13, 2010 Consent Order and Agreement among the Department, Township and Airport Authority are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Kammy Halterman, Project Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Kammy Halterman at (814) 332-6648. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

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.

15 Red Rose Drive, Middletown Township, **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Joseph Corrigan, 6139 Saint Andrews Drive, Sanford, NC 27332 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Standard Health Standard.

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

Rodney Gilbert Residence, 1542 Strauss Valley Drive, Mahoning Township, **Carbon County**. Christopher Green and Amanda Safford, AquaEter, Inc., 215 Jamestown Park, Suite 100, Brentwood, TN 37027 have

submitted a Final Report (on behalf of their client, Nancy McGuckin, 1542 Strauss Valley Drive, Lehighon, PA 18235), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a spill from an aboveground storage tank. The Report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in *The Times News* on June 1, 2010.

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

Former Carnegie Tar and Asphalt Plant, Oakmont Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Edgewater Properties, LP, 3785 Old William Penn Highway, Murrysville, PA 15668 has submitted a Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with arsenic, benzene, iron, and trichloroethylene. The Risk Assessment and Cleanup Plan were noticed in the *Tribune-Review* on July 8, 2010.

Mays Phillips Lane Site, Robinson Township, **Allegheny County**. Cullen Flanders, ARCADIS US., Inc., 310 Seven Fields Boulevard, Suite 210, Seven Fields, PA 16046 on behalf of Robert A. Mays, Mays Properties, Inc., 5992 Steubenville Pike, McKees Rocks, PA 15136 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with semi-volatile organics, PAH's, phthalate esters, volatile organic chemicals and metals. The RIR was noticed in the *Tribune-Review* on July 26, 2010.

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 Background Standard Final Report concerning the remediation of site soils contaminated with arsenic. The Final Report was noticed in the *Tribune-Review* on July 27, 2010.

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

Hoyt's Fuel Service Petroleum Release/Geffken Residence, Boggs Township, **Centre County**. Global Environmental Management, 416 Anthony Street, Carnegie, PA 15106 on behalf of Hoyt's Fuel Service, 965 Broadway Road, Shickshinny, PA 18655-3839 has submitted a Final Report concerning Remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania*

Bulletin a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Czeitner Property, Lower Woodside Drive, Silver Lake Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a Final Report (on behalf of her client, Lori Czeitner, 19 Arlington Street, Johnson City, NY 13790), concerning the remediation of surface water found to have impacted by No. 2 fuel oil as a result of a release from a 275-gallon aboveground storage tank. The Report documented attainment of the Statewide Health Standard and was approved on July 20, 2010.

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

Service Oil Company/Aronson-Stern Property, Swatara Township, **Dauphin County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of

Raphael Aronson, Deborah Aronson-Stern and Service Oil Company, 3798 Paxton Street, Harrisburg, PA 17111-1412 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline from an underground pipeline. The combined Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of Environmental Protection on July 29, 2010.

Bobby Rahal Automotive Retail Center, Silver Spring Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Federated Insurance, 121 East Park Square, P. O. Box 328, Owatonna, NM 55060; Ferris Land Development, Six Penns Way Road, Mechanicsburg, PA 17050; and RM Roach & Sons, Inc., P. O. Box 1412899, Martinsburg, WV 25402, submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 2, 2010.

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

Lock Haven Bald Eagle St. Former MGP Site, City of Lock Haven, **Clinton County**. The Mahfood Group, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of UGI Utilities, Inc., 2525 North 12th Street, Suite 360, Reading, PA 19612 has submitted a combined Risk Assessment Report and Cleanup Plan concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene, and xylenes (BTEX) and polycyclic aromatic hydrocarbons (PAHs). The Risk Assessment/Cleanup Plan was approved by the Department of Environmental Protection on July 29, 2010.

AIR QUALITY

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

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

GP5-42-207A: Atlas Energy Resources, LLC—Dent Compressor Station (5258 State Route 59, Lewis Run, PA 16738) on July 23, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**. This permit was previously permitted under Laurel Mountain Midstream, LLC.

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.

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.

56-00257B: Department of Corrections (P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501) on July 27,

2010, to authorize construction of a cogeneration facility in replacement of three coal-fired boilers at the Laurel Highlands State Correctional Institution (SCI LH) in Somerset Township, **Somerset County**.

Three Riley coal-fired stoker boilers rated at 27.1 mmBtu/hr each will be permanently deactivated and their purpose replaced by landfill gas and natural gas-fired sources. Landfill gas collected from Mostoller Landfill is to be piped directly to SCI LH where it will be treated and combusted in one Solar Centaur 44.4 mmBtu/hr turbine, two Caterpillar 2,233 bhp engines, and one Johnston Boiler Co. 20.3 mmBtu/hr dual-fuel boiler. Natural gas is to be used as an auxiliary fuel combusted in the same dual-fuel boiler and two Miura 9.85 mmBtu/hr boilers. A small John Zink purge gas flare is to be used to control purge gas from the landfill gas treatment system.

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

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

15-0130: Aqua PA, Inc. (762 West Lancaster Avenue, Bryn Mawr, PA 19010) on July 27, 2010, to operate diesel-fired emergency generators Schuylkill Township, **Chester 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.

06-05024C: RRI Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on July 27, 2010, for installation of activated carbon injection equipment for mercury control on the three main boilers at their Titus Generating Station in Cumru Township, **Berks County**. The plan approval was extended.

06-05079E: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602-2718) on July 26, 2010, for modification of the Plan Approval for the construction of a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine in the City of Reading, **Berks County**. The plan approval was extended.

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.

11-00356B: Peoples Natural Gas Company, LLC, Laurel Ridge/Rager Mountain Compressor Station (1201 Pitt Street, Pittsburgh, PA, 15221-2029). The emission sources covered by this plan approval include a new internal combustion engine, two new glycol dehydration units, and a thermal oxidizer controlling VOC emissions from the dehydration units in Johnstown, **Cambria County**. In addition to VOC, the primary pollutants emitted from this facility include NOx and CO from the combustion sources. The plan approval is being amended to revise the permittee's name as well as the responsible official's name and phone number. Finally, alternate responsible officials have been added to Section G of the plan approval.

65-00837B: Dominion Transmission, Inc., Oakford Compressor Station (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA, 15212) for a plan approval extension in accordance with their submission of a plan approval modification application requesting revision of carbon monoxide emission limits for compressor engines 2, 3, 4 and 8 located in Salem Township, **Westmoreland County**.

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

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

09-00050: Hanson Aggregates BMC, Inc. (825 Swamp Road, Penns Park, PA 18943) on July 29, 2010, for operation of their asphalt plant facility in Wrightstown Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility consists of a Gencor asphalt plant and a recycled asphalt pavement (RAP) plant. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

54-00056: Pine Grove Area School District (103 School Street, Pine Grove, PA 17963) on July 30, 2010, to reissue a State-only (Natural Minor) Operating Permit for operation of a boiler at their facility in Pine Grove Borough, **Schuylkill County**.

40-00060: Hudson Anthracite, Inc. (202 Main Street, Wilkes-Barre, PA 18702-2706) on August 3, 2010, to operate a coal preparation plant in Jenkins Township, **Luzerne County**. This is a renewal of the State-only Natural Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

06-05020: Craft-Maid Kitchens, Inc. (501 South 9th Street, Building C, Reading, PA 19602-2524) on July 27, 2010, for their wood furniture manufacturing facility in Reading City, **Berks County**. This is a renewal of the State-only operating permit.

07-03051: Sheetz, Inc. (219 Corporate Boulevard, Claysburg, PA 16625-9700) on July 22, 2010, for their food preparation facility in Greenfield Township, **Blair County**.

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) on July 22, 2010, for their human crematory in Lewistown Borough, **Mifflin County**. This is a renewal of the State-only operating permit.

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

43-00286: RW Sidley, Inc. (3401 New Castle Road, West Middlesex, PA 16159) on July 20, 2010, to re-issue a Natural Minor Permit to operate a concrete products manufacturing facility at Shenango Township, **Mercer County**. The facility included a portable concrete batch plant and Silo-Vents (2) as emitting sources. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is natural minor.

61-00208: Specialty Fabrications & Powder Coating, LLC (455 Allegheny Boulevard, Franklin, PA 16323-0790) on July 20, 2010, to re-issue a Natural Minor Permit to operate a sheet metal fabrication facility at Sugarcreek Borough, **Venango County**. The significant sources are miscellaneous natural gas usage, a paint line, drying/curing powder coating, laser cutters (2) and a burn off oven. The facility is located at Sugarcreek Borough, Venango County. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility became natural minor.

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

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

23-00003: ConocoPhillips Co. (4101 Post Road, Trainer, PA, 19061) on July 30, 2010, to incorporate one plan approval, number 23-0003I, for two boilers (Sources 034 and 035) in Trainer Borough, **Delaware County**. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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.

06-05024: RRI Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on July 27, 2010, for the coal-fired electrical generating station in Cumru Township, **Berks County**. The Title V operating permit was administratively amended due to changes in responsible officials, and to incorporate the Clean Air Interstate Rule (CAIR) requirements.

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

24-00083: Mersen USA—St. Marys (215 Stackpole Street, St. Marys, PA 15857-1401) on July 27, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the name change (formerly Carbone of America) for the facility in St. Marys City, **Elk County**.

10-00342: Mine Safety Appliances Co. (1420 Mars Evans City Road, Evans City, PA 16033-9360) on July 29, 2010, issued an administrative amendment to the State-

only Operating Permit to incorporate the change in the permit contact and to remove the decommissioned sources from the permit for the facility located in Forward Township, **Butler County**.

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

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

TVOP-24-00120: Dominion Resources Services, Inc. (445 West Main Street, Clarksburg, WV 26302) Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Dominion Ardell Station, located in Benezette Township, **Elk County**: Less than 0.8 ton per year for CO and less than 0.06 TPY of VOC resulting from the replacement burners (0.842 mmBtu/hr each) in each of the Capstone microturbines.

TVOP-42-00009: Pittsburgh Corning Corp. (701 North Main Street, Port Allegany, PA 16743) Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Pittsburgh Corning Corporation, Port Allegany Plant, in Port Allegany, **McKean County**. Less than less than 0.1 ton per year for each criteria and hazardous pollutant resulting from the electric boost replacement with natural gas combustion on Source 101 for a maximum of 60 hours per year. The list of previously authorized de minimis increases at the facility is as follows:

Glass Block Sealant
Edge Coater #9

August 2007
June 2009

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

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

03000106 and NPDES Permit No. PA0202843. P & N Coal Company, Inc. (240 West Mahoning Street, P. O. Box 332, Punxsutawney, PA 15767). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Plumcreek Township, **Armstrong County**, affecting 82.1 acres. Receiving streams: unnamed tributary "A" to Cherry Run to Cherry

Run. Application received: May 28, 2010. Reclamation-only renewal issued: July 28, 2010.

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

10813005 and NPDES Permit No. PA0615218. Magnum Minerals, Inc., d/b/a Lucas Coal Company (c/o Three Rivers Management, Inc., One Oxford Center, Suite 3000, Pittsburgh, PA 15219-6401) Renewal of an existing bituminous strip and tippel refuse disposal operation in Washington Township, **Butler County** affecting 222.5 acres. Receiving streams: Two unnamed tributaries to Slippery Rock Creek. This renewal is issued for reclamation only. Application received: May 6, 2010. Permit Issued: July 27, 2010.

61020102 and NPDES Permit No. PA0242101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: Unnamed tributaries to the Allegheny River. This renewal is issued for reclamation only. Application received: May 28, 2010. Permit Issued: July 28, 2010.

33890119 and NPDES Permit No. PA0207560. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip, auger and sandstone removal operation in Winslow Township, **Jefferson County** affecting 111.7 acres. Receiving streams: McCreight Run and Trout Run. This renewal is issued for reclamation only. Application received: June 3, 2010. Permit Issued: July 29, 2010.

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

17930117 and NPDES No. PA0219584. RES Coal Co., LLC, (P. O. Box 228, 224 Grange Hall Road, Armagh, PA 15920). Permit renewal of an existing bituminous surface mine located in Goshen Township, **Clearfield County** affecting 329.8 acres. Receiving streams: unnamed tributaries to Surveyor Run and Surveyor Run classified for Cold Water Fisheries. Application received April 29, 2010. Permit issued July 21, 2010.

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

54930102T4 and NPDES Permit No. PA0224392. Rausch Creek Land, LP, (P. O. Box 978, Valley View, PA 17983), transfer of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 462.0 acres, receiving stream: East Branch Rausch Creek. Application received: February 20, 2008. Transfer issued: July 27, 2010.

54930102R2 and NPDES Permit No. PA0224392. Rausch Creek Land, LP, (P. O. Box 978, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 462.0 acres, receiving stream: East Branch Rausch Creek. Application received: July 9, 2009. Renewal issued: July 27, 2010.

54880201R4. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing and prep plant operation in Pine Grove Township, **Schuylkill County** affecting 61.4 acres, receiving stream: none. Application received: July 2, 2009. Renewal issued: July 28, 2010.

49990201R2 and NPDES Permit No. PA0224031. Black Diamond Mining, Inc., (P. O. Box 139, Elysburg, PA 17824), renewal of an existing anthracite coal refuse

reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 124.86 acres, receiving stream: North Branch Shamokin Creek. Application received: October 13, 2009. Renewal issued: July 28, 2010.

Noncoal Permits Actions

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

03950301 and NPDES Permit No. PA0201359. Glacial Sand and Gravel Company (P. O. Box 1022, Kittanning, PA 16201). NPDES permit renewal issued for continued operation and reclamation of a large noncoal surface mining site located in East Franklin Township, **Armstrong County**, affecting 310.0 acres. Receiving streams: unnamed tributaries to the Allegheny River. Application received: June 24, 2010. NPDES renewal issued: July 28, 2010

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

5575SM1A3C8 and NPDES Permit No. PA0119555. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Clifford Township, **Susquehanna County**, receiving stream: East Branch of Tunkhannock Creek. Application received: May 12, 2010. Renewal issued: July 28, 2010.

7775SM5C and NPDES Permit No. PA0594954. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County**, receiving stream: Limekiln Creek. Application received: April 19, 2010. Renewal issued: July 29, 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

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

65104008. C. H. & D. Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). Blasting activity permit for the construction of the borrow pit at C. H. & D. quarry, located in South Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last for one year. Blasting permit issued: July 29, 2010.

65104009. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for the construction of the Elias—Atlas Resources Well Site, located in South Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last 60 days. Blasting permit issued: July 29, 2010.

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

36104145. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for John

Fisher Manure Pits in Paradise Township, **Lancaster County** with an expiration date of August 30, 2010. Permit issued June 27, 2010.

64104108. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Calkins Union Baptist Church parking lot in Damascus Township, **Wayne County** with an expiration date of July 24, 2011. Permit issued July 28, 2010.

36104146. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Clearbrook Development in East Donegal Township, **Lancaster County** with an expiration date of August 31, 2010. Permit issued July 29, 2010.

40104110. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Willow View Development in Jenkins Township, **Luzerne County** with an expiration date of July 22, 2011. Permit issued July 29, 2010.

66104108. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Redmond Well Site in Meshoppen Township, **Wyoming County** with an expiration date of September 15, 2010. Permit issued July 29, 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

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

E40-707. Borough of Freeland Municipal Authority, 711 Birkbeck Street, Freeland, PA 18224. Foster Township, **Luzerne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain two secondary clarifier structures, a blower building, an ultraviolet disinfection building, and two stormwater outfall structures within the floodway of Pond Creek (HQ-CWF). The first stormwater outfall consists of a Type DW concrete endwall with R-3 riprap apron, and the second stormwater outfall consists of a flared end section, and an R-4 riprap apron. The purpose of the project is for the expansion of the Borough of Freeland Municipal Wastewater Treatment Plant. The project is located on the east side of Birkbeck Street, 0.1 mile north of its intersection with Arthur Street, approximately 2.4 miles north of the intersection of SR 940 and SR 2051 (Freeland, PA Quadrangle Latitude: 41° 1' 37.16"; Longitude: -75° 53' 39.04") in Foster Township, **Luzerne County**. Subbasin: 2B.

E48-406. Ryan Reeser, 581 South Summit Road, Bath, PA 18014. Moore Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a driveway crossing of Monocacy Creek (HQ-CWF, MF) and a de minimus area of 0.04 acre of adjacent PFO Wetlands (EV), consisting of a 12-foot by 5-foot concrete box culvert, depressed 12-inches below streambed elevation. The project is located on the west side of South Summit Road approximately 0.20 mile from its intersection with State Route 0946 (Kunkletown, PA Quadrangle Latitude: 40° 46' 40"; Longitude: -75° 23' 52"). Subbasin: 2C.

E54-327. Eagle Rock Community Association, 1031 Valley of Lakes, Hazleton, PA 18202-9714. North Union Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the construction of approximately one mile long walking trail. The project is located in the western section of Eagle Rock Resort between Arapahoe Lane and Algonquin Drive (Nuremberg, PA Quadrangle Latitude: 40° 55' 37"; Longitude: -76° 8' 46") in North Union Township, Schuylkill County.

1. To maintain a 4' wide wooden foot bridge across Sugarloaf Creek (CWF) having a 24.7' span and a 2.4' underclearance.

2. To maintain a 3.4' wide wooden foot bridge across an UNT to Sugarloaf Creek (CWF) having a 20' span and a 2.9' underclearance.

3. To maintain a 4' wide mulch trail across 8' of EV wetlands within the Sugarloaf Creek watershed.

4. To maintain a 3.5' wide wooden foot bridge across an UNT to Sugarloaf Creek having a 20.2' span and a 2.2' underclearance.

5. To maintain a crossing across an UNT to Sugarloaf Creek consisting of a 20' long, 18" pipe.

6. To maintain an 11.5' wide mulch trail across 38.5' of EV wetlands within the Sugarloaf Creek watershed.

7. To maintain a 10.3' wide mulch trail across 35' of EV wetlands within the Sugarloaf Creek watershed.

8. To maintain a 4' wide wooden foot bridge across Sugarloaf Creek having a 25.2' span and a 3.7' underclearance.

The project will impact a total de minimis area of PSS wetlands equal to 0.03 acre and 35' of stream in Sugarloaf Creek and tributaries thereto. Subbasin: 5E.

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

E50-247: Millerstown Borough and Greenwood Township, c/o Katy Black, Greenwood Township Secretary, P. O. Box 616, Millerstown, PA 17062, Millerstown Area Community Park, Greenwood Township and Millers-town Borough, **Perry County**, ACOE Baltimore District.

To construct and maintain: 1) a 9,800.0 square foot amphitheater, 3,024.0 square foot bituminous access drive, 2,720.0 square foot bituminous parking area, 2,600.0 square foot playground, 5.0-foot wide by 486.0-foot long asphalt walkway, 8.0-foot wide by 758.0-foot long asphalt trail, one 20.0-foot wide by 40.0-foot long pavilion, and associated grading in the 100-year floodplain of the Juniata River (WWF); 2) two 20.0-foot wide by 30.0-foot long by 11.5-foot high pavilions in the 100-year floodway of the Juniata River (WWF); 3) a 6.8-foot wide, single span pedestrian bridge having a normal span of 73.5 feet and an underclearance of 15.9 feet across Cocolamus Creek (TSF), all for the purpose of expanding and upgrading the existing community park. The project is located on Juniata Parkway (SR 1015), approximately 0.4 mile southwest of its intersection with Route 22 (Millerstown, PA Quadrangle N: 7.1 inches; W: 3.2 inches, Latitude: 40° 32' 27.64"; Longitude: 77° 8' 55.57") in Greenwood Township and Millerstown Borough, Perry County. No wetlands will be impacted.

E01-292: Fairfield Municipal Authority, 108 West Main Street, P. O. Box 263, Fairfield, PA 17320-9126, Hamiltonban Township, **Adams County**, ACOE Baltimore District.

To remove 2,657.0 square feet of wastewater treatment tanks and structures from the 100-year flood plain and to install and maintain 14,758.57 square feet of wastewater treatment structures in the 100-year flood plain of Spring Run Creek (CWF, MF) for the purpose of upgrading and expanding an existing sewage treatment plant. The project is located west of Fairfield Borough on Water Street (Fairfield, PA Quadrangle N: 6.5 inches; W: 14.95 inches, Latitude: 39° 47' 03.7"; Longitude: 77° 21' 53.6") in Hamiltonban Township, Adams County.

E06-643: Charles Lyon, Amity Township, 2004 Weavertown Road, Douglassville, PA 19518, Amity Township, **Berks County**, ACOE Philadelphia District.

To remove an existing structure and to construct and maintain a 1.0-foot depressed, 9.0-foot by 7.0-foot concrete box culvert in an unnamed tributary to Monocacy Creek

(WWF), and to relocate and maintain 45.0 feet of an unnamed tributary to Monocacy Creek (WWF) impacting 0.0056 acre of PSS wetland. The project is located approximately 0.32 mile north of the intersection of Geiger Road and Monocacy Hill Road (Birdsboro, PA Quadrangle N: 6.81"; W: 0.43", Latitude: 40° 17' 15"; Longitude: 75° 45' 11") in Amity Township, Berks County. The amount of wetland impact is considered a de minimis impact of 0.0056 acre and wetland mitigation is not required.

E21-413: PPL Electric Utilities Corporation, William Miller, 4810 Lycoming Mall Drive, Montoursville, PA 17754-8301, Silver Spring Township, **Cumberland County**, ACOE Baltimore District To: 1) construct and maintain a 760.0-foot long temporary access road in a wetland and to remove three existing electric utility poles from a wetland, temporarily impacting 0.24 acre of Palustrine Emergent wetland (PEM) adjacent to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 28"; Longitude: -77° 03' 57"); 2) maintain an aerial electric utility line with a normal span of 277.0 feet and an under-clearance of 62.0 feet across Conodoguinet Creek (WWF-MF) and in adjacent Palustrine Forested (PFO) wetlands (Latitude: 40° 15' 25"; Longitude: -77° 03' 57"); 3) maintain a 32.0-foot long access road and a concrete-anchored electric utility pole in wetlands, temporarily impacting 0.01 acre and permanently impacting 0.01 acre, all in PFO wetlands adjacent to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 28"; Longitude: -77° 03' 57"); 4) maintain an aerial electric utility line having a span of approximately 255.0 feet and an underclearance of approximately 62.0 feet across an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 38"; Longitude: -77° 02' 44"); 5) maintain an aerial electric utility line having a span of approximately 330.0 feet and an underclearance of approximately 62.0 feet across an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 15' 58"; Longitude: -77° 03' 12"); and 6) maintain an aerial electric utility line having a span of approximately 305.0 feet and an underclearance of approximately 62.0 feet across PEM wetlands adjacent to an unnamed tributary to Conodoguinet Creek (WWF-MF) (Latitude: 40° 16' 06"; Longitude: -77° 02' 56"). The purpose of the project is to upgrade an electric utility line and to remove abandoned electric utility line poles in Silver Spring Township, Cumberland County. The amount of wetland impact is considered a de minimis impact of 0.01 acre and wetland mitigation is not required.

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

E18-455. Kenneth R. and Debbie M. Stark, 116 Knob Road, Howard, PA 16841-2212. 338 Cottage Lane—Mill Hall, in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41° 07' 12.7"; W: -77° 29' 34.9").

To: 1) remove an existing dilapidated house and deck system; 2) construct and maintain a new house and deck system elevated 11.57 feet above the ground level on a 2,453 square foot poured concrete wall foundation in the left 100-year floodway of Bald Eagle Creek located 0.9 mile on Cottage Lane from Creek Road (Mill Hall, PA Quadrangle N: 41° 07' 12.7"; W: -77° 29' 34.9") in Bald Eagle Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

E19-281. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 4012, Section 001, Bridge Replacement Project,

Hemlock Township, **Columbia County**, ACOE Baltimore District (Millville, PA Quadrangle N: 41° 02' 38"; W: 76° 31' 28").

Department of Transportation Engineering District 3-0 proposes to replace a single span concrete slab bridge with a single span concrete box culvert. The existing structure has a normal span of 18.25 Ft., Skew of 50°, an underclearance of 6 Ft., and a low chord elevation of 714.6 Ft. The proposed structure has a normal span of 20 Ft., Skew of 50°, an underclearance of 6 Ft., and a low chord elevation of 714.87 Ft. The proposed box culvert will impact approximately 93 Ft. of stream channel. The proposed structure will be located on the same horizontal alignment and a slightly higher vertical alignment. The project will temporarily impact 0.02 acre, and permanently impact 0.01 acre of jurisdictional wetland. This project will not require mitigation. The project is located over Hemlock Creek (CWF). The project is located in Hemlock Township, Columbia County. This permit also includes 401 Water Quality Certification.

E41-605. Michael Burkhart, 565 Elm Drive, Hughesville, PA 17737-9031. Water Obstruction and Encroachment Joint Permit, in Porter Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 41° 12' 34"; W: 77° 14' 59").

To construct and maintain 267 cubic yards of clean earthen fill within the floodway of the West Branch of the Susquehanna River (WWF). The crossing is located .25 mile southwest of the intersection of SR 3030 and SR 0220 in Porter Township, Lycoming County. This project will impact 600 square feet of the floodway associated with the West Branch of the Susquehanna River, which is designated an Warm Water Fishery and impact 0.0 acre jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E47-093. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 2006, Section 010, Bridge Replacement Project, Cooper Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 40° 57' 08"; W: 76° 31' 00").

Department of Transportation Engineering District 3-0 proposes to replace a single span concrete slab bridge with a single span concrete box culvert. The existing structure has a normal span of 14 Ft., skew of 90°, an underclearance of 5.75 Ft., and a low chord elevation of 503.81 Ft. The proposed structure has a normal span of 14 Ft., skew of 90°, an underclearance of 5.3 Ft., and a low chord elevation of 503.81 Ft. The proposed box culvert will impact approximately 38 Ft. of stream channel. The proposed structure will be located on a new horizontal and vertical alignment. Approximately 40 Ft. of channel will be shifted 15 Ft. left to better align the stream and new box culvert. The shifted section of stream will have the banks stabilized with R-8 Rip-Rap. Approximately 50 Ft. of R-8 Rip-Rap will be placed at the confluence of the Unnamed Tributaries. The Rip-Rap will be opposite the box culvert outlet. The project will not impact any jurisdictional wetland. This project will not require mitigation. The project is located over an Unnamed Tributary to the Susquehanna River (CWF). The project is located in Cooper Township, Montour County. This permit also includes 401 Water Quality Certification.

E49-307. Sunbury Airport Incorporated, 800 Park Drive, Sunbury, PA 17801. Sunbury Airport Bank Stabilization, in Upper Augusta Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40° 53' 34"; Longitude: 76° 46' 41").

To construct, operate and maintain 1.6 miles of riprap stream bank protection along the Susquehanna River, Warm Water Fishery, to reduce the accelerated impacts associated with wave action from the boating traffic. This protection will be installed to reproduce a bench feature lost from the erosion. The protection will be constructed of R-6 riprap with the voids filled with R-2 riprap. Due to the size of the project this permit authorizes construction in phases over the life of the permit. This project is located at the tip of Packers Island from Cowden Avenue north to the tip, Upper Augusta Township, Northumberland County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E24-255, Game Commission, Engineering Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, Mosquito Run Bridge in Benezette Township, **Elk County**, ACOE Pittsburgh District (The Knobs, PA Quadrangle N: 41° 14' 17"; W: -78° 16' 52").

This project is to install a new 40' single span steel frame bridge with a pressure treated lumber deck supported by six W16 by 67 steel beams and 2' by 14' by 4' concrete abutments and discontinue use of a deteriorating ford crossing on Mosquito Creek. Mosquito Creek is classified as a high quality cold water fishery.

Department of Environmental Protection-Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E2614-001, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125, Dunbar Creek Channel Improvement Project, **Fayette County**, ACOE Pittsburgh District.

The proposed project is intended to benefit the Borough of Dunbar by improving flow conditions and reducing flooding within the Borough. The project consists of:

1. The construction of approximately 211 feet of reinforced concrete retaining wall along the right bank (facing downstream) of Dunbar Creek (TSF), between the railroad bridge owned by the Fay-Penn Industrial Development Corporation (FPIDC) near Connellsville Street and the abandoned railroad bridge abutment near Bridge Street. The wall will be lined with grouted 18" rip rap to reduce scour. Sections of a collapsed wall and an abandoned railroad pier will be removed to increase flow capacity.

2. The installation of 55 linear feet of a 73" by 45" reinforced concrete arch pipe beneath the FPIDC railroad embankment at the northern terminus of East Railroad Street. This will include the removal of the existing 24-inch diameter culvert, removal of existing inlet and outlet structures, installation of new inlet and outlet structures, and the construction of an earthen trapezoidal swale.

The Project commences near the intersection of Connellsville Street and Woodvale Street (South Connellsville Quadrangle Latitude: 39° 58' 27"; Longitude: 79° 36' 58") and terminates near the Sheepskin Trail foot bridge over Dunbar Creek (South Connellsville Quadrangle Latitude: 39° 58' 43"; Longitude: 79° 37' 05").

DAM SAFETY

Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

95-7-37312-10. CNX Gas Company LLC, 200 Evergreene Drive, Waynesburg, PA 15370. Project proposes to operate and maintain the NV15 and 17 Impoundment Dam as a centralized impoundment to collect and store freshwater, fracturing fluids, and coal bed methane water from the Conrhein NV17BCV: Permit No. 37-059-25265-00 and future wells in the area (PA Quadrangle Prosperity, Latitude: N 40° 00' 26.71"; Longitude: W 80° 17' 13.39"), Morris Township, **Greene County**.

95-7-38986-11. Antero Resources Appalachian Corporation, 1625 17th Street, Denver, CO 80202. Project proposes to operate and maintain the Doerfler Centralized Impoundment Dam as a centralized impoundment to collect and store fracturing fluids from the Rose Unit 1 H: Permit No. 37-125-24008-00 and future wells in the area (PA Quadrangle California, Latitude: N 40° 05' 33.21"; Longitude: W 79° 58' 04.35"), West Pike Run Township, **Washington 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.

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

7/13/10
ESCGP-1 No.: ESX10-129-0017
Applicant Name: XTO Energy, Inc.
Contact: Tom Dixon
Address: 395 Airport Road
City: Indiana State: PA Zip Code: 15701
County: Westmoreland Township(s): Ligonier/Fairfield
Receiving Stream(s) And Classifications: Coal Pit Run (2)—UNT to Coal Pit Run (3), HQ

7/19/10
ESCGP-1 No.: ESX10-063-0007
Applicant Name: Phillips Exploration, Inc.
Contact Person: Gary Clark
Address: 502 Keystone Drive
City: Warrendale State: PA Zip Code: 15086
County: Indiana Township(s): Black Lick
Receiving Stream(s) and Classifications: UNT to Grey's Run—CWF and UNT to Black Lick Creek—CWF, other

7/15/10
ESCGP-1 No.: ESX10-129-0020
Applicant Name: RW Gathering, LLC
Contact Person: David Freudenrich
Address: 1000 Town Center, Suite 130
City: Canonsburg State: PA Zip Code: 15317
County: Westmoreland Township(s): Derry
Receiving Stream(s) and Classifications: Stony Run, other CWF (Cold Water Fishes)

7/12/10 Major Rev.
ESCGP-1 No.: ESX10-051-0037
Applicant Name: Atlas Energy Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Franklin
Receiving Stream(s) and Classifications: UNT to Bolden Run, other

7/12/10
ESCGP-1 No.: ESX10-125-0059
Applicant Name: Markwest Liberty Midstream & Resources, LLC
Contact Person: Robert Mchale
Address: 100 Plaza Drive, Suite 102
City: Atlasburg State: PA Zip Code: 15004
County: Washington Township(s): Canton
Receiving Stream(s) and Classifications: UNT to Chartiers Creek and UNT to Georges Run, other

7/15/10
ESCGP-1 No.: ESX10-129-0019
Applicant Name: RW Gathering, LLC
Contact Person: David Freudenrich
Address: 1000 Town Center, Suite 130
City: Canonsburg State: PA Zip Code: 15317
County: Westmoreland Township(s): Derry
Receiving Stream(s) and Classifications: Stony Run, other CWF (Cold Water Fishes)

7/15/10
ESCGP-1 No.: ESX10-051-0022
Applicant Name: Atlas Energy Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Franklin
Receiving Stream(s) and Classifications: UNT to Allen Run, other

7/15/10
ESCGP-1 No.: ESX10-125-0061
Applicant Name: Range Resources—Appalachia, LLC
Contact Person: Carla Suszkowski
Address: 380 Southpointe Boulevard, Suite 300
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Morris
Receiving Stream(s) and Classifications: Pleasant Valley Run, UNT to Pleasant Valley Run, HQ

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-117-0106(01)
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 455 Racetrack Road
 City, State, Zip Washington, PA 15301
 County Tioga
 Township(s) Duncan Township
 Receiving Stream(s) and Classification(s) Rock Run, UNT to Rock Run

ESCGP-1 # ESX10-081-0052
 Applicant Name Pennsylvania General Energy Company, LLC
 Contact Person Amber Oyler
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 County Lycoming
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) UNTs to Ramsey and Tarkiln Runs
 Secondary—Ramsey Run and First Fork Larrys Creek

ESCGP-1 # ESX10-113-0012
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan
 Township(s) Fox Township
 Receiving Stream(s) and Classification(s) Port Creek and UNT to Hoagland Branch
 Secondary—Hoagland Branch

ESCGP-1 # ESX10-081-0048
 Applicant Name XTO Energy, Inc.
 Contact Person Bernhardt Kissel
 Address 395 Airport Road
 City, State, Zip Indiana, PA 15701
 County Lycoming
 Township(s) Moreland Township
 Receiving Stream(s) and Classification(s) German Run
 Secondary—Little Muncy Creek

ESCGP-1 # ESX10-113-0011
 Applicant Name Chief Oil and Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Sullivan
 Township(s) Davidson Township
 Receiving Stream(s) and Classification(s) (2) UNTs to Muncy Creek and UNT to Trout Run
 Secondary—West Branch Susquehanna River and Munch Creek

ESCGP-1 # ESX10-015-0192
 Applicant Name Chief Oil and Gas, LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) (2) UNTs to Satterlee Run
 Secondary—South Branch Towanda Creek

ESCGP-1 # ESX10-117-0151
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Delmar and Shippen Townships
 Receiving Stream(s) and Classification(s) Darling Run, UNTs to Darling and Dantz Runs, Dantz Run, East Branch of Stony Fork

ESCGP-1 # ESX10-117-0152
 Applicant Name East Resources Management, LLC
 Contact Person Jefferson Long
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) UNT to Seeley Creek/Susquehanna River Basin, West Branch Susquehanna River
 Secondary—Seeley Creek to Chemung River

ESCGP-1 # ESX10-033-0002
 Applicant Name Energy Corporation of America
 Contact Person Seth Burdett
 Address 1380 Route 286 Highway East, Suite 221
 City, State, Zip Indiana, PA 15701
 County Clearfield
 Township(s) Goshen Township
 Receiving Stream(s) and Classification(s) Stump Lick and Trout Runs, West Branch Susquehanna River

ESCGP-1 # ESX10-079-0004(02)
 Applicant Name EnCana Oil and Gas (USA), Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Fairmount Township
 Receiving Stream(s) and Classification(s) Kitchen Creek
 Secondary—Maple Run

ESCGP-1 # ESX10-079-0004(01)
 Applicant Name EnCana Oil & Gas (USA) Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Fairmount Township
 Receiving Stream(s) and Classification(s) Kitchen and Fishing Creeks
 Secondary—Maple Run

ESCGP-1 # ESX10-015-0194
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Albany Township
 Receiving Stream(s) and Classification(s) Sugar Run, South Branch Towanda Creek, Tributaries to Sugar Run and South Branch Towanda Creek

ESCGP-1 # ESX10-015-0193
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wyalusing Township
 Receiving Stream(s) and Classification(s) Wyalusing and Brewer Creeks, Susquehanna River Watershed

ESCGP-1 # ESX10-105-0015

Applicant Name Pennsylvania General Energy Company, LLC

Contact Person Douglas Kuntz
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Potter

Township(s) Pleasant Valley Township
Receiving Stream(s) and Classification(s) (2) UNT to Fishing Creek
Secondary—Fishing Creek

ESCGP-1 # ESX10-105-0013

Applicant Name Triana Energy, LLC
Contact Person Rachelle King
Address 900 Virginia Street East, Suite 400
City, State, Zip Charleston, WV 25301
County Potter

Township(s) Hector Township
Receiving Stream(s) and Classification(s) UNT of Genessee Forks
Secondary—Genessee Forks

ESCGP-1 # ESX10-113-0007

Applicant Name Chief Oil & Gas, LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Suite 210
City, State, Zip Wexford, PA 15090
County Sullivan

Township(s) Elkland Township
Receiving Stream(s) and Classification(s) UNT to Elk Creek
Secondary—Elk Creek

ESCGP-1 # ESX10-033-0003

Applicant Name Energy Corporation of America
Contact Person Benjamin Carpenter
Address 501 56th Street South East
City, State, Zip Charleston, WV 25304
County Clearfield

Township(s) Goshen Township
Receiving Stream(s) and Classification(s) Trout, Little Trout, Pine, Coldstream and Stump Lick Runs, Bloody Run, West Branch Susquehanna River

ESCGP-1 # ESX10-081-0055

Applicant Name Anadarko E&P Company, LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming

Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) Flicks Run and UNT Wolf Run

ESCGP-1 # ESX10-027-0011

Applicant Name Anadarko E&P Company, LP
Contact Person Frank Davis
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Centre

Township(s) Rush Township
Receiving Stream(s) and Classification(s) Six Mile Run, UNTs to Six Mile Run
Secondary—Six Mile Run, Moshannon Creek

ESCGP-1 # ESX10-081-0044

Applicant Name Anadarko E&P Company, LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming
Township(s) Cascade Township

Receiving Stream(s) and Classification(s) UNT to Wallis and King Runs
Secondary—Wallis Run and Plunketts Creek

ESCGP-1 # ESX10-081-0053

Applicant Name Anadarko E&P Company, LP
Contact Person Frank Davis
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming

Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) Larrys Creek and UNT to Larrys Creek
Secondary—West Branch Susquehanna River and Larrys Creek

ESCGP-1 # ESX10-0081-0054

Applicant Name Anadarko E&P Company, LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Lycoming

Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) UNT to Steam Valley Run and UNT to Trout Run

ESCGP-1 # ESX10-131-0024

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Wyoming

Township(s) Windham Township
Receiving Stream(s) and Classification(s) UNT to Little Mehoopany Creek
Secondary—Little Mehoopany Creek

ESCGP-1 # ESX10-015-0197

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Ulster Township
Receiving Stream(s) and Classification(s) Hemlock Run and UNT to Sugar Run
Secondary—Sugar Run

ESCGP-1 # ESX10-015-0201

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) West Burlington Township
Receiving Stream(s) and Classification(s) Mill Creek
Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0189

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Rome Township
Receiving Stream(s) and Classification(s) Tributary to Ballard Creek
Secondary—Tributary to Dry Run

ESCGP-1 # ESX10-015-0139

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810

County Bradford
Township(s) Rome Township
Receiving Stream(s) and Classification(s) Wysox Creek

ESCGP-1 # ESX10-113-0006
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan

Township(s) Cherry Township
Receiving Stream(s) and Classification(s) UNT to Little
Loyalsock Creek
Secondary—Loyalsock Creek

ESCGP-1 # ESX10-113-0015
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan
Township(s) Fox Township
Receiving Stream(s) and Classification(s) UNT of
Hoagland Branch
Secondary—UNT of Porter Creek

ESCGP-1 # ESX10-015-0165
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) West Burlington Township
Receiving Stream(s) and Classification(s) Mill Creek
Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0199
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Asylum Township
Receiving Stream(s) and Classification(s) UNT to Ellis
Creek
Secondary—Ellis Creek

ESCGP-1 # ESX10-015-0200
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Herrick Township
Receiving Stream(s) and Classification(s) Tributary to
Billings Creek
Secondary—Billings Creek

ESCGP-1 # ESX10-015-0196
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Orwell Township
Receiving Stream(s) and Classification(s) Johnson Creek
(North) UNT to South Creek (South)
Secondary—Wysox Creek (North), South Creek (South)

ESCGP-1 # ESX10-113-0013
Applicant Name Chief Oil & Gas, LLC
Contact Person Michael Hritz
Address 6051 Wallace Road, Suite 210
City, State, Zip Wexford, PA 15090

County Sullivan
Township(s) Fox Township
Receiving Stream(s) and Classification(s) Fall Run and
UNT to Fall Run
Secondary—Hoagland Creek

ESCGP-1 # ESX10-117-0150
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Nelson and Farmington Townships
Receiving Stream(s) and Classification(s) UNT to
Thornbottom Creek and Susquehanna River
Secondary—Thornbottom Creek

ESCGP-1 # ESX10-117-0153
Applicant Name East Resources Management, LLC
Contact Person Jefferson Long
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Middlebury Township
Receiving Stream(s) and Classification(s) East: North Run
and West: UNT (Both: Susquehanna River)
Secondary—East and West: Crooked Creek

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut Street, Meadville, PA 16335.*

ESCGP-1 #ESX10-083-0019
Applicant Name Triana Energy, LLC-MROC Headwaters
Impoundment
Contact Person Rachelle King
Address 900 Virginia Street East
City Charleston State WV Zip Code 25301
County McKean Township(s) Lafayette
Receiving Stream(s) and Classification(s) UNT of Railroad
Run EV; Droney Run EV; Minard Run EV

ESCGP-1 #ESX10-019-0031
Applicant Rex Energy Corp—Southwest Butler County
Project Phase VI
Contact Timothy Beattie
Address 476 Rolling Ridge Drive, Suite 300, State Col-
lege, PA 16801
County Butler Township(s) Connonquenessing, Lancaster
Receiving Stream(s) and Classification(s) UNT to Little
Connoquenessing Creek, CWF; UNT to Crab Run CWF

ESCGP-1 #ESX10-083-0014
Applicant East Resources, Inc.—Kane Area Development
Allegheny National Forest
Contact Scott Blauvelt
Address 301 Brush Creek Road, Warrendale, PA 15086
County McKean Township(s) Wetmore
Receiving Stream(s) and Classification(s) UNT to Hubert
Run, South Branch Kinzua Creek which are tributaries
to Kinzua Creek HQ-CWF

SPECIAL NOTICES

Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity Northumberland County Board of Commissioners, Sunbury, PA

In accordance with 25 Pa. Code § 272.225 Municipal
Waste Planning Recycling and Waste Reduction (as
amended December 22, 2000), Northumberland County
Board of Commissioners has determined that additional

waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Northumberland County Board of Commissioners is hereby soliciting proposals for disposal capacity for County generated MSW, to begin on January 1, 2011. Solicitation For Municipal Solid Waste Disposal Services.

The Northumberland County Board of Commissioners will receive sealed proposals until 3 p.m., Prevailing Time on Tuesday, August 10, 2010. The Request for Proposals (R.F.P.) will be available to download from www.northumberlandco.org on or after July 9, 2010. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit one original and two copies of the Proposal to Northumberland County Department of Solid Waste and Recycling at the address listed as follows. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Northumberland County Department of Solid Waste and Recycling, Northumberland County Government Center, 399 South Fifth Street, Sunbury, PA 17801. Attention: Mr. Dale Henry. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Northumberland County Board of Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County

Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity Mercer County Board of Commissioners, Mercer, PA

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), Mercer County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Mercer County Board of Commissioners is hereby soliciting proposals for disposal capacity for County generated MSW, to begin on January 1, 2011.

Solicitation For Municipal Solid Waste Disposal Capacity. The Mercer County Board of Commissioners will receive sealed proposals until 3 p.m., Prevailing Time on Tuesday, August 12, 2010. Copies of the Request for Proposals (R.F.P.) may be purchased on or after July 12 only from Timothy Hofius, Chief Clerk, Mercer County Courthouse, Mercer PA 16137-1227 by pre-payment of a non-refundable amount of \$50 per proposal. Proposers should make checks payable to Mercer County. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request

for Proposals. The Proposer is required to submit one original and two copies of the Proposal to Mercer County at the address listed as follows. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Mercer County Board of Commissioners, Mercer County Courthouse, Mercer PA 16137-1227. Attention: Mr. Brian Bader, Chairperson. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Mercer County Board of Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity Crawford County Solid Waste Authority, Meadville, PA

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), Crawford County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Crawford County Solid Waste Authority on behalf of the Crawford County Board of Commissioners is hereby soliciting proposals for disposal capacity for County generated MSW, to begin on January 1, 2011.

Solicitation For Municipal Solid Waste Disposal Services. The Crawford County Solid Waste Authority will receive sealed proposals until 3 p.m., Prevailing Time on Tuesday, August 31, 2010. Printed copies of the Request for Proposals (R.F.P.) may be purchased on or after July 30 only from Brenda Schmidt, Recycling Coordinator, Crawford County Crawford County Solid Waste Authority, 231 Chestnut Street, Suite 310, Meadville, PA 16335 by pre-payment of a non-refundable amount of \$50 per proposal. Proposers should make checks payable to Crawford County Solid Waste Authority. All sealed proposals must include an executed Representations and Certifications Affidavit as provided in Section 5 of the proposal package. All proposals must be made on the Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit one original and two copies of the Proposal to Crawford County Solid Waste Authority at the address listed. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer, the statement "Proposal Disposal Capacity" and be addressed to: Crawford County Solid Waste Authority, 231 Chestnut Street, Suite 310, Meadville, PA 16335. Attention: Brenda Schmidt. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Crawford County Solid Waste Authority and the County Board of Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2010 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For

a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Bruce Atkins	824 Red Barn Lane Huntingdon Valley, PA 19006	Testing
Roger Baker	1564 Dry Hollow Road Warriors Mark, PA 16877	Testing
John Burkhardt	1945 Little John Lane Allentown, PA 18103	Testing
Brian Cessna	327 Woodland Street Ebensburg, PA 15931	Testing
Ralph D'Angelo	P. O. Box 1105 Havertown, PA 19083	Testing
William Dare	P. O. Box 75 Perkiomenville, PA 18074	Testing
Joseph Donnelly, III	P. O. Box 993 Kimberton, PA 19442	Testing
David Grammer RAdata, Inc.	27 Ironia Road, Unit 2 Flanders, NJ 07836	Mitigation
William Gushue	813 North Street Jim Thorpe, PA 18229	Testing
Frank Hendron	1311 Talley Road Wilmington, DE 19803	Testing
Frank Hendron Northeast Inspection Corporation	1311 Talley Road Wilmington, DE 19803	Mitigation
Travis Hoverter	452 Allen Drive Chambersburg, PA 17202	Testing
Neil Klein	702 Manchester Drive Maple Glen, PA 19002	Testing
Harry Lehman Delaware Valley Radon Technology, Inc.	P. O. Box 715 2625 Bristol Road Warrington, PA 18976	Mitigation
Kevin Maloney	4123 Daisy Lane Plymouth Meeting, PA 19462	Testing
Sean Moore Accredited Radon of Havertown	16 Columbus Avenue Havertown, PA 19083	Mitigation
Christopher Munsch	219 Verbeke Street Harrisburg, PA 17102	Testing
Steve Platz	4220 Carney Avenue Erie, PA 16510	Testing
Jeffrey Porte	1962 Wager Road Erie, PA 16509	Testing and Laboratory
Michael Rhodes, Sr.	14324 Route 104 Middleburg, PA 17842	Testing
RTCA, Inc.	2 Hayes Street Elmford, NY 10523	Laboratory
Clarence Sisco	P. O. Box 954	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Welker	Blue Bell, PA 19422 12 James Street Mill Hall, PA 17751	Testing
Robert Wilmoth Radon Management of Erie	3410 Ellsworth Avenue Erie, PA 16508	Mitigation

Abandoned Mines

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

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowner and licensed mine operators for the reclamation of the following abandoned strip mine project:

<i>Project No.</i>	<i>Municipality</i>	<i>County</i>
PBF 61820102.4	Irwin Township	Venango County

H & D Coal Company, Permit No. 61820102 on the RSV Incorporated property, requires construction of a passive acid mine drainage treatment system that includes 1,600 feet of permanent access road. Treatment system construction components consist of clearing and grubbing, installing ditches and channels, and passive treatment components with construction of earth fill embankments, installing pipe and outlet structures, furnishing and placing stone, compost, and wood chips and revegetating.

Letters of interest must be received by Joseph Ferrara, Compliance Manager, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232, no later than 4 p.m. Local Time, August 23, 2010, to be considered. Telephone inquiries shall be directed to Joseph Ferrara at (814) 797-1191.

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

Finney Enterprises, Inc., GFCC No. 17-08-19, Baker Operation, Woodward Township, **Clearfield County** (Sanborn Run to Clearfield Creek-Upper West Branch Watershed): A no-cost construction contract has been awarded to Finney Enterprises, Inc., that will result in the reclamation of approximately 2.1 acres of abandoned mine land, the reclamation of 550-feet of abandoned highwall and the recovery of approximately 6,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition will be added to the mining area at a rate of 210 tons per acre. A total of at least 483 tons of alkaline material will be placed on the site. The estimated value of the reclamation work is \$25,800 which will be done at no cost to the Commonwealth. The site is located approximately 1/2 mile southeast of Sanborn along Baker Drive on lands formerly mined and subsequently abandoned by SR Hansel Coal Company in the early 1960's. Blasting and refuse reprocessing are prohibited at the site.

Categorical Exclusions

Central Office, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8465, Harrisburg, PA 17105-8465.

Location: Lancaster County Conservation District, 1383 Arcadia Road, Lancaster, PA 17601, Lancaster County.

Description: Funding has been requested from the Pennsylvania Infrastructure Investment Authority (PENNVEST) by the Lancaster County Conservation District on behalf of ElectroCell Technologies, Inc. for nonpoint source nutrient reduction and odor elimination projects at up to 40 farms in Lancaster County over the next 5 years. ElectroCell Technologies received the Department of Environmental Protection (Department) approval in January 2009 to use a portable technology to generate and sell nutrient reductions in the form of credits which will be sold under the state's credit trading program. The process circulates manure from storage pits through a machine which treats the manure with electrical current and returns it to the pit without agitation or additives of any kind. This process has been shown to significantly reduce phosphorous and nitrogen levels of manure that is applied to farm fields, as well as, to virtually eliminate odors from the manure when land applied. This project will seek up to 40 farms in Lancaster County to participate in the treatment program. PENNVEST program requirements include an environmental review. The environmental review process allows an exclusion from the requirement to prepare an environmental report if the project is unlikely to involve negative environmental impacts. The Department has reviewed the project and has identified no significant adverse environmental impacts that will result from the project. The Department hereby categorically excludes the project from the State Environmental Review Process.

Location: Fulton County Conservation District, 216 North Second Street, Suite 15, McConnellsburg, PA 17233, Bethel Township, Fulton County.

Description: Funding has been requested from the Pennsylvania Infrastructure Investment Authority (PENNVEST) by the Fulton County Conservation District on behalf of Red Barn Consulting and Pigeon Cove Dairy Farm for a manure management project. The project will improve manure storage facilities that will allow spreading of manure at the right time of the year. PENNVEST program requirements include an environmental review. The environmental review process allows an exclusion from the requirement to prepare an environmental report if the project is unlikely to involve negative environmental impacts. The Department has reviewed the project and has identified no significant adverse environmental impacts that will result from the project. The Department hereby categorically excludes the project from the State Environmental Review Process.

[Pa.B. Doc. No. 10-1486. Filed for public inspection August 13, 2010, 9:00 a.m.]

Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for August 18, 2010, has been cancelled. The next meeting is scheduled to occur on October 20, 2010, at 10 a.m. in Susquehanna Room A of the Department of Environmental Protection, Southcentral Regional Office Building, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning the cancellation of the August 18 meeting or the October 20 meeting should be directed to Frank Schneider, Bureau of Watershed Management at (717) 772-5972, fschneider@state.pa.us. The agenda and materials for the October 20 meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 7836118 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. 10-1487. Filed for public inspection August 13, 2010, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting

The Air Quality Technical Advisory Committee of the Department of Environmental Protection (Department) has scheduled a meeting for Wednesday, September 15, 2010, in the 2nd Floor Training Room of the Rachel Carson State Office Building at 9:15 a.m. For information, contact Arleen Shulman at ashulman@state.pa.us or (717) 772-9495. The agenda and meeting materials for the September 15, 2010, meeting will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Shaniqua Smith at (717) 772-4978 or 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. 10-1488. Filed for public inspection August 13, 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.

Final Technical Guidance—Minor Revision

DEP ID: 383-0830-001. Title: Quality Management Plan for the Bureau of Water Standards and Facility Regulation. Description: The Department of Environmental Protection is required by the U.S. Environmental Protection Agency to have a Quality Management Plan (QMP) for the enterprise which is subject to periodic reviews for currency. The Bureau of Water Standards and Facility Regulation (BWSFR) has a revised QMP which is incorporated into the enterprise QMP. The BWSFR QMP revisions include updated bureau and division names, titles, telephone numbers, web addresses, hyperlinks and updated references to hardware and software systems in current use. Contact: Questions regarding the policy document should be directed to Paul Curry by e-mail at pcurry@state.pa.us or by telephone at (717) 772-4009.

Effective date: August 14th, 2010

Draft Technical Guidance—Major Revision

DEP ID: 361-0300-002. Title: Manure Management Manual—Land Application of Manure. Description: The Department of Environmental Protection (Department) is requesting public comment on its proposed revision to the Manure Management Manual relating to the Land Application of Manure.

Under 25 Pa. Code § 91.36(b) a permit or approval from the Department is needed for the land application of animal manure and agricultural process wastewater except:

1. Where the land application is consistent with the current standards for development and implementation of a manure management plan as established in the Manure Management Manual;
2. For a concentrated animal operation (CAO) where the land application is in accordance with a Nutrient Management Plan under 25 Pa. Code Chapter 83, Subchapter D;
3. For a concentrated animal feeding operation (CAFO), the land application is consistent with a CAFO permit under 25 Pa. Code § 92.5a.

As part of Pennsylvania's commitment to reduce nutrient and sediment loading to the Commonwealth's streams and rivers and the Chesapeake Bay, the Department has proposed a revision to the Manure Management Manual. This proposed revision establishes a standard format for manure management plans and is in the form of a "workbook" that can be used by farmers to develop a plan for their farm. Farmers that do not choose to adopt and

implement the standard plan format can seek approval from the Department for an alternative format or approach, or can obtain a permit for the land application of manure.

The proposed revision to the Manure Management Manual includes the following: a process to calculate manure application rates, setbacks from environmentally sensitive areas, special conditions for winter application, periodic evaluation of manure storage facilities, conditions for stockpiling and stacking dry manure, requirements for pasture management in the form of maintaining dense vegetation in pastures and agronomically based stocking rates. It also requires farms with animal concentration areas to establish best management practices to prevent pollution from those areas. Implementation of these practices will result in substantial improvement in pollution prevention and will have a significant impact in reducing pollutants reaching the Chesapeake Bay.

The Department worked with a subcommittee of the Agricultural Advisory Board to develop the proposed Manure Management Manual revision. This subcommittee included other state and federal agencies, representatives from organizations representing agricultural and environmental interests, and farmers. Written Comments: The Department invites public comments on the proposed revisions to the Manure Management Manual. The Department must receive comments by November 12, 2010. Written comments should be submitted to Steve Taglang, Division of Conservation Districts and Nutrient Management, P. O. Box 8465, Harrisburg, PA 17105-8465, staglang@state.pa.us. Comments received by facsimile will not be accepted. Contact: Steve Taglang, Division of Conservation Districts and Nutrient Management, P. O. Box 8465, Harrisburg, PA 17105-8465, staglang@state.pa.us.

Effective date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1489. Filed for public inspection August 13, 2010, 9:00 a.m.]

Coastal Zone Grant Application Period Opens for Federal Fiscal Year 2011 Grants

The Water Planning Office in the Department of Environmental Protection (Department) will be accepting applications beginning August 16, 2010, for Federal Fiscal Year (FFY) 2011 Coastal Zone grants. Applications must be received by October 15, 2010. Applicants must meet certain eligibility requirements (for example, be a political subdivision, an authority, a 501(c)3 nonprofit organization, or an educational institution) and must be located within the two defined Coastal Zone geographic areas of the state: the Delaware Estuary and Lake Erie Coastal Zones. Proposals must also support the Coastal Zone Program's mission to protect and enhance the Commonwealth's coastal resources.

The Department and the Department of Conservation and Natural Resources have launched an electronic grant application system, Environmental eGrants (eGrants), which standardizes the application process and provides an environmentally friendly way to submit a grant application through a secure internet connection.

Applications for Coastal Zone Management Program grants must be submitted electronically through the eGrants system. To access an online application go to www.grants.dcnr.state.pa.us, register yourself as a user by clicking the "Log In/Register" link, click on "Find a Grant" to find this grant opportunity and then select the option to "Apply for This Grant." eGrants will guide you through the process of starting your electronic grant application.

To obtain more information concerning Coastal Zone grants, visit the Department web site at www.depweb.state.pa.us and select search "Keyword Coastal Zone," or contact the Department of Environmental Protection, Water Planning Office, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1490. Filed for public inspection August 13, 2010, 9:00 a.m.]

Extension of Pennsylvania National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) General Permit (PAG-13)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for an additional 9 months the availability of the current NPDES Stormwater Discharges from MS4s General Permit (PAG-13). The current PAG-13 permit was last extended for 12 months at 39 Pa.B. 4953 (August 15, 2009) and is scheduled to expire at midnight on March 9, 2011. This 9-month extension will be effective on March 10, 2011, and will expire at midnight on December 9, 2011.

The Department is extending the availability of this permit to provide additional time for the United States Environmental Protection Agency Region III office and the Department to complete coordination on the renewal of PAG-13, to provide time for municipal outreach on the revised permit and to provide municipalities time to prepare their permit applications and supporting information. By this notice, the Department also is extending all existing PAG-13 permit approvals, waivers from permit application requirements and exemptions from the MS4 operator designation scheduled to expire. Existing operators of regulated MS4s who are using the general permit are authorized to continue to discharge stormwater in accordance with the terms and conditions of the general permit. Included in this extension is the requirement to continue implementation of the existing program and to provide annual reports on the progress of program implementation.

Permittees covered by an individual permit shall continue to implement the requirements of their permit and shall request an extension of coverage based on the expiration date and terms and condition of their permit.

The existing PAG-13 permit documents will continue to be available from the Department's regional offices and local county conservation districts until they are replaced or updated. In addition, the permit documents are on file

at the Department's Bureau of Watershed Management, Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101. This package also is available on the Department's web site at www.depweb.state.pa.us through the Licensing, Permits, & Certification page. The permit documents also can be obtained by contacting Penda Powell at pepowell@state.pa.us or (717) 772-5807. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1491. Filed for public inspection August 13, 2010, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board Meeting Cancellations

The Thursday, August 26, 2010, and Wednesday, November 17, 2010, meetings of the Small Water Systems Technical Assistance Center (TAC) Advisory Board are cancelled.

Questions concerning the next scheduled meeting of the TAC Advisory Board can be directed to Veronica Kasi at (717) 787-0122 or vbkasi@state.pa.us. The agenda and meeting materials for a future meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-0122 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. 10-1492. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, August 17, 2010, 10 a.m. in the Capitol Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disability Act of 1990 contact is Gina Meckley, at (717) 783-9276.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-1493. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Fee Schedule; Addition of Procedure Codes for the Administration of Vaccines

Purpose of Notice

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Public Welfare (Department) announces the addition of the following procedure codes to the Medical Assistance (MA) Program Fee Schedule for the administration of vaccines, effective for dates of service on and after August 30, 2010.

<i>Procedure Code</i>	<i>Description</i>	<i>MA Fee</i>
90636	Hepatitis A and Hepatitis B vaccine (HepA-HepB), adult dosage, for intramuscular use	\$10
90650	Human Papillomavirus virus (HPV) vaccine, types 16 and 18, bivalent, 3 dose schedule, for intramuscular use	\$10
90670	Pneumococcal conjugate vaccine, 13 valent, for intramuscular use	\$10
90743	Hepatitis B vaccine, adolescent (2 dose schedule), for intramuscular use	\$10

Procedure codes 90650 and 90670 are being added to the MA Program Fee Schedule as a result of the recent United States Food and Drug Administration approval of Cervarix® and Prevnar 13® vaccines. Additionally, procedure codes 90636 and 90743 are being added for the administration of Twinrix® and Recombivax HB® (two dose schedule).

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for billing of the administration of the vaccines.

Fiscal Impact

It is anticipated that adding procedure codes for the administration of vaccines to the MA Program Fee Schedule will have no fiscal impact because there will not be an increase in the number of administration fees that are paid. The additional procedure codes allow for identification of the vaccine that is administered.

Public Comment

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

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

HARRIET DICHTER,
Secretary

Fiscal Note: 14-NOT-654. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-1494. Filed for public inspection August 13, 2010, 9:00 a.m.]

Medical Assistance Program Fee Schedule Revisions

Purpose of Notice

The Department of Public Welfare (Department) announces that it will revise the fees, or a component of the fee, on the Medical Assistance (MA) Program Fee Schedule for select medical, surgical, laboratory, durable medical equipment and radiological services effective August 30, 2010.

Fee Schedule Revisions

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

The Department has determined that MA fees for approximately 200 medical, surgical, laboratory, durable medical equipment and radiological procedure codes or combinations of procedure codes and modifiers, are above the Medicare upper limit for the same procedure codes. The Department is adjusting the fees on the MA Program Fee Schedule for these combinations of procedure codes and modifiers to equal the Medicare upper limit. Revision of these fees is necessary to comply with the regulation and State Plan, and to avoid a Federal disallowance. When adjusting the assistant surgeon fee (modifier 80), the Department followed the Medicare guidelines of paying 16% of the maximum allowable payment to a primary surgeon, as MA fees may not exceed the Medicare upper limit.

As set forth as follows, the Department has revised the total fee (billed with no modifier) and, as applicable, the professional component fee (billed with modifier 26), the technical component fee (billed with modifier TC), the assistant surgeon fee (billed with modifier 80), and the fee when billing for the rental (RR) of durable medical equipment. "N/A" indicates that the modifier is not on the MA Program Fee Schedule for the procedure code. "N/C" indicates that there is no change in the fee associated with the modifier:

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
20902	Bone graft, any donor area; major or large	\$50.72	N/A	N/A	\$317.02
25335	Centralization of wrist on ulna (for example, radial club hand)	N/A	N/A	N/A	\$821.71
27250	Closed treatment of hip dislocation, traumatic; without anesthesia	N/A	N/A	N/A	\$209.74
33141	Transmyocardial laser revascularization, by thoracotomy; performed at the time of other open cardiac procedure(s) (List separately in addition to code for primary procedure)	\$22.97	N/A	N/A	\$143.59
36593	Declotting by thrombolytic agent of implanted vascular access device or catheter	N/A	N/A	N/A	\$25.06
52400	Cystourethroscopy with incision, fulguration, or resection of congenital posterior urethral valves, or congenital obstructive hypertrophic mucosal folds	N/A	N/A	N/A	\$486.41
52640	Transurethral resection; of postoperative bladder neck contracture	N/A	N/A	N/A	\$303.47
55873	Cryosurgical ablation of the prostate (includes ultrasonic guidance and monitoring)	N/A	N/A	N/A	\$881.64
64416	Injection, anesthetic agent; brachial plexus, continuous infusion by catheter (including catheter placement)	N/A	N/A	N/A	\$81.36

NOTICES

4717

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
64446	Injection, anesthetic agent; sciatic nerve, continuous infusion by catheter (including catheter placement)	N/A	N/A	N/A	\$83.45
64448	Injection, anesthetic agent; femoral nerve, continuous infusion by catheter (including catheter placement)	N/A	N/A	N/A	\$73.78
64449	Injection, anesthetic agent; lumbar plexus, posterior approach, continuous infusion by catheter (including catheter placement)	N/A	N/A	N/A	\$84.14
70140	Radiologic examination, facial bones; less than 3 views	N/A	\$9.33	\$18.11	\$27.44
70260	Radiologic examination, skull; complete, minimum of 4 views	N/A	\$15.98	\$27.49	N/C
70355	Orthopantogram	N/A	\$10.38	\$10.47	\$20.85
70371	Complex dynamic pharyngeal and speech evaluation by cine or video recording	N/A	\$40.81	\$48.34	\$89.15
72070	Radiologic examination, spine; thoracic, 2 views	N/A	\$10.75	\$20.19	N/C
73542	Radiological examination, sacroiliac joint arthrography, radiological supervision and interpretation	N/A	\$28.33	\$45.90	\$74.23
74485	Dilation of nephrostomy, ureters, or urethra, radiological supervision and interpretation	N/A	\$27.21	\$77.52	\$104.73
75630	Aortography, abdominal plus bilateral iliofemoral lower extremity, catheter, by serialography, radiological supervision and interpretation	N/A	\$90.94	\$167.16	\$258.10
75962	Transluminal balloon angioplasty, peripheral artery, radiological supervision and interpretation	N/A	\$26.86	\$192.87	\$219.73
75964	Transluminal balloon angioplasty, each additional peripheral artery, radiological supervision and interpretation (List separately in addition to code for primary procedure)	N/A	\$18.68	\$115.74	\$134.42
75966	Transluminal balloon angioplasty, renal or other visceral artery, radiological supervision and interpretation	N/A	\$67.28	\$197.39	\$264.67
75968	Transluminal balloon angioplasty, each additional visceral artery, radiological supervision and interpretation (List separately in addition to code for primary procedure)	N/A	\$18.24	\$114.35	\$132.59

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
75978	Transluminal balloon angioplasty, venous (for example, subclavian stenosis), radiological supervision and interpretation	N/A	\$26.86	\$190.79	\$217.65
76098	Radiological examination, surgical specimen	N/A	\$8.24	\$10.47	\$18.71
76511	Ophthalmic ultrasound, diagnostic; quantitative A-scan only	N/A	\$32.29	\$43.47	N/C
76512	Ophthalmic ultrasound, diagnostic; B-scan (with or without superimposed non-quantitative A-scan)	N/A	\$40.58	\$36.52	N/C
76529	Ophthalmic ultrasonic foreign body localization	N/A	\$28.99	\$35.83	N/C
76811	Ultrasound, pregnant uterus, real time with image documentation, fetal and maternal evaluation plus detailed fetal anatomic examination, transabdominal approach; single or first gestation	N/A	\$92.69	\$91.42	\$184.11
76819	Fetal biophysical profile; without non-stress testing	N/A	\$36.84	\$48.68	N/C
76820	Doppler velocimetry, fetal; umbilical artery	N/A	\$24.33	\$22.28	\$46.61
76827	Doppler echocardiography, fetal, pulsed wave and/or continuous wave with spectral display; complete	N/A	\$28.26	\$36.18	\$64.44
76828	Doppler echocardiography, fetal, pulsed wave and/or continuous wave with spectral display; follow-up or repeat study	N/A	\$27.20	\$20.54	\$47.74
76946	Ultrasonic guidance for amniocentesis, imaging supervision and interpretation	N/A	\$18.61	\$19.85	\$38.46
76977	Ultrasound bone density measurement and interpretation, peripheral site(s), any method	N/A	\$2.89	\$8.38	\$11.27
77003	Fluoroscopic guidance and localization of needle or catheter tip for spine or paraspinal diagnostic or therapeutic injection procedures (epidural, transforaminal epidural, subarachnoid, or sacroiliac joint), including neurolytic agent destruction	N/A	\$22.10	\$28.19	N/C
77012	Computed tomography guidance for needle placement (for example, biopsy, aspiration, injection, localization device), radiological supervision and interpretation	N/A	\$57.61	\$107.75	\$165.36

NOTICES

4719

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
77031	Stereotactic localization guidance for breast biopsy or needle placement (for example, for wire localization or for injection), each lesion, radiological supervision and interpretation	N/A	\$80.33	\$84.47	\$164.80
77032	Mammographic guidance for needle placement, breast (for example, for wire localization or for injection), each lesion, radiological supervision and interpretation	N/A	\$23.55	\$26.45	N/C
77051	Computer-aided detection (computer algorithm analysis of digital image data for lesion detection) with further physician review for interpretation, with or without digitization of film radiographic images; diagnostic mammography (List separately in addition to code for primary procedure)	N/A	\$3.25	\$8.03	\$11.28
77052	Computer-aided detection (computer algorithm analysis of digital image data for lesion detection) with further physician review for interpretation, with or without digitization of film radiographic images; screening mammography (List separately in addition to code for primary procedure)	N/A	\$3.25	\$8.03	\$11.28
77053	Mammary ductogram or galactogram, single duct, radiological supervision and interpretation	N/A	\$17.89	\$47.99	\$65.88
77054	Mammary ductogram or galactogram, multiple ducts, radiological supervision and interpretation	N/A	\$22.57	\$66.06	\$88.63
77077	Joint survey, single view, 2 or more joints (specify)	N/A	\$13.42	\$23.32	N/C
77079	Computed tomography, bone mineral density study, 1 or more sites; appendicular skeleton (peripheral) (for example, radius, wrist, heel)	N/A	\$10.76	\$39.65	\$50.41
77081	Dual-energy X-ray absorptiometry (DXA), bone density study, 1 or more sites; appendicular skeleton (peripheral) (for example, radius, wrist, heel)	N/A	\$10.76	\$16.72	\$27.48
77083	Radiographic absorptiometry (for example, photodensitometry, radiogrammetry), 1 or more sites	N/A	\$9.69	\$14.29	\$23.98

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
77295	Therapeutic radiology simulation-aided field setting; 3-dimensional	N/A	\$229.56	\$348.96	\$578.52
77305	Teletherapy, isodose plan (whether hand or computer calculated); simple (1 or 2 parallel opposed unmodified ports directed to a single area of interest)	N/A	\$20.54	\$30.96	N/C
77333	Treatment devices, design and construction; intermediate (multiple blocks, stents, bite blocks, special bolus)	N/A	\$42.25	\$19.50	\$61.75
77417	Therapeutic radiology port film(s)	N/A	N/A	N/A	\$14.29
77620	Hyperthermia generated by intracavitary probe(s)	N/A	\$74.83	\$110.00	N/C
78320	Bone and/or joint imaging; tomographic (SPECT)	N/A	\$51.93	\$175.20	\$227.13
78710	Kidney imaging morphology; tomographic (SPECT)	N/A	\$32.19	\$173.81	\$206.00
78730	Urinary bladder residual study (List separately in addition to code for primary procedure)	N/A	\$8.23	\$35.99	N/C
79200	Radiopharmaceutical therapy, by intracavitary administration	N/A	\$70.58	\$62.93	N/C
79403	Radiopharmaceutical therapy, radiolabeled monoclonal antibody by intravenous infusion	N/A	\$113.13	\$88.34	\$201.47
80047	Basic metabolic panel (Calcium, ionized) This panel must include the following: Calcium, ionized (82330) Carbon dioxide (82374) Chloride (82435) Creatinine (82565) Glucose (82947) Potassium (84132) Sodium (84295) Urea Nitrogen (BUN) (84520)	N/A	N/A	N/A	\$12.12
86490	Skin test; coccidioidomycosis	N/A	N/A	N/A	\$5.95
88182	Flow cytometry, cell cycle or DNA analysis	N/A	\$34.81	\$6.50	N/C
88355	Morphometric analysis; skeletal muscle	N/A	\$84.64	\$31.63	N/C
88358	Morphometric analysis; tumor (for example, DNA ploidy)	N/A	\$42.70	\$19.79	N/C
91022	Duodenal motility (manometric) study	N/A	\$62.13	\$95.94	N/C
91034	Esophagus, gastroesophageal reflux test; with nasal catheter pH electrode(s) placement, recording, analysis and interpretation	N/A	\$40.72	\$131.38	N/C
91040	Esophageal balloon distension provocation study	N/A	\$51.06	\$280.08	\$331.14

NOTICES

4721

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
92547	Use of vertical electrodes (List separately in addition to code for primary procedure)	N/A	N/A	N/A	\$4.21
92565	Stenger test, pure tone	N/A	N/A	N/A	\$11.51
92577	Stenger test, speech	N/A	N/A	N/A	\$14.29
92586	Auditory evoked potentials for evoked response audiometry and/or testing of the central nervous system; limited	N/A	\$22.95	\$34.42	\$57.37
92587	Evoked otoacoustic emissions; limited (single stimulus level, either transient or distortion products)	N/A	\$6.81	\$26.80	\$33.61
92588	Evoked otoacoustic emissions; comprehensive or diagnostic evaluation (comparison of transient and/or distortion product otoacoustic emissions at multiple levels and frequencies)	N/A	\$18.24	\$39.65	\$57.89
92977	Thrombolysis, coronary; by intravenous infusion	N/A	N/A	N/A	\$97.72
93000	Electrocardiogram, routine ECG with at least 12 leads; with interpretation and report	N/A	N/A	N/A	\$19.42
93005	Electrocardiogram, routine ECG with at least 12 leads; tracing only, without interpretation and report	N/A	N/A	N/A	\$10.47
93015	Cardiovascular stress test using maximal or submaximal treadmill or bicycle exercise, continuous electrocardiographic monitoring, and/or pharmacological stress; with physician supervision, with interpretation and report	N/A	N/A	N/A	\$90.07
93224	Wearable electrocardiographic rhythm derived monitoring for 24 hours by continuous original waveform recording and storage, with visual superimposition scanning; includes recording, scanning analysis with report, physician review and interpretation	N/A	N/A	N/A	\$102.27
93226	Wearable electrocardiographic rhythm derived monitoring for 24 hours by continuous original waveform recording and storage, with visual superimposition scanning; scanning analysis with report	N/A	N/A	N/A	\$44.86

NOTICES

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
93230	Wearable electrocardiographic rhythm derived monitoring for 24 hours by continuous original waveform recording and storage without superimposition scanning utilizing a device capable of producing a full miniaturized printout; includes recording, microprocessor-based analysis with report, physician review and interpretation	N/A	N/A	N/A	\$104.01
93232	Wearable electrocardiographic rhythm derived monitoring for 24 hours by continuous original waveform recording and storage without superimposition scanning utilizing a device capable of producing a full miniaturized printout; microprocessor-based analysis with report	N/A	N/A	N/A	\$49.03
93270	Wearable patient activated electrocardiographic rhythm derived event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; recording (includes connection, recording, and disconnection)	N/A	N/A	N/A	\$16.02
93278	Signal-averaged electrocardiography (SAECG), with or without ECG	N/A	\$12.89	\$21.58	\$34.47
93320	Doppler echocardiography, pulsed wave and/or continuous wave with spectral display (List separately in addition to codes for echocardiographic imaging); complete	N/A	\$19.96	\$45.21	N/C
93321	Doppler echocardiography, pulsed wave and/or continuous wave with spectral display (List separately in addition to codes for echocardiographic imaging); follow-up or limited study (List separately in addition to codes for echocardiographic imaging)	N/A	\$8.23	\$21.24	\$29.47
93555	Imaging supervision, interpretation and report for injection procedure(s) during cardiac catheterization; ventricular and/or atrial angiography	N/A	\$42.86	\$45.90	\$88.76

NOTICES

4723

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
93556	Imaging supervision, interpretation and report for injection procedure(s) during cardiac catheterization; pulmonary angiography, aortography, and/or selective coronary angiography including venous bypass grafts and arterial conduits (whether native or used in bypass)	N/A	\$43.93	\$76.83	\$120.76
93724	Electronic analysis of antitachycardia pacemaker system (includes electrocardiographic recording, programming of device, induction and termination of tachycardia via implanted pacemaker, and interpretation of recordings)	N/A	\$258.62	\$49.03	\$307.65
94761	Noninvasive ear or pulse oximetry for oxygen saturation; multiple determinations (for example, during exercise)	N/A	N/A	N/A	\$3.86
95927	Short-latency somatosensory evoked potential study, stimulation of any/all peripheral nerves or skin sites, recording from the central nervous system; in the trunk or head	N/A	\$26.82	\$32.66	N/C
96110	Developmental testing; limited (for example, Developmental Screening Test II, Early Language Milestone Screen), with interpretation and report	N/A	N/A	N/A	\$6.99
E0424	Stationary compressed gaseous oxygen system, rental; includes container, contents, regulator, flowmeter, humidifier, nebulizer, cannula or mask, and tubing	N/A	N/A	N/A	\$173.17 RR
E0439	Stationary liquid oxygen system, rental; includes container, contents, regulator, flowmeter, humidifier, nebulizer, cannula or mask and tubing	N/A	N/A	N/A	\$173.17 RR
E1390	Oxygen concentrator, single delivery port, capable of delivering 85% or greater oxygen concentration at the prescribed flow rate	N/A	N/A	N/A	\$173.17 RR
E1391	Oxygen concentrator, dual delivery port, capable of delivering 85% or greater oxygen concentration at the prescribed flow rate, each	N/A	N/A	N/A	\$173.17 RR
E1405	Oxygen and water vapor enriching system with heated delivery	N/A	N/A	N/A	\$209.99 RR
E1406	Oxygen and water vapor enriching system without heated delivery	N/A	N/A	N/A	\$190.08 RR

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Billing with No Modifier or with Pricing Modifier RR</i>
Q0035	Cardiokymography	N/A	\$8.26	\$9.77	\$18.03

Fiscal Impact

It is anticipated that these revisions will result in savings of \$0.368 million (\$0.154 million in State funds) in the MA Outpatient Program in Fiscal Year 2010-2011 and annualized savings of \$0.552 million (\$0.250 million in State funds) in Fiscal Year 2011-2012. These State fund estimates are based on the increased Federal Medical Assistance Percentages, applicable through December 2010, as determined under the American Recovery and Reinvestment Act (ARRA) of 2009.

Public Comment

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

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

HARRIET DICHTER,
Secretary

Fiscal Note: 14-NOT-655. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-1495. Filed for public inspection August 13, 2010, 9:00 a.m.]

DEPARTMENT OF STATE

[Correction]

Pennsylvania League of Conservation Voters; Amended Cease and Desist Order

The Cease and Desist Order published at 40 Pa.B. 4358 (July 31, 2010) should have read as follows:

Pennsylvania League of Conservation Voters and all known and unknown officers, directors, principals, shareholders, agents, employees and independent contractors and any entities created by the principal actors after the date of issuance of this order, are ordered to cease and desist from soliciting charitable contributions in this Commonwealth until the Pennsylvania League of Conservation Voters and all known and unknown officers, directors, principals, shareholders, agents, employees and independent contractors and any entities created by the principal actors after the date of issuance of this order respond to the Bureau of Charitable Organizations' requests for information and duly register or provide information that they are excluded or exempt from registration under the Solicitation of Funds for Charitable Purposes Act (10 P. S. §§ 162.1—162.22). The Pennsylvania League of Conservation Voters may be subject to administrative fines of up to \$1,000 per violation and \$100 for each day the violation continues. The order shall take effect immediately.

Individuals may obtain a copy of the order by writing to Doreen Harr, Investigator, Department of State, Bureau of Charitable Organizations, 212 North Office Building, Harrisburg, PA 17120.

BASIL L. MERENDA,
Acting Secretary

[Pa.B. Doc. No. 10-1407. Filed for public inspection July 30, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Clarification of Restriction Codes on Driver's License

The Department of Transportation under 75 Pa.C.S. § 1512 (relating to restrictions on drivers' licenses) may add restrictions, whenever there is good cause to add restrictions, suitable to the licensee's driving ability, requiring special equipment to be installed on a motor vehicle or impose other restrictions applicable to assure the safe operation of a motor vehicle.

The following matrix of medical restrictions is being published to clarify the meaning of the restriction codes currently utilized on the Pennsylvania driver's license:

<i>Code</i>	<i>Explanation of Code</i>
1	License holder must wear corrective lenses when driving (glasses/contacts)
2	Vehicle must be equipped with mirrors on both sides of the vehicle (dual mirrors)
3	Vehicle must be equipped with an automatic transmission (no manual transmission)
4	Vehicle must be equipped with special equipment (spinner knob, left foot gas pedal, and the like)
5	License holder can only drive during daylight hours—sunrise to sunset (no night driving)
6	License holder is considered a "Classified" driver because of a physical impairment that will not affect ability to drive (missing fingers, missing an arm, and the like)

<i>Code</i>	<i>Explanation of Code</i>
7	License holder has a "Restricted" license because of a visual impairment (limited to driving within a limited radius of residence; limited to roads other than freeways; limited to passenger vehicles weighing no more than 10,000 pounds; cannot operate a motorcycle)
8	Driver's M License is restricted to a motor-driven cycle (motorcycle motor cannot be greater than 5 brake horsepower)
9	Driver's M License is restricted from operating a 2-wheeled motorcycle
A	Permit holder is restricted to operating a vehicle equipped with dual controls (right side brake pedal) with a certified driver trainer in the passenger seat.
Z	Motorcycle learner's permit holder can only operate a motorcycle during daylight hours—sunrise to sunset (no night riding)

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-1496. Filed for public inspection August 13, 2010, 9:00 a.m.]

25, 10 a.m., Payment Data Advisory Group; Wednesday, September 8, 2010, Data Systems Committee at 10 a.m., Education Committee at 1 p.m. and Executive Committee at 2:30 p.m.; and Thursday, September 9, 2010, 10 a.m., Council Meeting.

The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and wish to attend the meetings should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-1498. Filed for public inspection August 13, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

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

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
18-409	Department of Transportation Air Transportation	7/21/10	9/16/10
16A-6513	State Board of Physical Therapy Continuing Education Providers	7/27/10	9/16/10
16A-619	State Board of Landscape Architects Fees—Landscape Architect	7/29/10	9/16/10
18-415	Department of Transportation Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues	8/3/10	9/16/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1499. Filed for public inspection August 13, 2010, 9:00 a.m.]

Proposed Disadvantaged Business Enterprise Goal for Participation in Federal Aviation Administration Contracts for Federal Fiscal Years 2011-2013

The Department of Transportation (Department) is providing notice of its proposed Federal Aviation Administration goal for Federal Fiscal Years 2011-2013. The proposed overall goal is 11.57%. The methodology used in determining the DBE goal is available for inspection during normal business hours at the Department's Bureau of Equal Opportunity, Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201, or fax (717) 772-4026.

The document can also be viewed online at <http://pasdc.hbg.psu.edu/pasdc/dot/>.

The document will be available for inspection for 30 days from the date of this notice. The Department also will accept written comments on the methodology and goal for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director at the previously listed address.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-1497. Filed for public inspection August 13, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, August

INSURANCE DEPARTMENT

Highmark Blue Cross Blue Shield; PPACA Reform Changes; Applicability—Completecare Program; Rate Filing

On August 2, 2010, the Insurance Department (Department) received a filing from Highmark Blue Cross Blue Shield requesting approval to adjust its CompleteCare Program rates to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010. The proposed average rate increase of 1.1% will be effective October 1, 2010.

Unless formal administrative action is taken prior to September 16, 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. Under the tab "How to find . . ." click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

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

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1500. Filed for public inspection August 13, 2010, 9:00 a.m.]

Highmark Blue Cross Blue Shield; PPACA Reform Changes; Applicability—Medically Underwritten PPO Program (Western Pennsylvania); Rate Filing

On August 2, 2010, the Insurance Department (Department) received a filing from Highmark Blue Cross Blue Shield requesting approval to adjust its DirectBlue PPO Program rates to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010. The proposed average rate increase of 1.8% will be effective October 1, 2010.

Unless formal administrative action is taken prior to September 16, 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. Under the tab "How to find . . ." click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120,

csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1501. Filed for public inspection August 13, 2010, 9:00 a.m.]

Highmark Blue Shield; PPACA Reform Changes; Applicability—Medically Underwritten PPO Program (Central Pennsylvania); Rate Filing

On August 2, 2010, the Insurance Department (Department) received a filing from Highmark Blue Shield requesting approval to adjust its DirectBlue PPO Program rates to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010. The proposed average rate increase of 1.8% will be effective October 1, 2010.

Unless formal administrative action is taken prior to September 16, 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. Under the tab "How to find . . ." click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

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

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1502. Filed for public inspection August 13, 2010, 9:00 a.m.]

Keystone Health Plan West HMO; PPACA Reform Changes; Applicability—Direct Pay Individuals; Rate Filing

On August 2, 2010, the Insurance Department (Department) received a filing from Keystone Health Plan West HMO requesting approval to adjust its individual rates to reflect the anticipated cost of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010. The proposed average rate increase of 1.2% will be effective October 1, 2010.

Unless formal administrative action is taken prior to September 16, 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. Under the tab "How to find . . ." click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

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

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1503. Filed for public inspection August 13, 2010, 9:00 a.m.]

Mini-COBRA Coverage; 2010-09

This notice is issued to advise all entities subject to section 635.4 and section 635.5 of the act of May 17, 1921 (P. L. 682, No. 284), known as the Insurance Company Law of 1921, added by sections 5 and 6 of Act 51 of 2010 (Act 51 or the Act) (40 P. S. § 764j) that a Federal premium assistance program is in existence for persons who had a qualifying event prior to May 31, 2010, that entitles those persons to Mini-COBRA coverage for a total of 15 months. In addition, those persons whose Mini-COBRA coverage was set to terminate prior to July 9, 2010, have the right to reinstate Mini-COBRA coverage for an additional 6 months of coverage beginning July 9, 2010. As set forth in the frequently asked questions on the Insurance Department's web site at www.insurance.pa.gov and the pre-June 1, 2010, model notice referenced therein, questions concerning the Federal premium assistance program under the American Recovery and Reinvestment Act of 2009 (P. L. 111-5, 123 Stat. 115) and its successor laws may be directed to the Federal Centers for Medicare & Medicaid Services at <http://www.continuationcoverage.net/>.

Questions regarding this notice may be addressed to the Bureau of Consumer Services, Room 1209, Strawberry Square, Harrisburg, PA 17120, ra-in-consumer@state.pa.us, or the toll-free automated hotline at (877) 881-6388.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1504. Filed for public inspection August 13, 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 Harrisburg, 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 Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Antonio F. Grippi; file no. 10-130-90284; Goodville Mutual Insurance Company; Doc. No. P10-07-021; September 16, 2010, 9:30 a.m.

Appeal of Janusz Zawadzki; file no. 10-130-90285; State Farm Fire and Casualty Company; Doc. No. P10-07-020; September 8, 2010, 11 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. 10-1505. Filed for public inspection August 13, 2010, 9:00 a.m.]

State Farm Fire and Casualty Company; Homeowners; Rate and Rule Revision; Rate Filing

On July 28, 2010, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for homeowners insurance.

The company requests an overall 3.7% increase amounting to \$16,000,343 annually, to be effective November 15, 2010, for new business and January 1, 2011, for renewal business.

Unless formal administrative action is taken prior to August 27, 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. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regu-

lation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenneystate.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1506. Filed for public inspection August 13, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notice of Investigation into Practice of Paper Invoice Charges; Doc. No. I-2010-2014444

By the Commission:

At the June 7, 2010 public meeting, the Pennsylvania Public Utility Commission (Commission) adopted an Order initiating a Joint Investigation by the Commission's Law Bureau, Bureau of Consumer Services and Fixed Utility Services (Telecommunications Division) into the practice of telecommunications carriers charging a fee for issuing a paper bill. See, *Petition of Cordia Communications Corp., for Designation as an Eligible Telecommunications Carrier Under Section 214(e) of the Telecommunications Act of 1996 and 47 CFR 54.101, 201-207*, Doc. No. P-2008-2014444, (June 7, 2010). Subsequently, at the July 15, 2010 public meeting, the Commission set a November 15, 2010, deadline for completion of the joint investigation and identified certain issues which should be specifically addressed in the investigation. See, *Pennsylvania Public Utility Commission v. Cavalier Telephone Mid-Atlantic, LLC*, Doc. Nos., R-2010-2176403; R-2010-2179527 (July 15, 2010).

Accordingly, this notice of investigation into the practice of paper billing fees for telecommunications carriers seeks comments and reply comments from all interested parties and specifically seeks input on the following issues:

(a) The impact of the Commission's "tariff parity" regulations at 52 Pa. Code §§ 53.57, et seq., regarding incumbent local exchange carriers and CLECs on the practice of charging a paper invoice fee.

(b) The differentiation of paper billing fees and the legality of their application for residential and business customers who receive price unregulated/competitive telecommunications services, that is, bundled services.

(c) The imposition of paper billing fees to end-user customers of price deregulated intrastate long distance and the implications of 66 Pa.C.S. § 3018(b) (that is, whether the paper billing fee is an IXC price deregulated rate).

(d) The effect of the Electronic Transactions Act on the statutory interpretation of Section 1509 of the Public Utility Code, 66 Pa.C.S. § 1509.

Copies of the Motion and original Order initiating the investigation can be obtained by contacting the Secretary of the Commission. Comments should be filed within 20 days of the date of publication of this notice and reply comments filed 10 days thereafter, delivered to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
400 North Street
Harrisburg, PA 17105-3265

The Contact person for this notice is Elizabeth Lion Januzzi, Assistant Counsel, (717) 772-0696.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1507. Filed for public inspection August 13, 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 August 30, 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-2010-2189481. United Medical Transport LTD. (P. O. Box 21028, Philadelphia, Philadelphia County, PA 19114)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the Counties of Philadelphia, Bucks, Montgomery, Lehigh and Northampton, to points in Pennsylvania, and return. *Attorney:* David M. Hollar, Esquire, 8 Tower Bridge, Suite 400, 161 Washington Street, Conshohocken, PA 19428.

A-2010-2191395. MG Transport, Inc., d/b/a Trophy Limousine (810 Cooper Landing Road, Cherry Hill, NJ 08002) a corporation of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service: *So As To Permit* the transfer of rights authorized under the certificate issued at A-00123712 to Envoy Transportation, Inc., subject to the same limitations and conditions.

A-2010-2191504. Susquehanna Valley Emergency Medical Service (P. O. Box 1, Landisville, Lancaster County, PA 17538)—a nonprofit corporation of the Commonwealth—in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

A-2010-2191705. No Dui Scranton, LLC (101 Woodside Manor, Scranton, Lackawanna County, PA 18505), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons who frequent establishments that serve alcohol, for the prevention of driving while intoxicated, between points within the City of Scranton, PA.

A-2010-2191735. Mercylife Ambulance, Inc. (309 Philmont Avenue, Feasterville, Bucks County, PA 19053),

Application of MercyLife Ambulance, Inc., for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to disabled persons in wheelchair lift equipped vehicles between points in Philadelphia, Bucks, Montgomery, Chester and Delaware Counties.

A-2010-2191780. Megabus Northeast, LLC t/a megabus.com (349 First Street, Elizabeth, Union County, NJ 07206), a limited liability company of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons, on schedule, within the Commonwealth on the following routes: (1) Take I-676 and cross Ben Franklin Bridge, continue on I-676 Vine Street Expressway, turn by means of Exit 344 (towards 30th Street Station), turn right onto Arch Street, follow road to left onto 30th Street, turn right onto John F. Kennedy Boulevard and arrive at first stop; from first stop, turn left onto Market, turn left onto Schuylkill Avenue (PA-3), merge onto I-76 West toward Valley Forge (Portions Toll), merge onto I-76 West by means of Exit 247 (towards Harrisburg/East Harrisburg/Hershey) (I-83 South), merge onto I-283 North by means of Exit 3A on the left towards Harrisburg, take the Paxton Street/Bass Pro Drive Exit, Exit 45, merge onto Paxton Street (on the left), arrive at the second bus stop which is located at pole 23 in the southeast corner of Harrisburg Mall closest to the intersection of Friendship Road; from second stop, turn right onto South 32nd Street, take Wayne Street Exit, merge onto I-83 North by means of the ramp to I-81, merge onto I-81 South/US-322 West by means of Exit 51A on the left towards Carlisle/Lewistown, merge onto US22-West/322 by means of Exit 67 B-A toward Lewistown/State College, take Route 322 West (business), turn right onto North Atherton Street/US-322 Bridge, 1665 North Atherton Street is on the right and the third and final stop is in the Wal-Mart parking lot, State College, PA in the southwest corner of the parking lot near North Atherton Street; (2) Take I-676 and cross Ben Franklin Bridge, continue on I-676 Vine Street Expressway, turn by means of Exit 344 (towards 30th Street Station), turn right onto Arch Street, follow road to left onto 30th Street, turn right onto John F. Kennedy Boulevard, and arrive at first stop; from first stop, turn left onto Market, turn left onto Schuylkill Avenue (PA-3), merge onto I-76 West toward Valley Forge (Portions Toll), merge onto I-76 West by means of Exit 247 (towards Harrisburg/East Harrisburg/Hershey) (I-83 South), merge onto I-283 North by means of Exit 3A on the left towards Harrisburg, take the Paxton Street/Bass Pro Drive exit, Exit 45, merge onto Paxton Street (on the left), arrive at the second bus stop which is located at pole 23 in the southeast corner of Harrisburg Mall closest to the intersection of Friendship Road; from the second bus stop, return to Friendship Road, turn right onto Paxton Street, turn right onto South 40th Street, turn left onto Chambers Hill Road (towards Turnpike) (I-283 South), merge onto I-283 South (towards PA Turnpike), merge onto Turnpike (towards Pittsburgh), rest stop at Sideling Hill, merge onto I-376 West Monroeville Exit, take Bigelow Boulevard Exit (towards Veterans Bridge), take 7th Street Exit, turn right onto Grant Street, turn left onto 11th Street, turn left into west side of Convention Center and arrive at the third and final stop at 10th Street, under Convention Center (Pittsburgh, PA); thence returning to the point of origin. *Attorney:* David H. Coburn, Steptoe & Johnson, LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-2010-2190392. Wanish Limousine Service, LTD. (982 East Valley Road, Pottstown, Montgomery County, PA 19464)—for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Chester and Montgomery, to points in Pennsylvania, and return.

A-2010-2191697. TJT, Inc., t/a A & A Limousine Service (2148 Havertown Road, Northampton, Northampton County, PA 118067)—a corporation of the Commonwealth—persons in airport transfer service, from the Lehigh Valley International Airport located in Allentown, Lehigh County, to points in Pennsylvania; excluding that service under the jurisdiction of the Philadelphia Parking Authority.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-2010-2190981. Balaur Moving & Storage Co. (2708 Garrett Road, Drexel Hill, PA 19026)—household goods in use, from points in the Counties of Philadelphia, Bucks and Delaware, to points in Pennsylvania.

A-2010-2191829. EZ Moving, LLC (133 Forsythia Drive North, Levittown, PA 19056)—a corporation of the Commonwealth—household goods in use, from points in the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia to points in Pennsylvania and vice versa.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2010-2191011. David I. Christofor (545 East Main Street, Reynoldsville, Jefferson County, PA 15851)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, limited to those persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Jefferson, Indiana and Clearfield, to points in Pennsylvania, and return.

A-2010-22191383. John Elias Donton, t/a Schuylkill Moving Service (136 Chestnut Street, Cressona, Schuylkill County, PA 17929)—to discontinue service as a common carrier by motor vehicle, at A-8911331, authorizing the transportation, as a common carrier, by motor vehicle, household goods in use, from points in the County of Schuylkill, to points in Pennsylvania.

Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Alpha Moving and Storage, Inc., t/a A Pioneer Moving Systems Co.; Doc. No. C-2010-2187846, A-00115139

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 (BTS) Prosecutory Staff hereby represents as follows:

1. That Alpha Moving & Storage, Inc., t/a A Pioneer Moving Systems Co., Respondent, maintains a principal place of business at 13451 Damar Drive, Philadelphia, PA 19116.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on April 1, 1999 at A-00115139.

3. That, on May 15, 2010, Respondent transported the household goods of Matthew Lentz from The University of Pennsylvania, 3817 Spruce Street, Philadelphia, PA to Respondent's storage facilities for \$305.00, which was paid, in cash, at the time of the move.

4. That, on June 8, 2010, Richard Oller, owner of the warehouse that contains Respondent's storage facilities, contacted Wendy J. Keezel, Chief of Enforcement, by telephone and explained that he had evicted Respondent from his property. Respondent had erased the hard drives from the computer and Mr. Oller had no way of locating the owners of the household goods in his warehouse. Chief Keezel assigned the Philadelphia Regional Manager, Enforcement Officer William Kilrain, to investigate Respondent. On that same day, Officer Kilrain contacted Allen Jenkins, Respondent's General Manager. Mr. Jenkins assured Officer Kilrain that all of the household goods stored in the warehouse would be moved to its new facilities. Officer Kilrain then contacted Mr. Oller to advise him of Respondent's plans. Mr. Oller was concerned that Mr. Jenkins would not find a new location and that he would not be able to locate the owners of the household goods himself. Officer Kilrain attempted to re-contact Mr. Jenkins to obtain a list of the owners of the stored household goods. He was unable to reach the Respondent at the same phone number he just called.

5. That, on June 18, 2010, Diana Lentz, Matthew's mother, contacted Officer Kilrain to obtain Respondent's location and contact information. She explained that, on June 4, 2010, she telephoned Allen Jenkins and confirmed a delivery date for July 5, 2010, to have her son's household goods moved to his new address. However, since that time, she has not been able to contact Respondent and was concerned. Officer Kilrain gave Mrs. Lentz Respondent's cell phone number and Mr. Oller's phone number. Later that day, Mrs. Lentz contacted Officer Kilrain and advised him that the July 5 delivery date was confirmed.

6. That, on July 5, 2010, Respondent failed to deliver the household goods of Matthew Lentz. Efforts made by Diana Lentz to contact Respondent were unsuccessful.

7. That, on July 6, 2010, Mrs. Lentz contacted Officer Kilrain and stated that Respondent had failed to appear at the warehouse to move the household goods. Officer Kilrain attempted to contact Mr. Allen Jenkins at his cell phone number and the call was unanswered. Respondent's business phone number was answered by a forwarding service, but Respondent did not return calls to Officer Kilrain. Officer Kilrain e-mailed further communications to Respondent and received no response. Also on July 6, 2010, BTS sent Respondent a certified letter asking it to contact the Philadelphia District Office. BTS

mailed the letter to the address on file with the Commission. The U.S. Post Office returned the letter to the Philadelphia District Office and marked the letter, "Return to Sender-Attempted-Not Known, Unable to Forward."

8. That, on July 7, 2010, Mrs. Lentz indicated to Officer Kilrain that Mr. Oller agreed to open the warehouse for the purpose of identifying her son's property. Matthew Lentz and Mr. Oller entered the warehouse. Matthew Lentz did not find his household goods in the location where Respondent had indicated they would be. During the week of July 16 to July 21, a search of the crates at Mr. Oller's warehouse proved futile. Officer Kilrain attempted to send a fax to Respondent on July 20, 2010, on two occasions, with a message to contact him at the number listed. Both were returned with an error result of "no answer."

9. That, Respondent has not notified the Commission of a change in address or phone number. Respondent's corporate address with the Pennsylvania Department of State is 13451 Damar Drive, Philadelphia, PA 19116, which is the same address on file with the Commission.

10. That, Respondent has failed to cooperate with BTS' investigation. Respondent has not communicated to the Commission from July 6 to July 28, 2010, despite receiving numerous inquiries.

11. That, during the investigation, BTS discovered that the warehouse contained numerous belongings of other household goods customers, which cannot be identified by records since Respondent destroyed the hard drives of its computers.

12. That, on June 28, 2010, the Commission sent Respondent a letter informing it that the Tristate Household Goods Tariff Conference, Inc. cancelled its Tristate membership effective May 28, 2010, for non-payment of annual dues, that as a result of the cancellation, Respondent may no longer use the Tristate tariff and that Respondent must cease and desist transporting household goods until such time as an approved tariff is filed with this Commission. BTS informed Respondent that it must file a tariff which is comparable to the previous tariff it was using on or before July 28, 2010. Respondent did not file an acceptable Household Goods in Use tariff with the Commission by that date.

13. That, in the course of the investigation, research revealed that BTS instituted a Complaint at C-2010-2172261 alleging that Respondent failed to pay an outstanding assessment of \$1,333.00 for the years 2007, 2008, and 2009. BTS sent the complaint using Certified Mail on April 30, 2010, and the letter was returned unclaimed. BTS re-sent the complaint using Certified Mail on May 29, 2010. The Complaint was published in the *Pennsylvania Bulletin* on July 17, 2010. To date, Respondent has not filed an answer.

14. That Respondent, by failing to cooperate with a Commission investigation and failing to furnish information from July 6 to August 14, 2010, as stated in Paragraphs 7, 8, & 9, violated 66 Pa.C.S. § 505. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff proposes a civil penalty of \$500.00 per violation, per day, for a total proposed civil penalty of \$19,500.

15. That Respondent, by failing to file a tariff showing rates for such service, as stated in Paragraph 10, violated 52 Pa. Code § 23.11(a) and § 31.27. The Bureau of

Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff proposes a civil penalty of \$500.00 for this violation.

16. That Respondent, by failing to deliver the household goods of Matthew Lentz, violated 66 Pa.C.S. § 1501 by not furnishing reasonable service. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff proposes a civil penalty of \$500.00 for this violation.

17. That Respondent, by failing to provide updated contact information with the Commission, violated 52 Pa. Code § 1.53(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff proposes a civil penalty of \$100.00 for this violation.

Wherefore, the Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff requests the Commission to cancel Alpha Moving & Storage, t/a A Pioneer Moving Systems Co's, Certificate of Public Convenience at A-00115139, fine Respondent the sum of Twenty Thousand Six Hundred Dollars (\$20,600) for the illegal activity described in this Complaint, direct Respondent to identify each household goods customer and return their belongings that are being stored at the warehouse at 13451 Damar Drive, Philadelphia, PA 19116, and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). 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 (20) 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 that the Commission 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. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1508. Filed for public inspection August 13, 2010, 9:00 a.m.]

Telecommunications

A-2010-2191048. North Penn Telephone Company and Sprint Communications, LP. Joint petition of North Penn Telephone Company and Sprint Communications, LP for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Penn Telephone Company and Sprint Communications, LP, by its counsel, filed on July 29, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Penn Telephone Company and Sprint Communications, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1509. Filed for public inspection August 13, 2010, 9:00 a.m.]

Transfer by Sale

A-2010-2191964. UGI Penn Natural Gas Company. Application of UGI Penn Natural Gas Company for approval of the transfer by sale of Base Gas Associated with the termination of the Seneca Storage Service.

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 August 30, 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: UGI Penn Natural Gas, Inc.

Through and By Counsel: Mark C. Morrow, Esquire, Melanie J. Tambolas, Esquire, UGI Corporation, P. O. Box 858, Valley Forge, PA 19482

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1510. Filed for public inspection August 13, 2010, 9:00 a.m.]

Water Service

A-2010-2191075. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval to offer, render, furnish or supply water service to the public in an additional portion of South Hanover Township, Dauphin 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 August 30, 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: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1511. Filed for public inspection August 13, 2010, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for combined Project No. 10-084.6, Packer Avenue Marine Terminal, Building 1A, (PAMT); and Project No. 10-085.6, PRPA Administration Building, Sprinkler Inspection and Repairs, until 2 p.m. on Thursday, September 9, 2010. The bid documents can be obtained from the PRPA web site www.philaport.com and will be available August 17, 2010. PRPA is an Equal Opportunity Employer. Contractors must comply with all applicable EOE laws.

A mandatory prebid job site meeting will be held August 26, 2010, 10 a.m. (No. 10-085.6-PRPA Administration Building), at PRPA, 3460 North Delaware Avenue, Philadelphia, PA 19134; and August 26, 2010, 11 a.m. (No. 10-084.6-PAMT) at PAMT North Gate, Columbus Boulevard and Packer Avenue, Philadelphia, PA 19148. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending. Fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 10-1512. Filed for public inspection August 13, 2010, 9:00 a.m.]