

PENNSYLVANIA BULLETIN

Volume 40
Saturday, September 25, 2010 • Harrisburg, PA
Number 39
Pages 5443—5550

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No. 430, September 2010

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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.

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Local Court Rule; Amended Fee Schedule for Public Access of Official Case Records in the Washington County Magisterial District Courts; No.: 2010-1

Order

And Now, this 30th day of August, in accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts, adopted by the Pennsylvania Supreme Court, *It Is Hereby Ordered* that the following amended local rule be effective 30 days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,
President Judge

Washington County Local Rule 510: Public Access of Official Case Records in the Washington County Magisterial District Courts.

Fee Schedule

1. The price per page of copy is \$.25.
2. Fees may be waived if the magisterial district judge determines that the requestor is indigent.
3. Fees received pursuant to this Rule shall be remitted to the County of Washington.

[Pa.B. Doc. No. 10-1832. Filed for public inspection September 24, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 301, 302, 303 AND 305]

[Correction]

Administration of the Water and Wastewater Systems Operators' Certification Program

Typographical errors occurred in the first paragraph and the Fiscal Note for the final-form rulemaking which appeared at 40 Pa.B. 5294, 5300 (September 18, 2010).

The correct version of this text and the Fiscal Note is as follows, with ellipses referring to the correct portions of the final-form rulemaking:

The Environmental Quality Board (Board) adds Chapter 302 (relating to administration of the water and wastewater systems operators' certification program) and rescinds Chapters 301, 303 and 305 to read as set forth in Annex A. This final-form rulemaking describes the process the State Board for Certification of Water and Wastewater System Operators (Certification Board) will follow to administer the Water and Wastewater Systems Operators' Certification Program (Program) and identifies the duties and responsibilities of the Department of Environmental Protection (Department) and the operators and owners of drinking water and wastewater treatment systems in this Commonwealth. Additionally, it establishes standards for operator certification, recertification, certification renewal and security training; defines the certification renewal period and requirements for certification renewal; establishes appropriate fees; and defines classifications and subclassifications for certification.

* * * * *

Fiscal Note: Fiscal Note 7-433 remains valid for the final adoption of the subject regulations.

* * * * *

[Pa.B. Doc. No. 10-1752. Filed for public inspection September 17, 2010, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 139]

Seasons and Bag Limits; Private Property Coupons

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), through its August 17, 2010, notational vote, amended § 139.4 (relating to seasons and bag limits for the license year) to reinstate 2,761 coupons on private land that would otherwise be denied.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 4390 (August 7, 2010).

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. For the 2010-2011 seasons, the number of Deer Management Assistance Program permits was capped at the 2009-2010 totals within each wildlife management unit without further action by the Board. The Board subsequently learned that applying this cap would result in 2,761 coupons not being issued for private property that is not enrolled in the Commission's Public Access programs. After public comment, the Commission determined it was never its intent to take action that would result in these 2,761 coupons not being issued. This final-form rulemaking reinstates those coupons that would otherwise have been denied.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . ." The amendments to § 139.4 were adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking has amended § 139.4 by establishing when and where it is lawful to hunt deer and also placing limits on the numbers that can be legally taken during the 2010-2011 license year.

3. Persons Affected

Persons wishing to hunt deer within this Commonwealth during the 2010-2011 license year may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and remain in effect until June 30, 2011.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth at 40 Pa.B. 4390.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 4390 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-310 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-1833. Filed for public inspection September 24, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 123 AND 139]

Commercial Fuel Oil Sulfur Limits for Combustion Units

The Environmental Quality Board (Board) proposes to amend Chapters 121, 123 and 139 (relating to general provisions; standards for contaminants; and sampling and testing) to read as set forth in Annex A.

The proposed rulemaking amends § 123.22 (relating to combustion units) to lower the allowable sulfur content of commercial fuel oil for use in combustion units and replace the existing area-specific sulfur content limits for commercial fuel oils with a Statewide sulfur limit; adds provisions for sampling and testing, and recordkeeping and reporting in § 123.22; amends the sampling and testing requirements in Chapter 139; and adds definitions in § 121.1 (relating to definitions) for two new terms and amends the definitions of eight existing terms to provide clarity and support the amendments to Chapter 123.

This proposed rulemaking was adopted by the Board at its meeting on July 13, 2010.

A. Effective Date

This proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. Contact Persons

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Search/Keyword: Public Participation).

C. Statutory Authority

The proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and section 5(a)(8) of the APCA, which grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

Combustion of sulfur-containing commercial fuel oils releases sulfur dioxide (SO₂) emissions, which contribute to the formation of regional haze and fine particulate matter (PM_{2.5}), both of which are serious public welfare and human health threats. Regional haze is visibility impairment that is produced by a multitude of sources

and activities that emit fine particles and their precursors and which are located across a broad geographic area. Fine particles have a diameter smaller than 2.5 micrometers (PM_{2.5}). Particles affect visibility through the scattering and absorption of light, and PM_{2.5}—particles similar in size to the wavelength, of light—are most efficient, per unit of mass, at reducing visibility. Regional haze affects urban and rural areas, including National parks, forests and wilderness areas (Federal Class I areas).

SO₂ is the most significant pollutant involved in the formation of regional haze. SO₂ emissions oxidize in the atmosphere to form sulfate particles. Visibility impairment, including regional haze, in rural areas of eastern North America is mostly due to sulfate particles, according to the 2006 Contribution Assessment prepared by the Mid-Atlantic/Northeast Visibility Union (MANE-VU). *Contributions to Regional Haze in the Northeast and Mid-Atlantic United States*, MANE-VU Contribution Assessment, August 2006, p. 2—4.

In 1977, Congress amended the CAA by adding section 169A (42 U.S.C.A. § 7491), regarding visibility protection for Federal Class I areas, to set a National goal of the “prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.” See section 169A(a)(1) of the CAA. Congress amended the CAA in 1990 by adding section 169B (42 U.S.C.A. § 7492), regarding visibility, to authorize further research and regular assessments of the progress made so far toward the National visibility goals.

The National Academy of Sciences concluded in 1993 that the average visual range in the eastern United States has been reduced to approximately 30 kilometers or 1/5 of the visual range that would exist under natural conditions. Committee on Haze in National Parks and Wilderness Areas, National Research Council, National Academy of Sciences, *Protecting Visibility in National Parks and Wilderness Areas*, Washington, D.C., 1993.

The United States Environmental Protection Agency (EPA) published its initial regulations setting forth states' requirements to reduce regional haze at 64 FR 35714 (July 1, 1999). The regulations aimed to achieve the National visibility goal set by the CAA by 2064. The EPA published final regional haze regulations at 70 FR 39104 (July 6, 2005). The regulations are codified in 40 CFR Part 51, Subpart P (relating to protection of visibility). The EPA's regulations require all states, even those that do not contain a Federal Class I area, to submit a revision to their State Implementation Plan (SIP) containing emission reduction strategies to improve visibility in Class I areas that their emissions affect.

The EPA regulations require states to demonstrate reasonable progress toward meeting the National goal of a return to natural visibility conditions by 2064. States with Class I areas must establish reasonable progress goals, expressed in deciviews, for visibility improvement at each Class I area. (The lower the deciview value, the better the perception of visibility.) The first set of reasonable progress goals shall be met through measures in each state's long-term strategy covering the period from the present until 2018. A long-term strategy includes enforceable emissions limitations, compliance schedules and other measures as necessary to achieve the reasonable progress goals.

States are required to evaluate progress toward reasonable progress goals every 5 years to assure that emissions controls are on track with emissions reduction forecasts in the SIP. The first progress report is due 5 years from the submittal of the initial implementation plan. If emissions controls are not on track to meet SIP forecasts, then a state would need to take action to assure emissions controls by 2018 would be consistent with the SIP or to revise the SIP to be consistent with the revised emissions forecast.

The Commonwealth is a member of the MANE-VU, established in 2000 as the regional planning organization to help the northeast states plan for their Regional Haze SIP submittals. The MANE-VU states are Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia. Native American tribes in the region, the EPA, the United States Fish and Wildlife Service and the United States Forest Service are also members.

Although this Commonwealth has no mandatory Class I Federal areas, emissions from this Commonwealth are considered to impact the seven mandatory Class I Federal areas in the MANE-VU region. In addition, the emissions from this Commonwealth are considered to impact the Dolly Sods Wilderness Area in West Virginia and Shenandoah National Park in Virginia.

MANE-VU evaluated several large source categories for their contribution to the MANE-VU SO₂ emission inventory, including electric generating units (EGU), residential and commercial oil heat burners and furnaces, and industrial/commercial/institutional (ICI) boilers. The Northeast States for Coordinated Air Use Management (NESCAUM) performed this evaluation for MANE-VU in 2005 using 2002 data, which was the most current information available at the time of the study. While EGUs are by far the largest source of SO₂ emissions in the MANE-VU region at 71%, SO₂ emissions from the burning of sulfur-containing commercial fuel oil in residential and commercial combustion units, combined and in ICI boilers, each contribute about 7% to the MANE-VU SO₂ emission inventory, for a total of 14%. In this Commonwealth, commercial fuel oil combustion in residential and commercial combustion units contributes between 2% and 3% of SO₂ emissions in the MANE-VU region, depending on the season. The NESCAUM evaluation indicates that the anticipated annual SO₂ emission reduction benefits in this Commonwealth would be approximately 29,000 tons when the proposed low-sulfur content limits for commercial fuel oils are fully implemented.

MANE-VU identified the reduction of sulfur limits in commercial fuel oils used in residential and commercial combustion units as a cost effective strategy for reducing regional haze and adopted a statement in which member states agreed to pursue this strategy. The Department has reviewed the NESCAUM studies and MANE-VU recommendations and determined that the recommended low-sulfur content limits for commercial fuel oil are appropriate measures to be pursued in this Commonwealth as part of the regional strategy to improve visibility. Lowering the sulfur content in commercial fuel oil sold for and used in combustion units in this Commonwealth would contribute to the MANE-VU goals of improving visibility in the region's mandatory Class I Federal areas. Actions taken as part of this Commonwealth's obligations for reducing haze on a regional level would also improve visibility in this Commonwealth's recreational and urban areas.

The existence of PM_{2.5} in the atmosphere not only produces regional haze but also has significant adverse health effects. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease and children.

The EPA set health-based (primary) and welfare-based (secondary) PM_{2.5} annual National Ambient Air Quality Standards (NAAQS) at a level of 15 micrograms per cubic meter (µg/m³). See 62 FR 38652 (July 18, 1997). The 24-hour NAAQS was subsequently revised in October 2006 to a concentration of 35 µg/m³. See 71 FR 61144 (October 17, 2006). The EPA designated the following counties or portions thereof as being in nonattainment of either the annual or the 24-hour PM_{2.5} standard or both: Allegheny (Liberty-Clairton); Allegheny (remainder); Armstrong; Berks; Beaver; Bucks; Butler; Cambria; Chester; Cumberland; Dauphin; Delaware; Greene; Indiana; Lancaster; Lawrence; Lebanon; Montgomery; and Philadelphia.

In a March 2010 draft report prepared as part of the EPA's periodic review of NAAQS, the EPA concluded that existing standards for fine particles are insufficient to protect public health and reduce the pollutant's impact on visibility. The draft report recommends that the EPA consider setting significantly more protective standards based on the fact that recent research into the health effects of fine particles calls into question the adequacy of the current suite of standards. See the EPA's *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards: First External Review Draft*, March 2010. The draft report also recommends the agency consider setting a secondary standard for PM_{2.5} to protect visibility.

SO₂ emissions also contribute to the formation of acid rain. Both acid rain and PM_{2.5} contribute to agricultural crop and vegetation damage, and degradation of the Chesapeake Bay. Combustion of low-sulfur content commercial fuel oil would contribute to reducing the incidences of these adverse effects in this Commonwealth.

There are several important cobenefits of this proposed rulemaking. Emissions of nitrogen oxides (NO_x), which contribute to a number of public health and environmental problems in the northeast, including unhealthy levels of PM_{2.5} and ground-level ozone, would also decrease with the use of low-sulfur content commercial fuel oil due to furnace and boiler efficiency improvements. Emissions of carbon dioxide, a greenhouse gas, should also be reduced since with improved combustion efficiency, overall commercial fuel oil consumption should decrease.

Ozone is a serious human and animal health and welfare threat, causing or contributing to respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure. In March 2008, the EPA lowered the ozone NAAQS from 0.080 parts per million (ppm) to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). As required by

the CAA, the Commonwealth submitted recommendations to the EPA in 2009 to designate 29 counties as nonattainment for the 2008 8-hour ozone NAAQS. However, the EPA reconsidered the 2008 ozone NAAQS and published a proposed rulemaking at 75 FR 2938 (January 19, 2010) to set a more protective 8-hour primary standard at a lower level within the range of 0.060–0.070 ppm; the final revised ozone standard is expected in October 2010. If the EPA sets the standard at the lowest end of this range, all monitors measuring ozone in this Commonwealth could violate the NAAQS.

This proposed rulemaking is designed to lower the allowable sulfur content limits of commercial fuel oils used in oil-burning combustion units in this Commonwealth and to replace the existing area-specific sulfur content limits for commercial fuel oils with a Statewide sulfur limit. The proposed rulemaking would reduce the levels of sulfur in commercial fuel oils used in residential and commercial oil heat burners and furnaces, and in ICI boilers. Section 123.22 regulates Nos. 2, 4, 5 and 6 commercial fuel oils. No. 2 and lighter commercial fuel oil is generally used for residential and commercial heating. Nos. 4, 5 and 6 and heavier commercial fuel oils are used in ICI boilers.

The proposed rulemaking applies to the owner or operator of refineries, pipelines, terminals, retail outlet fuel storage facilities and ultimate consumers, including commercial and industrial facilities, facilities with a unit burning regulated fuel oil to produce electricity and domestic home heaters. The requirements focus on persons or entities that “offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil.” These are the suppliers and operations selling to the ultimate consumer. Recordkeeping or reporting would not be required of the ultimate consumer receiving commercial fuel oil for use at a private residence or an apartment or condominium building that houses private residents; they would only need to buy and use compliant commercial fuel oil.

The Department consulted with the Air Quality Technical Advisory Committee (Committee) on the proposed rulemaking on February 18, 2010. The Committee unanimously concurred in the Department’s recommendation to present the proposed rulemaking, with suggested revisions, to the Board for approval. The Department also consulted with the Citizens Advisory Council, Small Business Compliance Advisory Committee and Agricultural Advisory Board.

E. Summary of Regulatory Requirements

This proposed rulemaking would amend definitions of eight terms in § 121.1. The proposed rulemaking amends the definitions of “commercial fuel oil” and “noncommercial fuel” to synchronize them. The proposed rulemaking expands the definition of “carrier” so that it applies when commercial fuel oil is carried. The proposed rulemaking amends the definition of “distributor” so that it applies when commercial fuel oil is distributed and to broaden the list of transferees. The proposed rulemaking similarly expands the definitions of “retail outlet” and “terminal.” The proposed rulemaking provides more specificity to the definitions of “transferee” and “transferor” by listing examples of persons and entities included in the definition. The proposed rulemaking adds the terms “ASTM” and “ultimate consumer” because these terms are used elsewhere in the proposed rulemaking.

The proposed rulemaking would amend § 123.22 and add two new subsections. Subsection (a) applies to nonair

basin areas. Air basins are defined geographically in § 121.1. The proposed amendments to subsection (a) make minor editorial revisions to the general provision in paragraph (1). The proposed rulemaking reduces the allowable sulfur limits of commercial fuel oil in paragraph (2), in proposed subparagraph (i), to 15 ppm for No. 2 and lighter commercial fuel oils and to 0.25% sulfur content by weight for No. 4 commercial fuel oil and 0.5% sulfur content by weight for No. 5 and 6 and heavier commercial fuel oils beginning May 1, 2012. On and after those dates, a person would not be authorized to offer for sale, deliver for use, exchange in trade or permit the use of a noncomplying commercial fuel oil in a nonair basin.

Proposed amendments to paragraph (2) would contain two exceptions. The first exception in proposed subparagraph (ii) allows commercial fuel oil that is stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date listed and met the applicable maximum sulfur content at the time it was stored to be used in this Commonwealth after the applicable compliance date. The second exception in proposed subparagraph (iii) authorizes the Department to temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil if the Department were to determine that an insufficient quantity of compliant commercial fuel oil were reasonably available in a nonair basin area. Proposed subparagraph (iv) authorizes the Department to limit a suspension or increase granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available. Proposed subparagraph (v) specifies that the sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

The proposed rulemaking would amend the equivalency provision in paragraph (3) to provide greater clarity. The equivalency provision requires an equivalent amount of emission reductions when equipment or a process is used to reduce sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2).

The proposed rulemaking makes similar amendments to the remaining four subsections of § 123.22, which apply as follows: subsection (b) applies to the Erie; Harrisburg; York; Lancaster; Scranton; Wilkes-Barre air basins; subsection (c) applies to the Allentown, Bethlehem, Easton, Reading, Upper Beaver Valley and Johnstown air basins; subsection (d) applies to the Allegheny County, Lower Beaver Valley and Monongahela Valley air basins; and subsection (e) applies to the Southeast Pennsylvania air basin. Each of these air basins is defined in § 121.1. In subsection (d), the proposed rulemaking adds commercial fuel oil limits and percentages as well as the equivalency provision.

The proposed rulemaking would add § 123.22(f) to establish sampling and testing requirements for refinery and terminal owners and operators to ensure compliance with the allowable sulfur limits for commercial fuel oil. A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth on or after the applicable compliance dates would be required to sample, test and calculate the sulfur content of each batch of the commercial fuel oil. A terminal owner or operator would be required to develop and implement written procedures, including procedures for commercial fuel oil sampling and testing, which would be required to be made available to the Department upon request.

The proposed rulemaking would add § 123.22(g) to establish recordkeeping and reporting requirements applicable to transferors and transferees in the manufacture and distribution chain for commercial fuel oil, from the refinery owner or operator to the ultimate consumer. This subsection requires each transferor to provide each transferee with an electronic or paper record containing specified information each time the physical custody of, or title to, a shipment of commercial fuel oil were to change hands. The transferors and transferees would be required to maintain the records for 2 years and provide them to the Department upon request. The subsection also requires refinery and terminal owners and operators to maintain the records developed under proposed subsection (f) for 2 years and to provide them to the Department upon request. Under this proposed subsection, private residence ultimate consumers would not be required to maintain records nor would ultimate consumers who were owners of apartment or condominium buildings housing private residents if the transfer or use of the commercial fuel oil occurs for use at the building. Other ultimate consumers would be required to maintain the record provided to them in the transfer of the commercial fuel oil.

The proposed rulemaking would amend § 139.4 (relating to references) to update six of the applicable sulfur method references and add two new sulfur method references.

The proposed rulemaking would amend § 139.16 (relating to sulfur in fuel oil) to add cross-references to the two new sulfur method references in § 139.4.

This proposed control measure is an important part of the Commonwealth's efforts to meet the 2018 reasonable progress goals for reducing regional haze established by the Commonwealth in consultation with the member states of MANE-VU and is also reasonably necessary to attain and maintain the PM_{2.5} NAAQS in this Commonwealth. The proposed rulemaking, if adopted as a final-form rulemaking, will be submitted to the EPA as a revision to the SIP.

F. *Benefits, Costs and Compliance*

Benefits

Implementation of the proposed control measure would benefit the health and welfare of the approximately 12 million human residents and numerous animals, crops, vegetation and natural areas in this Commonwealth by reducing the ambient levels of SO₂, resulting in reductions in regional haze and PM_{2.5}. There are also important cobenefits of this proposed rulemaking. Emissions of NO_x, which contribute to unhealthy levels of PM_{2.5} and ground-level ozone, would also decrease with the use of low-sulfur content commercial fuel oil due to furnace and boiler combustion efficiency improvements. Emissions of carbon dioxide, a greenhouse gas, should also be reduced since with improved combustion efficiency, overall commercial fuel oil consumption should decrease.

Commercial fuel oil users benefit, too. According to the United States Energy Information Administration (EIA), State Energy Profiles, approximately 26% of the households in this Commonwealth use No. 2 commercial fuel oil for space heat. Low-sulfur content commercial fuel oil has the potential to improve furnace and boiler combustion efficiency by reducing fouling rates of furnace and boiler heat exchangers and other components. Reduced boiler and furnace fouling rates translate directly into lower vacuum-cleaning costs for fuel oil companies and homeowners by extending the service intervals. For example,

according to a NESCAUM study, using a median hourly service cost of \$72.50 per hour for vacuum-cleaning a furnace and changing No. 2 commercial fuel oil from a sulfur content of 2,500 ppm to 500 ppm would save \$29,000 a year per 1,000 homes, or \$29 annually per home in the United States. (See NESCAUM report: *Low Sulfur Heating Oil in the Northeast States: An Overview of Benefits, Costs and Implementation Issues*, December 2005, p. 3-2 and 3-3.) Further, the availability of low-sulfur content commercial fuel oil would enable the introduction of highly efficient advanced technology condensing furnaces. A lower sulfur content commercial fuel oil would also increase the number of clean fuel types available to consumers.

The commercial fuel oil industry also benefits. A requirement for lower sulfur content No. 2 commercial fuel oil would benefit distributors of commercial fuel oil by increasing their ability to compete with natural gas, a cleaner fuel than today's No. 2 commercial fuel oil. Another benefit is that consistency of No. 2 commercial fuel oil sulfur content limits with highway and nonroad, locomotive and marine (NRLM) transportation diesel sulfur content limits would help refinery owners and operators, distributors, carriers and owners and operators of commercial fuel oil and transportation diesel fuel terminals minimize the number of tanks and trucks needed. No. 2 commercial fuel oil could be combined with NRLM transportation diesel fuel in the same tanks and trucks. The sulfur level of 15 ppm in the proposed rulemaking for No. 2 commercial fuel oil is consistent with the level that is or will be required in highway and NRLM transportation diesel fuels. The Federal final rule for Control of Air Pollution from New Motor Vehicles: Heavy Duty Engines and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, published at 66 FR 5002 (January 18, 2001), requires refiners to produce 100% of their highway diesel fuel to meet the sulfur content limit of 15 ppm beginning June 1, 2010. See 66 FR 5002, 5067. The Federal final rule for Control of Air Emissions from Nonroad Diesel Engines and Fuel, published at 69 FR 38958 (June 29, 2004), requires the sulfur content limit for nonroad transportation diesel fuel be 15 ppm beginning June 1, 2010. See 69 FR 38958, 39039. The sulfur content limit for locomotive and marine (except large ocean-going vessels) diesel fuel will be 15 ppm beginning June 1, 2012. See 69 FR 39039. Furthermore, since sulfur content limits for regulated commercial fuel oils would now be Commonwealth-wide rather than area-specific, compliance and recordkeeping would be simplified for the petroleum refining and distribution companies.

Compliance costs

The proposed rulemaking would affect the owners and operators of refineries, distributors and carriers of commercial fuel oils; owners and operators of commercial fuel oil terminals; ICI boiler owners and operators; and anyone who uses commercial fuel oils in this Commonwealth.

There are five refineries in this Commonwealth owned by four companies. The products of the five refineries would be affected by the proposed rulemaking. Owners and operators of refineries outside this Commonwealth would be indirectly affected if they supply distributors that sell commercial fuel oil in this Commonwealth. The Department believes that this sophisticated industry has the technical capacity for implementing the program because sulfur limits have been established in motor fuels for 30 years.

There are 120 fuel oil terminal operations operated by 38 different companies and 737 distributors of petroleum products in this Commonwealth. Not all of these opera-

tions handle commercial fuel oil. Major distributors in this Commonwealth also operate terminals. While the size of distributor operations ranges from large to small, members of the petroleum distribution industry as a whole have been regulated for many years. Existing systems to track the quantity and composition of fuel are of long standing for purposes of compliance with both environmental and tax regulations.

End-users of commercial fuel oil range from large industrial users to homeowners. There are approximately 1.32 million households in this Commonwealth that may use commercial fuel oil for residential heating (5.08 million households × 26% of households). The EIA State Energy Profile estimates that 26% of homes in this Commonwealth use commercial fuel oil for space heat.

Fuel combustion at many ICI sources is already regulated by the Department under its permit program; these sources would be required to comply with the proposed rulemaking, which retains (with modification) the equivalency provisions of the existing regulation as an alternative compliance mechanism. The equivalency provisions allow the use of equipment or a process to control emissions to the same level as would result from the use of a compliant commercial fuel oil. This choice would most likely only occur if the cost of control were less than the cost of the purchase of compliant commercial fuel oil.

Market forces and regulations for transportation-related diesel fuels in both the United States and internationally will be the major forces affecting this industry, since the use of commercial fuel oil for residential heating and ICI boilers is a very small portion of diesel fuel consumption. No. 2 commercial fuel oil will be identical in sulfur content level to nonroad transportation diesel fuel in 2012 if the proposed rulemaking compliance date of May 1, 2012, is implemented.

In a 2008 report entitled "Northeast Heating Oil Assessment," the National Oilheat Research Alliance (NORA) estimated that there would be a 6.3¢ to 6.8¢ per gallon incremental production cost for 500 ppm versus 2,500 ppm sulfur content home heating oil (No. 2 commercial fuel oil), including capital costs. Costs are estimated to be as much as 8.9¢ per gallon for 15 ppm sulfur content versus 2,500 ppm. However, when refinery owners and operators have desulfurization capabilities, the incremental cost of producing 15 ppm sulfur versus 2,500 ppm home heating oil will be less than 5¢ per gallon. Note that these are costs to the producers; prices to the ultimate consumer will be influenced by factors in addition to the cost of reducing the sulfur content in the fuel oil.

Furnace and boiler maintenance costs for consumers would be lower due to less fouling of their combustion units. According to NORA, although low-sulfur content commercial fuel oil may cost a few cents per gallon more, savings on maintenance costs would help defray that impact. Decreased fouling improves efficiency of the combustion unit, which results in lower fuel usage.

Compliance assistance plan

The Department plans to educate and assist the public and regulated community in understanding the newly amended requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork requirements

The proposed rulemaking requires that, beginning with the refinery owner or operator who sells or transfers

commercial fuel oil and ending with the ultimate consumer, each time the physical custody of or title to a shipment of commercial fuel oil changes hands the transferor would be required to provide the transferee with an electronic or paper record of the transaction. Each affected person would be required to keep the records in electronic or paper format for 2 years, except those ultimate consumers located at a private residence. Recordkeeping or reporting would not be required of ultimate consumers at private residences or apartment complexes and condominiums; they only need to buy and use compliant commercial fuel oil. The Department conferred with industry on normal industry practices and took those practices into account in crafting the paperwork requirements.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking prevents emissions of SO₂ and NO_x air pollutants by requiring a lower amount of sulfur in commercial fuel oil used in this Commonwealth, thereby reducing regional haze and ambient levels of PM_{2.5} in this Commonwealth and throughout the northeast. The proposed rulemaking does not require add-on controls, although existing provisions allow the use of noncompliant fuel if the emissions are equivalent to those obtained with compliant commercial fuel oil.

H. Sunset Review

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 13, 2010, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality

Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before November 29, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board on or before November 29, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board on or before November 29, 2010. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. Public Hearings

The Board will hold public hearings in Harrisburg, Cranberry Township and Norristown for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 7 p.m. as follows:

October 26, 2010 Department of Environmental Protection
Rachel Carson State Office Building
Conference Room 105
400 Market Street
Harrisburg, PA 17101

October 27, 2010

Cranberry Township
Municipal Building
2525 Rochester Road
Cranberry Township, PA
16066-6499

October 28, 2010

Department of Environmental Protection
Southeast Regional Office
Delaware Conference Room
2 East Main Street
Norristown, PA 19401

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JOHN HANGER,
Chairperson

Fiscal Note: 7-462. (1) General Fund;

| | <i>State Correctional Institutions (SCI)</i> | <i>Mental Health (MH)</i> | <i>Youth Development Centers (YDC)</i> | <i>Mental Retardation (MR)</i> | <i>Parks</i> | <i>Forestry</i> |
|------------------------------------|--|-----------------------------------|--|--|--------------|-----------------|
| (2) Implementing Year 2010-11 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| (3) 1st Succeeding Year 2011-12 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| 2nd Succeeding Year 2012-13 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| 3rd Succeeding Year 2013-14 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| 4th Succeeding Year 2014-15 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| 5th Succeeding Year 2015-16 is | \$60,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 | \$4,000 |
| <i>(Amounts in Thousands)</i> | <i>SCI</i> | <i>MH</i> | <i>YDC</i> | <i>MR</i> | <i>Parks</i> | <i>Forestry</i> |
| (4) Program Year 2009-10 | \$1,290,126 | \$680,097 | \$66,573 | \$86,611 | \$49,874 | \$16,445 |
| Program Year 2008-09 | \$1,311,949 | \$707,890 | \$73,204 | \$83,632 | \$59,638 | \$16,907 |
| Program Year 2007-08 | \$1,313,674 | \$709,168 | \$69,797 | \$103,424 | \$62,268 | \$16,441 |

(1) Motor License Fund;

| | <i>Highway Maintenance</i> | <i>Highway Safety</i> | <i>Safety Administration and Licenses</i> | <i>General Government Operations</i> | <i>Aviation</i> |
|------------------------------------|--------------------------------|---------------------------|---|--|-----------------|
| (2) Implementing Year 2010-11 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |
| (3) 1st Succeeding Year 2011-12 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |
| 2nd Succeeding Year 2012-13 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |
| 3rd Succeeding Year 2013-14 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |
| 4th Succeeding Year 2014-15 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |
| 5th Succeeding Year 2015-16 is | \$64,000 | \$64,000 | \$64,000 | \$64,000 | \$64,000 |

| (Amounts in Thousands) | Highway Maintenance | Highway Safety | Safety Administration and Licenses | General Government Operations | Aviation |
|--------------------------|---------------------|----------------|------------------------------------|-------------------------------|----------|
| (4) Program Year 2009-10 | \$754,154 | \$92,225 | \$112,747 | \$47,739 | \$4,116 |
| Program Year 2008-09 | \$826,227 | \$108,251 | \$117,842 | \$49,254 | \$4,689 |
| Program Year 2007-08 | \$789,238 | \$140,000 | \$132,828 | \$50,668 | \$4,239 |

(8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

ASTM—ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA, or on the World Wide Web at www.astm.org.

* * * * *

Carrier—A distributor who does not take title to or otherwise have ownership of the **commercial fuel oil or gasoline**, and does not alter either the quality or quantity of the **commercial fuel oil or gasoline**.

* * * * *

Commercial fuel oil—[**Commercial fuel oil and mixtures**] A fuel oil specifically produced, manufactured for sale and intended for use in fuel oil-burning equipment. A mixture of commercial fuel [oils] oil with [other fuels] noncommercial fuel where greater than 50% of the heat content is derived from the commercial fuel oil **portion is considered a commercial fuel oil**.

* * * * *

Distributor—

(i) A person who transports, stores or causes the transportation or storage of **commercial fuel oil or gasoline** at any point between a refinery, [**an oxygenate**] a blending facility or terminal and a retail outlet [or] , wholesale purchaser-consumer’s facility or **ultimate consumer**.

(ii) The term includes a refinery, [**an oxygenate**] a blending facility or a terminal.

* * * * *

Noncommercial [fuels] fuel—A gaseous or liquid fuel generated as a byproduct or waste product which is not specifically produced and manufactured for sale. A mixture of a noncommercial **fuel** and a commercial fuel oil

[**where**] **when** at least 50% of the heat content is derived from the noncommercial fuel portion is considered a noncommercial fuel.

* * * * *

Retail outlet—An establishment at which **commercial fuel oil or gasoline** is sold or offered for sale to the ultimate consumer for use in a **combustion unit or motor [vehicles] vehicle, respectively**.

* * * * *

Terminal—

(i) A facility which is capable of receiving **commercial fuel oil or gasoline** in bulk, that is, by pipeline, barge, ship or other transport, and at which **commercial fuel oil or gasoline** is sold or transferred into trucks for transportation to retail outlets [or] , wholesale purchaser-consumer’s facilities or **ultimate consumers**.

(ii) The term includes bulk gasoline terminals and bulk gasoline plants. [**The**]

(iii) **For purposes of Chapter 126, Subchapter A (relating to oxygenate content), the terminal does not have to be physically located in the control area.**

* * * * *

Transferee—

(i) A person who is the recipient of a sale or transfer.

(ii) **The term includes the following:**

(A) **Terminal owner or operator.**

(B) **Carrier.**

(C) **Distributor.**

(D) **Retail outlet owner or operator.**

(E) **Ultimate consumer.**

* * * * *

Transferor—

(i) A person who initiates a sale or transfer.

(ii) **The term includes the following:**

(A) **Refinery owner or operator.**

(B) **Terminal owner or operator.**

(C) **Carrier.**

(D) **Distributor.**

(E) Retail outlet owner or operator.

* * * * *

Ultimate consumer—With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

* * * * *

**CHAPTER 123. STANDARDS FOR CONTAMINANTS
SULFUR COMPOUND EMISSIONS**

§ 123.22. Combustion units.

(a) *Nonair basin areas.* Combustion units in nonair basin areas [shall] must conform with the following:

| <i>[Grades Commercial Fuel Oil</i> | | <i>% Sulfur</i> |
|---|----------------------------|---------------------------------------|
| No. 2 and Lighter (viscosity less than or equal to 5.820cSt) | | 0.5 |
| No. 4, No. 5, No. 6, and heavier (viscosity greater than 5.82cSt) | | 2.8] |
| | <i>Commercial Fuel Oil</i> | <i>Compliance Date</i> |
| | | <i>May 1, 2012</i> <i>May 1, 2012</i> |
| No. 2 and lighter (viscosity less than or equal to 5.820cSt) | 15 ppm | |
| No. 4 oil (viscosity greater than 5.820cSt) | | 0.25% sulfur |
| No. 5, No. 6 and heavier oil (viscosity greater than 5.820cSt) | | 0.5% sulfur |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date in subparagraph (i), which met the applicable maximum sulfur content at the time it was stored, may be used in this Commonwealth after the applicable compliance date in subparagraph (i).

(iii) The Department, with the written concurrence of the Administrator of the EPA, may temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil set forth in the table in subparagraph (i) if both of the following occur:

(A) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in a nonair basin area.

(B) The Department receives a written request for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iv) The Department will limit a suspension or increase in the applicable limit granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available.

(v) The sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a

(1) *General provision.* [No] A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over [any] a 1-hour period, except as provided [for] in paragraph (4).

(2) *Commercial fuel oil.* [No]

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in nonair basin areas [which] on or after the applicable compliance date listed in this subparagraph, if the commercial fuel oil contains sulfur in excess of the applicable limit or percentage by weight set forth in the following table:

temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

(3) *Equivalency provision.* Paragraph (2) [may] does not apply to [those persons] a person who uses equipment or a process, or [installations] to the owner or operator of an installation where equipment or [processes are] a process is used, to reduce the sulfur emissions from the burning of [fuels] a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of [the fuels] commercial fuel oil that meets the applicable limit or percentage by weight specified in paragraph (2).

* * * * *

(b) *Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre air basins.* Combustion units in these subject air basins [shall] must conform with the following:

(1) *General provision.* [No] A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided [for] in paragraph (4).

(2) *Commercial fuel oil.* [No]

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins [which contain] on or after the applicable compliance date listed in this subparagraph, if the commercial fuel oil contains sulfur in excess of the applicable limit or percentage by weight set forth in the following table:

| | | <i>Effective August 1, 1979</i> |
|---|--------------------|---------------------------------|
| <i>[Grades Commercial Fuel Oil</i> | | <i>% Sulfur</i> |
| No. 2 and Lighter (viscosity less than or equal to 5.820cSt) | | 0.3 |
| No. 4, No. 5, No. 6, and heavier (viscosity greater than 5.82cSt) | | 2.8] |
| | | <i>Compliance Date</i> |
| <i>Commercial Fuel Oil</i> | | |
| | <i>May 1, 2012</i> | <i>May 1, 2012</i> |
| No. 2 and lighter (viscosity less than or equal to 5.820cSt) | 15 ppm | |
| No. 4 oil (viscosity greater than 5.820cSt) | | 0.25% sulfur |
| No. 5, No. 6 and heavier oil (viscosity greater than 5.820cSt) | | 0.5% sulfur |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date in subparagraph (i), which met the applicable maximum sulfur content at the time it was stored, may be used in this Commonwealth after the applicable compliance date in subparagraph (i).

(iii) The Department, with the written concurrence of the Administrator of the EPA, may temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil set forth in the table in subparagraph (i) if both of the following occur:

(A) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the subject air basins.

(B) The Department receives a written request for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iv) The Department will limit a suspension or increase in the applicable limit granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available.

(v) The sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

(3) *Equivalency provision.* Paragraph (2) does not apply to [those persons] a person who uses equipment or a process, or [installations] to the owner or operator of an installation where equipment or [processes are] a process is used, to reduce the sulfur emissions from the burning of [fuels] a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of [the fuels] commercial fuel oil that meets the applicable limit or percentage by weight specified in paragraph (2).

* * * * *

(c) *Allentown, Bethlehem, Easton, Reading, Upper Beaver Valley and Johnstown air basins.* Combustion units in these subject air basins [shall] must conform with the following:

(1) *General provision.* [No] A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from [any] a combustion unit [, at any time,] in excess of the rate of 3 pounds per million Btu of heat input over [any] a 1-hour period, except as provided [for] in paragraph (4).

(2) *Commercial fuel oil.* [No]

(i) Except as specified in subparagraphs (ii) and (iii), a person may [, at any time,] not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins on or after the [effective dates] applicable compliance date listed in this [paragraph which] subparagraph, if the commercial fuel oil contains sulfur in excess of the applicable limit or percentage by weight set forth in the following table:

| | | <i>Effective August 1, 1979</i> |
|--|--------------------|---------------------------------|
| <i>[Grades Commercial Fuel Oil</i> | | <i>% Sulfur</i> |
| No. 2 and Lighter (viscosity less than or equal to 5.82cSt) | | 0.3 |
| No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt) | | 2.0] |
| | | <i>Compliance Date</i> |
| <i>Commercial Fuel Oil</i> | | |
| | <i>May 1, 2012</i> | <i>May 1, 2012</i> |
| No. 2 and lighter (viscosity less than or equal to 5.820cSt) | 15 ppm | |
| No. 4 oil (viscosity greater than 5.820cSt) | | 0.25% sulfur |
| No. 5, No. 6 and heavier oil (viscosity greater than 5.820cSt) | | 0.5% sulfur |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date in subparagraph (i), which met the applicable maximum sulfur content at the time it was stored, may be used in this Commonwealth after the applicable compliance date in subparagraph (i).

(iii) The Department, with the written concurrence of the Administrator of the EPA, may temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil set forth in the table in subparagraph (i) if both of the following occur:

(A) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the subject air basins.

(B) The Department receives a written request for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iv) The Department will limit a suspension or increase in the applicable limit granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available.

(v) The sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

(3) *Equivalency provision.* Paragraph (2) does not apply to [those persons] a person who uses equipment or a process, or [installations] to the owner or operator of an installation where equipment or [processes are] a process is used, to reduce the sulfur emissions

from the burning of [fuels] a fuel with a higher sulfur content than that specified in paragraph (2) [; however, the]. The emissions may not exceed those which would result from the use of [the fuels] commercial fuel oil that meets the applicable limit or percentage by weight specified in paragraph (2).

* * * * *

(d) *Allegheny County, Lower Beaver Valley[,] and Monongahela Valley air basins.* [No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from any combustion unit in excess of any of] Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of one or more of the following:

(i) The rate of [one] 1 pound per million Btu of heat input, when the heat input to the combustion unit in millions of Btus per hour is greater than 2.5 but less than 50.

[(2)] (ii) The rate determined by the following formula: $A = 1.7E^{-0.14}$, where: A = Allowable emissions in pounds per million Btu of heat input, and E = Heat input to the combustion unit in millions of Btus per hours when E is equal to or greater than 50 but less than 2,000.

[(3)] (iii) The rate of 0.6 pounds per million Btu of heat input when the heat input to the combustion unit in millions of Btus per hour is equal to or greater than 2,000.

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins on or after the applicable compliance date listed in this subparagraph, if the commercial fuel oil contains sulfur in excess of the applicable limit or percentage by weight set forth in the following table:

| <i>Commercial Fuel Oil</i> | <i>Compliance Date</i> | |
|--|------------------------|--------------------|
| | <i>May 1, 2012</i> | <i>May 1, 2012</i> |
| No. 2 and lighter (viscosity less than or equal to 5.820cSt) | 15 ppm | |
| No. 4 oil (viscosity greater than 5.820cSt) | | 0.25% sulfur |
| No. 5, No. 6 and heavier oil (viscosity greater than 5.820cSt) | | 0.5% sulfur |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date in subparagraph (i), which met the applicable maximum sulfur content at the time it was stored, may be used in this Commonwealth after the applicable compliance date in subparagraph (i).

(iii) The Department, with the written concurrence of the Administrator of the EPA, may temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil set forth in the table in subparagraph (i) if both of the following occur:

(A) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the subject air basins.

(B) The Department receives a written request for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iv) The Department will limit a suspension or increase in the applicable limit granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available.

(v) The sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

(3) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable limit or percentage by weight specified in paragraph (2).

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin [shall] must conform with the following:

(1) *General provision.* [No] A person may not permit the emission into the outdoor atmosphere of sulfur oxides,

expressed as SO₂, from [any] a combustion unit except as provided [for] in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

| <i>Rated Capacity of Units in 10⁶ Btus per hour</i> | <i>Inner Zone</i> | <i>Outer Zone</i> |
|--|-------------------|-------------------|
| less than 250 | 1.0 | 1.2 |
| greater than or equal to 250 | 0.6 | 1.2 |

(2) *Commercial fuel oil.* [No]

(i) Except as specified in subparagraphs (ii) and (iii), a person may [, at any time,] not offer for sale, deliver [or] for use, exchange in trade or permit the use of commercial fuel oil [for use] in a combustion [units] unit in the Southeast Pennsylvania air basin [which] on or after the applicable compliance date listed in this subparagraph, if the commercial fuel oil contains sulfur in excess of the applicable [percentages] limit or percentage by weight set forth in the following table:

| <i>[Grades of Commercial Fuel Oil</i> | <i>Inner Zone</i> | <i>Outer Zone</i> |
|--|--------------------|--------------------|
| No. 2 and lighter (viscosity less than or equal to 5.82cSt) | 0.2% | 0.3% |
| No. 4, No. 5, No. 6 and Heavier (viscosity greater than 5.82cSt) | 0.5% | 1.0%] |
| <i>Commercial Fuel Oil</i> | | |
| | <i>May 1, 2012</i> | <i>May 1, 2012</i> |
| No. 2 and lighter (viscosity less than or equal to 5.820cSt) | 15 ppm | |
| No. 4 oil (viscosity greater than 5.820cSt) | | 0.25% sulfur |
| No. 5, No. 6 and heavier oil (viscosity greater than 5.820cSt) | | 0.5% sulfur |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to the applicable compliance date in subparagraph (i), which met the applicable maximum sulfur content at the time it was stored, may be used in this Commonwealth after the applicable compliance date in subparagraph (i).

(iii) The Department, with the written concurrence of the Administrator of the EPA, may temporarily suspend or increase the applicable limit or percentage by weight of sulfur content of a commercial fuel oil set forth in the table in subparagraph (i) if both of the following occur:

(A) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the subject air basin.

(B) The Department receives a written request for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(iv) The Department will limit a suspension or increase in the applicable limit granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available.

(v) The sulfur content limit for No. 2 and lighter commercial fuel oil may not exceed 500 ppm if a temporary increase in the applicable limit of sulfur content is granted under subparagraph (iii).

(3) *Noncommercial fuels.* [No] A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from [any] a combustion unit using a noncommercial fuel [at any time] , in excess of the rate of 0.6 pounds per million Btu of heat input in the inner zone or 1.2 pounds per million Btu of heat input in the outer zone.

(4) *Equivalency provision.* Paragraph (2) does not apply to [those persons] a person who uses equipment or a process, or [installations] to the owner or operator of an installation where equipment or [processes are] a process is used, to reduce the sulfur emissions from the burning of [fuels] a fuel with a higher sulfur content than that specified in paragraph (2)[; however, the]. The emissions may not exceed those which would result from the use of [the

fuels] commercial fuel oil that meets the applicable limit or percentage by weight specified in paragraph (2).

* * * * *

(f) Sampling and testing.

(1) For the purpose of determining compliance with the requirements of this section, the sulfur content of commercial fuel oil shall be determined by one of the following:

(i) In accordance with the sample collection, test methods and procedures specified under § 139.16 (relating to sulfur in fuel oil).

(ii) Other methods developed or approved by the Department, the Administrator of the United States Environmental Protection Agency, or both.

(2) A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth on or after the applicable compliance date in subsections (a)(2), (b)(2), (c)(2), (d)(2) and (e)(2), is required to sample, test and calculate the sulfur content of each batch of the commercial fuel oil as specified in paragraph (1).

(3) A terminal owner or operator shall develop and implement written procedures, including procedures for commercial fuel oil sampling and testing as specified in paragraph (1). These procedures shall be made available to the Department upon request.

(g) Recordkeeping and reporting.

(1) Beginning with the refinery owner or operator who sells or transfers commercial fuel oil in this Commonwealth and ending with the ultimate consumer, on or after the applicable compliance date specified in subsections (a)(2), (b)(2), (c)(2), (d)(2) and (e)(2), each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

- (i) The date of the sale or transfer.
- (ii) The name and address of the transferor.
- (iii) The name and address of the transferee.
- (iv) The volume of commercial fuel oil being sold or transferred.
- (v) The sulfur content of the commercial fuel oil by limit or weight percent on a per-gallon basis determined using the sampling and testing methods specified in subsection (f).
- (vi) The location of the commercial fuel oil at the time of transfer.

(2) The refinery owner or operator shall do both of the following:

- (i) Maintain in electronic or paper format, the records developed under subsection (f)(2) to determine the sulfur content of each batch of the commercial fuel oil.
- (ii) Provide electronic or written copies of the records developed under subsection (f)(2) of the sulfur content of each batch of the commercial fuel oil to the Department upon request.

(3) The terminal owner or operator shall do both of the following:

(i) Maintain in electronic or paper format, the records developed under subsection (f)(3) to determine the sulfur content of the commercial fuel oil.

(ii) Provide electronic or written copies of the records of the sulfur content of the commercial fuel oil to the Department upon request.

(4) A person subject to this section shall do both of the following:

(i) Maintain the applicable records required under paragraphs (1)—(3) in electronic or paper format for 2 years.

(ii) Provide an electronic or written copy of the applicable record to the Department upon request.

(5) The ultimate consumer shall maintain in electronic or paper format the record containing the information listed in paragraph (1), except in either of the following situations:

(i) The transfer or use of the commercial fuel oil occurs at a private residence.

(ii) The ultimate consumer is an owner of an apartment or condominium building housing private residents and the transfer or use of the commercial fuel oil occurs for use at the building.

CHAPTER 139. SAMPLING AND TESTING
Subchapter A. SAMPLING AND TESTING
METHODS AND PROCEDURES

GENERAL

§ 139.4. References.

The references referred to in this chapter are as follows:

* * * * *

(10) [*Standard Method of Sampling Petroleum and Petroleum Products*, American Society for Testing Materials, D 270-80, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 4057, *Practice for Manual Sampling of Petroleum and Petroleum Products*, including updates and revisions.

(11) [*Standard Method of Test for Kinematic Viscosity of Transparent and Opaque Liquids (and the calculation of Dynamic Viscosity)*, American Society for Testing Materials, D 445-79, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 445, *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)*, including updates and revisions.

(12) [*Standard Method of Test for Sulfur in Petroleum Products (Lamp Method)*, American Society for Testing Materials, D 1266-80, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 1266, *Test Methods for Sulfur in Petroleum Products: Lamp Method*, including updates and revisions.

(13) [*Standard Method of Test for Sulfur in Petroleum Products by the Bomb Method*, American Society for Testing Materials, D 129-78, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 129, *Test Methods for Sulfur in Petroleum Products: General Bomb Method*, including updates and revisions.

(14) [*Standard Method of Test for Sulfur in Petroleum Products (High Temperature Method)*, Ameri-

can Society for Testing Materials, D 1552-79, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 1552, *Test Methods for Sulfur in Petroleum Products: High-Temperature Method*, including updates and revisions.

(15) [*Standard Method of Test for Sulfur in Petroleum Products (X-Ray Spectrographic Method)*, American Society for Testing Materials, D 2622-77, 1916 Race Street, Philadelphia, Pennsylvania 19103] ASTM D 2622, *Test Methods for Sulfur in Petroleum Products by X-Ray Spectrometry*, including updates and revisions.

* * * * *

(20) ASTM D 4294, *Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry*, including updates and revisions.

(21) ASTM D 4177, *Practice for Automatic Sampling of Petroleum and Petroleum Products*, including updates and revisions.

STATIONARY SOURCES

§ 139.16. Sulfur in fuel oil.

The following [**are applicable**] apply to tests for the analysis of commercial fuel oil:

(1) The fuel oil sample for chemical analysis shall be collected in a manner that provides a representative sample. Upon the request of a Department official, the person responsible for the operation of the source shall collect the sample employing the procedures and equipment specified in § 139.4(10) **or** (21) (relating to references).

* * * * *

(3) Tests methods and procedures for the determination of sulfur shall be those specified in § 139.4(12)—(15) **and** (20).

* * * * *

[Pa.B. Doc. No. 10-1834. Filed for public inspection September 24, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a AND 503a]

Gaming Junket Amendments

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1601—1611 (relating to junkets), proposes to amend Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking amends and updates these chapters to improve clarity, eliminate or reduce the registration or application requirements for some entities and individuals and to bring the Board’s regulations into conformity with revisions to 4 Pa.C.S. Part II (relating to

Pennsylvania Race Horse Development and Gaming Act) (act) enacted by act of January 7, 2010 (P. L. 1, No. 1) (Act 1).

Explanation of Amendments to Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a

Throughout these chapters, the word “gaming” was added before “junket,” “junket enterprise” and “junket representative” to conform to amendments to the act enacted by Act 1.

In § 439a.1 (relating to definitions) the definitions of “junket,” “junket enterprise” and “junket representative” have been amended to mirror the definitions in Act 1.

Section 439a.2(a) (relating to gaming junket enterprise general requirements; participation in a gaming junket) has amended the name of the application form the gaming junket enterprise must complete to apply for a license. Additionally, applications for a gaming junket enterprise license shall now be submitted by the gaming junket enterprise, not by the slot machine licensee.

Subsection (b) was amended to clarify existing language.

Subsections (d) and (e) have been amended to change “person” to “individual.” “Person” is a statutorily defined term that includes both individuals and entities. Subsections (d) and (e), however, don’t apply to entities; they only apply to individuals.

Section 439a.3(a) (relating to gaming junket enterprise license applications) was amended to include the number of copies an applicant for a gaming junket enterprise license shall file. Language requiring verification has been deleted from (a) because that verification shall be provided by the slot machine licensee, not by the gaming junket enterprise. The verification requirement was moved to subsection (d).

Subsection (b)(2) previously required that application forms be completed for affiliates, intermediaries, subsidiaries and holding companies of the junket enterprise. Affiliates and subsidiaries are no longer required to complete applications. This reflects the policy decision of the Board that the licensing of affiliates, intermediaries, subsidiaries and holding companies of the gaming junket enterprise is overly burdensome and not necessary to protect the integrity of gaming. A limited number of intermediaries and holding companies are now required to complete applications in accordance with revised § 439a.4a (relating to individual and entity applications). The requirement that applicants promptly provide information to the Board is existing language moved from subsection(c)(1).

Subsection (b)(3) previously required that each natural person who was a principal or key employee complete a registration. Key employees are no longer required to complete applications or registrations. The requirements for principal applications was moved to revised § 439a.4a. The language requiring compliance with general application requirements is existing language moved from subsection (c)(2).

Subsection (d) has been renumbered as subsection (c).

Subsection (d) was added and requires the slot machine licensee to submit a verification and due diligence form prior to engaging the services of a gaming junket enterprise. This verification requirement was taken, in part, from subsection (a).

Section 439a.4 has been rescinded and its provisions moved to § 439a.6a (relating to gaming junket enterprise license and occupation permit term and renewal).

Proposed § 439a.4a was drafted to more closely parallel the gaming service provider requirements in Chapter 437a (relating to vendor certification and registration) and to account for the occupation permit requirements enacted by Act 1.

Subsection (a) establishes that officers and directors as well as individuals with a 10% interest in the gaming junket enterprise must complete a Pennsylvania Personal History Disclosure Information Form—Gaming Junket Enterprise and be found qualified by the Board. This is similar to the application requirement for officers, directors and owners of a gaming service provider that provides services to the licensed facility. Previously, key employees, officers, directors, persons who directly held a beneficial interest or ownership interest and persons who held a controlling interest in a gaming junket were required to complete a Junket Enterprise Representative Registration Form. Key employees of the gaming junket enterprise are no longer required to complete an application or registration.

Subsection (b) requires that only those entities that have a direct interest of 20% or more must complete a Gaming Junket Enterprise Form—Private Holding Company and be found qualified by the Board. This amendment will require far fewer applications from the gaming junket enterprise in that the former § 439a.3 required that a principal entity, as well as an affiliate, intermediary, subsidiary and holding company, complete an application. Affiliates and subsidiaries are therefore no longer required, nor are many intermediaries or holding companies unless their interest is greater than 20%.

Subsection (c) requires that gaming junket representatives have an occupation permit instead of registering as a junket representative. This amendment was statutorily required under Act 1. Gaming junket representatives will now complete occupation permit applications utilizing the agency's SLOTS Link electronic application system instead of submitting paper forms.

Subsection (d) retains the Board's authority to require additional applications from the intermediaries, holding companies, subsidiaries, affiliates, individuals or trusts if the Board determines that the application is necessary to protect the public interest or enhance the integrity of gaming.

Subsection (e) requires individuals who are required to be found qualified or obtain an occupation permit to submit fingerprints, which will be used for their background investigation and subsection (f) notifies these individuals that they will be liable for investigation costs in excess of their application fees.

Section 439a.5 (relating to gaming junket representative general requirements) has been amended to improve its clarity and to accommodate the fact that Act 1 now requires that gaming junket representatives obtain an occupation permit. See 4 Pa.C.S. § 1318 (relating to occupation permit application) and §§ 435a.1 and 435a.3 (relating to general provisions; and occupation permit).

Section 439a.6 has been rescinded because gaming junket representatives are now required under Act 1 to obtain an occupation permit.

Proposed § 439a.6a contains the term and renewal process for gaming junket enterprise licenses and gaming junket representative occupation permits. With the pas-

sage of Act 1, occupation permits and gaming junket enterprise licenses, which were originally valid for only 1 year, are now valid for 3 years; subsection (a) reflects this change.

Subsections (b) and (c) were moved from § 439a.4 with no substantive changes. Subsection (d), regarding the nontransferability of the license, was added in compliance with 4 Pa.C.S. §§ 1602(f) and 1604(d) (relating to gaming junket enterprise license; and gaming junket representatives).

Minor clarity changes were made to §§ 439a.7, 439a.8, 439a.9, 439a.10 and 439a.11.

Section 439a.12(a) (relating to gaming junket enterprise and representative prohibitions) was added to comply with § 435a.1(h), which prohibits the holder of a permit from wagering at a licensed facility in this Commonwealth. The remaining language in this subsection has been revised slightly to conform to the language in 4 Pa.C.S. § 1611 (relating to prohibitions).

Affected Parties

This proposed rulemaking will affect officers, directors, representatives as well as the individuals and entities that own the gaming junket enterprise. It will provide greater clarity regarding who must be qualified and found suitable to hold a permit and eliminates the need for key employees, affiliates and subsidiaries of the gaming junket enterprise to complete applications or registrations.

Fiscal Impact

Commonwealth

There will not be a significant increase or decrease in the regulatory cost for the Board or other State agencies as a result of this rulemaking. This is because the Board recovers the costs associated with licensing and permitting activities from the applicants for licenses and permits.

Political subdivisions

This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector

Overall, this proposed rulemaking will result in a decrease in the number of applications from the affected groups listed in this preamble. The costs associated with the application have also been reduced. Previously, officers, directors, owners, key employees and representatives were required to be registered at a cost of \$1,000. Officers, directors and owners with a greater than 10% interest are now required to be qualified with the gaming junket enterprise at a lower cost per application. Additionally, gaming junket representatives who obtain a permit now pay only \$350 instead of the \$1,000 required previously.

General public

This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will increase the number of applications that are filed for officers, owners and directors but will eliminate applications or registrations for affiliates, subsidiaries and key employees. Only one original and one paper copy will now be required for individuals and entities that are required to be qualified. Additionally, individuals filing for a gaming junket entity representative occupation permit will not have to submit

a paper application because the application process can be done electronically on the Board's SLOTS Link system.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention; Public Comment on Gaming Junkets, Regulation #125-129.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 19, 2010, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and on the Board's web site at www.pgcb.state.pa.us.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-129. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Vendor—

(i) A person [**who**] **that** provides goods or services to a slot machine licensee or applicant, but [**who**] **that** is not required to be licensed as a manufacturer, manufacturer designee, supplier, management company or **gaming junket enterprise**.

* * * * *

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 421a. GENERAL PROVISIONS

§ 421a.6. Advertising.

(a) Slot machine, **gaming junket enterprise** and manufacturer licensees will be required to discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice from the Board that the Board has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(b) For purposes of this section, the term "advertisement" means marketing materials including signs, billboards, print, radio and television advertisements, emails and any notice or communication by a slot machine, **gaming junket enterprise** or manufacturer licensee or its agent to the public through broadcasting, publication, mailing or other means of dissemination.

(c) Advertisements used by slot machine, **gaming junket enterprise** or manufacturer licensees may not:

* * * * *

(e) A slot machine, **gaming junket enterprise** or manufacturer licensee or an agent thereof may not employ or contract with an individual to persuade or convince a person to engage in gaming or play a specific slot machine at a licensed facility.

CHAPTER 439a. GAMING JUNKET ENTERPRISES

§ 439a.1. Definitions.

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

[**Junket**] **Gaming junket**—[**An arrangement made between a slot machine licensee and a junket enterprise or a junket representative, the purpose of which is to induce a person, selected or approved, to come to a licensed facility for the purpose of gambling and pursuant to which, and as consideration for which, some or all of the cost of transportation, food, lodging and entertainment for that person is directly or indirectly paid by a slot machine licensee.] A gaming arrangement made by a gaming junket enterprise or a gaming junket representative for an individual who:**

(i) **Is selected or approved for participation in the arrangement based on the individual's ability to satisfy specific financial qualifications and the likelihood that the individual will participate in playing slot machines or table games and patronize a licensed facility for the purpose of gaming.**

(ii) **Receives complimentary services or gifts from a slot machine licensee for participation in the arrangement including the costs of transportation, food, lodging or entertainment.**

[**Junket**] **Gaming junket enterprise**—A person, other than a slot machine licensee, [**who**] **that** employs or otherwise engages the services of a **gaming junket representative [in connection with a junket to a licensed facility] to arrange gaming junkets to a licensed facility**, regardless of whether [**or not**] the activities **of the person or the gaming junket representative** occur within this Commonwealth.

[Junket] Gaming junket representative—

[(i) A natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in a junket to a licensed facility, regardless of whether or not those activities occur within this Commonwealth.

(ii) A gaming employee of a slot machine licensee who performs the duties and functions listed in subparagraph (i) for the licensed facility is not a junket representative] An individual, other than an employee of a slot machine licensee, who arranges and negotiates the terms of a gaming junket or selects individuals to participate in a gaming junket to a licensed facility, regardless of whether the activities of the individual occur within this Commonwealth.

§ 439a.2. [Junket] Gaming junket enterprise general requirements; participation in a gaming junket.

(a) [A slot machine licensee seeking to conduct business with a junket enterprise or a junket enterprise seeking to conduct business with a slot machine licensee shall file a Junket Enterprise License Form with the Board] A gaming junket enterprise seeking to conduct business with a slot machine licensee shall file a Gaming Junket Enterprise License Application and Disclosure Information Form with the Board.

(b) [A junket enterprise shall be licensed as a junket enterprise prior to a slot machine licensee permitting a junket involving that junket enterprise to arrive at its licensed facility. A junket enterprise shall be considered "involved" in a junket to a licensed facility if it receives any compensation whatsoever from any person as a result of the conduct of the junket] Prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket, the gaming junket enterprise shall be licensed by the Board. A slot machine licensee may not engage the services of any gaming junket enterprise [which] that has not been licensed.

(c) A gaming junket enterprise may not employ or otherwise engage the services of a gaming junket representative except in accordance with § 439a.5 (relating to gaming junket representative general requirements).

(d) [A person] An individual may be selected or approved to participate in a gaming junket on the basis of one or more of the following:

(1) The ability to satisfy a financial qualification [obligation] related to the [person's] individual's ability or willingness to gamble, which shall be deemed to occur whenever [a person] an individual, as an element of the arrangement, is required to perform one or more of the following:

* * * * *

(2) The individual's propensity to gamble, which shall be deemed to occur [whenever a person] when an individual has been selected or approved on the basis of one or more of the following:

(i) The previous satisfaction of a financial qualification [obligation] in accordance with [the provisions of] paragraph (1).

(ii) An evaluation that the [person] individual has a tendency to participate in gambling activities as the result of:

(A) An inquiry concerning the [person's] individual's tendency to gamble.

(B) Use of other means of determining that the [person] individual has a tendency to participate in gambling activities.

(e) A rebuttable presumption that [a person] an individual has been selected or approved for participation in [an arrangement] a gaming junket based on [a basis related to] the [person's] individual's propensity to gamble shall be created [whenever] when the [person] individual is provided, as part of the arrangement, [with] one or more of the following:

* * * * *

§ 439a.3. [Junket] Gaming junket enterprise license applications.

(a) [A Junket Enterprise License Form shall be submitted by a slot machine licensee or junket enterprise applicant with a verification provided by the slot machine licensee that the junket enterprise's services will be utilized at the licensed facility] An applicant for a gaming junket enterprise license shall submit to the Bureau of Licensing an original, one paper copy and one compact disc containing the Gaming Junket Enterprise License Application and Disclosure Information Form and additional applications as required under § 439a.4a (relating to individual and entity applications).

(b) In addition to the [Junket Enterprise License Form] materials required under subsection (a), an applicant for a gaming junket enterprise license, shall [submit]:

(1) [The] Submit the nonrefundable application fee posted on the Board's web site (pgcb.state.pa.us).

(2) [A Junket Enterprise License Form for any principal that is an entity, and for each affiliate, intermediary, subsidiary and holding company of the applicant] Promptly provide information requested by the Board and cooperate with the Board in investigations, hearings, enforcement and disciplinary actions.

(3) [A Junket Enterprise Representative Registration for each principal who is a natural person and for each key employee.

(c) In addition to the materials required under subsections (a) and (b), an applicant for a junket enterprise license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2)] Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

[(d)] (c) An applicant for a gaming junket enterprise license will be required to reimburse the Board for any

additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) Prior to engaging the services of a gaming junket enterprise, the slot machine licensee shall submit to the Bureau of Licensing, a Verification and Due Diligence Form certifying that the slot machine licensee has entered into an agreement or contract with, and has investigated the background and qualifications of the gaming junket enterprise.

§ 439a.4. [Junket enterprise license term and renewal] (Reserved).

[(a) A junket enterprise license issued under this chapter will be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a junket enterprise license.

(c) A junket enterprise license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the junket enterprise license that the Board has approved or denied the junket enterprise license.]

§ 439a.4a. Individual and entity applications.

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Information Form—Gaming Junket Enterprise and be found qualified by the Board:

(1) Each officer and director of a gaming junket enterprise applicant or licensee. The term “officer” means a president, chief executive officer, chief financial officer, chief operating officer and any individual routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the gaming junket enterprise. An applicant for a gaming junket enterprise license shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(b) Each entity or trust that directly owns 20% or more of the voting securities of a gaming junket enterprise applicant or licensee shall be required to submit a Gaming Junket Enterprise Form—Private Holding Company and be found qualified by the Board.

(c) A gaming junket representative is required to submit an electronic application, using the SLOTS Link system, and be found suitable to hold an occupation permit. An individual who wishes to receive an occupation permit under this chapter may provide the gaming junket enterprise with written authorization to file an application on the individual's behalf. When an application for an occupation permit is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board within 10 days of the submission of the SLOTS Link application by an applicant for or a holder of a gaming junket enterprise license.

(d) The following persons may be required to submit a Gaming Junket Enterprise Form—Private

Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a gaming junket enterprise applicant or licensee not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a gaming junket enterprise applicant or licensee.

(3) An employee of a gaming junket enterprise applicant or licensee who is not otherwise required to be qualified or permitted.

(4) A person that holds any direct or indirect ownership or beneficial interest in a gaming junket enterprise applicant or licensee, or has the right to any profits or distributions, directly or indirectly, from the gaming junket enterprise applicant or licensee.

(5) A trustee of a trust that is required to be found qualified under this section.

(e) Individuals who are required to submit applications in accordance with subsections (a), (c) and (d) shall submit fingerprints to the Board in a manner prescribed by the Bureau of Investigations and Enforcement.

(f) An applicant for an occupation permit and individuals, entities or trusts that are required to be found qualified shall be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

§ 439a.5. [Junket] Gaming junket representative general requirements.

(a) [A person] An individual may not act as a gaming junket representative in connection with a gaming junket to a licensed facility unless the [person] individual has [been registered as a junket representative] obtained an occupation permit under § 435a.3 (relating to occupation permit) and is employed by a gaming junket enterprise that is licensed by the Board.

(b) A gaming junket representative may [only] be employed by only one gaming junket enterprise at a time. For the purposes of this section, to qualify as an employee of a gaming junket enterprise, a gaming junket representative shall:

(1) Receive all compensation for [his] services as a gaming junket representative within this Commonwealth through the payroll account of the gaming junket enterprise.

* * * * *

§ 439a.6. [Junket representative registration] (Reserved).

[(a) A natural person applying for a junket representative registration shall submit:

(1) A Junket Representative Registration Form.

(2) The nonrefundable application fee posted on the Board's website (pgcb.state.pa.us).

(b) In addition to the materials required under subsection (a), an applicant for a junket representative registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a junket representative registration if the individual has proven that he is a person of good character, honesty and integrity and is qualified to hold a junket representative registration.

(d) An individual who wishes to receive a junket representative registration under this chapter may provide the junket enterprise with written authorization to file an application on the individual's behalf.

(e) A junket representative registration issued under this section does not require renewal and is nontransferable.]

§ 439a.6a. Gaming junket enterprise license and occupation permit term and renewal.

(a) A gaming junket enterprise license and gaming junket representative occupation permit issued under this chapter will be valid for 3 years from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of the license or occupation permit.

(c) A license or occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the gaming junket enterprise license or occupation permit that the Board has approved or denied the license or occupation permit.

(d) The gaming junket enterprise license and the gaming junket representative occupation permit are nontransferable.

§ 439a.7. [Junket] Gaming junket schedules.

(a) A [junket schedule shall be prepared by a] slot machine licensee shall prepare a gaming junket schedule for each gaming junket that is arranged through a gaming junket enterprise or its gaming junket representative.

(b) A slot machine licensee shall file a gaming junket schedule [shall be filed] with the Bureau of Gaming Operations by [a slot machine licensee by] the 15th day of the month preceding the month in which the gaming junket is scheduled. If a gaming junket is arranged after the 15th day of the month preceding the arrival of the gaming junket, the slot machine licensee shall file an amended gaming junket schedule [shall be filed] with the Bureau of Gaming Operations by [the slot machine licensee by] the close of the next business day.

(c) [Junket schedules shall be certified by an] An employee of the slot machine licensee [and include] shall certify the gaming junket schedules which includes the following:

- (1) The origin of the gaming junket.
- (2) The number of participants in the gaming junket.
- (3) The arrival time and date of the gaming junket.
- (4) The departure time and date of the gaming junket.
- (5) The name and registration number of all gaming junket representatives and the name and license number of [all] the gaming junket enterprises involved in the gaming junket.

(d) Changes in the information which occur after the filing of a gaming junket schedule or amended gaming junket schedule [with the Bureau of Corporate Compliance and Internal Controls] shall be reported in writing to the Bureau of [Corporate Compliance and Internal Controls] Gaming Operations by the slot machine licensee by the close of the next business day. These changes, plus any other material change in the information provided in a gaming junket schedule, shall also be noted on the arrival report.

§ 439a.8. [Junket] Gaming junket arrival reports.

(a) A slot machine licensee shall prepare a gaming junket arrival report [shall be prepared by a slot machine licensee] for each gaming junket arranged through a gaming junket enterprise or its gaming junket representative with whom the slot machine licensee does business.

(b) [Junket] Gaming junket arrival reports must:

- (1) Include a gaming junket guest manifest listing the names and addresses of the gaming junket participants.
- (2) Include information required under § 439a.7 (relating to gaming junket schedules) that has not been previously provided to the Bureau of Gaming Operations in a gaming junket schedule pertaining to the particular gaming junket, or an amendment thereto.

* * * * *

(c) [Junket] A slot machine licensee shall prepare gaming junket arrival reports [shall be prepared by a slot machine licensee] in compliance with the following:

- (1) A gaming junket arrival report involving complimentary accommodations shall be prepared within 12 hours of the arrival of the gaming junket participant.
- (2) A gaming junket arrival report involving complimentary services that does not involve [complementary] complimentary accommodations shall be filed by 5 p.m. of the next business day following arrival. A gaming junket arrival which occurs after 12 a.m. but before the end of the gaming day shall be deemed to have occurred on the preceding calendar day.
- (3) [Junket] Gaming junket arrival reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board [for inspection during normal business hours] upon request.

§ 439a.9. [Junket] Gaming junket final reports.

(a) A slot machine licensee shall prepare a gaming junket final report [shall be prepared by a slot machine licensee] for each gaming junket for which the slot machine licensee was required to prepare either a gaming junket schedule or a gaming junket arrival report.

(b) A gaming junket final report must include the actual amount of complimentary services provided to each gaming junket participant.

(c) A gaming junket final report shall be:

(1) Prepared within 7 days of the completion of the gaming junket.

(2) Maintained on the premises of [its] the licensed facility for a minimum of 5 years and made available to the Board [for inspection during normal business hours] upon request.

§ 439a.10. Monthly gaming junket reports.

(a) Each slot machine licensee shall, on or before the 15th day of the month, prepare and file with the Bureau of Gaming Operations a monthly gaming junket report listing the name and [registration] gaming identification number of each [person] individual who performed the services of a gaming junket representative during the preceding month.

(b) Copies of the monthly gaming junket reports shall be maintained [by the slot machine licensee] on the premises of [its] the licensed facility for a minimum of 5 years and shall be made available to the Board [for inspection during normal business hours] upon request.

§ 439a.11. Purchase of patron lists.

(a) Each slot machine licensee, gaming junket representative and gaming junket enterprise shall prepare and maintain a report with respect to each list of names of gaming junket patrons or potential gaming junket patrons purchased from or for which compensation was provided to any source whatsoever.

(b) The report required [by] under subsection (a) must include:

* * * * *

(4) The zip codes of all participants or potential participants.

(c) The report required [by] under subsection (a) shall be filed with the Bureau of Gaming Operations, no later than 7 days after the receipt of the list by the purchaser.

§ 439a.12. [Junket] Gaming junket enterprise and representative prohibitions.

[A junket enterprise or junket representative may not:

(1) Engage in collection efforts.

(2) Individually receive or retain a fee from a patron for the privilege of participating in a junket.

(3) Pay for services, including transportation or other items of value, provided to or for the benefit of any patron participating in a junket, unless otherwise disclosed to and approved by the Board.

(4) Extend credit to or on behalf of a patron participating in a junket.]

(a) A gaming junket representative may not wager at any licensed facility in this Commonwealth.

(b) A gaming junket enterprise or gaming junket representative may not:

(1) Engage in efforts to collect on any check provided by a gaming junket participant that has been returned by a financial institution.

(2) Exercise approval authority over the authorization or issuance of credit under section 1327A of the act (relating to other financial transactions).

(3) Receive or retain a fee from an individual for the privilege of participating in a gaming junket.

(4) Pay for any service, including transportation, or other thing of value provided to a participant participating in a gaming junket except as authorized by this part.

CHAPTER 440a. MANAGEMENT COMPANIES

§ 440a.5. Management contracts.

* * * * *

(f) A management contract submitted for Board review and approval must enumerate with specificity the responsibilities of the slot machine applicant or licensee and management company under the terms and conditions of the management contract. At a minimum, the terms should address whether, and to what extent, the management company is involved in the following:

* * * * *

(12) Procurement of vendors and gaming junkets.

* * * * *

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 441a.20. Slot machine license agreements.

* * * * *

(e) The following are exempt from the requirements of this section:

* * * * *

(2) [Junket] Gaming junket agreements.

* * * * *

Subpart D. RECORDKEEPING

CHAPTER 451a. RECORDKEEPING REQUIREMENTS

§ 451a.1. Recordkeeping generally.

(a) All manufacturer, gaming junket enterprise, and management company licensees and all registered and certified vendors shall maintain adequate records of business operations which shall be made available to the Board upon request. These records include:

* * * * *

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.1. Accounting records.

* * * * *

(c) The detailed, supporting and subsidiary records include:

* * * * *

(2) Records pertaining to the financial statements and all transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, gaming junket enterprises, certified and registered vendors, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance companies, and financial institutions, including statements and reconciliations related thereto.

* * * * *

Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES

CHAPTER 481a. DIVERSITY

§ 481a.2. Definitions.

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

* * * * *

Regulated entity—An applicant for or holder of the following:

* * * * *

(v) [Junket] Gaming junket enterprise license.

* * * * *

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.5. Signage requirements.

* * * * *

(b) Each slot machine licensee and gaming junket [licensee] enterprise shall print a statement related to obtaining compulsive or problem gambling on all marketing or advertising materials that are offered to the general public by a slot machine licensee or gaming junket [licensee] enterprise, including signs, billboards, print, radio or television advertisements. The text and font size of the statement shall be submitted for approval to the Director of OCPG utilizing the process [contained] in § 501a.2(g).

CHAPTER 503a. SELF-EXCLUSION

§ 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures that are designed to:

* * * * *

(4) Deny check cashing privileges, player club membership, complimentary goods and services, gaming junket participation and other similar privileges and benefits to a self-excluded person.

(5) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).

* * * * *

[Pa.B. Doc. No. 10-1835. Filed for public inspection September 24, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

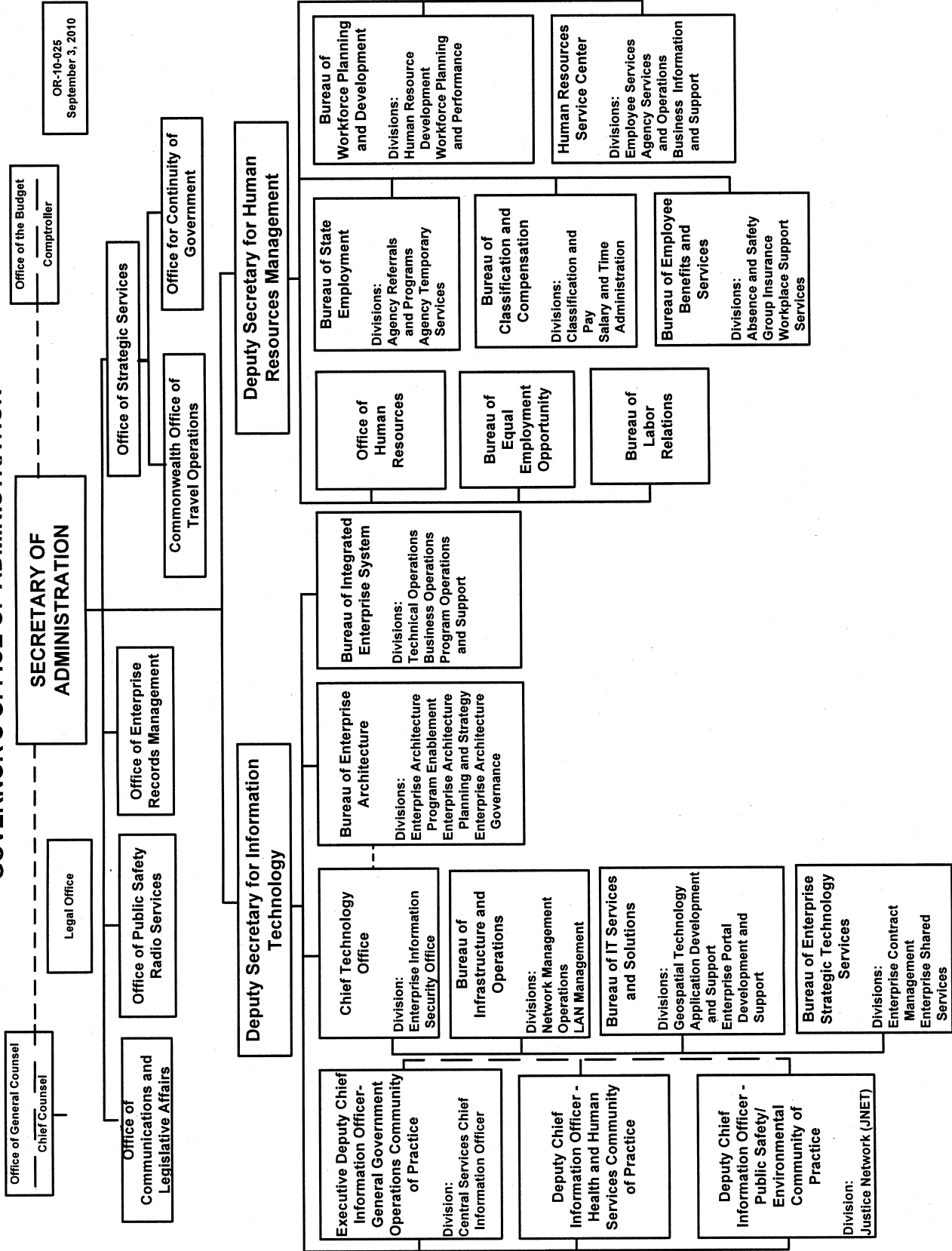
The Executive Board approved a reorganization of the Governor's Office of Administration effective September 3, 2010.

The organization chart at 40 Pa.B. 5477 (September 25, 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. 10-1836. Filed for public inspection September 24, 2010, 9:00 a.m.]

GOVERNOR'S OFFICE OF ADMINISTRATION



OR-10-025
September 3, 2010

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties; Massage Therapists

The Commissioner of Professional and Occupational Affairs (Commissioner) adds a statement of policy setting forth a schedule of civil penalties in § 43b.23 (relating to schedule of civil penalties—massage therapists—statement of policy) to read as set forth in Annex A.

Effective Date

The statement of policy will offer guidance on the civil penalties to be imposed against massage therapists and unlicensed individuals practicing massage therapy. It will be effective upon publication.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to adopt a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission regarding the conduct or operation of a business or facility licensed by the board or commission. Act 48 further provides that the Commissioner may publish the schedule of civil penalties as a statement of policy provided that it is promulgated as a regulation within 2 years.

Background and Purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with

approximately 30% of sanctions imposed by the boards and commissions being accomplished through the Act 48 citation process.

The State Board of Massage Therapy (Board) was first confirmed in July 2009 and began meeting to establish regulations that would enable licensure of massage therapists. The Board determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties. The Commissioner and the Board determined that the schedule of civil penalties should first be published as a statement of policy to coincide with the publication of the Board's final-form rulemaking effectuating the Massage Therapy Law (63 P. S. §§ 627.1—627.50) to be followed within 2 years by the promulgation of a regulation, as required by Act 48.

Description

The statement of policy establishes a schedule of civil penalties for the failure to display a current license or wallet card, failure to include massage therapy license number in advertisements, failure to display the massage therapist's name and title, failure to hold current certification to administer CPR, failure to complete mandatory continuing education, holding oneself out as a massage therapist while unlicensed, holding oneself out as a licensed massage therapist while the license is expired and practice on an expired license.

Fiscal Impact and Paperwork Requirements

The statement of policy has no adverse fiscal impact on the Commonwealth or its political subdivisions and reduces the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting; therefore, boards and commissions continually monitor the cost effectiveness of policies and regulations affecting their operations. As a result, a sunset date has not been assigned. However, it is anticipated that this statement of policy will be replaced by a regulation to be promulgated within 2 years.

BASIL L. MERENDA,
Commissioner

(Editor's Note: Title 49 of the Pa. Code is amended by adding a statement of policy in § 43b.23 to read as set forth in Annex A.)

Fiscal Note: 16A-53. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF
CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.23. Schedule of civil penalties—massage therapists—statement of policy.

STATE BOARD OF MASSAGE THERAPY

| <i>Violation under 63 P. S.</i> | <i>Violation under 49 Pa. Code Chapter 20</i> | <i>Title/Description</i> | <i>Civil Penalty</i> |
|-------------------------------------|---|--|---|
| | § 20.42(a)(14) | Failure to display current license or wallet card. | First offense—\$50 Second and subsequent offenses—\$250 |
| | § 20.42(a)(15) | Failure to include massage therapy license number in advertisements. | First offense—\$50 Second and subsequent offenses—\$250 |
| | § 20.42(a)(16) | Failure to display name and title. | First offense—\$50 Second and subsequent offenses—\$250 |
| § 627.6(b)(i) | | Failure of to hold current certification to administer CPR. | First offense—\$50 Second offense—\$250 Subsequent offense—formal action |
| § 627.6(b)(ii) | | Failure to complete 24 hours of continuing education courses approved by the Board during the 24 months preceding license renewal. | First offense—\$100 per credit hour Second offense—formal action |
| § 627.14 | | Holding oneself out as a massage therapist or practicing massage therapy while unlicensed. | First offense—\$500 Second offense—formal action |
| § 627.14(b) | | Holding oneself out as a licensed massage therapist while license is expired. | 0—6 months—warning 7—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal action |
| § 627.14(e) | | Practicing massage therapy on an expired license. | 0—6 months—warning 7—12 months—\$250 13—18 months—\$500 19—24 months—\$1,000 More than 24 months—formal prosecution |

[Pa.B. Doc. No. 10-1837. Filed for public inspection September 24, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Professional Wayside and Publication Production Firms; Project Reference No. FDC- 500-980

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional firms (Professional) for research, writing, editing and design services for contracts for publications and interpretive wayside exhibit signs. Acquisition of final signage and frames may be included.

Projects will be assigned on an as needed basis for projects at various State Parks and State Forests throughout this Commonwealth. The Department may select up to four proposals that meet its objectives. Contracts will be managed by the Department's Bureau of Facility Design and Construction.

Scope of Services

The purpose of these contracts is to satisfy the need for a range of services for all aspects of wayside and publication production. These services include, but are not limited to researching, writing and editing text for publications and interpretive wayside exhibit signs, developing concept and final designs, developing budgets, preparing reports, attending planning meetings, producing or acquisition of required photographic or graphic images, and providing by means of outsourcing of wayside signage fabrication and frames. Wayside projects may include the acquisition of signage and/or sign frames from a particular vendor or through a process designated by the Department. Printing of publications will normally be coordinated by, and paid for by, the Department apart from contracts awarded through this Request for Proposal (RFP) unless otherwise specified by the Department. Firms will be expected to provide a full range of professional research, writing/editing, design and acquisition services for the stated individual projects on an as needed basis throughout the contract period.

Projects will be developed and assigned on an annual basis or as required. Each project will be individually developed and assigned to the successful Professional using separate Project Work Orders (PWO). It is expected that each firm will assemble a team of professionals who are recognized specialists in their individual fields of expertise. Professionals may subcontract or joint venture with other professionals to assemble the most capable team to address the needs and objectives of this RFP. Each Professional will be required to work closely with the assigned Department Project Coordinator to develop each project utilizing designated Department staff to the fullest extent feasible in the creative processes involved. Department Project Coordinators will be responsible for signing off on projects at predetermined development milestones. The Department Project Coordinator may change from project to project. Travel to the project sites may be required.

Unless otherwise specified on a PWO, publications and waysides will be designed using established Department Design Standards, including use of Macintosh OSX oper-

ating system and designated software, primarily Adobe Creative Suite. All final files plus other materials and items so designated in the PWO or elsewhere become the property of the Department.

Qualifications

The Professional shall have staff available to facilitate the provision of services associated with assigned projects on the timeline established on the PWO. The Professional may be called upon to provide services on multiple projects at the same time. The Professional shall have demonstrated knowledge of interpretive research, writing and editing, graphic design; current wayside fabrication methods and signage materials; and wayside frame designs available.

The following minimum qualifications will be expected of all Professionals:

- *Staff Requirements:* Professionals will provide a minimum of a project manager, research associate(s), interpretive writer/editor(s), graphic designer(s), and persons familiar with signage fabrication and frames; include the employee's name and, through a resume or similar document, the project personnel's education, training, certifications, organizational memberships and experience in project management; budget management; researching, writing, developing and designing interpretive waysides and publications; creating and obtaining illustrations and graphic components for waysides and publications; and fabrication of interpretive waysides, as well as any other types of projects that may be included in the scope of work covered by this RFP. Experience within the last 5 years will be considered most relevant. Those projects involving work in any or all of these fields at state or Federal parks and recreation areas, public zoos, aquariums, museums or equivalent will be considered as relevant experience.

Professionals shall identify subcontractors it intends to use and the services they will perform along with documentations on their education, training, certifications, organizational memberships and experience. Other specialists may be included as part of the proposal. Provide a letter of commitment for the term of the contract from each subcontractor that intended to be used for work under this contract. If the Professional wants to add to, or replace, any of the persons, employees or subcontractors previously named at any time after originally submitting them, the changes must be reviewed and approved by the Department. Otherwise these persons, employees and subcontractors must remain the same.

- *Qualifications of the Firm:* These include the number of years in business; financial capability, the ability of the company to undertake a contract of this size; the certifications or other credentials received from professional associations, independent agencies and others as evidence of the firm's qualifications to work on this contract; the number of state and Federal park and recreation agencies, public zoos, aquariums, museums or equivalent who have been clients; and specific references from clients including all categories of services required under this contract. The qualifications of any companies and/or individuals proposed to be used as subcontractors will also be evaluated in this category of criteria using these same factors.

- *Qualifications of Personnel:* These include the number of years of experience with the current company and

with other employers in the same field; the education and training relevant to their work under this contract; the certifications or other credentials received from professional or trade associations; independent agencies and others as evidence of their qualifications to work on this contract; the number of clients to which they have been assigned that operate state or Federal parks and recreation areas, public zoos, aquariums, museums or equivalent; and specific client references. The qualifications of employees of any companies proposed to be used as subcontractors, and any sole proprietors proposed for use as subcontractors, will also be evaluated in this category.

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 in 49 CFR 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. 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, 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, 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 United States Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C.A. § 636(a)) as an 8(a) small disadvantaged business must submit proof of United States Small Business Administration certification. The owners of these 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 previous 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 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 Burt Ellsworth at (717) 783-4362 for general information concerning the RFP.

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 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 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 for Selection/Evaluation and Selection

1. Professional's understanding of the problem as demonstrated in the Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm consisting of specialized experience and technical compliance.
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 above 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 November 4, 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 one or more 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. 10-1838. Filed for public inspection September 24, 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 The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on an 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> |
|-----------------------------|--|---|--|-----------------------------|
| PA0082465 (SEW) | Camp Penn, Susquehanna Conference, the U.M. Church 8005 Old Forge Road Waynesboro, PA 17268 | Franklin County Waynesboro Borough | Tucker Run 13-C | Y |
| PA0082368 (SEW) | Abbottstown—Paradise Joint Sewer Authority P. O. Box 505 Abbottstown, PA 17301 | Adams County Hamilton and Berwick Townships | Beaver Creek 7-F | Y |
| PA0088731 (CAFO) | Franklin Family Farms, Inc. Longacre Farm CAFO 419 West High Street Elizabethtown, PA 17022 | Franklin County Fannett Township | Dry Run, West Branch Conocheague Creek CWF 13-C | Y |
| PA0081281 (SEW) | Cavalry Heights Mobile Home Park 2160 Hanover Road Gettysburg, PA 17325-7719 | Adams County Gettysburg Borough | White Run 13-D | Y |
| PA0247561 (SEW) | Noah Lee Stoltzfus 1651 Mountain Road Newburg, PA 17240 | Cumberland County Upper Mifflin Township | Three Square Hollow Run 7-B | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|------------------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0228176 (Sewage) | Harrison Township Wastewater Treatment Plant P. O. Box 9 Mills, PA 16937-0009 | Potter County Harrison Township | Cowanessque River 4-A | Y |
| PA0008915 (Industrial Waste) | OSRAM SYLVANIA Products, Inc.—Wellsboro Plant 1 Jackson Street Wellsboro, PA 16901 | Tioga County Wellsboro Borough | Charleston Creek 9-A | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0030724 (Sewage) | Pleasant Ridge Manor West 8300 West Ridge Road Girard, PA 16417-8701 | Erie County Fairview Township | Trout Run Watershed 15 | Y |

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

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

PA0086754, Industrial Waste, SIC Code 3691; 3341 and 2873, **East Penn Manufacturing Co., Inc.**, Deka Road, Lyon Station, PA 19536. Facility Name: East Penn Battery and Battery Accessory Manufacturing Facility. This existing facility is located in Richmond and Maxatawny Townships, **Berks County**.

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

The receiving stream(s), Sacony Creek, is located in State Water Plan watershed 3-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

| <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> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | Report | Report | XXX | 30 | 60 | 75 |

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|------------------------|-----------------|---------------|---------|----------------------|---------------|-----------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instantaneous Maximum |
| Total Suspended Solids | Total Mo | XXX | XXX | XXX | XXX | XXX |
| Total Suspended Solids | XXX | 462 | XXX | XXX | XXX | XXX |
| | | Total Annual | | | | |
| Total Dissolved Solids | Report | Report | XXX | 1,000 | 2,000 | 2,500 |
| Ammonia-Nitrogen | Report | Report | XXX | 5 | 10 | 12 |
| Total Antimony | Report | Report | XXX | 0.06 | 0.12 | 0.15 |
| Total Arsenic | Report | Report | XXX | 0.22 | 0.44 | 0.55 |
| Total Copper | Report | Report | XXX | 0.07 | 0.14 | 0.17 |
| Total Iron | Report | Report | XXX | Report | Report | 2.1 |
| Total Lead | Report | Report | XXX | 0.03 | 0.06 | 0.07 |
| Total Zinc | Report | Report | XXX | 0.57 | 1.14 | 1.42 |

The proposed effluent limits for storm water Outfalls 002 and 004—006.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|------------------------|-----------------|---------------|---------|----------------------|---------------|-----------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instantaneous Maximum |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| CBOD ₅ | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Antimony | XXX | XXX | XXX | XXX | Report | XXX |
| Total Arsenic | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Lead | XXX | XXX | XXX | XXX | Report | XXX |
| Sulfate | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

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

The EPA waiver is not in effect.

PA0260096, Sewage, SIC Code 4952, **Mirage Ali X**, 250 Waynesboro Pike, Fairfield, PA 17320. Facility Name: Mirage Development STP. This proposed facility is located in Liberty Township, **Adams County**.

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

The receiving stream(s), Toms Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0196 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------|---------|----------------------|----------------|-----------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Weekly Average | Instantaneous Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | 40 | XXX |
| Total Suspended Solids | XXX | XXX | XXX | 30 | 45 | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geometric Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | XXX |
| | | | | Geometric Mean | | |
| Ammonia-Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | Report | XXX | 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>Concentration (mg/l)</i> | | |
|----------------------|----------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia-N | Report | Report | | Report | |
| Kjeldahl-N | Report | | | Report | |
| Nitrate-Nitrite as N | Report | | | Report | |
| Total Nitrogen | Report | Report | | Report | |
| Total Phosphorus | Report | Report | | Report | |
| 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.

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

The EPA waiver is in effect.

PA0026280, Sewage, SIC Code 4952, 221320, **Lewistown Borough Municipal Authority Mifflin County**, 2 East 3rd Street, Lewistown, PA 17044-1701. Facility Name: Lewistown STP. This existing facility is located in Lewistown Borough, **Mifflin County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Juniata River is located in State Water Plan watershed 12-A and is classified for Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

* The permit is being amended to change the schedule for compliance with the new Total Residual Chlorine limitation of 0.5 mg/l monthly average and 1.6 mg/l instantaneous maximum. Compliance with the limitation will begin on October 1, 2013.

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

The EPA waiver is not in effect.

PA0261505, Industrial Waste, SIC Code 2875, 2879, **Lebanon Seaboard Corp.**, 1600 East Cumberland Street, Lebanon, PA 17042-8323. Facility Name: Lebanon Seaboard Corporation. This proposed facility is located in Lebanon City, **Lebanon County**.

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

The receiving stream(s), Drainage swale to Unnamed Tributary to Quittapahilla Creek, is located in State Water Plan watershed 7-D and is classified for trout stocking fishes, 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 0.00072 MGD.

| <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> |
| Chlorobenzene | XXX | XXX | XXX | .05 | 0.10 | 0.12 |
| pH | XXX | XXX | Report | XXX | XXX | Report |

The proposed effluent limits for Outfall S01 are:

| <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>Annual Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| pH (S.U.) | XXX | XXX | XXX | Report | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | Report | XXX | XXX |
| Chemical Oxygen Demand | XXX | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | XXX |
| Oil and Grease | XXX | XXX | XXX | Report | XXX | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |
| Total Iron | XXX | XXX | XXX | Report | XXX | XXX |

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

- Requirements applicable to stormwater.

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

The EPA waiver is in effect.

Application No. PA0088242, Concentrated Animal Feeding Operation (CAFO), **Country View Family Farms, LLC (Huston Hollow Farm)**, 2315 Norman Road, Lancaster, PA 17601-5929. Country View Farms has submitted an application for an Individual NPDES permit for an existing CAFO known as Huston Hollow Farm, located at 2994 South Madden Road, Hustontown, PA 17229-9155 in Taylor Township, **Fulton County**.

The CAFO is situated near Wooden Bridge Creek in Watershed 12-C, which is classified for High Quality-Cold Water Fishery. The CAFO is designed to maintain an animal population of approximately 1,361 animal equivalent units (AEUs) consisting of 2,470 gestating sows, 780 gilt finishers, 420 sows with litters and ten boars. Manure is collected and stored underneath the three existing swine buildings and exported to surrounding farm operations as per their approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

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

PA0082589, Sewage, SIC Code 4952, **Fairview Township York County**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. Facility Name: Fairview Township Southern STP. This existing facility is located in Fairview Township, **York 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), unnamed tributary to Fishing Creek is located in State Water Plan watershed 7-E and is classified for warm water fishes, 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 0.50 MGD.

| <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>Weekly Average</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.19 | XXX | 0.63 |
| CBOD ₅ | 104 | 167 | XXX | 25 | 40 | 50 |
| | | Weekly Average | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 125 | 187 | XXX | 30 | 45 | 60 |
| | | Weekly Average | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geometric Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | XXX |
| | | | | Geometric Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 7.9 | XXX | XXX | 1.9 | XXX | 3.8 |
| Nov 1 - Apr 30 | 23 | XXX | XXX | 5.7 | XXX | 11 |
| Total Phosphorus | 8.3 | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Copper | 0.075 | XXX | XXX | 0.018 | XXX | 0.04 |
| Total Zinc | 0.62 | XXX | XXX | 0.15 | XXX | 0.37 |

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 | |
| Nitrate-Nitrite as N | Report | | | Report | |
| Total Nitrogen | Report | Report | | Report | |
| Total Phosphorus | Report | Report | | Report | |
| Net Total Nitrogen (Interim) | Report | Report | | | |
| Net Total Nitrogen (Final) | Report | 9,132 | | | |
| Net Total Phosphorus (Interim) | Report | Report | | | |
| Net Total Phosphorus (Final) | Report | 1,218 | | | |

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

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

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

The EPA waiver is not in effect.

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

PA0003549, Industrial Waste, SIC 4922, **Dominion Transmission Corporation**, 1201 Pitt Street, Pittsburgh, PA 15221-2029. This application is for a renewal of an NPDES permit to discharge boiler blowdown and untreated storm water from the Oakford Compression Station in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver Run, classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Westmoreland Municipal Authority—Sweeney Plant, located at the Beaver Run Reservoir, 3.4 miles below the discharge point.

Outfall 003: existing discharge of storm water.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Average Monthly</i> | <i>Concentration (mg/l)</i> | |
|-------------------|------------------------|----------------------|------------------------|-----------------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Monitor and Report | | | | |
| CBOD ₅ | | | | Monitor and Report | |

Outfall 004: existing discharge of storm water.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Average Monthly</i> | <i>Concentration (mg/l)</i> | |
|-------------------|------------------------|----------------------|------------------------|-----------------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Monitor and Report | | | | |
| CBOD ₅ | | | | Monitor and Report | |

Outfalls 001, 003, 005 and 006: existing discharges of storm water.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |

Discharges from these outfalls shall consist solely of uncontaminated storm water.

The EPA waiver is in effect.

PA0091260, Sewage, **Clifford B. Wareham**, 87 Kinter Station Road, Northern Cambria, PA 15714. This application is for renewal of an NPDES permit to discharge treated sewage from Country Meadows MHP STP in Pine Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Carney Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.011 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| May 1 to Oct 31 | 4.0 | | | 80 |
| Nov 1 to Apr 30 | 12.0 | | | 24.0 |
| Fecal Coliform | | | | |
| May 1 to Sep 30 | 200/100 ml as a Geometric Mean | | | |
| Oct 1 to Apr 30 | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 0.53 | | | 1.2 |
| Dissolved Oxygen | not less than 3.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

Philip Nastasi, PA0239682, SIC Codes 4952, 8811, **Philip Nastasi**, 160 Pleasant Valley Road, Portersville, PA 16051-2016. Facility Name: Philip Nastasi SFTF. This facility is located in Muddycreek Township, **Butler County**.

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

The receiving stream, an unnamed tributary of Muddy Creek, is located in State Water Plan watershed 20-C and is classified for High Quality Water-Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------|----------------------|---------------|-----------------------|
| | Average Monthly | Minimum | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | 6.0 | XXX | XXX | 9.0 |
| CBOD ₅ | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | 20 | XXX | 40 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | 200 | XXX | XXX |
| | | | Geometric Mean | | |

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

The EPA waiver is in effect.

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

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

WQM Permit No. WQG02231009, Sewerage, **Rose Tree Media School District**, 308 North Olive Street, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main.

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

WQM Permit No. 5510401, Sewerage 4952, **Penns Creek Municipal Authority**, P. O. Box 148, Penns Creek, PA 17862. This facility is located in Center Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant is proposing improvements to the existing Wastewater Treatment Plant to increase the performance of the facility. The proposed upgrades will convert the WWTP from a lagoon system to an activated sludge process. No increases will be made to the capacity of the plant.

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

WQM Permit No. 6510410, Sewerage, **William and Georgette Jones**, 119 Tanglewood Lane, Ruffsdale, PA 15679. This proposed facility is located in Sewickley Township, **Westmoreland County**.

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

WQM Permit No. 6310405, **Cecil Township Municipal Authority**, 3599 Miller Run Road, Suite 104, Cecil, PA 15321. This proposed facility is located in Cecil Township, **Washington County**.

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

WQM Permit No. 3086401-A1, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. This existing facility is located in Morgan Township, **Greene 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. 1010402, Sewerage, **T. Henry Nolan**, 128 Dalmagro Road, Butler, PA 16002. This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

WQM Permit No. 4393404, Sewerage, **Amendment No. 1, Borough of Mercer**, 145 Pitt Street, P. O. Box 69, Mercer, PA 16137. This proposed facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Action/Activity: The proposed project will consist of replacing the rock media in Trickling Filter No. 1 with synthetic cross-flow media.

WQM Permit No. 1008201, Industrial Waste, **Amendment No. 1, Seneca Landfill Inc.**, 121 Brickyard Road, Mars, PA 16046. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Seneca Landfill proposes to disinfect the effluent from the leachate treatment process using sodium Hypochlorite solution and an existing storage tank as the chlorine contact tank.

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------------|---|
| PAI01 151023 | Continental Bank 620 West Germantown Pike Suite 350 Plymouth Meeting, PA 19462 | Chester | East Coventry Township | Pigeon Creek HQ-TSF Unnamed Tributary Schuylkill River HQ-TSF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI024804027R | Rick Hunter Schoolhouse Associates, LLC 1030 West Germantown Pike P. O. Box 287 Fairview Village, PA 19409 | Northampton | Williams Township | Fry's Run HQ-CWF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|--|---------------|---------------------|--------------------------------|
| PAI030710002 | John Mueller Mueller's Auto Recycling & Sales, Inc. 1555 Mill Run Road Altoona, PA 16602 | Blair | Logan Township | Mill Run HQ-CWF |

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

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724-378-1701).

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|---|---------------|--------------------------------------|--------------------------------|
| PAI050410001 | Mary Hrotic Borough of Ambridge Water Authority P. O. Box 257 Ambridge, PA 15003-2377 | Beaver | Independence and Raccoon Township | Service 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) |

**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. Comment should include the name, address, and telephone number of the writer and a concise statement to inform the Department Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users 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

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

Application No. 1510515, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | Borough of Phoenixville |
| Borough | Borough of Phoenixville |
| County | Chester |
| Responsible Official | E. Jean Krack 140 Church Street Phoenixville, PA 19460 |
| Type of Facility | PWS |
| Consulting Engineer | Pennoni Associates 62 Rockford Road Wilmington, DE 19806 |
| Application Received Date | 07/28/2010 |
| Description of Action | Installation of an air scour wash system. |

Application No. 4610528, Public Water Supply.

| | |
|---------------------------|---|
| Applicant | Andorra Springs Water Co. |
| Township | Whitemarsh |
| County | Montgomery |
| Responsible Official | James B. Kravitz 2201 Barren Hill Road Conshohocken, PA 19428 |
| Type of Facility | PWS |
| Application Received Date | July 26, 2010 |

Description of Action Installation of new (nama approved) water dispensing machines. The machines provide additional treatment than previously permitted at this facility.

Application No. 0910519, Public Water Supply.

Applicant **Newtown Artesian Water Co.**
 Borough Newtown Borough
 County **Bucks**
 George Forsyth
 201 North Lincoln Avenue
 Newtown, PA 18940

Type of Facility PWS
 Consulting Engineering Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106

Application Received Date July 8, 2010

Description of Action Installation of a sodium hypochlorite injection system at the Newtown Artesian Water Company low service pump station. The Hypochlorite system will replace the existing gas chlorination system onsite, and will be dosed to convert chloramines to free chlorine to eliminate blending within the distribution system. This should improve disinfection.

Application No. 4610519, Public Water Supply.

Applicant **Newtown Artesian Water Co.**
 Township Perkiomen
 County **Montgomery**
 Responsible Official Marc Lucca
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility PWS
 Consulting Engineering C.E.T. Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112

Application Received Date July 20, 2010

Description of Action Replacement of well pump at Rahns Well No. 1.

Application No. 0910519, Public Water Supply.

Applicant **Perkasie Borough Authority**
 Borough Perkasie Borough
 County **Bucks**
 Responsible Official Gary J. Winton
 306 North Fifth Street
 Perkasie, PA 18944

Type of Facility PWS
 Consulting Engineering Anderson Engineering Assoc., Inc.
 306 North Fifth Street
 Perkasie, PA 18944

Application Received Date July 9, 2010

Description of Action Improvements to Well 10 in order to bring the well back into service—includes: installation of Arsenic Treatment, Onsite—generated Hypochlorite in place of gas chlorination, new clear well pump and installation of baffles within the clearwell.

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

Permit No. 0610507, Public Water Supply.

Applicant **Western Berks Water Authority**
 Municipality Cumru Township
 County **Berks**
 Responsible Official Leonard E. Bilger II, Manager
 91 Water Road
 Sinking Spring, PA 19608

Type of Facility Public Water Supply
 Consulting Engineer Andrew C. Hood, P. E.
 Keystone Engineering Group, Inc.
 590 East Lancaster Avenue
 Frazer, PA 19355

Application Received: 4/12/2010

Description of Action Installation of booster chlorination facilities into the transmission mains that supply Welsh Woods and Shillington distribution systems.

MINOR AMENDMENT

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

Application No. 4390505-MA1, Minor Amendment.

Applicant **Penny and Terry King, Sugar Grove Mobile Home Park**
 Township or Borough Sugar Grove Township
Mercer County

Responsible Official Penny King, Owner
 Type of Facility Public Water System

Application Received Date 09/10/2010

Description of Action Addition of a third 240 gallon pressure tank.

WATER ALLOCATIONS

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

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

WA-693B Water Allocation, North Wales Water Authority, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454-0339. North Wales Borough, **Montgomery County**. This application is for North Wales Water Authority permit renewal for additional water allocation from the Forest Park WWTP.

WA-693C Water Allocation, North Wales Water Authority, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454-0039. North Wales Borough, **Montgomery County**. This application is for North Wales Water Authority permit renewal for additional water allocation from the Forest Park WWTP.

WA-693D Water Allocation, North Wales Water Authority, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454-0039. North Wales Borough, **Montgomery County**. This application is for North Wales Water Authority permit renewal for additional water allocation from the Forest Park WWTP.

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, or 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 has received the following Notices of Intent to Remediate:

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

Carlisle Town Center, Carlisle Borough, **Cumberland County**. BL Companies, 213 Market Street, Suite 6, Harrisburg, PA 17101, on behalf of Downtown Construction Company, LLC, 2201 Barren Hill Road, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site soils contaminated with VOCs and SVOCs from historical manufacturing processes when the site was occupied by Hoffman Materials. The site will be developed for residential use, and the applicant intends to demonstrate attainment of the Residential Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101397. Veolia ES Greentree Landfill, LLC, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. A major permit modification for the conversion of two previously permitted (but not yet constructed) municipal waste disposal cells into dedicated residual waste disposal areas was submitted on July 26, 2010, with additional information submitted on August 19, 2010, and September 8, 2010. The application was determined administratively complete by the Northwest Regional Office on September 14, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T 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 permit-

ting 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. Any 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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

48-328-010: Lower Mount Bethel Energy, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for modification of their emission limits at their site in Lower Mt. Bethel Township, **Northampton County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

09-0196E: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) for construction of four thermal destructors at a new precious metal recovery facility in Falls Township, **Bucks County**. Each thermal destructor will be equipped with an afterburner, a dust collector and a packed tower scrubber to reduce Volatile Organic Compounds, Particulate Matter, Hydrogen Chloride and Mercury emissions before discharging into the atmosphere. This facility is a non-Title V facility, and this Plan Approval is a major modification to and upon issuance will supersede the Plan Approval, No. 09-0196C. This Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

46-0273: Titanium Finishing Co. (248 Main Street, East Greenville, PA 18041) for operation of a Trichloroethylene Vapor Degreaser unit with an interface area of 18 square feet in East Greenville Borough, **Montgomery County**. The source is subject to the National Emissions Standard for Halogenated Solvent Cleaning (NESHAPs), 40 CFR Part 63, Subpart T. This facility is a non-Title V (State-only), Natural Minor facility, as it has the potential to emit less than 10 tons of individual HAP per year. The Plan Approval will contain monitoring and recordkeeping requirements and operating conditions designed to keep the facility operating within the allowable emission limitations and 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: 717-949-7935.

36-05008G: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557) for construction of a vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**. The plan approval and operating permit will include emission limitations, recordkeeping, reporting requirements and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-03166A: L and S Sweeteners (388 East Main Street, Leola, PA 17540) for construction of a boiler that will combust both natural gas and treated landfill gas in West Earl Township, **Lancaster County**. The plan approval and operating permit will include emission limitations, recordkeeping, reporting requirements and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05080A: York Building Products Co., Inc. (5952 Lincoln Highway West, Thomasville, PA 17362) for a 30 tph fluidized bed sand and gravel dryer controlled by an existing baghouse control in Jackson Township, **York County**. This plan approval will increase the operating hours, from the existing 2,000 hours, for the unit in-

stalled with *de minimis* emissions increase of PM and NOx. The plan approval will be incorporated into the facility's synthetic minor operating permit No. 67-05080, the administrative amendment to the facility's synthetic minor operating permit will contain emission standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

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

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

46-00014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) for a renewal of the original Title V Operating Permit, which was issued on November 30, 2005, and amended on January 13, 2009 in Upper Hanover Township, **Montgomery County**. There is no any emissions increase or any changes since the amended permit issued. The permit includes 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: 717-949-7935.

36-05140: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) for renewal of the Title V Operating Permit issued in 2006 for the Terre Hill rendering plant in East Earl Township, **Lancaster County**. 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.

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

32-00129: Dominion Transmission, Inc.—Rochester Mills Compressor Station (501 Martindale Street, Suite 400, Pittsburgh, PA 15212) in North Mahoning Township, **Indiana County**. The facility's major source of emissions include four internal combustion engines, a dehydration unit, storage tanks, an emergency generator, a thermal oxidizer controlling VOC emissions from the dehydration unit, and fugitive emissions. The primary pollutants emitted from this facility include NOx and CO from the combustion sources.

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

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: 717-949-7935.

67-05003: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356) for operation of their furni-

ture manufacturing facility in Red Lion Borough, **York County**. This action is a renewal of the previous State-only operating permit issued in 2006. The renewal 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.

07-03043: McLanahan Corp. (200 Wall Street, Hollidaysburg, PA 16648) for operation of their steel foundry in Hollidaysburg Borough, **Blair County**. This is a renewal of the State-only operating permit issued in 2004.

28-03044: Tarco Roofing Materials, Inc. (8650 Molly Pitcher Highway, Greencastle, PA 17225) for operation of their asphalt felt/granulated asphalt roll goods manufacturing facility in Antrim Township, **Franklin County**. This action is a renewal of the previous State-only operating permit issued in 2005. The renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

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

19-00026: Haddon Craftsmen, Inc. (4411 Old Berwick Road, Bloomsburg, PA 17815) for their RR Donnelley—Bloomsburg facility in South Centre Township, **Columbia County**. The facility's main sources five book binding lines, nine offset web printing presses, one cold cleaning parts washer, one emergency fire pump, two emergency generators, and 14 combustion units. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00033: Susquehanna Health System (777 Rural Avenue, Williamsport, PA 17701-3109) for a State-only (Synthetic Minor) operating permit for Their Williamsport Hospital complex in Williamsport, **Lycoming County**. The facility's sources include six natural gas/No. 2 fuel oil-fired boilers, one natural gas-fired boiler, two natural gas water heaters, three diesel-fired emergency generators, one natural gas-fired emergency generator and one diesel-fired fire pump engine, which have the potential to emit major quantities of sulfur oxide (SOx) emissions. The facility has taken an elective yearly restriction not to exceed the major threshold for SOx emissions. The facility has the potential to emit nitrogen oxide (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM10) below the major emission thresholds. The proposed State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

33-00178: Triangle Suspension System, Inc.—Punxsutawney Plant (1 Meter Street, Punxsutawney, PA 15767) for a Synthetic Minor Permit to operate a leaf

spring manufacturing plant in Punxsutawney Borough, **Jefferson County**. The emitting sources are Amber and Black Dip-Coat Process (2 Dip tanks) and miscellaneous natural gas usage. The facility has taken a facility-wide VOC restriction of 12.21 Tons per year and become a synthetic minor facility.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

39-318-119 Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017-2131) for installation of a new paint spray booth with panel filters and four existing paint booths already at their existing facility on 2315 City Line Road in Bethlehem, **Lehigh County**. In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017-2131) for their facility located in Bethlehem, Lehigh County. This Plan Approval No. 39-318-119 will be incorporated into a synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-318-119 is for the installation of a new paint spray booth with panel filters and including four existing paint booths already at their existing facility located on 2315 City Line Road in Bethlehem. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.04 grains/dscf. The company shall be subject to and comply with 25 Pa. Code Chapter 129.52 for VOC emission limits. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Emissions will be controlled by the use of dry filters. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 39-318-119.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511 within 30 days after publication date.

45-303-011: Eureka Stone Quarry, Inc.—Pocono Quarry (P. O. Box 249, Chalfont, PA 18914) for installation of a Recycled Asphalt System (RAP) for their facility in Hamilton Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Eureka Stone Quarry, Inc.—Pocono Quarry (P. O. Box 249, Chalfont, PA 18914) for their facility in Hamilton Township, Monroe County. This Plan Approval No. 45-303-011 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-303-011 is for the installation of a Recycled Asphalt System (RAP). The particulate emissions from the fabric collector shall not exceed the Best Available Technology (BAT) standard of 0.02 grains/dscf. The company is subject to NSPS Subpart I requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 45-303-011.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review

Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511 within 30 days after publication date.

45-310-056: Eureka Stone Quarry, Inc. (Pocono Quarry) (P. O. Box 249, Chalfont, PA 18914) for installation of two new decks on their existing screens for their facility located in Hamilton Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Eureka Stone Quarry, Inc.—Pocono Quarry (P. O. Box 249, Chalfont, PA 18914) for their facility located in Hamilton Township, Monroe County. This Plan Approval No. 45-310-056 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-310-056 is for the installation of two new decks on their existing screens. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 45-310-056.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511 within 30 days after publication date.

54-310-053: Richard E. Pierson Construction Co., Inc.—Middleport Quarry (P. O. Box 4309, Woodstown, NJ 08098-0430) for replacement of a crushing plant with a new crushing plant with water sprays at Middleport Quarry for their facility in Walker Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (Department) has received and intends to issue a Plan Approval to Richard E. Pierson Construction Co., Inc.—Middleport Quarry (P. O. Box 4309, Woodstown, NJ

08098-0430) for their facility located in Walker Township, Schuylkill County. This Plan Approval No. 54-310-053 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-310-053 is for the replacement of a crushing plant with a new crushing plant with water sprays at Middleport Quarry. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 54-310-053.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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—123 and 86.31—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 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:

Table 1

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

¹The parameter is applicable at all times.

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

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

30841316 and NPDES Permit No. PA0213535, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County**, for installation of dewatering borehole and pipeline to existing Bailey Mine injection borehole. Surface Acres Proposed 9.5. No additional discharges. Application received: July 19, 2010.

30841317 and NPDES Permit No. PA0213727, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, for an overhead power line right-of-way to install power to the F23 Airshaft. Surface Acres Proposed 7.3. No additional discharges. Application received June 25, 2010.

30841317 and NPDES Permit No. PA0213727, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in East Finley Township, **Washington County** and Richhill Township, **Greene County** to construct Phase 2 of an overland conveyor to transport coal from the proposed Oak Spring Slope to the Bailey Mine Complex Preparation Plant and to add three NPDES discharge points. Application also includes a request for Section 401 Water Quality Certification. Written comments or objection on the permit application may be submitted to the Department. Surface Acres Proposed 361.9. Receiving streams: Unnamed Tributary 32714B to Rocky Run; classified for the following use: TSF, Unnamed Tributary 3244D to Enlow Fork; classified for the following use: WWF, and Enlow Fork, classified for the following use: TSF. Application received: March 31, 2010.

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

11000103 and NPDES No. PA0235067. TJ Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 84.0 acres. Receiving stream(s): unnamed tributaries to/and Burgoon Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 1, 2010.

11900101 and NPDES No. PA0598721. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Adams and Summerhill Townships, **Cambria County**, affecting 180 acres. Receiving stream(s): unnamed tributary to South Fork of the Little Conemaugh classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Highland Sewer and Water Authority—Beaverdam. Application received: August 31, 2010.

56000105 and NPDES No. PA0235351. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving stream(s): unnamed tributaries to/and Dark Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2010.

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

02880102 and NPDES Permit No. PA0591190. William J. Kisow (82 South Petrie Road, Coraopolis, PA 15108). Renewal application for reclamation only of a bituminous surface mine, located in Kennedy and Robinson Townships, **Allegheny County**, affecting 15.7 acres. Receiving streams: unnamed tributary to Chartiers Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 31, 2010.

02100102 and NPDES Permit No. PA0252000. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 35.3 acres. Receiving streams: unnamed tributaries to Monongahela, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 9, 2010.

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

33813020 and NPDES Permit No. PA0603465. Leonard W. Yenzi (P. O. Box 62, Anita, PA 15711). Renewal of an existing bituminous surface strip and beneficial use of coal ash operation in Winslow Township, **Jefferson County**, affecting 285.2 acres. Receiving streams: Two unnamed tributaries to Front Run, Front Run, and an unnamed tributary to Trout Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 18, 2010.

16050103 and NPDES Permit No. PA0242624. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip operation in Redbank and Limestone Townships, **Clarion County**, affecting 47.0 acres. Receiving streams: Unnamed tributary to Pine Creek to Redbank Creek, classified for the following: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Area Water Authority. Application for reclamation only. Application received: September 8, 2010.

24930102 and NPDES Permit No. PA0211788. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous strip, auger and beneficial use of residual waste sludge in Horton Township, **Elk County**, affecting 236.7 acres. Receiving streams: Unnamed Tributary to Johnson Run, unnamed Tributary to Brandy Camp Creek, both classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 10, 2010.

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

54901302T2 and NPDES Permit No. PA0594792. Carline Coal Co., Inc., (P. O. Box 188, Sacramento, PA 17968), transfer of an existing anthracite underground mine operation from Orchard Coal Co., Inc. in Hegins Township, **Schuylkill County**, affecting 5.0 acres, receiving stream: West Branch Rausch Creek. Application received: September 7, 2010.

54840201R5. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), renewal of an

existing anthracite coal refuse reprocessing and refuse disposal operation in Mahanoy Township and Shenandoah Borough, **Schuylkill County**, affecting 208.8 acres, receiving stream: none. Application received: September 10, 2010.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

0179301 and NPDES Permit No. PA0122297. Gettysburg Granite, LLC, 31 Center Mills Road, Aspers, PA 17304, renewal of NPDES Permit, Mt. Joy Township, **Adams County**. Receiving stream(s): unnamed tributary to Rock Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010.

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

63101001. Boord, Benchek & Associates, Inc. (345 Southpointe Boulevard., Suite 202, Canonsburg, PA 15317). General permit for short-term construction project application BMR-GP-103 for removal of stone, located in Smith Township, **Washington County**, affecting 13.22 acres. Receiving streams: unnamed tributary to Raccoon Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 3, 2010.

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

7774SM3A1C6 and NPDES Permit No. PA0224499. Eastern Industries, Inc., (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maxatawny Township, **Berks County**, receiving stream: Sacony Creek, classified for the following uses: trout stocking fishes and migratory fishes. Application received: August 30, 2010.

36900302C7 and NPDES Permit No. PA0594784. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton

Township, **Lancaster County**, receiving stream: unnamed tributary to Octoraro Creek, classified for the following use: trout stocking fishes. Application received: September 1, 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 or the FWPCA or to the issuance of a Dam Permit, 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 office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-948. Doylestown Township, 425 Wells Road, Doylestown, PA 18901, Doylestown Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities with the proposed trail:

1. To construct and maintain approximately 800 linear feet of an 8-foot wide bike path in the 100-year floodplain of Cooks Run.

2. To construct and maintain two, 10-foot wide, by 4-foot high box culverts across Cooks Run at two different locations.

3. To construct and maintain two 30-inch pipe culverts across an unnamed tributary to Cooks Run.

The site is located along North Shady Retreat and Burpee Roads (Doylestown, PA USGS Quadrangle N: 10.1 inches; W: 4.1 inches).

E23-480. Central Delaware County Authority, 212 B Unity Terrace, Rutledge, PA 19070, Nether Providence, Ridley, Upper Providence, Springfield Townships, and Swarthmore Borough, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Crum Creek sanitary sewer interceptor improvement project:

1) To install and maintain approximately 33,019 linear feet various size diameter pipeline across and along Crum Creek and its tributaries at 27 locations, parallel to the existing pipeline.

2) To maintain approximately 11,312 linear feet of the existing various size diameter pipeline across and along Crum Creek and its tributaries associated with installation of a liner inside the existing pipeline at various sections.

3) To temporarily impact approximately 0.61 acre of wetlands at six locations.

4) To temporarily impact approximately 915 linear feet of watercourses.

5) To temporarily construct and maintain cofferdams.

The project extends for approximately 8 miles from Chester Pike in Ridley Township (Bridgeport PA-NJ USGS Quadrangle N: 8.00 inches; W: 1.40 inches) to Route 252 in Marple Township (Lansdowne, PA USGS Quadrangle N: 21.00 inches; W: 4.90 inches), and traverse Springfield Township, Swarthmore Borough, Nether Providence and Upper Providence Townships in Delaware County.

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E66-150. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore,

PA 18512, in Clinton and Lemon Townships, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure; to construct and maintain a two-span, pre-stressed concrete bulb-tee I-beam bridge having a total normal clear span of 161 feet and an underclearance of 20.3 feet over Tunkhannock Creek (TSF, MF) approximately 35 feet upstream of the existing bridge; and to construct and maintain approximately 215 feet of bank stabilization utilizing R-6 rock and timber cribbing. The project is located just northeast of the intersection of SR 1010 (Tunnel Hill Road) and SR 92 (Factoryville, PA Quadrangle Latitude: 41° 35' 34"; Longitude: -75° 51' 29").

E40-713. Pittston City, 35 Broad Street, Pittston, PA 18640, in Pittston City, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a channel change along 150 feet of a tributary to the Susquehanna River at the entrance of an existing stream enclosure, with work consisting of removing sediment and debris, reshaping and lining the channel with R-6 riprap; and to construct and maintain a trash rack at the upstream entrance of the existing stream enclosure.

The project is located approximately 350 feet south of dead end of Tunnel Street (Pittston, PA Quadrangle Latitude: 41° 19' 08"; Longitude: 75° 47' 06").

E40-712. Brenda R. Linster, Republic Square, 370 17th Street 1700, Denver, CO 80202, in Fairmount Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Kent South and Buda Midstream Pipeline Project:

1. A 6-inch diameter gas pipeline across Maple Run (HQ-CWF, MF) and approximately 285 feet of (PFO) wetlands by means of horizontal directional drilling for the purpose of connecting Kent South Well Pad to Kent North Pipeline.

2. A 6-inch diameter gas pipeline across Maple Run (HQ-CWF, MF) and approximately 1,177 feet of (PFO) wetlands by means of horizontal directional drilling for the purpose of connecting Alimar Natural Gas Support Facility (Meter Pad) to Buda 1H Well Pad. The first crossing is located approximately 450 feet upstream of SR 0118 (Red Rock, PA Quadrangle Latitude: 41° 17' 28.9"; Longitude: -76° 17' 49.0") and the second crossing is located approximately 1,300 feet downstream of SR 0118 (Red Rock, PA Quadrangle Latitude: 41° 17' 13.1"; Longitude: -76° 17' 41.9").

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

E31-221: Huntingdon County Commissioners, 223 Penn Street, Huntingdon, PA 16652-1486, Huntingdon County Bridge No. 8.—Shade Creek Stream Improvements, Cromwell Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a rock cross-vane, a rock vane, 48.0 linear feet of natural rock revetment, and a 175.0-foot long elevated floodplain bench in and along Shade Creek (TSF) for the purpose of stabilizing the banks and sediment transport improvement. The project is located along Huntingdon County Bridge No. 8, adjacent to SR 522 (Orbisonia, PA Quadrangle N: 14.6 inches;

W: 0.5 inch, Latitude: 40° 12' 21"; Longitude: -77° 52' 42") in Cromwell Township, Huntingdon County.

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

E08-467. Glenn O. Hawbaker, Inc., P. O. Box 450, Wyalusing, PA 18853-0450. Water Obstruction and Encroachment Joint Application, Wyalusing Asphalt Facility, in Wyalusing Township, **Bradford County**, ACOE Baltimore District (Laceyville, PA Quadrangle N: 41° 39' 17.1"; W: 76° 13' 51.2").

To construct, operate and maintain a batch asphalt plant and associated buildings, storage yards and stockpile areas within the Susquehanna River watershed (Warm Water Fishery). Construction of the asphalt facil-

ity will require eight wetland crossings, totaling 0.39 acre of permanent impacts. Mitigation for these impacts is proposed. The project is centered south of SR 6 approximately 2 miles east of Wyalusing Borough, in Bradford County.

E53-435. Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112-5828. Ultra Resources PL-118 and PL-135 Natural Gas Pipeline Development in West Branch Township, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle Latitude: 41° 41' 0.6"; Longitude: 77° 40' 1.9").

Ultra Resources, Inc. proposes to construct, operate and maintain its PL-118 and PL-135 natural gas pipeline for the Marshland Play Area gas well development requiring encroachment of the following of wetland and streams:

| Permit ID | Activity | Resource | Water Quality | Latitude | Longitude |
|---------------|--------------------------|-------------------------------------|---------------|----------------|----------------|
| Wetland | Pipeline PL-118 Crossing | Wetland to South Branch, Pine Creek | EV | 41° 41' 06.44" | 77° 38' 23.48" |
| Watercourse 1 | Pipeline PL-118 Crossing | South Branch, Pine Creek | HQ-CWF | 41° 41' 06.44" | 77° 38' 06.44" |
| Watercourse 2 | Pipeline PL-135 Crossing | Birch Still Hollow | HQ-CWF | 41° 41' 00.10" | 77° 39' 51.08" |

Since the South Branch, Pine Creek is wild trout and stock trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 or March 1 and June 15 without prior written approval from the Fish and Boat Commission. Installation of the gas pipeline shall be accomplished by standard boring or directional drilling beneath the previously listed wetlands and streams. As proposed, the pipeline installation shall not result in any temporary or permanent wetland and stream impact. The project is located along the eastern right-of-way of SR 0144 approximately 2,509-feet south of Paul Hollow Road and SR 0144 intersection.

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

E11-341. Department of Transportation, 1620 North Juniata Street, Hollidaysburg, PA 16648. To install and replace an existing two lane bridge in Franklin and East Conemaugh Townships, **Cambria County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 16.9 inches; W: 1.3 inches, Latitude: 40° 20' 39"; Longitude: 78° 53' 7"). The applicant proposes to remove the existing SR 271, two lane, 40.5 ft wide, nine span bridge having a total length of 750 ft, and having a underclearance of 44 ft; and to construct and maintain 200 ft downstream a 39.7 ft total width, two lane, seven span, replacement bridge, having a total length of 722 ft, and having an underclearance of 47 ft over the Little Conemaugh River (WWF) and adjacent rail lines. In addition, for construction of the replacement bridge and removal of the existing bridge, install a temporary causeway; and construct and maintain associated replacement stormwater outfalls to the Little Conemaugh River (WWF). The SR 271 bridge improvement and relocation project is located 2 miles northeast of Johnstown.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E5729-001: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District (N: 10.3 inches; W: 7.8 inches, Latitude: 41° 33' 22.82"; Longitude: -76° 40' 55.95") in Elkland Township, Sullivan County.

To construct and maintain a 48 inch HDPE culvert with a length of 47 feet uniformly depressed 6 inches into the stream bed with outlet protection of R-5 rock across an unnamed tributary to Elk Creek (HQ-CWF), for the purpose of providing access to a well pad. The project is located off of SR 4006 1 mile west of the intersection of SR 4008.

E08-466: Chesapeake Appalachia, LLC, P. O. Box 18496, Oklahoma City, OK 73154-0496, Asylum Township, **Bradford County**, ACOE Baltimore District (Monroeton, PA Quadrangle N: 15.3 inches; W: 0.5 inch, Latitude: 41° 42' 32.84"; Longitude: -76° 22' 39.40").

To replace and maintain an existing concrete bridge with a precast open bottom concrete arch culvert having a normal span of 24.0 feet, a width of 24.0 feet, and an under clearance of 8.0 feet across Bennett's Creek (WWF) for the purpose of providing access to a natural gas well site. The project is located off of Marcy Hill Road, approximately 1.3 miles from the intersection with SR 187.

E41-614: PVR Marcellus Gas Gathering, LLC. Cummings/Watson/Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct and maintain:

(1) a 48.0 feet long 5.0 feet high by 8.5 feet wide box culvert for a proposed access road off of Fillman Road across an unnamed tributary of Tomb's Run (HQ-CWF) (Waterville Quadrangle 41° 15' 40.2" N; 77° 17' 7.2" W).

(2) a 56.0 feet long 4.0 feet high by 7.5 feet wide box culvert for a proposed access road off of Fillman Road across an unnamed tributary of Tomb's Run (HQ-CWF) (Waterville Quadrangle 41° 15' 43.5" N; 77° 17' 13" W).

(3) the replacement of a 29.0 feet long 12.0 inch diameter culvert for an existing access road across Tomb's Run, North Fork (HQ-CWF) (Waterville Quadrangle 41° 16' 40.8" N; 77° 17' 29.3" W).

(4) the replacement of a 38.0 feet long 15.0 inch diameter culvert for an existing access road across an unnamed tributary to Larry's Creek, First Fork (HQ-CWF) (Waterville Quadrangle 41° 19' 13.4" N; 77° 17' 48.5" W).

(5) the replacement of a 33.0 feet long 48.0 inch diameter culvert for an existing access road across Ritter Run (HQ-CWF) (Waterville Quadrangle 41° 17' 43.5" N; 77° 18' 8.2" W).

(6) the replacement of a 19.0 feet long 12.0 inch diameter culvert for an existing access road across Tomb's Run, North Fork (HQ-CWF) (Waterville Quadrangle 41° 16' 43.2" N; 77° 17' 33.6" W).

(7) a 12.0 inch and a 30.0 inch diameter natural gas gathering line across Hickory Swale (HQ-CWF) (Waterville Quadrangle 41° 18' 52.3" N 77° 17' 54.6" W).

(8) a 30.0 inch diameter natural gas gathering line across Ritter Run (HQ-CWF) (Waterville Quadrangle 41° 17' 15" N; 77° 17' 40.5" W).

(9) a 12.0 inch and a 30.0 inch diameter natural gas gathering line across an unnamed tributary to First Fork Larry's Creek, (HQ-CWF) (Waterville Quadrangle 41° 19' 17" N; 77° 17' 55.8" W).

(10) a 12.0 inch and a 30.0 inch diameter natural gas gathering line across an unnamed tributary to First Fork Larry's Creek (HQ-CWF) (Waterville Quadrangle 41° 19' 15.5" N; 77° 17' 55.8" W).

(11) a 12.0 inch and a 30.0 inch diameter natural gas gathering line across an unnamed tributary to First Fork Larry's Creek (HQ-CWF) (Waterville Quadrangle 41° 19' 14.6" N; 77° 17' 55.7" W).

(12) a 12.0 inch and a 30.0 inch diameter natural gas gathering line across an unnamed tributary to Hickory Swale (HQ-CWF) (Waterville Quadrangle 41° 19' 2" N; 77° 17' 55.2" W).

(13) a 14.0 feet wide timber mat temporary road across Hickory Swale (HQ-CWF) (Waterville Quadrangle 41° 19' 1.8" N; 77° 17' 55.2" W).

(14) a 30.0 inch diameter natural gas gathering line across Tarkiln Run (HQ-CWF) (Waterville Quadrangle 41° 18' 9.6" N; 77° 17' 45.5" W).

(15) A 12.0 inch diameter natural gas gathering line across an unnamed tributary to Tarkiln Run (HQ-CWF) (Waterville Quadrangle 41° 18' 18" N; 77° 17' 54.3" W).

(16) a 12.0 inch diameter natural gas gathering line across an unnamed tributary to Tarkiln Run (HQ-CWF) (Waterville Quadrangle 41° 18' 14.3" N; 77° 18' 8.7" W).

The project will result in 111.0 linear feet of permanent channel impacts, 65 feet of temporary stream impacts, all for the purpose of installing a natural gas gathering line with associated access roadways.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D04-047EA and D04-048EA. Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823, ACOE Pittsburgh District, Franklin Township, **Beaver County**. Project proposes to breach and remove Upper and Lower Hereford Manor Dams across Doe Run (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 9,000 feet of stream channel. The dam is located approximately 500 feet north of the intersection of SR 288 and Lake Road (SR 1010) (Zelienople, PA Quadrangle Latitude: 40° 48' 43"; Longitude: -80° 09' 51").

D14-109EA. Howard Borough, P. O. Box 378, Howard, PA 16841. Marion Township, **Centre County**, ACOE Baltimore District. Project proposes to breach and remove Howard Dam across a tributary to Lick Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 linear feet of stream channel. The dam is located approximately 2,000 feet northwest of the intersection of Walnut Street (SR 26) and Slaughter House Road (T 478) (Mingoville, PA Quadrangle Latitude: 40° 59' 59"; Longitude: -77° 38' 77").

D45-071EA. Skytop Lodge, Inc., One Skytop, Skytop, PA 18357. Barrett Township, **Monroe County**, ACOE Philadelphia District.

To construct and maintain overtopping protection at Skytop Dam across Leavitt Branch, Brodhead Creek (HQ-CWF, MF) to enhance public safety. The dam is located approximately 500-feet northwest of the intersection of SR 390 and East Shore Drive (Skytop, PA Quadrangle Latitude: 41° 13' 44"; Longitude: -75° 14' 05"). The project proposes permanent unavoidable impacts to 0.22-acre of PEM/PSS wetland. The applicant proposes 0.31-acre of onsite replacement wetland.

DAM SAFETY

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

D63-006. Canonsburg No. 1 Dam. Lindenwood Golf Course, 1018 Sheriffs Court, McMurray, PA 15317-2754. To modify, operate, and maintain Canonsburg No. 1 Dam across Speers Run (HQ-WWF) for the purpose of providing recreation and an irrigation source for the golf course. A portion of the downstream embankment will be flattened to provide a stable slope. The proposed modifications will have no wetland or stream impacts (Canonsburg, PA Quadrangle N: 1.5 inches; W: 1.15 inches) North Strabane Township, **Washington County**.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|---|----------------------------|
| PA0060003 (Sewage) | Wyoming County Housing Authority Main Street Nicholson, PA 18446 | Wyoming County Nicholson Borough | Martins Creek 4-F Cold Water Fishes | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0086291 (IW) | Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310 | Juniata County Lack Township | UNT to Lick Run 12-B | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|---|----------------------------|
| PA0209031 (Sewage) | Loganton Borough Authority Wastewater Treatment Plant P. O. Box 203 Loganton, PA 17747-0203 | Clinton County Loganton Borough | Fishing Creek 9-C | Y |
| PA0008222 | Graymont (PA)—Bellefonte Plant 965 East College Avenue Pleasant Gap, PA 16823-6823 | Centre County Spring Township | Buffalo Run 9-C | Y |
| PA0209147 (Sewage) | Centre Hall Potter Sewer System 2940 Penns Valley Pike Centre Hall, PA 16828-0497 | Centre County Potter Township | Unnamed Tributary to Sinking Creek 6-A | Y |
| PA0113280 | Breazeale Reactor 100 Breazeale Nuclear Reactor Building University Park, PA 16802-231 | Centre County State College Borough | Unnamed Tributary of Slab Cabin Run 9-C | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|---|--|--------------------------------------|---------------------------|
| PA0090140 Sewage | Clymer Borough Municipal Authority 470 Adams Street Clymer, PA 15278-1156 | Indiana County Clymer Borough | Two Lick Creek | Y |
| PA0093785 Sewage | Williamhouse, LLC 1 Wedding Lane Scottsdale, PA 15683 | Fayette County Upper Tyrone Township | UNT to Jacobs Creek | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0221848 (Sewage) | Willow Bay Recreation Area STP Route 346 Bradford, PA 16701 | McKean County Corydon Township | Allegheny River 16-B | 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. PAG040152, Sewage, **Rehm SRSTP**, 117 Pebble Woods Drive, Doylestown, PA 18901. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gpd of treated sewage to an Unnamed Tributary of Neshaminy Creek in Watershed 2-F.

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

NPDES Permit No. PA0010782, Industrial Waste, **RRI Energy Mid Atlantic Power Holdings, LLC**, Titus Power Plant, 121 Champion Way, Canonsburg, PA 15317-5817. This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-C.

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

NPDES Permit No. PA0002372, Industrial Waste, **International Waxes, Inc.**, 45 Route 446, Smethport, PA 16749-5413. This existing facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: This is a renewal NPDES application for an existing discharge of noncontact cooling water, stormwater and treated industrial waste. This is a major discharge operating under the SIC Code 2999.

III. WQM Industrial Waste and Sewerage Actions 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. 2820402, Sewage, **Mont Alto Municipal Authority**, P. O. Box 427, Mont Alto, PA 17237-0427. This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of new headworks, modifications to the influent pump station, conversion of the existing biological process to a continuous flow SBR, new effluent metering, a new outfall, chemical feed facilities and a new operations building.

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: Permit issuance for the construction and operation of a methane digester.

WQM Permit No. 3210401, Sewerage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This proposed facility is located in Pine Township, **Indiana County**.

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

WQM Permit No. 6310401, Sewerage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-3153. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers.

WQM Permit No. 1784-A1, Sewerage, **Etna Borough**, 437 Butler Street, Pittsburgh, PA 15223. This existing facility is located in Etna Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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.

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

WQM Permit No. WQG018767, Sewerage, **Leah E. and Michael C. Militello, Jr.**, 12166 Main Street, East Springfield, PA 16411. This proposed/existing facility is located in Washington, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

WQM Permit No. WQG018764, Sewerage, **Benjamin Mozes**, 320 Cherry Hill Road, Greenville, PA 16125. This proposed/existing facility is located in Salem Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

WQM Permit No. WQG018769, Sewerage, **Shane A. Rock**, 9681 Fry Road, McKean, PA 16426. This proposed/existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

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

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

WQM Permit No. WQG018774, Sewerage, **Joan Kelly**, 681 Bullcreek Road, Butler, PA 16002. This proposed/existing facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

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

WQM Permit No. 4693407, Sewerage, **Transfer, H. D. Holdings, LLC**, P. O. Box 74, Bally, PA 19503. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Original wastewater treatment plant transferred from Dyer and MaryAnn Higley to H.D. Holdings, LLC.

WQM Permit No. 4606402, Sewerage, **Lower Pottsgrove Township Authority**, 2199 Buchert Road, Pottstown, PA 19464. This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Upgrades to the Porter and Sanatoga Roads pump stations and a new 18 inch force main.

WQM Permit No. 1592402, Sewerage, **Transfer, Jonathan Synder**, 4 Fox Run Lane, Newtown Square, PA 19073-1004. This proposed facility is located Willistown Township, **Chester County**.

Description of Action/Activity: Wastewater treatment system being transferred from Paul Matthews to Jonathan Synder. No changes or modifications are being made.

WQM Permit No. 0999427, Sewerage, **Amendment, Chalfont—New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Modifications to the sewage treatment plant. Replacing the existing UV system with a new UV system.

WQM Permit No. WQG02461008, Sewerage, **Salford Township**, 139 Ridge Road, P. O. Box 54, Tylesport, PA 18971. This proposed facility is located Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system to serve the Tylersport area in Salford Township.

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 3,275 LF of 8" gravity sewer with 10" and 12" gravity sewer upstream of the Daylesford pump station.

WQM Permit No. 4610402, Sewerage, **Upper Gwynedd Township, Parkside Place**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Installation of an ultra-violet light disinfection system at the wastewater treatment plant.

WQM Permit No. WQG010033, Sewerage, **Jerry and Susan Rehm**, 117 Pebble Woods Drive, Doylestown, PA 18901. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant.

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

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------------------|--|--------------|----------------------|-----------------------|
| PAI01 2306006— Phase I | Sentinel Ridge Development, LLC 110 North Phoenixville Pike Suite 200 Malvern, PA 19355 | Delaware | Marple Township | Crum Creek EV |
| PAI01 511002 | Wal-Mart Real Estate Business Trust A Delaware Statutory Trust 2001 Southeast 10th Street Bentonville, AR 72716-0550 | Philadelphia | City of Philadelphia | Delaware River WWF |

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|-----------------------|----------------|--|
| PAI024809010 | Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109 | Northampton County | Forks Township | Bushkill Creek HQ-CWF, MF |
| PAI024804004R | Forks Village, LP 6065 William Penn Highway Easton, PA 18042 | Northampton County | Forks Township | Unnamed Tributary to Bushkill Creek HQ-CWF, MF |

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|--|----------|-------------------|---------------------------|
| PAI062009002 | Jason Howles 27387 Lyona Road Guys Mills, PA 16327 | Crawford | Richland Township | Woodcock Creek HQ; CWF |

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

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

List of NPDES and/or Other General Permit Types

| | |
|-------|--|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |

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|-------------|--|
| 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> |
|---|-----------------------|---|---|--|
| Chalfont Borough Bucks County | PAG0200 091039 | Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525 | Neshaminy Creek WWF-MF-TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Bristol Township Bucks County | PAG0200 0909071 | Frank A. Greek and Sons, Inc. 33 Cotters Lane New Brunswick, NJ 08816 | Mill Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| East Brandywine Township Chester County | PAG0200 1504041-R | Heatherwyn, LP 1030 West Germantown Pike Norristown, PA 19403 | Bondsville Tributary to Beaver Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Valley Township Chester County | PAG0200 1506024A-1 | All Country Partnership 2500 East High Street Suite 610 Pottstown, PA 19464 | Sucker Run WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Sadsbury Township Chester County | PAG0200 1509042 | Lincoln Crest Management, LLC P. O. Box 627 Morgantown, PA 19543 | Tributary Buck Run Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Coatesville South Coatesville Borough | PAG0200 151030 | Habitat for Humanity of Chester County, Inc. 1853 East Lincoln Highway Coatesville, PA 19320 | West Branch Brandywine Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Radnor Township Delaware County | PAG0200 231003 | Agnes Irwin School Ithan Avenue and Conestoga Road Rosemont, PA 19015 | Kirks Run to Ithan Creek to Darby Creek CWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Ridley Township Delaware County | PAG0200 231009 | Ridley Development Associates, LP One Brewery Place 1301 North 31st Street Philadelphia, PA 19121 | Crum Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Newtown Township Delaware County | PAG0200 231010 | The Kelly Group 63 Chestnut Road 3rd Floor Suite 9 Paoli, PA 1301 | Darby Creek CWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

NOTICES

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| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|--------------------|--|--|--|
| Upper Moreland Township Montgomery County | PAG0200 4609095 | Jeff Cairone 6017 Rising Sun Avenue Philadelphia, PA 19111 | Pennypack Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Horsham Township Montgomery County | PAG0200 461039 | Hampa Realty, LLC 254 Katonah Avenue P. O. Box 803 Katonah, NY 10536 | Pennypack Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Merion Township Montgomery County | PAG0200 461057 | Alan Zheng 1020 West 8th Avenue King of Prussia, PA 19406 | Arrowmink Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Plymouth Township Montgomery County | PAG0200 461032 | Soo Lee 1431 Wesleys Run Gladwyne, PA 19038 | Plymouth Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Pottstown Borough Montgomery County | PAG0200 461033 | Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406 | Manatawny Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Whitemarsh Township Montgomery County | PAG0200 461029 | Robert Frisbie 321 Morris Road Ambler, PA 19002 | Wissahickon Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| East Norriton Township Montgomery County | PAG0200 461044 | East Norristown Township 2501 Standbridge Street East Norriton, PA 19401 | Stony Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Merion Township Montgomery County | PAG0200 461047 | West Laurel Hill Cemetery Co. 225 Belmont Avenue Bala Cynwyd, PA 19004 | Schuylkill River MF-WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Whitemarsh Township Montgomery County | PAG0200 461043 | The Whitemarsh Foundation P. O. Box 538 Lafayette Hill, PA 19444 | Wissahickon Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511016 | City of Philadelphia Department of Public Properties 1515 Arch Street 11th Floor One Parkway Boulevard Philadelphia, PA 19102 | Delaware River Direct Watershed WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511020 | Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107 | Delaware River WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511030 | Temple University Bell Building Suite 300 1101 West Montgomery Avenue Philadelphia, PA 19122 | Delaware River Direct Watershed WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

| <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> |
|---|-------------------|--|--|---|
| East Stroudsburg Borough Monroe County | PAG02004510003 | Pocono Medical Center 206 East Brown Street East Stroudsburg, PA 18301 | Brodhead Creek CWF, MF Existing Use | Monroe County Conservation District 570-629-3060 |
| Newton Township Lackawanna County | PAG02003510009 | Luke Berardis Countryside Community United Methodist Church, Inc. 14001 Church Hill Road Clarks Summit, PA 18411 | Unnamed Tributary to Gardner Creek CWF, MF | Lackawanna County Conservation District 570-281-9495 |
| Lehigh Township Northampton County | PAG02004810011 | Bethany Wesleyan Church 675 Blue Mountain Drive P. O. Box 999 Cherryville, PA 18035-0999 | Bertsch Creek CWF, MF | Northampton County Conservation District 610-7461971 |
| Pittston Township Luzerne County | PAG02004010005 | New Prime, Inc. Johnnie Madison 2740 North Mayfair Avenue Springfield, MO 65803 | Mill Creek CWF, MF | Luzerne County Conservation District 570-674-7991 |
| Monroe Township Cumberland County | PAG2002110001 | Doug Gelder DSG Development P. O. Box 42 Hershey, PA 17033 | UNT to Trindle Spring Run CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| Upper Allen Township Cumberland County | PAG2002110013 | William Rocuskie Deblin, Inc. 4915 Gettysburg Road Mechanicsburg, PA 17055 | Cedar Run | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| Huntingdon Township Adams County | PAG2000110018 | Kevin M. Keefe Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103 | Bermudian Creek WWF | Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636 |
| Upper Tulpehocken Township Berks County | PAG2000610023 | Ron Whitemoyer Christ Evangelical Free Church 8477 Route 183 Bethel, PA 19507 | Little Northkill Creek CWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201 |
| Hereford Township Berks County | PAG2000607068 | Stewart & Conti Development Company 3801 Germantown Pike Collegeville, PA 19426 | Perkiomen Creek TSF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201 |
| Sinking Spring Borough Berks County | PAG2030610010 | Fiorino Grande 2213 Quarry Drive West Lawn, PA 19609 | Cacoosing Creek CWF-MF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201 |

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| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|------------------------------------|---|
| East Donegal Township Lancaster County | PAG2003610048 | PARS Environmental, Inc. 500 Horizon Drive Suite 540 Robbinsville, NJ 08691 | UNT to Susquehanna River WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5 |
| Manheim Township Lancaster County | PAG2003610049 | Manheim Township School District P. O. Box 5134 Lancaster, PA 17606 | Landis Run WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5 |
| East Donegal Township Lancaster County | PAG2003610050 | Donegal School District 1055 Koser Road Mount Joy, PA 17552 | Little Chickies Creek TSF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5 |
| Peach Bottom Township York County | PAG2006707051 | Leroy H. Smith Grande View, LLC 1606 Conowingo Road Bel Air, MD 21014 | Muddy and Scott Creeks TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430 |
| West St. Clair Township Bedford County | PAG2000505006-R | Grandview Development Partnership 291 Fernwood Drive New Paris, PA 15554 | Dunnings Creek WWF | Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 814-623-7900 Ext. 3 |
| Susquehanna Township Dauphin County | PAG2002210015 | A & S Real Estate Associates, LLC c/o Scot Davis 2340 Paxton Church Road Harrisburg, PA 17112 | Paxton Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276 |
| Derry Township Dauphin County | PAG2002205064 | Hershey Entertainment Group 300 Park Boulevard Hershey, PA 17033 | Spring Creek East | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276 |
| Reed Township Dauphin County | PAG2002210018 | Brian K. Soyka Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602 | Juniata River CWF-MF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276 |
| Swatara Township Dauphin County | PAG2002210021 | Dauphin County P. O. Box 1295 Harrisburg, PA 17108-1295 | Spring Creek CWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276 |

| <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> |
|--|-------------------|--|---|---|
| Lower Paxton Township Dauphin County | PAG2002210026 | Sir Thomas Professional Suites, LLC 322 Carlson Road Hummelstown, PA 17036 | Spring Creek CWF-MF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276 |
| East Hempfield Township Lancaster County | PAG2003610033 | BRK Oakwood Properties 63 Kreider Lane Manheim, PA 17545 | Little Conestoga Creek TSF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5 |
| West Donegal Township Lancaster County | PAG2003610034 | Masonic Village One Masonic Drive Elizabethtown, PA 17022 | Conoy Creek TSF-MF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5 |
| Silver Spring Township Cumberland County | PAG2002110015 | Robert Waldhausen 114 Associates 4479 Chambers Hill Road Harrisburg, PA 17111 | Hogestown Run CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| Lower Allen Township Cumberland County | PAG2002105016-R | Rosalie H. Roland Roland Builder, Inc. 1706 Liberty Cove Mechanicsburg, PA 17055 | Yellow Breeches Creek CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| Southampton and Shippensburg Townships Cumberland County | PAG2002105022-R | Thomas K. George Fountainhead SPE, Inc. 31 West Timonium Road Timonium, MD 21093-3102 | UNT to Burd Run—UNT to Middle Spring Creek CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| North Middleton Township Cumberland County | PAG2002109020 | Tom Horton Carlisle Area School District 623 West Penn Street Carlisle, PA 17013 | Conodoguinet Creek WWF-MF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717-240-7812 |
| Windham Township Bradford County | PAG2000810012 | Tyler Satterfield NuWeld, Inc. 3327 Route 14 Highway Trout Run, PA 17771 | Cold Brook CWF Wappasening Creek CWF | Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6 |
| Lawrenceville Borough Tioga County | PAG2005910003 | TerraAqua Resource Management 1000 Commerce Park Drive Williamsport, PA 17701 | Tioga River WWF/MF | Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 3 |

NOTICES

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*Facility Location:
Municipality &
County*

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|----------------------|--|--------------------------------|---|
| Fayette County Menallen Township | PAG2002610008 | Menallen Township Sewer Authority 427 Searights Herbert Road Uniontown, PA 15401 | Jennings Run WWF | Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497 |
| Fayette County Menallen Township | PAG2002610009 | Menallen Township Sewer Authority 427 Searights Herbert Road Uniontown, PA 15401 | Jennings Run WWF | Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497 |
| Somerset County Elk Lick Township | PAG02005610006 | Oak Dale Church 365 Oak Dale Road Salisbury, PA 15558 | Piney Creek CWF | Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652 |
| Washington County East Finley Township | PAG02006310013 | Consol Pennsylvania Coal Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317 | Templeton Fork TSF | Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774 |
| City of Erie Erie County | PAG02 0025 10 001 | Erie Western PA Port Authority 208 East Bayfront Parkway Suite 201 Erie, PA 16507 | Presque Isle Bay WWF; MF | Erie County Conservation District 814-825-6403 |
| City of Erie Erie County | PAG02 0025 10 009 | McInnes Rolled rings 1553 East 12th Street Erie, PA 16511 | Lake Erie WWF; CWF | Erie County Conservation District 814-825-6403 |

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|---|
| Marshall Township Allegheny County | PAR806152 | United States Postal Service P. O. Box 1000 Warrendale, PA 15086-9998 | UNT of Brush Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |
| East Lackawannock Township Mercer County | PAR808374 | Ergon Trucking, Inc. P. O. Box 1639 Jackson, MS 39215-1639 | Unnamed Tributary to Neshannock Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|--|
| Washington Township Erie County | PAG049599 | Leah E. and Michael C. Militello, Jr. 12166 Main Street East Springfield, PA 16411 | Unnamed Tributary of Little Conneauttee Creek 16-A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |

*Facility Location:
Municipality &
County*

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|--|
| Salem Township Mercer County | PAG049596 | Benjamin Mozes 320 Cherry Hill Road Greenville, PA 16125 | Unnamed Tributary to Little Shenango River 20-A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |
| McKean Township Erie County | PAG041001 | Shane A. Rock 9681 Fry Road McKean, PA 16426 | Unnamed Tributary to Elk Creek 15 | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |
| Jefferson Township Butler County | PAG041007 | Joan Kelly 681 Bullcreek Road Butler, PA 16002 | Unnamed Tributary to Thorn Creek 20-C | 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>Approved or Disapproved</i> |
|--|---------------|------------------------|--|------------------------|---|------------------------------------|
| Heindel Farm (operated by Star Rock Farms, LLC) 13845 Ted Wallace Road Brogue, PA 17309 | York | 1,366.5 | 1,925 | Steers | NA | Approved |
| Wen-Crest Farms, LLC Steve and Bonnie Wenger 549 Schaeffer Road Lebanon, PA 17042 | Lebanon | 1,198.1 | 872.55 | Broilers and Steers | HQ | 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

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

Permit No. 0610514 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------------|--|
| Applicant | Womelsdorf—Robesonia Joint Authority |
| Municipality | Heidelberg Township |
| County | Berks |
| Responsible Official | Donald R. Schwartz, Chairperson P. O. Box 94 Womelsdorf, PA 19567 |
| Type of Facility | Permit for repainting of existing Furnace Creek finished water storage tank. |
| Consulting Engineer | David M. Bright, P. E. SSM Group, Inc. P. O. Box 6307 Reading, PA 19610 |
| Permit to Construct Issued: | 9/7/2010 |

Permit No. 0110510 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------------|---|
| Applicant | Hanover Toyota |
| Municipality | Oxford Township |
| County | Adams |
| Responsible Official | John Burdis, Manager 1830 Carlisle Pike Hanover, PA 17331 |
| Type of Facility | Installation of sodium hypochlorite disinfection and contact tanks related to the GWR 4-Log Treatment of Viruses. |
| Consulting Engineer | Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore Street Gettysburg, PA 17325 |
| Permit to Construct Issued: | 8/26/2010 |

Permit No. 3110502 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------------|---|
| Applicant | The Grier School |
| Municipality | Warriors Mark Township |
| County | Huntingdon |
| Responsible Official | Robert Fowler, Head of Maintenance P. O. Box 308 Tyrone, PA 16686 |
| Type of Facility | Replacement of the chlorine contact transmission lines for Well No. 1 and Spring No. 4 related to the GWR 4-Log Treatment of Viruses. |
| Consulting Engineer | David M. Cunningham, P. E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648 |
| Permit to Construct Issued: | 9/7/2010 |

Permit No. 0610519 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------------|--|
| Applicant | Womelsdorf—Robesonia Joint Authority |
| Municipality | Heidelberg Township |
| County | Berks |
| Responsible Official | Glenn Eberly, Chief Operator P. O. Box 94 Womelsdorf, PA 19567 |
| Type of Facility | Addition of approximately 86' of 24" diameter contact pipe at existing Well No. 9 to achieve 4-log inactivation of viruses. Also provided 4-log demonstration for inactivation of viruses for all other sources. |
| Consulting Engineer | David M. Bright, P. E. SSM Group, Inc. P. O. Box 6307 Reading, PA 19610 |
| Permit to Construct Issued: | 9/7/2010 |

Permit No. 0610507, Public Water Supply.
 Applicant **Western Berks Water Authority**
 Municipality Cumru Township
 County **Berks**
 Responsible Official Leonard E. Bilger II, Manager
 91 Water Road
 Sinking Spring, PA 19608
 Type of Facility Installation of booster chlorination facilities into the transmission mains that supply Welsh Woods and Shillington distribution systems.
 Consulting Engineer Andrew C. Hood, P. E.
 Keystone Engineering Group, Inc.
 590 East Lancaster Avenue
 Frazer, PA 19355
 Permit to Construct 9/7/2010
 Issued:

Operations Permit issued to **United Water Pennsylvania**, 7220015, Upper Paxton Township, **Dauphin County** on August 26, 2010, for the operation of facilities approved under Construction Permit No. 2209501 MA.

Operations Permit issued to **Borough of Topton**, 3060072, Topton Borough, **Berks County** on September 7, 2010, for the operation of facilities approved under Construction Permit No. 0609513 MA.

Operations Permit issued to **Gettysburg Municipal Authority**, 7010019, Cumberland Township, **Adams County** on August 26, 2010, for the operation of facilities approved under Construction Permit No. 0110502 MA.

Operations Permit issued to **Pennsylvania American Water**, 7220017, Derry Township, **Dauphin County** on August 26, 2010, for the operation of facilities approved under Construction Permit No. 2210506 MA.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Dauphin Borough, **Dauphin County** on August 26, 2010, for the operation of facilities approved under Construction Permit No. 2210509 MA.

Operations Permit issued to **Pennsylvania American Water**, 7010035, Mt. Pleasant Township, **Adams County** on August 26, 2010, for the operation of facilities approved under Construction Permit No. 0110509 MA.

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

Permit No. 0809503—Operation, Public Water Supply.

Applicant **Ulster Municipal Authority**
 Township or Borough Ulster Township
 County **Bradford**
 Responsible Official Frank Walker, President
 Ulster Municipal Authority
 P. O. Box 157
 Ulster, PA 18850
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Travis Long
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602

Permit Issued Date September 14, 2010
 Description of Action Operation of the Pall Aria AP-3 continuous microfiltration plant, including caustic soda and sodium hypochlorite chemical feed systems.

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Spring Township Water Authority**
 Township or Borough Spring Township
 County **Centre**
 Responsible Official Greg Yearick
 Spring Township Water Authority
 1309 Blanchard Street
 Bellefonte, PA 16823
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 14, 2010
 Description of Action 4-log inactivation of viruses at Entry Point 102 (Carles Well).

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **The Meadows at Watsonstown**
 Township or Borough Delaware Township
 County **Northumberland**
 Responsible Official Alvin C. Thompson
 The Meadows at Watsonstown
 2814 Walbert Avenue
 Allentown, PA 18104
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date September 13, 2010
 Description of Action 270' contact piping and a drain for the finished water tank.

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough Jackson Township
 County **Snyder**
 Responsible Official Patrick R. Burke
 Regional Manager of Northeast and Central Pennsylvania
 Type of Facility Public Water Supply—Construction
 Consulting Engineer William A. LaDieu, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit Issued Date September 14, 2010
 Description of Action Repainting and minor repairs to the Kratzerville Water Storage Tank No. 2.

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

Transfer of Operations Permit issued to **Tigerman and Associates, LP**, for the Pleasant Valley Mobile Home Park, PWSID No. 6620038, Brokenstraw Township, **Warren County** on July 8, 2010, Permit Number 6288501-T1. Action is for a change in ownership only; all original permitted requirements remain in effect to service and supply the mobile home park.

Operations Permit issued to **Aqua Pennsylvania, Incorporated—Shenango**, PWSID No. 6430054, City of Sharon, **Mercer County** on September 10, 2010, Permit Number 4397502-T1-MA2. Action is for operation of the newly integrated hydrated lime feed system at the Shenango WTP, issued in response to an inspection conducted by Department of Environmental Protection personnel on September 7, 2010, and in accordance with construction permit 4397502-T1-MA2, issued July 21, 2010.

Permit No. 4310504, Public Water Supply.
 Applicant **Leesburg Community Water Cooperative Association**
 Township or Borough **Springfield Township**
 County **Mercer County**
 Type of Facility **Public Water Supply**
 Consulting Engineer **John L. Schaudé, P. E.**
 Permit to Construct Issued **07/01/2010**

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775.

The Act 167 Countywide Stormwater Management Plan for Fayette County, submitted by **Fayette County**, was approved on September 8, 2010. This plan applies to all watersheds and all areas within Fayette County.

The Act 167 Countywide Stormwater Management Plan for Mifflin County, submitted by **Mifflin County**, was approved on September 10, 2010. This plan applies to all watersheds and all areas within Mifflin County.

The Act 167 Countywide Stormwater Management Plan for Warren County, submitted by **Warren County**, was approved on September 10, 2010. This plan applies to all watersheds and all areas within Warren County.

The Act 167 Countywide Stormwater Management Plan for Lawrence County, submitted by **Lawrence County**, was approved on September 14, 2010. This plan applies to all watersheds and all areas within Lawrence County.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| | | |
|----------------------------|---|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
| Forward Township | Forward Township Supervisors 207 Ash Stop Road Evans City, PA 16033 | Butler |

Plan Description: The approved plan provides for implementation of a voluntary sewage management program through public education. In addition, oversight of small flow treatment facilities will be increased. Extension of public sewers will be evaluated and implemented as needed.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

**Public Notice of Proposed Settlement Agreement
Bradford Site, McKean County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305, Solid Waste Management Act, 35 P. S. §§ 6018.101—6018.1003, Clean Streams Law, Act of June 22, 1937, 35 P. S. §§ 691.1—691.1001 and section 1917-A of The Administrative Code of 1929, has entered into a Stipulation and Settlement Agreement (Settlement Agreement) with Chemtura Corporation (Chemtura) and American Refining Group (ARG). In addition, notice is also being provided under the Solid Waste Management Act that the Department intends to enter into a new Consent Order and Agreement (updated 2010 Agreement) with ARG.

The Settlement Agreement and updated 2010 Agreement both concern the release of hazardous substances from a petroleum refining facility (Site), located in the City of Bradford, McKean County. During the history of operation of the Site, hazardous substances and constituents were spilled, leaked, disposed or otherwise released into the environment of the Site.

Chemtura and ARG have taken remedial actions needed to clean up and restore the environment at the Site in accordance with a June 8, 2004 Agreement (2004 Agreement) between Crompton Corporation (subsequently named Chemtura Corporation), ARG and the Department. On March 18, 2009, Chemtura filed petitions for reorganization under Chapter 11 of the United States Bankruptcy Code. Subsequent to that filing, Chemtura notified ARG and the Department of Chemtura's intent to suspend all activities related to fulfilling Chemtura's obligations under the 2004 Agreement. Both ARG and the Department contested Chemtura's plan. This Settlement Agreement represents a settlement of that dispute.

Under the terms of the Settlement Agreement that is the subject of this Public Notice, Chemtura shall pay \$10,000,000 into a segregated escrow fund to be utilized by ARG to complete the obligations of 2004 Agreement at the Site. Also as part of the Settlement Agreement, ARG will enter into a new Consent Order and Agreement (updated 2010 Agreement) under which ARG will become solely responsible for implementing the obligations of the 2004 Agreement at the Site, including: continued implementation of interim remedial actions until a final remedial action is in place and operating; removal and recovery of petroleum separate phase liquids; and the implementation of approved remedial action plans for the Site. These obligations include the continued operation of

a wastewater treatment facility and all ancillary remediation equipment, at the Site. The Settlement Agreement will resolve Chemtura's civil liability for the Site including, but not limited to, their liability for releases of hazardous substances into the environment and natural resources damages at the Site.

The Department will receive comments relating to the proposed Settlement Agreement for 60 days from the date of this Public Notice and the updated 2010 Agreement for 30 days from the date of this Public Notice. The Department has the right to withdraw its consent to the proposed Settlement Agreement and/or the updated 2010 Agreement if the comments disclose facts or considerations which indicate that the proposed Settlement Agreement is inappropriate, improper, or not in the public interest.

If the Department does not withdraw its consent to the Settlement Agreement or the updated 2010 Agreement after the public comment period, the Settlement Agreement and updated 2010 Agreement will then be final. Thereafter, the Department will publish a Public Notice of the final Settlement Agreement and updated 2010 Agreement.

The Settlement Agreement and updated 2010 Agreement shall be effective on the first business day after all of the following have occurred: 1. The public comment periods for both the Settlement Agreement and the updated 2010 agreement has occurred; 2. Chemtura has dismissed the Commonwealth and the Department from the Adversary Proceeding docketed before the New York Southern District Court at 1:10-cv-503 RMB; 3. The Bankruptcy Court has issued a final order approving the Settlement Agreement among Chemtura, ARG, and the Department; 4. Chemtura's Chapter 11 Plan has been confirmed by the Bankruptcy Court and is effective; and 5. Chemtura has transferred \$10,000,000 to the Bradford Site Escrow Fund.

The Settlement Agreement is available for inspection and copying at the Department's Northwest Regional Office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Eric A. Gustafson, Regional Manager, Environmental Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Eric A. Gustafson at 814-332-6942. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

Notice of Proposed Interim Response

Horsehead Industries—Brick Landfill Site

The Department of Environmental Protection (Department), under the authority of sections 103 and 501 of the Hazardous Sites Cleanup Act (HSCA), proposes an interim response at the Horsehead Industries—Brick Landfill Site (Site). The Site covers approximately 10 acres and is located north of Route 18 about 1.2 miles west of the Route 60 and 18 interchange in Potter Township, Beaver County, PA.

The Brick Landfill Site is adjacent to a zinc smelting facility currently owned by Horsehead Corporation. The previous owner, Horsehead Industries, went bankrupt and its assets were sold in 2003 to Horsehead Corporation. The parcel containing the Brick Landfill was not included in the sale to Horsehead Corporation.

The Site was used as a disposal area for various waste streams generated by the zinc smelter including slag and brick. A portion of the Site is covered with soil and

vegetation, however waste is exposed in other areas. Poorhouse Run, a tributary to the Ohio River runs through the Site.

Soil and waste samples show that the statewide health standards under Land Recycling and Environmental Remediation Standards Act have been exceeded for hazardous substances such as arsenic, lead, cadmium and mercury. A fence borders a portion of the Site, however access to the Site is not completely restricted and there is a threat to human health or welfare from persons entering the area and coming into contact with the hazardous substances.

Because part of the Site is not covered or well vegetated, there is a threat of wind dispersion carrying airborne contamination off-site. Hazardous substances are potentially being released into the groundwater and to Poorhouse Run from leaching and surface runoff of the waste constituents.

In 2008 the Department conducted an investigation of the Site to determine the nature and extent of the waste and hazardous substances.

The Department considered the following three alternatives to address the waste and hazardous substances at the Site: (Alternative 1) taking no action to address contamination related to the Site; (Alternative 2) removal and off-site disposal of the waste; and (Alternative 3) covering waste with soil and vegetation, implementation of erosion and sedimentation (E&S) controls to repair and prevent erosion of the slopes.

Alternative 1 does not comply with the applicable, relevant, and appropriate requirements (ARARs) and is not protective of human health and the environment. Although both Alternatives 2 and 3 comply with the ARARs and are protective, Alternative 3 is more cost effective than Alternative 2 (\$800,000 v. \$54,000,000). Based on its evaluation of the alternatives, the Department proposes Alternative 3.

This notice is being provided under section 506 (b) of the Hazardous Sites Cleanup Act. The Administrative Record which contains information forming the basis and documenting the selection of this response action is available for public review and comment at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review between 9 a.m. and 4 p.m.

The Administrative Record will be open for comment until December 27, 2010. Persons may submit written comments into the record, during this time only, by sending them or delivering them to Annette T. Paluh, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing scheduled for October 28, 2010 at 7 p.m. at the Potter Township Municipal Building, located at 206 West Mowry Road, Monaca, PA. Persons wishing to present comments must register with Katy Gresh at the Department's Southwest Regional Office, in writing at: 400 Waterfront Drive, Pittsburgh, PA 15222 or by telephone at (412) 442-4203 before noon, October 28, 2010.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact Katy Gresh at (412) 442-4203 or through the Pennsylvania AT&T Relay Service at (800) 654-5954 (TDD) to discuss how the Department may accommodate their needs.

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:

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

Pesotine Residence, 92 Rear Main Street, Jenkins Township, **Luzerne County**. Dean Crusiani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Final Report (on behalf of their client, Christopher Pesotine, 92 Rear Main Street, Inkerman, PA 18640), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a nonregulated 275-gallon aboveground storage tank. The Report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was to have been published in *The Scranton Times* on September 2, 2010.

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

Buske Lines, Inc. Diesel Fuel Release/Pilot Travel Center Carlisle, Middlesex Township, **Cumberland County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Buske Lines, Inc., 7 Gateway Commons Drive, Edwardsville, IL 62025 and Pilot Travel Centers, LLC, 5508 Lonas Drive, Knoxville, TN 37909-3221, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from a ruptured saddle tank. The Report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Residential 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:

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

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 approved on September 8, 2010.

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

Pesotine Residence, 92 Rear Main Street, Jenkins Township, **Luzerne County**. Dean Crusiani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of their client, Christopher Pesotine, 92 Rear Main Street, Inkerman, PA 18640), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a non-regulated 275-gallon aboveground storage tank. The Report documented attainment of the Residential Statewide Health Standard for soils and was approved on September 7, 2010.

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

Hoyt's Fuel Service Petroleum Release/Geffken Residence, Sugarloaf Township, **Columbia 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 Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 9, 2010.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR118. Delta-Energy PA #1, LLC, 350 Hochberg Road, Monroeville, PA 15146-1516. The applicant has requested that their application for the processing of shredded waste tires using a tire depolymerization process and the beneficial use of the primary products of carbon black and fuel-grade oil produced be withdrawn. The withdrawal of the application was effective September 13, 2010.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit No. WMGR096NE003. Phase III Environmental (Former New Jersey Zinc Company West Plant), 405 Watson Park Boulevard, Lehighon, PA 18235-9168, Palmerton Borough, **Carbon County**. A General Permit authorizes the beneficial use of regulated fill that meets the limits of tables GP-1a, and b as construction material under residual waste general permit WMGR096. The Department of Environmental Protection (Department) agreed with the Determination of Applicability request and issued the general permit on August 30, 2010.

Persons interested in reviewing the general permit may contact William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

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

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

58-310-035GP3: L & D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on September 2, 2010, to construct and operate a Portable Crushing Operation with watersprays at their site in Middletown Township, **Susquehanna County**.

58-329-025GP9: L & D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on September 2, 2010, to install and operate a Diesel I/C engine at their site in Middletown Township, **Susquehanna 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: 717-949-7935.

GP1-28-03054: D. L. George & Sons—Manufacturing (13321 Midvale Road, Waynesboro, PA 17268) on September 7, 2010, for two natural gas-fired boilers at their facility in Waynesboro Borough, **Franklin County**.

GP4-67-03016: Strip-It-Clean, LLC (40 Leigh Drive, York, PA 17406) on September 7, 2010, for a burn-off oven at a facility in Manchester Township, **York County**.

GP1-06-03148A: ICON Real Estate, Inc. (Four Stamford Plaza, 107 Elm Street, Stamford, CT 06902) on September 1, 2010, for a boiler at the former Hershey Ludens facility in the City of Reading, **Berks County**.

GP14-21-03081: Ronan Funeral Home (225 York Road, Carlisle, PA 17013) on September 1, 2010, for a human crematory at the funeral home located in South Middleton Township, **Cumberland County**.

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

GP5-59-208A: Seneca Resources Corp. (51 Zents Boulevard, Brookville, PA 15825-2701) on August 30, 2010, to construct and operate of a million standard cubic feet per day glycol dehydrator equipped with a 1.0 million Btu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Department of Conservation and Natural Resources Tract 595 in Bloss Township, **Tioga County**.

GP3-08-320: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on September 1, 2010, to construct and operate a portable nonmetallic mineral jaw crusher with associated water spray dust suppression systems under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their facilities in Orwell, Rome, and Windham Townships, **Bradford County**.

GP9-08-320: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on September 1, 2010, to construct and operate one Caterpillar Model C-9 diesel-fired engine with a rating of 350 brake horsepower (bhp) under the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines, at their facilities in Orwell, Rome, and Windham Townships, **Bradford County**.

GP3-08-320A: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on September 1, 2010, to construct and operate a portable nonmetallic mineral vibratory screen with associated water spray dust suppression systems pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their facilities in Orwell, Rome and Windham Townships, **Bradford County**.

GP11-08-320A: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on September 1, 2010, to construct and operate one Caterpillar Model C4.4 diesel-fired engine with a rating of 129.4 brake horsepower (bhp) under the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-11: Nonroad Engines, at their facilities in Orwell, Rome, and Windham Townships, **Bradford County**.

GP5-17-18A: EQT Production, LLC (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on September 3, 2010, for change of ownership of one natural gas-fired compressor engine rated at 220 brake-horsepower equipped with a catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Tyler Compressor Station in Huston Township, **Clearfield County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Mark Gorog

and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP2-65-00361: Coen Oil Company, 1045 West Chestnut Street, P. O. Box 34, Washington, PA 15301, on August 30, 2010, to continue to operate one 20,000 gallon storage tank for volatile organic liquids at their Greensburg Facility in **Westmoreland County**.

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

GP5-42-226A: SM Energy Co.—Potato Creek 2H Compressor Station (Sackett Hollow Road, Smethport, PA 16749) on September 1, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Norwich Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

40-399-066: Acton Technologies, Inc. (100 Thompson Street, Pittston, PA 18640) on September 1, 2010, to install a Regenerative Thermal Oxidizer (RTO) to control VOC and NH3 emissions at their facility in Jenkins Township, **Luzerne 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: 717-949-7935.

21-05028B: Fry Communications, Inc. (Building 3, 101 Fry Drive, Mechanicsburg, PA 17050-2654) on September 7, 2010, to replace a regenerative thermal oxidizer at their printing facility in Mechanicsburg Borough, **Cumberland County**.

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

63-00955A: National Fuel Gas Supply Corp. (1100 State Street, Erie, PA 16512) on or about September 9, 2010, to install two 2,370-bhp Caterpillar G3608 compressor engines controlled by CO/VOC oxidation catalysts at the new Buffalo Compressor Station, in Buffalo Township, **Washington County**. Emissions from the facility will be 32.04 tons NOx per year, 13.73 tons CO per year, 19.22 tons VOC per year, 5.49 tons formaldehyde per year and 8.23 tons of the sums of all hazardous air pollutants per year. Best Available Technology for the sources being approved is installation of an oxidation catalyst on the engines for control of CO, VOC and formaldehyde. The facility currently has a Title V Operating Permit, TVOP-63-00955. Once compliance with all conditions of the plan approval has been demonstrated, TVOP-63-00955 will be administratively amended to incorporate the provisions of this plan approval in accordance with 25 Pa. Code § 127.450. This installation is subject to State and Federal regulations, including 40 CFR 60, Subpart JJJJ. To insure compliance with all applicable rules, the Plan Approval includes conditions for restriction of emissions

and processes, testing, monitoring recordkeeping, reporting, work practices and additional conditions.

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.

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: 717-949-7935.

06-05002H: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) on September 9, 2010, to install SNCR NO_x controls on the two cement kilns at their cement manufacturing facility in Maidencreek Township, **Berks County**. The Plan Approval was extended.

07-03055A: Advanced Metals Processing—PA, LLC (1001 Loop Road, Hollidaysburg, PA 16648) on September 7, 2010, for a nonferrous metal delacquering oven and remelting oven at their facility in Hollidaysburg Borough, **Blair County**. The Plan Approval was extended.

67-05115A: ECORE International, Inc. (76 Acco Drive, York, PA 17404) on September 7, 2010, to install dust collection systems for rubber tire reclamation at their Acco Drive facility in York Township, **York County**. The Plan Approval was extended and administratively amended due to an ownership change.

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

24-165A: Elkhorn Gas Processing, LLC—Whitetail Gas Processing Facility (5422 Highland Road, Lamont, PA 16365) September 30, 2010, to construct a new gas processing facility consisting of three compressor engines, a dehydrator and a storage tank at facility located in Jones Township, **Elk County**. This is a State-only facility.

61-004D: Electralloy (175 Main Street, Oil City, PA 16301) on September 30, 2010, to install a new fabric filter to replace the existing scrubber to control emissions from the electric arc furnace and AOD vessels at their facility in the Borough of Oil City, **Venango County**. This is a Title V facility.

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

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

09-00014: Bake Rite Rolls—Division of Northeast Foods, Inc. (2945 Samuel Drive, Bensalem, PA 18020) on September 13, 2010, for renewal of the Title V Operating Permit in Bensalem Township, **Bucks County**. The Bensalem facility manufactures hot dog and hamburger rolls and English muffins in ovens and griddles. The facility is a major source of Volatile Organic Compounds (VOC), due to ethanol (VOC) releases as product is baked. There are no control devices for sources operated at the facility. There are no new significant sources at the facility. The parts washer (Source ID 110) has been replaced with a parts washer which uses an aqueous based solvent. The new parts washer is therefore consid-

ered insignificant and not subject to the requirements of 25 Pa. Code § 129.63 (degreasing operations). Two Boilers, listed as Source ID 031 and 032, have been permanently removed and replaced with two small boilers. The maximum capacity of the new boilers is 1.68 mmBtu/hr, each. These boilers are exempt from plan approval requirements according to 25 Pa. Code § 1297.449(e) and are listed in Section G (Miscellaneous) of the permit as insignificant. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64.

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: 717-949-7935.

67-05032: Harley Davidson Motor Company Operations, Inc. (1425 Eden Road, York, PA 17402-1599) on September 8, 2010, for their motorcycle manufacturing facility in Springettsbury Township, **York County**. This is a renewal of the Title V Operating Permit.

36-05028: CNH America, LLC (500 Diller Avenue, New Holland, PA 17557-9301) on September 7, 2010, for their farm machinery manufacturing facility in New Holland Borough, **Lancaster County**. This is a renewal of the Title V Operating Permit.

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.

46-00244: ACME Corrugated Box Co. (2700 Turnpike Drive, Hatboro, PA 19040-4219) on September 10, 2010, for a renewal of a non-Title V, State-only Operating Permit in Upper Moreland Township, **Montgomery County**. ACME Corrugated Box Company operates a dual-fired, 21.4 mmBtu/hr Vapor Power boiler with a maximum potential to emit 19.20 tons of NO_x per year. A cold degreaser (Source ID 100) was removed from the facility and therefore, has been removed from the renewal operating permit. This facility is categorized as a natural minor facility. The permit includes monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

46-00128: Verizon Pennsylvania, Inc.—Jenkintown (100 Greenwood Avenue, Jenkintown, PA 19046) on September 10, 2010, for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00128, for an emergency generator at the facility in **Montgomery County**. The permit was originally issued on December 29, 2004, and no changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00235: North Penn School District (400 Penn Street, Lansdale, PA 19446) on September 10, 2010, for a renewal of State-only (Synthetic Minor) Operating Permit No 46-00235, which was originally issued on September 9, 2005 in Towamencin Township, **Montgomery County**. No major changes have occurred at the facility since the permit was originally issued. The renewed permit will

include monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

23-00063: Department of Corrections—Chester State Correctional Institution (500 East 4th Street, Chester, PA 19013) on September 10, 2010, for renewal of a non-Title V, State-only, Synthetic Minor facility in the City of Chester, **Delaware County**. The facility operates two 51 mmBtu/hr boilers, a 20 mmBtu/hr Boiler, two 1,500-KW emergency generators, a 200-KW generator, a fire pump, and two parts washers. The facility has a potential to emit 23.2 tons of nitrogen oxides per year, 27.5 tons carbon monoxide per year, 70.1 tons of sulfur dioxide per year, 3.5 tons of particulate matter per year, and 10.4 tons of volatile organic compounds per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00128: Verizon Pennsylvania, Inc.—Jenkintown (100 Greenwood Avenue, Jenkintown, PA 19046) on September 13, 2010, for a renewal of State-only (Synthetic Minor) Operating Permit No. 46-00128, for an emergency generator at the facility in **Montgomery County**. The permit was originally issued on December 29, 2004, and no changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

54-00078: The County of Schuylkill—Schuylkill County Prison (401 North 2nd Street, Pottsville, PA 17901-1757) on September 13, 2010, for a State-only Permit to operate a 4.612 mmBtu heat input anthracite fired boiler at their facility in Pottsville City, **Schuylkill County**.

54-00079: The County of Schuylkill—Schuylkill County Courthouse (401 North 2nd Street, Pottsville, PA 17901-1757) on September 13, 2010, for a State-only Permit to operate a 4.612 mmBtu heat input anthracite fired boiler at their facility in Pottsville City, **Schuylkill County**.

45-00009: Vertellus Health & Specialty Products, LLC (Route 611, P. O. Box 730, Delaware Water Gap, PA 18327) on September 13, 2010, to manufacture industrial organic chemical in Delaware Water Gap Borough, **Monroe 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: 717-949-7935.

38-03051: Trinity Alloys, Inc. (200 East Richland Avenue, Myerstown, PA 17067-1545) on September 3, 2010, for their secondary aluminum production facility in Myerstown Borough, **Lebanon County**.

36-05137: B & S Woodcrafts, LLC (722 Truce Road, Quarryville, PA 17566-9733) on September 3, 2010, for their wood furniture manufacturing facility in Providence Township, **Lancaster County**. This is a renewal of the State-only Operating permit.

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

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

09-00041: 6071 Durham Road, LP (6071 Durham Road, Pipersville, PA 18947) on September 9, 2010, for a change of Ownership to the State-only Operating Permit (Synthetic Minor), which was renewed on June, 2009 in Plumstead Township, **Bucks County**. This action is a change of Ownership of the State-only Operating Permit (Synthetic Minor), which was renewed on June, 2009. This State-only operating permit was administratively amended due to a change of ownership.

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

65-00630: Mine Safety Appliances Company—Murrysville Plant (3880 Meadowbrook Road, Murrysville, PA 15668) on August 24, 2010, to administratively amend the Natural Minor Operating Permit to incorporate the change of Responsible Official and Permit Contact Person in Murrysville Borough, **Westmoreland County**. All sources, control devices, and conditions remain the same as in the previous issued operating permit. This facility is located

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

25-00053: Urick Foundry (1501 Cherry Street, Erie, PA 16502) on September 13, 2010, issued an administrative amendment to the State Operating Permit to incorporate the conditions from plan approval 25-0053E for the facility in the City of Erie, **Erie County**.

61-00149: FFH, Inc. (208 Seneca Hardwood Road, Cranberry, PA 16319) on September 3, 2010, issued an administrative amendment to the State Operating Permit to incorporate the name change (formerly Christian Life Academy) for the facility located at 224 South Main Street, Seneca, PA in Cranberry Township, **Venango County**.

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

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

63-00070: Dyno Nobel, Inc. (1320 Galiffa Drive, Donora, PA 15033). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Dyno Nobel, Inc., Donora Plant, located in Donora, **Washington County**:

Less than less than 0.1 ton per year of NO_x from the installation and operation of one Nitric Acid Loading Process controlled by a 500 scfm scrubber.

The list of de minimis increases includes only this project.

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

42-00011: International Waxes, Inc. (45 Route 446, Smethport, PA 16749), for its facility located in Keating Township, **McKean County**. The de minimis emission

increase is for the reactivation of nine Bauxite Filtration Units bring the total number of units to 32. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department of Environmental Protection hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the State-only Operating Permit issuance on December 30, 2005.

| Date | Source | PM10 (tons) | SOx (tons) | NOx (tons) | VOC (tons) | CO (tons) |
|--------------------------|-------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 9/10/10 | 9 Bauxite Filters | 0 | 0 | 0 | 0.12 | 0 |
| Total Reported Increases | | 0 | 0 | 0 | 0.12 | 0 |
| Allowable | | 0.6 ton/source 3 tons/facility | 1.6 tons/source 8 tons/facility | 1 ton/source 5 tons/facility | 1 ton/source 5 tons/facility | 4 tons/source 20 tons/facility |

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32050104 and NPDES Permit No. PA0249742, Mears Energy, LLC, 225 Rich Hill Road, Penn Run, PA 15765, permit renewal for reclamation only of a bituminous surface and auger mine, in West Mahoning Township, **Indiana County**, affecting 126.0 acres. Receiving stream(s): Carr Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 21, 2010. Permit issued: September 8, 2010.

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

63080103 and NPDES Permit No. PA0251445, Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Permit revised to add 18.5 acres and change the land use from forestland to pastureland and/or land occasionally cut for hay at an existing bituminous surface mining site located in Somerset and Fallowfield Townships, **Washington County**, now affecting 224.0 acres.

Receiving streams: unnamed tributaries to North Branch Pigeon and Pigeon Creeks. Application received: June 9, 2010. Permit revision issued: September 7, 2010

26090101 and NPDES Permit No. PA0251569, Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Dunbar Township, **Fayette County**, affecting 160.7 acres. Receiving streams: Craig Branch to Bute Run to Redstone Creek to Monongahela River. Application received: January 28, 2009. Permit issued: September 8, 2010

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

33100103 and NPDES Permit No. PA0258873, Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Corsica Borough and Union Township, **Jefferson County** affecting 26.5 acres. Receiving streams: Welch Run. Application received: April 12, 2010. Permit Issued: September 7, 2010.

5522-33100103-E-1, Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Application for a stream encroachment to construct and maintain a haul road crossing over Welch Run in Corsica Borough and Union Township, **Jefferson County**. Receiving streams: Welch Run. Application received: April 12, 2010. Permit Issued: September 7, 2010.

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

40940101R3, Pioneer Aggregates, Inc., (215 East Saylor Avenue, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Laffin Borough and Plains Township, **Luzerne County** affecting 117.0 acres, receiving stream: none. Application received: November 2, 2009. Renewal issued: September 9, 2010.

Noncoal Permits Actions

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

62100801. William D. Jackson (4034 Oil Creek Road, Spartansburg, PA 16434). Commencement, operation and restoration of a small sand and gravel and clay operation in Spring Creek Township, **Warren County** affecting 5.0 acres. Receiving streams: Spring Creek. Application received: March 22, 2010. Permit Issued: September 7, 2010.

4876SM20. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16801). Revision to an existing gravel operation to revise the permit area in Pittsfield Township, **Warren County** affecting 94.3 acres. Receiving streams: Little Brokenstraw Creek. Application received: March 9, 2010. Permit Issued: September 8, 2010.

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

12990801. Solveson Contracting, Inc. (340 Catlin Hollow, Emporium, PA 15834). Transfer of an existing small noncoal sandstone operation from Robert V. Rupp, Excavating Contracting in Shippen Township, **Cameron County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to Bell Run and Beldin Hollow and East Branch Hicks Run. Application received: May 14, 2010. Permit issued: August 31, 2010.

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

58100810. Robert Schneider, (R.R. 2, Box 2390, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received: July 28, 2010. Permit issued: September 9, 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

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

54104103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Sharp Mountain Phase IV in Pottsville City, **Schuylkill County** with an expiration date of September 1, 2011. Permit issued: September 7, 2010.

09104113. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Springfield Township Storm Water in Springfield Township, **Bucks County** with an expiration date of December 1, 2010. Permit issued: September 8, 2010.

58104116. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Post 1H—2H Well Pad in Brooklyn Township, **Susquehanna County** with an expiration date of September 30, 2011. Permit issued: September 8, 2010.

39104107. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Bennett Toyota in the City of Allentown, **Lehigh County** with an expiration date of September 7, 2011. Permit issued: September 9, 2010.

58104115. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cosner 1H Well Pad in Springville Township, **Susquehanna County** with an expiration date of September 30, 2011. Permit issued: September 10, 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

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

E36-859: 1040 Log Cabin Road, Adam Davis, 1314 Deer Lane, Lancaster, PA 17601, ACOE Baltimore District.

To place and maintain fill in 0.03 acre of PEM wetland within the Cocalico Creek (WWF) watershed for the purpose of constructing a horse riding ring and associated outbuildings. The project is located at a point just southwest of the intersection of Log Cabin and Rose Hill Roads (Ephrata, PA Quadrangle 0.50 inches North; 8.0 inches West, Latitude: 40° 07' 45.4" N; Longitude: 76° 14' 06.8" W) in Warwick Township, **Lancaster County**. The amount of wetland impact is considered a de minimis impact of 0.03 acre PEM wetland but the permittee will provide 0.06 acre of PEM replacement wetland.

E36-872: Donegal Chapter of Trout Unlimited, P. O. Box 8001, Lancaster, PA, 17604, Climbers Run Restoration Project, Martic Township, **Lancaster County**, ACOE Baltimore District.

To restore and maintain 3,200.0 linear feet of Climbers Run (CWF/MF) including stream bank grading and the construction and maintenance of four log-faced stone deflectors, one bank cover crib, ten modified muddills, 24 log vane deflectors, four log cross vane deflectors, one stone channel block, one toe log, four agricultural live-stock crossings and 2,800.0 feet of streambank fencing in and along the floodway of Climber's Run (CWF/MF) for the purpose of restoring and stabilizing the existing stream. The project is located along Marticville Road approximately 2,500 feet north of the intersection of Marticville (SR 324) and Pennsy Roads (Conestoga, PA Quadrangle, Beginning N: 7.72 inches; W: 7.88 inches, Latitude: 39° 55' 3.12"; Longitude: 76° 18' 22.3", Ending N: 7.47 inches; W: 9.15 inches, Latitude: 39° 54' 58.6"; Longitude: 76° 18' 55") in Martic Township, Lancaster County.

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

E59-496. Ultra Resources, Inc., 304 Inverness Way South, Englewood, CO 80112-5828. Water Obstruction and Encroachment Joint Permit, Marshlands Play Pipelines PL-116, in Gaines Township, **Tioga County**, ACOE Baltimore District (Marshlands, PA Quadrangle N: 41° 41' 46"; W: 77° 35' 59").

To construct and maintain 6,800 linear feet of 8-inch natural gas pipeline, to include two wetlands and one stream crossing under Big Hollow (Exceptional Value—EV, MF—Wild Trout) located west of Pigeon Hill Road off SR 3001 approximately 1.6 miles south of the intersection with SR 3001 outside the Village of Marshlands.

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

E24-256, Fox Township, 116 Irishtown Road, Kersey, PA 15846-2608, Hemlock Lane Culvert on Mill Creek in Fox Township, **Elk County**, ACOE Pittsburgh District (The Kersey, PA Quadrangle N: 41° 21' 36"; W: -78° 36' 35").

To replace two 36" culverts on Hemlock Lane and Mill Creek (CWF) with a single 4.5' high by 10' wide box culvert that incorporates Department of Transportation BD632M specified fish baffles. Mill Creek is classified as a CWF.

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.

08/19/2010
 ESCGP-1 No.: ESX10-051-0027
 Applicant Name: Atlas Energy Resources, LLC
 Contact: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Menallen
 Receiving Stream(s) and Classifications: UNT to Fans Run, Runs Run, UNT to Redstone Creek, other
 Secondary Water Redstone Creek

8/30/2010
 ESCGP-1 No.: ESX10-059-0066
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla L. Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Greene Township(s): Greene
 Receiving Stream(s) and Classifications: Whiteley Creek, UNT 41203 to Whiteley Creek, and UNT 41206 to Whiteley Creek, other
 Secondary Water Monongahela River

08/24/2010

ESCGP-1 No.: ESX10-051-0029
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jerney Hirtz
 Address: 800 Mountainview Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Lower Tyrone
 Receiving Stream(s) and Classifications: Hickman Run
 WWF, other
 Secondary Water Youghiogheny River WWF

09/01/2010

ESCGP-1 No.: ESX10-051-0032
 Applicant Name: Chief Oil and Gas, LLC
 Contact Person: Michael D. Hritz
 Address: 6051 Wallace Road, Ext., Suite 210
 City: Wexford State: PA Zip Code: 15070
 County: Fayette Township(s): Wharton
 Receiving Stream(s) and Classifications: UNT to Little
 Sandy Creek (HQ-CWF)
 Secondary Water Little Sandy Creek (HQ-CWF)

8/25/2010

ESCGP-1 No.: ESX10-111-0004 Major Revision
 Applicant Name: Samson Resources Company
 Contact Person: Autumn Long
 Address: Two West Second Street
 City: Tulsa State: OK Zip Code: 74103
 County: Somerset Township(s): Stonycreek
 Receiving Stream(s) and Classifications: Stonycreek River,
 other

8/31/2010

ESCGP-1 No.: ESX10-051-0030
 Applicant Name: Phillips Exploration, Inc.
 Contact Person: Gary Clark
 Address: 502 Keystone Drive
 City: Warrendale State: PA Zip Code: 15086
 County: Fayette Township(s): Dunbar
 Receiving Stream(s) and Classifications: UNT of
 Dickerson Run WWF, other
 Secondary Water Dickerson Run—WWF

8/26/2010

ESCGP-1 No.: ESX10-125-0072
 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): South Franklin
 Receiving Stream(s) and Classifications: UNT to Fork of
 Bane Creek, other
 Secondary Water Fork of Bane Creek

8/23/2010

ESCGP-1 No.: ESX10-125-0070
 Applicant Name: Rice Drilling, Inc.
 Contact Person: John LaVelle
 Address: 171 Hillpointe Drive, Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: UNT to Bane
 Creek (TSF), other
 Secondary Water Bane and Pleasant Valley Run
 Creeks

8/25/2010

ESCGP-1 No.: ESX10-125-0071

Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154
 County: Washington Township(s): Nottingham
 Receiving Stream(s) and Classifications: 2 UNT to Mingo
 Creek (TSF), other
 Secondary Water Mingo Creek (TSF)

8/23/2010

ESCGP-1 No.: ESX10-059-0064
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Franklin
 Receiving Stream(s) and Classifications: South Fork
 Tenmile and Browns Creeks, Toll Gate Run HQ, other
 Secondary Water Tenmile Creek

08/20/2010

ESCGP-1 No.: ESX10-005-0008
 Applicant Name: Snyder Brothers, Inc.
 Contact: David C. O'Hara
 Address: 90 Glade Drive, P. O. Box 1022
 City: Kittanning State: PA Zip Code: 16201
 County: Armstrong Township(s): South and North Buffalo
 Receiving Stream(s) and Classifications: Watson and
 Nicholson Runs, other
 Secondary Water Tributary to Allegheny River

08/25/2010

ESCGP-1 No.: ESX10-063-0004 Minor Revision
 Applicant Name: EQT Production Company
 Contact: Todd N. Klaner
 Address: 455 Racetrack Road, Suite 101
 City: Washington State: PA Zip Code: 15301
 County: Indiana Township(s): Grant
 Receiving Stream(s) and Classifications: Little Mahoning
 Creek (HQ-CWF)/Mahoning Creek
 Secondary Water: Allegheny River

8/25/2010

ESCGP-1 No.: ESX10-059-0065
 Applicant Name: Atlas Energy, Inc.
 Contact: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Dunkard
 Receiving Stream(s) and Classifications: Crooked Run
 WWF, other
 Secondary Water WWF

8/10/2010

ESCGP-1 No.: ESX10-129-0028
 Applicant Name: Consol Gas Company
 Contact: Craig Neal
 Address: 280 Indian Springs Road, Suite 333
 City: Indiana State: PA Zip Code: 15701
 County: Westmoreland Township(s): Washington/Bell
 Receiving Stream(s) and Classifications: Beaver Run
 Reservoir/Poke Run, HQ
 Secondary Water Kiskiminetas River

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

| <i>ESCP No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------|--|----------------|---------------------|--|
| 4510802 | Transcontinental Gas Pipe Line Company, Inc. 2800 Post Oak Boulevard Level 17 Houston, TX 77056 | Luzerne County | Buck Township | Unnamed Tributaries to Stony Run HQ-CWF, MF |
| | | | | Unnamed Tributary to Kendall Creek HQ-CWF, MF |
| | | Monroe County | Tobyhanna Township | Unnamed Tributary to Lehigh River HQ-CWF, MF |
| | | | | Stony Run HQ-CWF, MF |
| | | | | Unnamed Tributaries to Twomile Run HQ-CWF, MF |
| | | | | Twomile Run HQ-CWF, MF |
| | | | | Unnamed Tributary to Tobyhanna Creek HQ-CWF, MF |
| | | | | Tobyhanna Creek HQ-CWF, MF |

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESG10-117-0042(01)
Applicant Name Ultra Resources, Inc.
Contact Person Belinda Salinas
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Tioga Township(s) Gaines Township
Receiving Stream(s) and Classification(s) Painter and Lick Runs

ESCGP-1 # ESG10-117-0050(01)
Applicant Name Ultra Resources, Inc.
Contact Person Belinda Salinas
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Tioga Township(s) Gaines Township
Receiving Stream(s) and Classification(s) Painter and Lick Runs

ESCGP-1 # ESG09-105-0010
Applicant Name Ultra Resources, Inc.
Contact Person Belinda Salinas
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Potter Township(s) Pike and West Branch Townships
Receiving Stream(s) and Classification(s) Pine Creek, Elk Run, South Branch Pine Creek, Bloody Run

ESCGP-1 # ESX10-105-0019
Applicant Name Penn Virginia Oil and Gas Corp
Contact Person Michael Stamper
Address 1000 Town Center Way, Suite 210
City, State, Zip Canonsburg, PA 15317
County Potter Township(s) Allegany Township
Receiving Stream(s) and Classification(s) Allegheny River

ESCGP-1 # ESX10-027-0015
Applicant Name Anadarko Marcellus Midstream, LLC

Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Centre Township(s) Burnside Township
Receiving Stream(s) and Classification(s) Wolf and Fields Runs, Beech Creek, West Branch Susquehanna River

ESCGP-1 # ESX10-035-0010
Applicant Name Anadarko E & P Company, LP
Contact Person Bertha Nefe
Address P. O. Box 1330
City, State, Zip Houston, TX 77251-1330
County Clinton Township(s) Grugan Township
Receiving Stream(s) and Classification(s) UNT to Right Branch Hyner Run, Susquehanna River Watershed, Hyner Run

ESCGP-1 # ESX10-081-0072
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) Birch and Sandy Runs

ESCGP-1 # ESX10-081-0073
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) Cummings Township
Receiving Stream(s) and Classification(s) Dam and Ramsey Runs, Little Pine Creek

ESCGP-1 # ESX10-081-0071
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 Larry's Creek, Sandy Run, UNT to Wolf Run

ESCGP-1 # ESX10-015-0249

Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers

Address 100 1st Center

City, State, Zip Horseheads, NY 14845-1015

County Bradford Township(s) Wyalusing Township

Receiving Stream(s) and Classification(s) Susquehanna River, Tributary to Brewer Creek, Tributaries to Susquehanna River, Susquehanna River Watershed

ESCGP-1 # ESX10-105-0018

Applicant Name Pennsylvania General Energy Co., 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) Green Hollow, UNT to Sartwell Creek, Hanson Hollow, Sartwell Creek, Fishing Creek

ESCGP-1 # ESX10-117-0186

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) Charleston Township

Receiving Stream(s) and Classification(s) UNT Charleston Creek, Susquehanna River Basin in PA, West Branch Susquehanna River, Charleston Creek to Marsh Creek

ESCGP-1 # ESX10-117-0183

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) Richmond Township

Receiving Stream(s) and Classification(s) Corey Creek, UNT to Canoe Camp Creek, Tioga River, Canoe Camp Creek

ESCGP-1 # ESX10-015-0191

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Granville Township

Receiving Stream(s) and Classification(s) UNT to North Branch Towanda Creek, Wallace Brook, North Branch Towanda Creek

ESCGP-1 # ESX10-117-0149

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Tioga Township(s) Covington Township

Receiving Stream(s) and Classification(s) UNT to Wilson Creek, Wilson Creek

ESCGP-1 # ESX10-015-0214

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Warren and Windham Townships

Receiving Stream(s) and Classification(s) Wappasening Creek, North Branch Susquehanna River

ESCGP-1 # ESX10-015-0195

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Pike Township

Receiving Stream(s) and Classification(s) Johnson Creek

ESCGP-1 # ESX10-015-0238

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Columbia Township

Receiving Stream(s) and Classification(s) Tributary to North Branch Sugar Creek, North Branch Sugar Creek

ESCGP-1 # ESX10-015-0244

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Orwell Township

Receiving Stream(s) and Classification(s) UNTs to Trout Stream and Wysox Creek, Trout Stream, Wysox Creek

ESCGP-1 # ESX10-015-0252

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Orwell Township

Receiving Stream(s) and Classification(s) Trout Stream

ESCGP-1 # ESX10-117-0187

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Tioga Township(s) Bloss Township

Receiving Stream(s) and Classification(s) Sawmill Creek

ESCGP-1 # ESX10-015-0250

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Orwell Township

Receiving Stream(s) and Classification(s) UNTs to (2) to Trout Stream

ESCGP-1 # ESX10-015-0222

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Wappasening Creek

ESCGP-1 # ESX10-015-0221

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Prince Hollow Run, UNT to Wappasening Creek

ESCGP-1 # ESX10-015-0237

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Stevens Township

Receiving Stream(s) and Classification(s) UNTs to Cold Creek, Cold Creek

ESCGP-1 # ESX10-015-0240
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Pike Township
 Receiving Stream(s) and Classification(s) Gaylord Creek,
 UNT to Gaylord Creek, North Branch Wyalusing Creek

ESCGP-1 # ESX10-015-0228
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) UNT to Trout
 Stream, Trout Stream

ESCGP-1 # ESX10-015-0220
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) UNT to Trout
 Stream, Jerome Creek, Trout Stream

ESCGP-1 # ESG10-117-0028
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga Township(s) Ward Township
 Receiving Stream(s) and Classification(s) UNT to Fellows
 Creek

ESCGP-1 # ESX10-015-0187
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Pike Township
 Receiving Stream(s) and Classification(s) Ross Creek

ESCGP-1 # ESX10-015-0186
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Pike Township
 Receiving Stream(s) and Classification(s) UNT to Will-
 iams Creek, Southwick Creek

ESCGP-1 # ESX10-015-0213
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Warren Township
 Receiving Stream(s) and Classification(s) UNT to Wap-
 pasening Creek, Wappasening Creek

ESCGP-1 # ESX10-015-0236
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Pike and Stevens Town-
 ships
 Receiving Stream(s) and Classification(s) UNT (2) to Cold
 Creek, Cold Creek

ESCGP-1 # ESX10-015-0251
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter

Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Armenia Township
 Receiving Stream(s) and Classification(s) UNT to
 Rathbone Creek, Rathbone Creek

ESCGP-1 # ESX10-015-0208
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Warren Township
 Receiving Stream(s) and Classification(s) UNT to Chaffee
 Run, Chaffee Run

ESCGP-1 # ESX10-015-0253
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) UNTs (2) to
 Trout Stream, Trout Stream

ESCGP-1 # ESX10-015-0209
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Columbia Township
 Receiving Stream(s) and Classification(s) UNT to Wolfe
 Creek, Wolfe Creek, North Branch Sugar Creek

ESCGP-1 # ESX10-015-0246
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Pike Township
 Receiving Stream(s) and Classification(s) Rockwell Creek

ESCGP-1 # ESX10-015-0211
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Canton Township
 Receiving Stream(s) and Classification(s) UNT to Alba
 Creek, Alba Creek

ESCGP-1 # ESX10-015-0247
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Armenia Township
 Receiving Stream(s) and Classification(s) Morgan Creek,
 Case Glen

ESCGP-1 # ESG10-117-0136
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) Bear Creek,
 UNTs to Hammond Creek

ESCGP-1 # ESX10-015-0260
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Columbia Township
Receiving Stream(s) and Classification(s) Tributary to
Sugar Creek, Sugar Creek

ESCGP-1 # ESX10-015-0181

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford Township(s) Armenia Township

Receiving Stream(s) and Classification(s) Tributary to
Fallbrook

ESCGP-1 # ESX10-117-0155

Applicant Name Talisman Energy USA, Inc.

Contact Person Eric Potter

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Tioga Township(s) Tioga and Jackson Townships
Receiving Stream(s) and Classification(s) Steam Mill, Mut-
ton Lane and Hammond Creeks, Tioga-Cowanesque
Rivers

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

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

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> |
|------------------------|--|---------------|
| 10-42-010 | American Refining Group, Inc. 77 North Kendall Avenue Bradford, PA 16701 Attn: Jason Goodling | McKean |

| <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|---------------------|-----------------------------------|-----------------------|
| Bradford City | 3 ASTs storing petroleum products | 941,220 gallons total |

SPECIAL NOTICES

Categorical Exclusion from the State Environmental Review Process

Location: Lancaster County Conservation District, 1383 Arcadia Road, Room 200, Lancaster, PA 17601, Manheim Township, Lancaster County.

Description: Funding has been requested from the Pennsylvania Infrastructure Investment Authority (PENNVEST) by the Lancaster County Conservation District on behalf of Team Ag, Inc. and Oregon Dairy Farm for an Organics Composting project. The project will turn potential waste streams from the farm into a high quality compost. 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 of Environmental Protection (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.

Categorical Exclusion

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Location: Etna Borough, 437 Butler Street, Pittsburgh, PA 15223.

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to rehabilitate existing combined sewers at various locations to reduce wet weather flows to ALCOSAN and comply with a Department of Environmental Protection (Department) Consent Order and Agreement.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Public Hearing Invitation

Public Hearing for NPDES Permit No. PAI 025210005

Proposed Lands of Siegfried Subdivision, Greene Township, Pike County

On July 15, 2010, the Pike County Conservation District (District) and the Department of Environmental Protection (Department) received an administratively complete NPDES Permit application package for the proposed Lands of Siegfried Subdivision in Greene Township, Pike County.

The District and the Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAI025210005 for the discharge of stormwater from construction activities to Bridge Creek to Wallenpaupack Creek, HQ-CWF, MF. The public hearing will be conducted on Monday, November 1, 2010 at 5:30 p.m. at the Pike County Conservation District office, 556 Route 402 (I-84 exit 30), Blooming Grove, PA.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Lands of Siegfried Subdivision Hearing, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI025210005 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and plans are available for review at the Pike County Conservation District Office, 556 Rt. 402, Blooming Grove, PA, (570) 226-8220 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103.

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

08101001. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803), authorization to extract stone in Windham Township, **Bradford County** to provide fill material to the Talisman Gas Well Pad Construction Project. Receiving streams: Trout Brook and Wysox Creek. Authorization approved: August 31, 2010.

General Permit for Short-Term Construction Projects

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

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103.

58101003. Poppel Construction, Inc., (215 East Saylor Avenue, Laflin, PA 18702), authorization to extract stone in Rush Township, **Susquehanna County** to construct gas well pads for Marcellus Shale Well Pads-1 Project, receiving stream: North Branch Wyalusing Creek. Authorization approved: September 9, 2010.

[Pa.B. Doc. No. 10-1839. Filed for public inspection September 24, 2010, 9:00 a.m.]

Bid Opportunity

OSM 10(0752)101.1, Abandoned Mine Reclamation Project, Sherwin North I, Clay Township, Butler County. The principal items of work and approximate quantities include subsurface drain, grading, rock lining with filter material, wetland restoration and seeding. This bid issues September 24, 2010, and bids will be opened on October 28, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-1840. Filed for public inspection September 24, 2010, 9:00 a.m.]

Control Measures under Consideration by the Ozone Transport Commission; Public Comment Period

The Department of Environmental Protection (Department) is seeking comments on control measures under consideration by the Ozone Transport Commission (Commission) for the attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS). This public comment period is consistent with the requirements of section 7.4 of the Air Pollution Control Act (35 P. S. § 4007.4), which requires an opportunity for public review and comment of recommendations for additional control measures prior to final action by the Commission.

The Commission, a multi-state organization created under sections 176A and 184 of the Federal Clean Air Act, is authorized to develop recommendations for additional control measures to mitigate the transport of ozone and its precursors in the Ozone Transport Region (OTR) established by operation of law. In addition to this Commonwealth, the OTR is comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, northern Virginia and the District of Columbia.

In October 2010, the United States Environmental Protection Agency (EPA) is expected to revise the primary and secondary ozone NAAQS to be more protective of public health and the environment. A notice proposing a revised primary ozone NAAQS ranging from 0.060 to 0.070 parts per million to protect public health and a new cumulative, seasonal secondary standard ranging from 7-15 ppm-hours to protect sensitive vegetation and ecosystems was published in the *Federal Register* on January 19, 2010. When the EPA establishes a NAAQS, states must submit State Implementation Plan revisions to demonstrate attainment and maintenance of the NAAQS in a timely fashion, and to demonstrate progress in making reductions in nitrogen oxides (NOx) and volatile organic compounds (VOCs), which are ozone precursors.

Based on current ozone data, monitored areas of this Commonwealth would be designated as "nonattainment" if the EPA adopts a primary ozone NAAQS of 0.060 or 0.065 ppm this fall. During the implementation of the 2010 ozone NAAQS, the Department will collaborate with the Commission member states and other regional organizations to develop cost-effective strategies for attaining and maintaining the ozone NAAQS and to develop the necessary air quality attainment demonstrations.

The Commission has adopted resolutions and memoranda of understanding setting forth the process and schedules for developing the control strategies; the Commission generally issues a charge to the mobile, stationary and area source and modeling committees to identify the measures and develop model rules, if necessary. The Commission has also held public stakeholder meetings on potential control measures, most recently in Baltimore on September 16, 2010. Department staff will review stakeholder comments submitted to the Commission on the proposed measures and will also consider those comments prior to acting on the Commission recommendations.

The Commission may consider final action during its fall meeting on November 10, 2010, which would commit signatory states to pursue the following control strategies:

- Limits on idling for nonroad vehicles, to control NOx.
- NOx limitations for stationary generators.

- NOx limitations on High Electric Demand Days.
- VOC controls for degreasing operations.

Materials describing the potential control measures can be found on Department's web site at www.depweb.state.pa.us, choose Air Quality. Additional materials can be found at the Commission web site, www.otcair.org, choose "Meetings."

Comments should be sent by October 15, 2010, to Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or ashulman@state.pa.us. The Department will consider and retain all comments, but will not prepare a comment and response document.

Adoption by the Commission of any of the NOx and VOC measures is considered a commitment by signatory states to pursue legislative or regulatory action to adopt and implement these measures. Any control measure proposed for promulgation in this Commonwealth would be subject to the Commonwealth's notice and comment rulemaking process under the Commonwealth Documents Law, Regulatory Review Act and Commonwealth Attorneys Act.

JOHN HANGER
Secretary

[Pa.B. Doc. No. 10-1841. Filed for public inspection September 24, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Hempfield Manor
1118 Woodward Drive
Greensburg, PA 15601

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.26(a) and 205.36(f) (relating to laundry; and bathing facilities).

Malta Home
105 Malta Drive
Granville, PA 17029
FAC ID 130302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1842. Filed for public inspection September 24, 2010, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee; Public Hearing and Meeting

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health (Department) will hold a public hearing and a public meeting on October 13, 2010, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The public hearing will be held from 10 a.m. to 12 p.m. Comments must be submitted in writing no later than 2:30 p.m. on September 30, 2010, to the Department of Health, Bureau of Health Promotion and Risk Reduction, Division of Tobacco Prevention and Control, Room 1032, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, or fax (717) 214-6690. Written comments must be limited to no more than three typewritten pages. Persons wishing to present written statements orally at the public hearing must contact Mary K. Parker at (717) 783-6600 no later than 2:30 p.m. on September 15, 2010, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The public meeting of the Committee will be held from 1 p.m. to 3 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2010-2011.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information contact Mary K. Parker, Division of Tobacco Prevention and Control, Room 1032, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-6600.

For persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Mary K. Parker at (717) 783-6600, or V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This hearing and meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-1843. Filed for public inspection September 24, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Liquefied Petroleum Gas Facility; Notice of Application

The Department of Labor and Industry (Department) publishes this notice of application under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329.10). The Department received an application for plan approval and permit from the following liquefied petroleum gas (LPG) facility: Markwest Liberty Midstream & Resources, LLC, 800 Western Avenue, Washington, PA 15301.

The application is for an existing LPG facility that currently operates as a processing and bulk storage facility through the use of 9 30,000-gallon, 23 60,000-gallon and 2 70,000-gallon propane storage tanks and associated necessary equipment.

The due date for protests or comments concerning this application is 45 days after the date of this published notice. A party that fails to file a timely protest will be barred from any participation in the application process. However, a municipality or county may submit written comments on the application within 45 days after the date of publication of this notice. If a municipality or county fails to file a protest or comments on a timely basis, the municipality or county will be deemed to have waived its status as a party in any subsequent administrative processing or appeal.

Written protests or written comments may be sent to Edward L. Leister, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-1844. Filed for public inspection September 24, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Disproportionate Share and Supplemental Hospital Payments

The Department of Public Welfare (Department) is announcing its intent to amend the qualifying criteria and payment methodology for inpatient disproportionate share hospital (DSH), outpatient DSH and direct medical education payments and to allocate funding for Fiscal Year (FY) 2010-2011 for these payments. Additionally, the Department is announcing its intent to establish an additional class of DSH payments and two additional classes of supplemental payment for acute care general hospitals and a new supplemental payment for freestanding rehabilitation hospitals.

Background

The General Assembly enacted the act of July 9, 2010 (P.L. 336, No. 49) (Act 49). Among other things, Act 49 added Article VIII-G to the Public Welfare Code authorizing the Department to impose a monetary assessment on

the net operating revenue of all Commonwealth licensed hospitals, other than certain exempt hospitals.¹ See 62 P.S. §§ 801-G—816-G.

Under Act 49, all funds generated by the hospital assessment must be deposited into a restricted account called the Quality Care Assessment Fund. See 62 P.S. § 805-G(a). Consistent with Act 49, the Department intends to use funds from the hospital assessment to update the Medical Assistance (MA) fee-for-service (FFS) payment system for inpatient services, modify some existing DSH and supplemental payments and create several new DSH and supplemental payments for MA hospital providers. To ensure receipt of Federal matching funds for the MA payments that will be made with the assessment revenues, the Department must obtain the Centers for Medicare and Medicaid Services (CMS) approval of a waiver allowing the assessment to be implemented as specified in Act 49. The Department must also obtain CMS' approval of amendments to the Commonwealth's Title XIX State Plan, the Department's 1915(b) waiver for the HealthChoices Medicaid managed care program, and the Department's contracts with MA managed care organizations (MCOs).

On June 26, 2010, the Department published a notice in the *Pennsylvania Bulletin* announcing its intent to use assessment revenues to update and improve the FFS Diagnosis Related Group (DRG) prospective payment system for inpatient acute care general hospital services. In that same notice, the Department stated that it would publish a separate notice describing any proposed changes to hospital DSH and supplemental payments which would also be funded with assessment revenues. This notice announces the changes that the Department intends to make to the DSH and supplemental payments made to hospitals under the MA FFS Program. These changes, along with the changes to the FFS DRG prospective payment system described in the June 26, 2010, notice, will result in aggregate increases in payments to MA hospital providers and are intended to insure that MA recipients continue to receive access to medically necessary inpatient and outpatient services. The changes are contingent upon the CMS approvals noted previously.

Changes to and Funding Allocation for DSH Payments Inpatient DSH Payments

Under the Commonwealth's current approved State Plan, the Department makes inpatient DSH payments to MA acute care general hospitals that meet certain eligibility criteria.

The Department intends to provide an additional way for a hospital to qualify for inpatient DSH payments. Specifically, the Department is proposing to make inpatient DSH payments to an MA acute care general hospital that meets either the eligibility criteria in effect as of July 1, 2010, or the following criteria:

(1) The hospital is located in a county that is ranked above the 96th percentile for all counties in this Commonwealth as determined using data contained in the Department's December 2009 report of Unduplicated Persons Eligible for MA and based on either:

- (i) The percentile rank of the county's percent of population eligible for MA; or
- (ii) The percentile rank of the county's total number of persons eligible for MA; and

¹ Act 49 exempts the following hospitals from the assessment: (1) Federal veterans' affairs hospitals; (2) Hospitals that provide care, including inpatient hospital services, to all patients free of charge; (3) Private psychiatric hospitals; (4) State-owned psychiatric hospitals; (5) Critical access hospitals; and (6) Long-term acute care hospitals.

(2) The hospital has a ratio of total MA acute inpatient days to total acute inpatient days which exceeds the average ratio of MA acute inpatient days to total hospital acute inpatient days of all hospitals within that county based on data from the FY 2007-2008 MA hospital cost report (MA 336) available to the Department as of July 2010.

In addition to providing another way for a hospital to qualify for inpatient DSH payments, the Department intends to change how it calculates inpatient DSH payment amounts as follows:

(1) The Department will use the FY 2007-2008 MA hospital cost report data available to the Department as of July 2010 to calculate an inpatient DSH payment amount for each qualifying hospital.

(2) For FY 2010-2011, a qualifying hospital's inpatient DSH payment amount will be the higher of:

(i) The payment amount calculated under previously listed (1); or

(ii) The inpatient DSH payment amount the hospital received for FY 2009-2010.

(3) For FY 2011-2012, unless a qualifying hospital meets the conditions specified in (5) as follows, the hospital's inpatient DSH payment amount will be the higher of:

(i) The payment amount calculated under previously listed (1); or

(ii) The payment amount calculated under previously listed (1) plus one half of the difference between the inpatient DSH payment amount the hospital received for FY 2009-2010 and payment amount calculated under previously listed (1), if the FY 2009-2010 payment amount is greater than the amount calculated under previously listed (1).

(4) For FY 2012-2013, unless a qualifying hospital meets the conditions specified in (5) as follows, the hospital's inpatient DSH payment amount will equal the payment amount calculated under (1).

(5) For FY 2011-2012 and FY 2012-2013, using the FY 2007-2008 MA hospital cost report available to the Department as of July 2010, if a qualifying acute care general hospital has a ratio of MA days to total days (FFS and MCO days) that exceeds 40% as calculated by determining its ratio of Title XIX and General Assistance inpatient days to total inpatient days; and has greater than 20,000 days total (FFS and MCO days) as calculated by determining its ratio of Title XIX and General Assistance inpatient days to total inpatient days; and has a low-income utilization rate that exceeds 40% as reported on its MA hospital cost report computation of low income utilization rate worksheet, the hospital's inpatient DSH payment will be the higher of:

(i) The payment amount calculated under previously listed (1); or

(ii) The inpatient DSH payment amount the hospital received for FY 2009-2010.

Annual inpatient DSH payments will be distributed to qualifying hospitals in quarterly payments adjusted to reflect the aggregate amount allocated for the fiscal year.

For FY 2010-2011, the Department intends to allocate \$42.372 million in State General Funds for inpatient DSH with the aggregate amount of inpatient DSH payments not to exceed \$95.149 million in total funds.

Outpatient DSH Payments

Under the Commonwealth's current approved State Plan, the Department makes outpatient DSH payments to eligible disproportionate share hospitals. The Department intends to add another way for a hospital to qualify for outpatient DSH payments. Specifically, the Department intends to make outpatient DSH payments to MA acute care general hospitals whose percentage of MA FFS and managed care outpatient charges to total hospital outpatient charges is greater than the Statewide average percentage of such charges. The Department will use data from the FY 2007-2008 MA hospital cost reports available to the Department as of July 2010 to compute these percentages.

Hospitals that qualify for outpatient DSH payments under the eligibility criteria in effect as of June 30, 2010, will also remain eligible to receive outpatient DSH payments, even if they do not qualify under the new eligibility criterion.

The Department intends to calculate outpatient DSH payment amounts as follows:

(1) For each hospital that qualifies for an outpatient DSH payment under the new eligibility criterion previously described, the Department will determine the hospital's ratio of MA FFS and managed care outpatient revenue to the total MA outpatient revenue for all hospitals qualifying under the new criterion. The Department will then multiply the hospital's ratio by the sum of the outpatient DSH payments for FY 2008-2009 that were made to hospitals which were in operation as of July 1, 2010, to determine a payment amount.

(2) If a hospital that qualifies for outpatient DSH under the new eligibility criterion did not receive an outpatient DSH payment in FY 2008-2009, the hospital's outpatient DSH payment amount will equal the payment amount determined in previously listed (1).

(3) If a hospital that qualifies for outpatient DSH under the new eligibility criterion received an outpatient DSH payment in FY 2008-2009, the hospital's outpatient DSH payment will equal the outpatient DSH payment amount the hospital received for FY 2008-2009.

(4) If a hospital does not qualify for outpatient DSH under the new eligibility criterion, but the hospital received an outpatient DSH payment amount in FY 2008-2009, the hospital's outpatient DSH payment will equal the outpatient DSH payment amount the hospital received for FY 2008-2009.

Annual outpatient DSH payments will be distributed to qualifying hospitals in quarterly payments adjusted to reflect the aggregate amount allocated for the fiscal year.

For FY 2010-2011, the Department intends to allocate \$32.245 million in State General Funds for outpatient DSH with the aggregate amount of outpatient DSH payments not to exceed \$89.689 million in total funds.

New Small and Sole-Community Hospital DSH Payments

The Department intends to establish an additional class of DSH payments for qualifying small hospitals and sole community hospitals participating in the MA Program that meet any one of the following criteria:

(1) As of July 1, 2010, the hospital meets the Medicare definition of a sole community hospital (42 CFR 412.92).

(2) As of July 1, 2010, the hospital only:

(i) Received a DSH payment for hospitals that incur significant uncompensated care costs or that experience a

high volume of inpatient cases, the cost of which exceeds twice the hospital's average cost per stay for all patients as provided in page 21b of Attachment 4.19A; and/or

(ii) Is scheduled to receive a DSH payment for hospitals that qualify as a trauma center for FY 2008-2009 as provided in page 21c of Attachment 4.19A.

(3) The hospital has 150 set up/staffed hospital beds or less as reported on the hospital's FY 2007-2008 MA hospital cost report available to the Department as of July 2010 and is identified by the Department as experiencing an estimated annual loss of over \$1.0 million when the MA Program moves to a revised hospital payment system effective July 1, 2010.

Hospitals eligible for this DSH payment will receive quarterly payments adjusted to reflect the aggregate amount equal to the payment amount determined using the following methodology:

- Hospitals that meet the criteria in (1) will receive a payment of \$200,000 annually.

- Hospitals that meet the criteria in (2) will receive a payment equal to 25.3% of the hospital's calculated DSH OBRA '93 limit (as estimated using the FY 2007-2008 MA cost report data available to the Department as of July 2010) as reduced by all current MA rate, supplemental and DSH payments and as further reduced by the MA Dependency payment, MA Stability payment, outpatient DSH adjustment amount and the hospital's increased payments related to the revised hospital payment system effective July 1, 2010.

- Hospitals that meet the criteria in (3) will receive a payment equal to 40% of the hospital's calculated DSH OBRA '93 limit (as estimated using the FY 2007-2008 MA cost report data available to the Department as of July 2010) as reduced by all current MA rate, supplemental and DSH payments and as further reduced by the MA Dependency payment, MA Stability payment, outpatient DSH adjustment amount and the hospital's increased payments related to the revised hospital payment system effective July 1, 2010.

- Hospitals that meet the criteria in both (1) and (2) or both (1) and (3) will receive the sum of those two payment amounts.

For FY 2010-2011, the Department intends to allocate \$58.893 million (\$26.125 million in State General Funds) for this additional class of DSH payments.

Changes to Hospital Supplemental Payments

Modification to Direct Medical Education Payments

Under the Commonwealth's current approved State Plan, the Department makes Direct Medical Education (DME) payments to MA acute care general hospitals with DME costs that are allowable under Medicare cost principles in effect as of June 30, 1985. The Department intends to adopt a different method for DME payments which will allow additional hospitals with DME costs to qualify for these payments.

The Department proposes to reimburse hospitals with DME costs a percentage of their total MA DME costs as follows. The Department will add the hospital's MA FFS DME costs as reported on the hospital's FY 2007-2008 MA cost report available to the Department as of July 2010 to the hospital's estimated MA managed care DME costs. To estimate the hospital's MA managed care DME costs, the Department will calculate the ratio of the hospital's MA FFS acute care days to MA managed care acute care days and apply this ratio to the MA FFS DME

costs from the MA cost report. The hospital's payment amount will be equal to 75% of the hospital's total MA DME costs.

For hospitals that received DME payments in FY 2008-2009, the Department is proposing a 2-year phase in to the new payment methodology.

For FY 2010-2011, hospitals that received DME payments in FY 2008-2009 will receive the higher of the payment amount which the hospital would receive under the payment methodology in effect as of June 30, 2009, or the payment amount which the hospital would receive under the new payment methodology previously described. Eligible hospitals that did not receive DME payments in FY 2008-2009 will receive DME payments calculated using the new payment methodology.

For FY 2011-2012, all eligible hospitals will receive a DME payment amount determined using the new payment methodology. If a hospital that received DME payments in FY 2008-2009 receives a DME payment amount under the new payment methodology that is lower than the payment amount the hospital would have received under the payment methodology in effect as of June 30, 2009, the hospital's DME payment amount, based on the new payment methodology, will be increased by an amount equal to half the difference between the payment amount which the hospital would have received under the payment methodology in effect as of June 30, 2009, and the hospital's new DME payment amount.

For FY 2012-2013, all eligible hospitals will receive DME payment amounts determined using the new payment methodology.

For FY 2010-2011, the Department intends to allocate \$43.823 million in State General Funds for direct medical education payments with the aggregate amount of direct medical education payments not to exceed \$125.950 million in total funds.

The Department will make DME payments to eligible hospitals in quarterly payments that are adjusted to reflect the aggregate annual amount.

New MA Stability Payments

To ensure a smooth transition to the new MA FFS DRG payment system, the Department intends to establish supplemental payments which will be made to all acute care general hospitals enrolled in the MA Program as of July 1, 2010, that have a submitted a FY 2007-2008 MA hospital cost report available to the Department as of July 2010. These payments will be calculated as follows:

The Department will determine a per diem amount by dividing all Commonwealth MA FFS days for all eligible hospitals into the amount allocated for these payments. Each qualifying hospital's annual payment amount will be equal to this per diem amount multiplied by the hospital's Commonwealth MA FFS days using the FY 2007-2008 MA cost report data available to the Department as of July 2010. The Department will distribute quarterly payments to qualifying hospitals adjusted to reflect the total amount allocated per fiscal year for this payment.

For FY 2010-2011, the Department intends to allocate \$151.444 million (\$59.031 million in State General Funds) for these supplemental payments.

New MA Dependency Payments

The Department intends to establish supplemental payments for acute care general hospitals that are highly dependent upon MA Program payment for their financial

stability and have a reduced ability to offset the costs of providing services with revenue from private insurers and other sources.

To qualify for these supplemental payments, an acute care general hospital must provide at least 50,000 FFS and managed care acute care days of inpatient care to this Commonwealth's MA recipients as identified in the FY 2007-2008 MA cost report data available to the Department as of July 2010.

The Department will determine a qualifying hospital's annual payment amount by multiplying the number of the hospital's this Commonwealth's MA FFS acute care inpatient days, as identified in the FY 2007-2008 MA cost report data available to the Department as of July 2010, by \$230. The Department will distribute quarterly payments to qualifying hospitals adjusted to reflect the total amount allocated per fiscal year for this payment.

For FY 2010-2011, the Department intends to allocate \$11.564 million (\$4.300 million in State General Funds) for these supplemental payments.

New MA Rehabilitation Adjustment Payments

The Department intends to make supplemental payments to freestanding rehabilitation hospitals enrolled in the MA Program as an inpatient rehabilitation hospital provider as of July 1, 2010.

The Department will calculate an annual payment amount for qualifying freestanding rehabilitation hospitals equal to 92% of the total inpatient FFS MA amount paid to the hospital as reported in the FY 2007-2008 MA

cost report data available to the Department as of July 2010. The Department will distribute quarterly payments to qualifying hospitals adjusted to reflect the total amount allocated per fiscal year for this payment. The Department may adjust this payment amount to reflect the funding that is available for this payment.

For FY 2010-2011, the Department intends to allocate \$14.421 million (\$5.362 million in State General Funds) for these supplemental payments.

Fiscal Impact

The FY 2010-2011 impact is \$547.110 million (\$213.258 million in State General Funds). The increase in State fund costs associated with the changes outlined in this notice will be offset by the hospital assessment revenue.

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 of the notice.

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

HARRIET DICHTER,
Secretary

Fiscal Note: 14-NOT-660. (1) General Fund:

| | <i>MA—Inpatient</i> | <i>MA—Outpatient</i> |
|------------------------------------|---------------------|----------------------|
| (2) Implementing Year 2010-11 is | \$181,013,000 | \$32,245,000 |
| (3) 1st Succeeding Year 2011-12 is | \$196,839,000 | \$39,786,000 |
| 2nd Succeeding Year 2012-13 is | \$196,839,000 | \$39,786,000 |
| 3rd Succeeding Year 2013-14 is | \$0 | \$0 |
| 4th Succeeding Year 2014-15 is | \$0 | \$0 |
| 5th Succeeding Year 2015-16 is | \$0 | \$0 |
| (4) 2009-10 Program— | \$373,515,000 | \$435,939,000 |
| 2008-09 Program— | \$426,822,000 | \$555,085,000 |
| 2007-08 Program— | \$468,589,000 | \$593,992,000 |

(7) MA—Inpatient and MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 10-1845. Filed for public inspection September 24, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

[Correction]

Pennsylvania Monopoly™ 2010 Instant Lottery Game

An error occurred in the document which appeared at 40 Pa.B. 5264—5266 (September 11, 2010), announcing the Pennsylvania Monopoly™ 2010 Instant Lottery Game. The correct version of Number 8 is as follows. The remainder of the document was accurate as printed.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Reveal A Top Hat Symbol, Win Prize
Shown Under That Symbol. Win
With Prize(s) Of:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 7,200,000 Tickets |
|---|----------|-------------------------------|--|
| \$5 | \$5 | 8 | 900,000 |
| \$5 × 2 | \$10 | 40 | 180,000 |
| \$10 | \$10 | 30 | 240,000 |
| \$5 × 3 | \$15 | 200 | 36,000 |
| \$10 + \$5 | \$15 | 200 | 36,000 |
| \$15 | \$15 | 150 | 48,000 |
| \$5 × 4 | \$20 | 600 | 12,000 |
| \$10 × 2 | \$20 | 300 | 24,000 |
| \$20 | \$20 | 300 | 24,000 |
| \$5 × 5 | \$25 | 600 | 12,000 |
| \$15 + \$10 | \$25 | 600 | 12,000 |
| \$20 + \$5 | \$25 | 600 | 12,000 |
| \$25 | \$25 | 300 | 24,000 |
| MONEY BAG w/(\$5 × 9) + (\$10 × 3) | \$75 | 100 | 72,000 |
| \$15 × 5 | \$75 | 600 | 12,000 |
| \$25 × 3 | \$75 | 600 | 12,000 |
| \$75 | \$75 | 300 | 24,000 |
| MONEY BAG w/(\$5 × 10) + (\$25 × 2) | \$100 | 13,333 | 540 |
| \$10 × 10 | \$100 | 40,000 | 180 |
| \$20 × 5 | \$100 | 40,000 | 180 |
| 75 BURST w/\$75 + \$25 | \$100 | 8,571 | 840 |
| \$100 | \$100 | 17,143 | 420 |
| MONEY BAG w/(\$25 × 12) | \$300 | 40,000 | 180 |
| MONEY BAG w/(\$10 × 10) + (\$100 × 2) | \$300 | 40,000 | 180 |
| 75 BURST w/(\$75 × 4) | \$300 | 40,000 | 180 |
| \$100 × 3 | \$300 | 60,000 | 120 |
| \$300 | \$300 | 40,000 | 180 |
| MONEY BAG w/(\$20 × 5) + (\$75 × 2) + (\$100 × 5) | \$750 | 40,000 | 180 |
| MONEY BAG w/(\$10 × 5) + (\$100 × 7) | \$750 | 60,000 | 120 |
| 75 BURST w/(\$75 × 6) + (\$100 × 3) | \$750 | 60,000 | 120 |
| 75 BURST w/(\$75 × 10) | \$750 | 40,000 | 180 |
| \$750 | \$750 | 60,000 | 120 |
| MONEY BAG w/(\$75 × 8) + (\$100 × 4) | \$1,000 | 120,000 | 60 |
| (\$25 × 10) + \$750 | \$1,000 | 120,000 | 60 |
| (\$100 × 4) + 75 BURST w/(\$75 × 4) + \$300 | \$1,000 | 120,000 | 60 |
| \$1,000 | \$1,000 | 60,000 | 120 |
| \$750 × 10 | \$7,500 | 480,000 | 15 |
| \$7,500 | \$7,500 | 480,000 | 15 |
| \$75,000 | \$75,000 | 720,000 | 10 |

Get a "75 BURST" (75ANV) symbol, win \$75 instantly.

Get a "MONEY BAG" (MNYBAG) symbol, win all 12 prizes shown.

Non-winning Pennsylvania Monopoly™ 2010 instant lottery tickets may be entered in promotional drawings via the Lottery's web site (<http://www.palottery.com>) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's web site. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no charge.

Entries submitted via the Lottery's web site must be submitted from a computer within Pennsylvania.

Prizes, including top prizes, are subject to availability at the time of purchase.

[Pa.B. Doc. No. 10-1701. Filed for public inspection September 10, 2010, 9:00 a.m.]

Pennsylvania \$1 Million Platinum Payout Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1 Million Platinum Payout.

2. *Price:* The price of a Pennsylvania \$1 Million Platinum Payout instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1 Million Platinum Payout instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "PLATINUM NUMBERS" area and a separate "BONUS PLAYS" play area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34

(THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "PLATINUM NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), \$\$ (DBL\$) symbol, Vault (VAULT) symbol and a Win All (WINALL) symbol. The play symbols and their captions, located in the "BONUS PLAYS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "PLATINUM NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$5,000, \$50,000, \$100,000 and \$1,000,000. The \$1,000,000 top prize is paid as a lump-sum, cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania \$1 Million Platinum Payout instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(d) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of

the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Win All (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in ten of the "Prize" areas, and a prize symbol of \$400 (FOR HUN) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$5,000.

(g) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Win All (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Win All (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in fifteen of the "Prize" areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the

matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Win All (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in twenty of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the

"BONUS PLAYS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "PLATINUM NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols or any of the "BONUS PLAYS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "PLATINUM NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When Any Platinum Number Matches Any Winning Number, Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 3,600,000 Tickets:</i> |
|---|-------------|-----------------------------------|--|
| \$10 × 2 | \$20 | 20 | 180,000 |
| \$\$ w/\$10 | \$20 | 20 | 180,000 |
| \$20 | \$20 | 20 | 180,000 |
| \$10 × 4 | \$40 | 60 | 60,000 |
| \$20 × 2 | \$40 | 60 | 60,000 |
| \$\$ w/\$20 | \$40 | 60 | 60,000 |
| \$40 | \$40 | 30 | 120,000 |
| \$10 × 5 | \$50 | 150 | 24,000 |
| (\$10 × 3) + \$20 | \$50 | 150 | 24,000 |
| (\$\$ w/\$20) + \$10 | \$50 | 150 | 24,000 |
| \$50 | \$50 | 75 | 48,000 |
| \$10 × 10 | \$100 | 150 | 24,000 |
| VAULT w/\$10 | \$100 | 150 | 24,000 |
| \$\$ w/\$50 | \$100 | 150 | 24,000 |
| \$100 | \$100 | 75 | 48,000 |
| \$10 × 20 | \$200 | 2,000 | 1,800 |
| WIN ALL w/\$10 × 20 | \$200 | 2,000 | 1,800 |
| \$20 × 10 | \$200 | 2,000 | 1,800 |
| VAULT w/\$20 | \$200 | 2,000 | 1,800 |
| \$\$ w/\$100 | \$200 | 2,000 | 1,800 |
| \$200 | \$200 | 2,000 | 1,800 |

When Any Platinum
Number Matches Any
Winning Number; Win
With Prize(s) Of:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 3,600,000 Tickets: |
|---------------------------------------|-------------|-------------------------------|---|
| (\$20 × 15) + (\$40 × 5) | \$500 | 6,000 | 600 |
| WIN ALL w/(\$20 × 15) + (\$40 × 5) | \$500 | 6,000 | 600 |
| \$50 × 10 | \$500 | 6,000 | 600 |
| VAULT w/\$50 | \$500 | 6,000 | 600 |
| \$100 × 5 | \$500 | 6,000 | 600 |
| \$500 | \$500 | 6,000 | 600 |
| \$50 × 20 | \$1,000 | 8,000 | 450 |
| WIN ALL w/\$50 × 20 | \$1,000 | 8,000 | 450 |
| \$100 × 10 | \$1,000 | 8,000 | 450 |
| VAULT w/\$100 | \$1,000 | 8,000 | 450 |
| \$\$ w/\$500 | \$1,000 | 8,000 | 450 |
| \$1,000 | \$1,000 | 8,000 | 450 |
| WIN ALL w/(\$100 × 10) + (\$400 × 10) | \$5,000 | 60,000 | 60 |
| \$500 × 10 | \$5,000 | 60,000 | 60 |
| VAULT w/\$500 | \$5,000 | 60,000 | 60 |
| \$5,000 | \$5,000 | 60,000 | 60 |
| \$50,000 | \$50,000 | 300,000 | 12 |
| \$100,000 | \$100,000 | 1,200,000 | 3 |
| \$1,000,000 | \$1,000,000 | 1,200,000 | 3 |

“\$\$” (DBL\$) = Win double the prize shown under it.

“VAULT” (VAULT) = Win 10 times the prize shown under it.

“WIN ALL” (WINALL) = Win all 20 prizes shown.

BONUS = When any of the bonus plays match any of the Platinum Numbers, win prize shown under the matching number.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1 Million Platinum Payout instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1 Million Platinum Payout, prize money from winning Pennsylvania \$1 Million Platinum Payout instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1 Million Platinum Payout instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1 Million Platinum Payout or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-1846. Filed for public inspection September 24, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the South Highland Avenue Bridge that carries South Highland Avenue over the Norfolk Southern Railway Corridor in the City of Pittsburgh, Allegheny County.

The Norfolk Southern Railway Corridor in the project area is part of the former Pennsylvania Railroad Mainline, which is eligible for listing on the National Register of Historic Places. The South Highland Avenue Bridge is a contributing element to this eligible resource. Therefore, it qualifies as a Section 4(f)/Section 2002 resource.

Therefore, a “Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)” document, to evaluate the potential environmental impacts caused by the subject project, has been prepared. The Section 4(f) document also serves as the Section 2002 Evaluation.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the NEPA document, and the “Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)” document.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It

has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

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

[Pa.B. Doc. No. 10-1847. Filed for public inspection September 24, 2010, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Change of Meeting Date

The October 19, 2010, meeting of the Environmental Quality Board (Board) has been rescheduled. The meeting

will now take place on Tuesday, October 12, 2010, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the October 12, 2010, meeting of the Board will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (DEP Search/Keyword: "EQB").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1848. Filed for public inspection September 24, 2010, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review. This application was previously published at 40 Pa.B. 5106 (September 4, 2010). However, the notice incorrectly stated that the lake ultimately discharges into the Delaware River instead of the Susquehanna River. The correct description is set forth as follows:

| <i>Applicant</i> | <i>Water</i> | <i>Location of Water</i> | <i>Description of Water</i> | <i>Nature of Vegetation to be Controlled</i> |
|-------------------|-----------------|------------------------------------|---|--|
| Viola E. Benjamin | Benjamin's Pond | Asylum Township Bradford County | 20 acre lake which discharges into an UNT to Bennetts Creek and then into the Susquehanna River | <i>Elodea canadensis</i> <i>Lemna spp.</i> <i>Wolffia spp.</i> <i>Filamentous algae</i> |

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 10-1849. Filed for public inspection September 24, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Request for Information

The Health Care Cost Containment Council (Council) is reopening an updated Request for Information (RFI) to identify additional potential vendors that may be chosen

by this Commonwealth's hospitals for the purposes of submitting laboratory data to the Council. The Council's authorizing legislation, the act of June 10, 2009 (P. L. 10, No. 3), includes language which states: "The Council shall not require any data sources to contract with any specific vendor for submission of any specific data elements to the council . . . The council shall maintain a vendor list of at least two vendors that may be chosen by any data source for submission of any specific data elements." The Council

is reopening this RFI because more detailed data specifications are now available. It is the Council's intention to keep this process open until further notice.

Copies of the RFI are available on the Council web site at www.phc4.org, or by contacting Reneé Greenawalt, Health Care Cost Containment Council, 225 Market

Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787 or rgreenawalt@phc4.org.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-1850. Filed for public inspection September 24, 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 you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 16A-51 | Bureau of Professional and Occupational Affairs Schedule of Civil Penalties— Veterinarians and Veterinary Technicians | 9/10/10 | 10/21/10 |
| 16A-6804 | Bureau of Professional and Occupational Affairs Schedule of Civil Penalties— Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired | 9/10/10 | 10/21/10 |
| 16A-5618 | State Real Estate Commission Seller Property Disclosure Property | 9/10/10 | 10/21/10 |
| 15-448 | Department of Revenue Personal Income Tax— Innocent Spouse Relief | 9/10/10 | 10/21/10 |
| 11-243 | Insurance Department Standards to Define Insurers Deemed to be in Hazardous Financial Condition | 9/13/10 | 10/21/10 |
| 14-516 | Department of Public Welfare Nonpublic and County Nursing Facilities | 9/13/10 | 10/21/10 |
| 16A-721 | State Board of Massage Therapy Massage Therapy | 9/15/10 | 10/21/10 |

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1851. Filed for public inspection September 24, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of Proposed Merger of Audubon Indemnity Company with and into National Union Fire Insurance Company of Pittsburgh, PA

Audubon Indemnity Company, a Mississippi domiciled stock property and casualty insurance company, has filed an application for approval to merge with National Union Fire Insurance Company of Pittsburgh, PA, a domestic stock property insurance company, with National Union Fire Insurance Company of Pittsburgh, PA surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1852. Filed for public inspection September 24, 2010, 9:00 a.m.]

Application for Approval of Proposed Merger of Audubon Insurance Company with and into National Union Fire Insurance Company of Pittsburgh, PA

Audubon Insurance Company, a Louisiana domiciled stock property and casualty insurance company, has filed an application for approval to merge with National Union Fire Insurance Company of Pittsburgh, PA, a domestic stock property insurance company, with National Union Fire Insurance Company of Pittsburgh, PA surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1853. Filed for public inspection September 24, 2010, 9:00 a.m.]

Application for Approval of Proposed Merger of National Union Fire Insurance Company of Louisiana with and into National Union Fire Insurance Company of Pittsburgh, PA

National Union Fire Insurance Company of Louisiana, a Louisiana domiciled stock property and casualty insurance company, has filed an application for approval to merge with National Union Fire Insurance Company of Pittsburgh, PA, a domestic stock property insurance company, with National Union Fire Insurance Company of Pittsburgh, PA surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement.

Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1854. Filed for public inspection September 24, 2010, 9:00 a.m.]

First Priority Health; BlueCare HMO Individual Conversion; Rate Filing

On August 18, 2010, First Priority Health HMO submitted a rate filing (No. 1575-HMO/ICC-w/RX-09-1/1/11) to increase the premium rates for the Conversion Product. The proposed rate increase for the conversion product with prescription drugs is 23.7% and 21.1% for the conversion product without prescription drugs. This will affect approximately 888 members and produce additional premium income of about \$1.1 million annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 9, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cheri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1855. Filed for public inspection September 24, 2010, 9:00 a.m.]

First Priority Life Insurance Company; BlueCare PPO Individual Conversion; Rate Filing

On August 17, 2010, First Priority Life Insurance Company submitted a rate filing (No. 1576-FP-CONV-09-1/1/11) to increase the premium rates for the Conversion Product by 27.4%. This will affect approximately 225 members and produce additional premium income of about \$290,000 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 9, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1856. Filed for public inspection September 24, 2010, 9:00 a.m.]

Highmark, Inc., d/b/a Highmark Blue Shield; Guaranteed Issue PreferredBlue Individual Preferred Provider Plan (Western Region); Filing No. 1A-GI_INGPPO-10-HCBCS; Rate Filing

On September 13, 2010, the Insurance Department (Department) received from Highmark Blue Cross Blue Shield a filing for a rate increase and benefit changes for its Guaranteed Issue PreferredBlue Individual Preferred Provider Plan (Western Region).

The company requests an increase of approximately 7.3% or \$44.67 per contract per month on average. This will affect about 8,300 contract holders and will produce additional income of about \$4,450,000 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 9, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to J. Sabater, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-1857. Filed for public inspection September 24, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-2010-2198725. UGI Utilities, Inc.—Gas Division. Application of UGI Utilities, Inc.—Gas Division, for approval of the abandonment of gas service to two residential customers located in Luzerne 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 October 12, 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, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: UGI Utilities, Inc.—Gas Division

Through and By Counsel: Mark C. Morrow, Esquire, Melanie J. Tambolas, Esquire, P. O. Box 858, Valley Forge, PA 19482-0858

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1858. Filed for public inspection September 24, 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 October 12, 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-2010-2190501. Turner Concepts, LLC, t/a Turner Commuting Transit (TCT) (P. O. Box 892, Norristown, Montgomery County, PA 19404)—persons, in paratransit service, from points in Montgomery and Philadelphia Counties, to points in the Counties of Allegheny, Berks, Bucks, Chester, Delaware, Erie, Lehigh, Montgomery, Somerset, Mercer, Wayne, Northumberland, Clearfield, Westmoreland and Luzerne, and return.

A-2010-2191027. Community Life Team, Inc. (1119 South Cameron Street, Harrisburg, PA 17104)—a limited liability corporation of the Commonwealth—in paratransit service, limited to residents of nursing homes to medical facilities, from points in Dauphin and Cumberland Counties, to points in Pennsylvania, and return.

A-2010-2198078. Angel Cakir, t/a A N S Limo and Car Service (4532 Remo Crescent Road, Bensalem, Bucks County, PA 19020)—to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in Bucks County to points in Pennsylvania, and return.

A-2010-2199013. Orwigsburg Ambulance, Inc. (P. O. Box 4, Orwigsburg, Schuylkill County, PA 17961)—a

corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the County of Schuylkill to points in Pennsylvania, and return. *Attorney*: Christina M. Mellot, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Application of the following for the approval of the transfer of stock as described under the application.

A-2010-2198711. Posten Taxi, Inc. (777 South Franklin Street, Wilkes-Barre, Luzerne County, PA 18702)—a corporation of the Commonwealth—approval of the transfer of 500 shares of the issued stock, from the estate of William A. Cook to John C. Katorkas, IV.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1859. Filed for public inspection September 24, 2010, 9:00 a.m.]

Water Service

A-2010-2198100. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Knox Township, Clarion 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 October 12, 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, at the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, 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, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1860. Filed for public inspection September 24, 2010, 9:00 a.m.]

**STATE BOARD
OF NURSING**

Bureau of Professional and Occupational Affairs v. Roxanne Evans, LPN; Doc. No. 0509-51-2009

On July 13, 2010, Roxanne Evans, license no. PN801541, of Souderton, Montgomery County, was revoked for having pleaded guilty to felony charges of retail theft in a court of this Commonwealth.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-1861. Filed for public inspection September 24, 2010, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Barbara J. Hyde, RN, CRNP; Doc. No. 1125-51-2010

On July 27, 2010, Barbara J. Hyde, license nos. RN260304L and SP001484B, of Washington, Washington County, was suspended retroactive to June 18, 2010, based upon her felony conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-1862. Filed for public inspection September 24, 2010, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Heather D. Lewis, RN; Doc. No. 0351-51-2009

On July 2, 2010, Heather D. Lewis, RN, license number RN527676L, of Pottsville, Schuylkill County, was suspended for no less than 1 year retroactive to February 23, 2009, and suspended for a period of 3 years, stayed in favor of probation based on her failure to comply with the terms of her Consent Agreement.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate

Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-1863. Filed for public inspection September 24, 2010, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the liqui-

dation and reallocation of Dirt and Gravel Road Pollution Prevention Maintenance Program funds to participating county conservation districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

A. *Effective Date*

This apportionment is effective upon publication in the *Pennsylvania Bulletin*.

B. *Background*

The Commission approved the following liquidations and reallocations at their public meeting on May 19, 2010. Under 25 Pa. Code § 83.604(b) "The Commission may reallocate funds if an agreement cannot be fulfilled by the district, local government, contractor, and agency or cooperating organization." Copies of the referenced statement of policy in 25 Pa. Code § 83.604, as published at 28 Pa.B. 4634 (September 12, 1998), and 75 Pa.C.S. § 9106 are available from Karen Ely, State Conservation Commission Office, Room 310, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

Liquidate From:

| | | | |
|----------|-----------------|---|-------------|
| FY 05/06 | Doc# 4100014959 | Union County Conservation District | \$633.00 |
| FY 06/07 | Doc# 4100014959 | Union County Conservation District | \$489.00 |
| FY 07/08 | Doc# 4100014940 | Butler County Conservation District | \$4,966.00 |
| FY 07/08 | Doc# 4100015116 | Fayette County Conservation District | \$7,326.00 |
| FY 07/08 | Doc# 4100015127 | Mercer County Conservation District | \$22,416.00 |
| FY 07/08 | Doc# 4100014965 | Northumberland County Conservation District | \$13,439.34 |
| FY 07/08 | Doc# 4100014959 | Union County Conservation District | \$377.00 |

Total \$49,646.34

Reallocate to:

| | | |
|-----------------|---|-------------|
| Doc# 4100045475 | Butler County Conservation District | \$4,966.00 |
| Doc# 4100045482 | Fayette County Conservation District | \$7,326.00 |
| Doc# 4100045994 | Mercer County Conservation District | \$22,416.00 |
| Doc# 4100045449 | Northumberland County Conservation District | \$13,439.34 |
| Doc# 4100045320 | Union County Conservation District | \$1,499.00 |

Total \$49,646.34

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-1864. Filed for public inspection September 24, 2010, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at the York County Administrative Center, Ceremonial Court Room, 28 East Market Street, York, PA 17401-1501 on October 19, 2010, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 10-1865. Filed for public inspection September 24, 2010, 9:00 a.m.]

UNITED STATES POSTAL SERVICE® (All Periodicals Publications Except Requester Publications)
Statement of Ownership, Management, and Circulation

| | | | | | |
|--|--|---|--|--|--|
| 1. Publication Title Pennsylvania Bulletin | | 2. Publication Number 0 8 3 8 9 8 0 0 | | 3. Filing Date 09/22/2010 | |
| 4. Issue Frequency Weekly | | 5. Number of Issues Published Annually 52 | | 6. Annual Subscription Price \$82.00 | |
| 7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033 Dauphin County | | | | Contact Person Mary Jane Phelps Telephone (include area code) 717-783-1530 | |
| 8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033 | | | | | |
| 9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) | | | | | |
| Publisher (Name and complete mailing address) Mary Jane Phelps Pennsylvania Bulletin (Same as above) | | | | | |
| Editor (Name and complete mailing address) Barbara Furjanic Pennsylvania Bulletin (Same as above) | | | | | |
| Managing Editor (Name and complete mailing address) None | | | | | |

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

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|-------------------------------------|-------------------------------------|
| Commonwealth of Pennsylvania | Commonwealth of Pennsylvania |
| Legislative Reference Bureau | Legislative Reference Bureau |
| 641 Main Capitol Building | 641 Main Capitol Building |
| Harrisburg, PA 17120-0033 | Harrisburg, PA 17120-0033 |

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 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

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|---|--|--|---|
| 13. Publication Title Pennsylvania Bulletin | | 14. Issue Date for Circulation Data Below September 18, 2010 | |
| 15. Extent and Nature of Circulation | | | |
| | | Average No. Copies Each Issue During Preceding 12 Months | No. Copies of Single Issue Published Nearest to Filing Date |
| a. Total Number of Copies (Net press run) | | 5324 | 5185 |
| b. Paid Circulation (By Mail and Outside the Mail) | (1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | 5041 | 4902 |
| | (2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | 0 | 0 |
| | (3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS® | 0 | 0 |
| | (4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®) | 0 | 0 |
| c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4)) | | 5041 | 4902 |
| d. Free or Nominal Rate Distribution (By Mail and Outside the Mail) | (1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541 | 0 | 0 |
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| e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4)) | | 0 | 0 |
| f. Total Distribution (Sum of 15c and 15e) | | 5041 | 4902 |
| g. Copies not Distributed (See Instructions to Publishers #4 (page #3)) | | 283 | 283 |
| h. Total (Sum of 15f and g) | | 5324 | 5185 |
| i. Percent Paid (15c divided by 15f times 100) | | 100 | 100 |

16. Publication of Statement of Ownership
 If the publication is a general publication, publication of this statement is required. Will be printed _____
 Publication not required.
 in the **September 25, 2010** issue of this publication.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner
Barbara Furjanic Editor Date **9/22/10**

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