

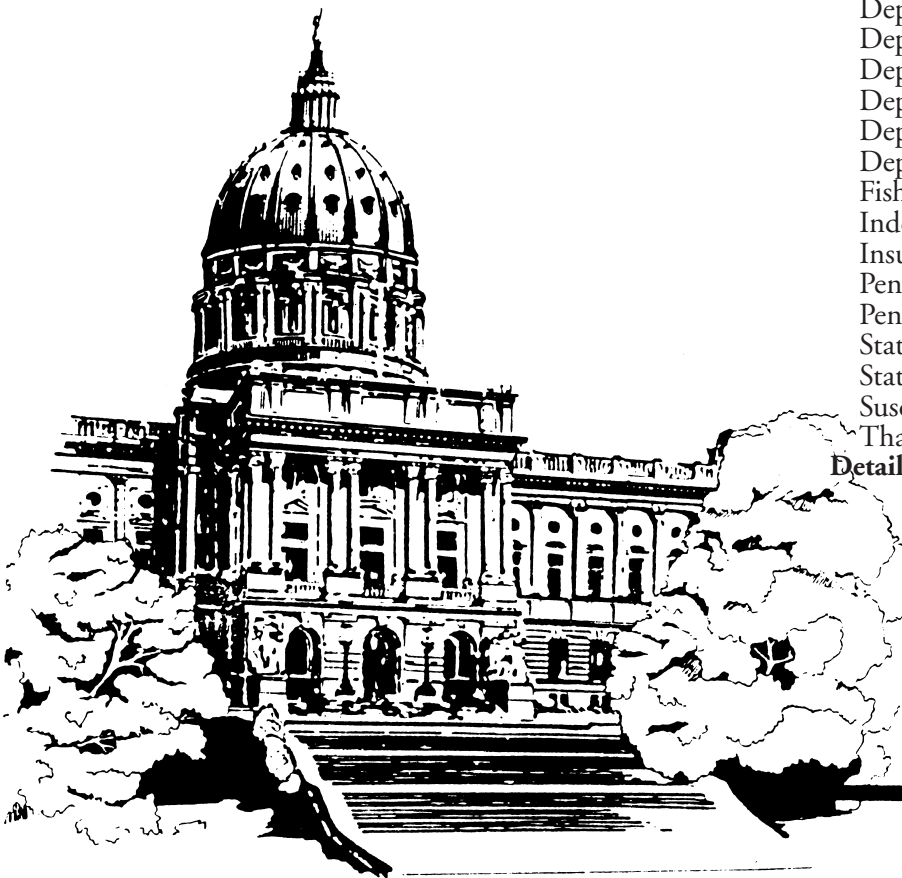
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Canine Health Board
Department of Banking
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of General Service
Department of Health
Department of Labor and Industry
Department of Military and Veterans Affairs
Department of Public Welfare
Department of Revenue
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Pennsylvania Stimulus Oversight Commission
State Board of Cosmetology
State Board of Landscape Architects
Susquehanna River Basin Commission
Thaddeus Stevens College of Technology

Detailed list of contents appears inside.



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No. 422, January 2010

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CONTENTS

THE GOVERNOR

- Proclamation of disaster emergency; amendment
no. 1 585

THE COURTS

RULES OF CIVIL PROCEDURE

- In re: amendment of rules 1910.11, 1910.16-1,
1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5,
1910.16-6, 1910.16-7, 1910.17, 1910.27 and the
note to rule 1910.10 and adoption of rule 1910.16-
3.1 of the Pennsylvania rules of civil procedure;
no. 519; civil procedural rules 586

EXECUTIVE AGENCIES

CANINE HEALTH BOARD

Notices

- Public meeting 625

DEPARTMENT OF BANKING

Notices

- Actions on applications 625

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

- Retention of a professional design firm or firms
project reference no. FDC-500-915 626

DEPARTMENT OF EDUCATION

Notices

- Proposed grant application by Department of Edu-
cation under Part B of the Individuals with
Disabilities Education Act for Federal fiscal year
2010 632

DEPARTMENT OF ENVIRONMENTAL PROTECTION Proposed Rulemaking

- Oil and gas wells 623

Notices

- Applications, actions and special notices 633
Pollution Control Technology Grant Program final
criteria 673

DEPARTMENT OF GENERAL SERVICES

Notices

- Real estate for sale 673

DEPARTMENT OF HEALTH

Notices

- Long-term care nursing facilities; requests for ex-
ception 674
Traumatic Brain Injury Advisory Board meeting 674

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Uniform Construction Code (UCC) Review and Advi-
sory Council; meeting scheduled 674

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Notices

- Per diem rates at Pennsylvania State Veterans'
homes 674

DEPARTMENT OF PUBLIC WELFARE

Notices

- Additional class of disproportionate share payments
to qualifying teaching hospitals 675
Medical Assistance Program outpatient fee schedule
revisions for vision services 675

DEPARTMENT OF REVENUE

Notices

- Annual inflation adjustment; Pennsylvania gaming
cash flow management 676
Mega millions® terminal-based lottery game 676

FISH AND BOAT COMMISSION

Rules and Regulations

- Fishing 620

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

- Notice of comments issued 681
Notice of filing of final rulemakings 685

INSURANCE DEPARTMENT

Notices

- Application for approval to redomesticate to the
Commonwealth of Pennsylvania by Amerin Guar-
anty Corporation 685
Surplus lines agents and interested parties; export
list of insurance coverages 686
Travelers Home and Marine Insurance Company;
homeowners; rate revision; rate filing 686

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

- Application of PPL Electric Utilities Corporation 686
Electric utilities (2 documents) 687
Natural Gas 687
Service of notice of motor carrier applications 687
Tentative default order 688

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Notices

- Public Meeting 689

STATE BOARD OF COSMETOLOGY

Notices

- Bureau of Professional and Occupational Affairs v.
Kim Thi Luong; doc. no. 0560-45-2008 690

STATE BOARD OF LANDSCAPE ARCHITECTS

Proposed Rulemaking

- Fees—landscape architect 623

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

- Projects approved for consumptive uses of water 690

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Notices

- Request for bids (2 documents) 692

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	8
5	11, 398
6	12, 212, 399
7a	14, 16

22 Pa. Code (Education)

Adopted Rules

4	240
---	-----

25 Pa. Code (Environmental Protection)

Proposed Rules

78	623
129	420

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

16	250
18	250

Proposed Rules

15	623
29	440

55 Pa. Code (Public Welfare)

Adopted Rules

501	29
-----	----

58 Pa. Code (Recreation)

Adopted Rules

61	254
73	257
75	620
465a	416
491a	254

Proposed Rules

61	427
65	427
75	429
433a	434

201 Pa. Code (Judicial Administration)

Adopted Rules

7	19
19	218

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83	513
213	513

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200	19, 518
1910	413, 586
3000	19

Proposed Rules

3000	413
------	-----

234 Pa. Code (Rules of Criminal Procedure)

Proposed Rules

5	21
---	----

237 Pa. Code (Juvenile Rules)

Adopted Rules

1	222, 518
2	222
3	222
4	222
5	222, 518
11	222, 518
13	222
16	21

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules

500	522
-----	-----

249 Pa. Code (Philadelphia Rules)

Unclassified	237
--------------	-----

255 Pa. Code (Local Court Rules)

Unclassified	237, 238, 414, 415, 523
--------------	-------------------------

THE GOVERNOR

Proclamation of Disaster Emergency; Amendment No. 1

January 14, 2010

Whereas, on January 7, 2010, I declared a State of Disaster Emergency to address the Commonwealth's need for greater flexibility in the application of federal motor carrier regulations to drivers of commercial vehicles transporting propane gas and heating fuel within the state; and

Whereas, pursuant to said proclamation the Pennsylvania Department of Transportation waived certain laws and regulations in the manner and to the extent necessary to permit the motor carrier operations necessary to provide supplies of propane gas and heating fuel adequate to preserve the public welfare in the Commonwealth; and

Whereas, clarification is needed to express that only the application of federal motor carrier regulations are implicated by this proclamation.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. § 7101, et seq.), I do hereby amend the Proclamation of January 7, 2010, and in accordance with the State Emergency Operations Plans, direct the Pennsylvania Department of Transportation to waive enforcement of any federal motor carrier regulations in the manner and to the extent necessary to permit the motor carrier operations necessary to safely provide supplies of propane gas and heating fuel adequate to preserve the public welfare in the Commonwealth. This proclamation shall terminate on January 21, 2010, unless extended by amendment. This proclamation does not direct or authorize the waiver of any provisions of Title 18 of the Pennsylvania Consolidated Statutes (the Crimes Code) or Title 75 of the Pennsylvania Consolidated Statutes (the Vehicle Code).

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this fourteenth day of January in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fourth.



Governor

[Pa.B. Doc. No. 10-180. Filed for public inspection January 29, 2010, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

In Re: Amendment of Rules 1910.11, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.17, 1910.27 and the Note to Rule 1910.10 and Adoption of Rule 1910.16-3.1 of the Pennsylvania Rules of Civil Procedure; No. 519; Civil Procedural Rules

Order

Per Curiam:

And Now, this 12th day of January, 2010, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, Volume 38, Number 27 (July 5, 2008), and the *Pennsylvania Reporter*, 949 A.2d No. 2 (July 18, 2008), and republished for additional public comment in the *Pennsylvania Bulletin*, Volume 38, Number 50 (December 13, 2008) and the *Pennsylvania Reporter*, 959 A.2d No. 2 (December 19, 2008):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.11, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.17, 1910.27 and the Note to Rule 1910.10 of the Pennsylvania Rules of Civil Procedure are amended and Rule 1910.16-3.1 of the Pennsylvania Rules of Civil Procedure is adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 120 days on May 12, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Hearing Procedures.

* * * * *

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Rule 1910.11 or Rule 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Rule _____.

(PRESIDENT JUDGE) (ADMINISTRATIVE JUDGE)

Official Note: Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

* * * * *

Tioga [1910.12] 1910.11

* * * * *

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their Income and Expense Statements in the forms required by Rule 1910.27(c), completed as set forth below.

* * * * *

(2) For cases which are decided according to [*Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984)] Rule 1910.16-3.1, the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be [**completed**] submitted.

* * * * *

Explanatory Comment—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net income of \$[1,500] 2,000 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is \$[1,216] 1,350. As Father's income is [67] 60% of the parties' combined monthly net income, his basic support obligation to Mother is \$[815] 810 per month. The guidelines assume that Mother will provide \$[401] 540 per

month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$[2,185] 2,190 for purposes of this calculation (\$3,000 net less \$[815] 810 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$[2,185] 2,190 income level, or \$[545] 528 per month. Mother/obligor's income will be \$[1,099] 1,460 for purposes of this calculation (\$[1,500] 2,000 net less \$[401] 540 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$[284] 354 per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$[853] 866 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$[544] 698 for the children in placement (100% of the schedule amount for two children at the \$[1,500] 2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example 3. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is \$[1,359] 1,483, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be \$[911] 994, and Father's 33% share would be \$[448] 489. Mother's income for purposes of calculating support for the two children in placement would be \$[3,089] 3,006 (\$4,000 less \$[911] 994). She would pay 100% of the basic child support at that income level, or \$[1,029] 1,033, for the children in placement. Father's income would be \$[1,552] 1,511 (\$2,000 less \$[448] 489) and his obligation to the children in placement would be \$[560] 531.

* * * * *

(c) *Spousal Support and Alimony Pendente Lite.*

(1) Orders for spousal support and alimony *pendente lite* shall not be in effect simultaneously.

(2) **In determining the duration of an award for spousal support or alimony *pendente lite*, the trier of fact shall consider the duration of the marriage from the date of marriage to the date of final separation.**

* * * * *

Explanatory Comment—[2005] 2010

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be "established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly." *Id.*

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988), [42 U.S.C. § 667(a), statewide support guidelines must "be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts."] all states are required to have statewide child support guidelines. Federal regulations, 45 CFR 302.56, further require that the guidelines be reviewed at least once every four years and that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in [early 2003] 2007. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with [Policy Studies, Inc.] the Center for Policy Research, under contract [with] between the Pennsylvania Department of Public Welfare and Policy Studies, Inc. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. Income Shares Model. Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, [33] 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. *Economic Measures.* The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting

states with the development and revision of child support guidelines. Dr. Betson's research [was] also was used in developing the prior schedule, effective in [April 1999] January 2006. [In 2001,] Dr. Betson [updated] updates his estimates using data from the [1996-98] Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to [2003] 2008 price levels using the Consumer Price Index.

2. *Source of Data.* The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather. [However, according to the 2000 Census conducted by the U.S. Census Bureau, the median Pennsylvania family income in 1999 was \$49,184, while the national median family income was \$50,046. Thus, using national data continues to be appropriate.]

The U.S. Department of Agriculture's Center for Nutrition Policy and Promotion ("CNPP") also develops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is [not] aware of [any] only one state that relies upon the CNPP estimates as a basis for its child support schedule, and even that state makes certain adjustments.

B. *Statutory Considerations.* The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. *Net Income.* The guidelines use the net incomes of the parties [and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases]. Each parent is required to contribute to a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to [fluctuating] income and earning capacity.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Child Support Schedule.* The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. [At some income levels the presumptive amount of support has increased from the previous schedule, and at some income levels it has decreased. The economic data support the revised schedule.] The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$[20,000] 30,000 and remain statistically valid. The economic data support the revised schedule.

D. *Self-Support Reserve ("SSR").* The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$[550] 748 per month to \$[748] 867 per month, the [2003] 2008 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$[748] 867 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony *pendente lite* cases to assure that the obligor retains a minimum of \$[748] 867 per month.

E. *Shared Custody.* [Prior to the amendments effective in April of 1999, there was no formula or procedure for deviating from the basic support guidelines when custody was shared equally or the non-custodial parent has substantial partial custody. Prior to 1999, the guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children."

As part of the review process that resulted in the 1999 amendments, the committee considered the practices of several other jurisdictions and ultimately selected a method which gave some recogni-

tion to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children. While recognizing that it was not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it was preferable to the diverse offset methods which had been developed by local courts. Its chief advantage was that it provided statewide uniformity and avoided a sharp reduction in the obligation at certain thresholds. These amendments do not change that rule.]

In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. Next, the amounts of basic child support were adjusted to incorporate into the schedule the assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment that fluctuate based upon parenting time were adjusted.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. *Child Care Expenses.* Rule 1910.16-6(a) [has been] was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent also may [also] incur such expenses during his or her custodial periods with the children.

G. *Spousal Support and Alimony Pendente Lite.* Subdivision (c) has been amended to require the court to consider the duration of the marriage in determining the duration of a spousal support or alimony *pendente lite* award. The language was moved from Rule 1910.16-5 which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. *Other Amendments.* All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits, [and] Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

* * * * *

(3) If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

Example 1. If the obligor has net income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$[568] 551 per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$[568] 551 minus \$300 equals \$[268] 251). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$[268] 251 between the obligor and the obligee in proportion to their respective incomes. The obligor's \$1,200 net income per month is 60% of the total of the obligor's and the obligee's combined net monthly income. Thus, the obligor's support obligation would be 60% of \$[268] 251, or \$[161] 151, per month.

Example 2. Two children live with Grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating Mother's support obligation, Grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, the obligee's and the obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits Grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is \$[820] 831. Subtracting from that amount the \$400 in Social Security derivative benefits Grandmother receives for the children, results in a basic support amount of \$[420] 431 [to be apportioned between the parties]. As Mother's income is 75% of the parties' combined income of \$2,000, her support obligation to Grandmother is \$[315] 323 per month.

* * * * *

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation.

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control **unless the trier of fact finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation.**

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Earning Capacity.* [**Ordinarily, either**] **If the trier of fact determines that a party to a support action [who] has willfully [fails] failed to obtain or maintain appropriate employment, [will be considered to have] the trier of fact may impute to that party an income equal to the party's earning capacity.** Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. **For an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment.**

(e) *Net Income Affecting Application of the [Child] Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where the obligor has monthly net income of \$[**850**] **950**, the presumptive amount of support for three children is \$[**94**] **77** per month. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony *pendente lite* obligation, the presumptive amount of support shall not reduce the obligor's net income below [**\$748**] **the Self-Support Reserve of \$867** per month. For example, if the obligor earns \$[**800**] **1,000** per month and the obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of \$[**200**] **280** per month. Since this amount leaves the obligor with only \$[**600**] **720** per month, it must be adjusted so that the obligor retains at least \$[**748**] **867** per month. The presumptive minimum amount of spousal support, therefore, is \$[**52**] **133** per month in this case.

(C) When the obligor's monthly net income is \$[**748**] **867** or less, the court may award support only after consideration of the obligor's actual living expenses.

(2) *High Income [Child Support] Cases.* [**When the parties' combined net income exceeds \$20,000 per**

month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be the obligor's percentage share of the highest amount of support which can be derived from the schedule for the appropriate number of children and using the parties' actual combined income to determine the obligor's percentage share of this amount. The court may award an additional amount of child support based on the parties' combined income and the factors set forth in *Melzer*. The *Melzer* analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income exceeding \$20,000 per month. In a *Melzer* analysis case, the presumptive minimum remains applicable.

For example, where the obligor and the obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,018. The obligor's percentage share of the combined obligation is 81% of \$3,018, or \$2,445. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule in Rule 1910.16-3, which is limited to combined household income of \$20,000, the court may award an additional amount of support based on the factors set forth in *Melzer*.]

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1.

* * * * *

Explanatory Comment—[2005] 2010

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S.A. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits, [**and**] Social Security derivative benefits **and foster care payments.**

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to awards of spousal support or alimony *pendente lite* when there are multiple families. In these cases, a party's net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony *pendente lite* or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income **and the imputing of earning capacity**. [**Since the payment of support is a priority, subsection (1) reflects current case law which, for example, holds that a party's decision to forego current employment in order to further his or her education should be treated no differently than a decision to change jobs or occupations which results in a lower income. *Kersey v. Jefferson*, 791 A.2d 419 (Pa. Super. Ct. 2002); *Grimes v. Grimes*, 596 A.2d 240 (Pa. Super. Ct. 1991)] Statutory provisions at 23 Pa.C.S.A. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.**

Subdivision (e) has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR") [, formerly referred to as the Computed Allowance Minimum ("CAM")]. The schedule now applies to all cases in which the parties' combined net monthly income is \$[20,000] 30,000 or less. The upper income limit of the prior schedule was only \$[15,000] 20,000. The amount of support at each income level of the schedule also has changed, so the examples in Rule 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 sets forth basic child support only, subdivision (e)(1)(B) is necessary to reflect the operation of the SSR in spousal support and alimony *pendente lite* cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the [CAM] SSR required that the obligor retain at least \$[550] 748 per month. The SSR now requires that the obligor retain income of at least \$[748] 867 per month, an amount equal to the [2003] 2008 federal poverty level for one person. When the obligor's monthly net income is less than \$[748] 867, subsection (e)(1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases,

therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Rule 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$[800] 900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of the SSR, however, the court should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also [reflects the limited] has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), [to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$20,000 per month] in high income child support cases. [The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount provides that the parties' percentage shares should be calculated using their actual combined income rather than the theoretical combined income of only \$20,000. In considering whether to award an additional amount of child support, the court must apply the factors set forth in *Melzer* to all of the parties' combined income, not just the amount over \$20,000 per month. It would be improper to apply the formula in Rule 1910.16-4 to the amount of the parties' combined income which exceeds \$20,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*. The presumptive minimum shall apply even if the *Melzer* analysis results in a lower amount] In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the three-step process in new Rule 1910.16-3.1(a).

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
[0-800	50	50	50	50	50	50
850	92	93	94	95	96	97
900	137	138	140	141	143	144
950	182	184	186	188	190	192
1000	227	229	232	234	237	239
1050	271	275	278	281	284	287
1100	284	320	324	327	331	334
1150	296	366	370	374	378	382
1200	309	411	416	420	425	429
1250	322	455	462	467	472	477
1300	335	472	508	513	519	524
1350	348	490	554	560	566	572
1400	360	508	589	606	613	619
1450	373	526	610	653	660	667
1500	386	544	630	699	707	714
1550	397	560	648	723	754	762
1600	409	575	666	743	801	809
1650	421	591	684	763	839	857
1700	432	607	702	783	861	904
1750	444	623	720	803	883	952
1800	455	638	738	822	905	984
1850	467	654	756	842	927	1008
1900	479	670	773	862	949	1032
1950	490	685	790	881	969	1055
2000	501	700	807	900	990	1077
2050	512	715	824	918	1010	1099
2100	523	729	840	937	1031	1121
2150	534	744	857	955	1051	1143
2200	545	759	873	974	1071	1166
2250	557	774	890	992	1092	1188
2300	568	789	907	1011	1112	1210
2350	579	804	924	1030	1133	1233
2400	591	820	942	1051	1156	1257
2450	603	837	961	1071	1179	1282
2500	615	853	979	1092	1201	1307
2550	626	869	998	1113	1224	1332
2600	638	886	1017	1134	1247	1357
2650	650	902	1035	1154	1270	1381
2700	662	918	1054	1175	1292	1406
2750	674	935	1072	1196	1315	1431
2800	684	949	1088	1213	1335	1452
2850	694	962	1103	1230	1353	1472
2900	704	976	1118	1246	1371	1492
2950	714	989	1133	1263	1389	1511
3000	724	1003	1147	1279	1407	1531

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3050	734	1016	1162	1296	1425	1551
3100	744	1029	1177	1312	1443	1570
3150	754	1043	1192	1329	1461	1590
3200	763	1054	1204	1342	1477	1607
3250	767	1059	1207	1346	1481	1611
3300	772	1063	1211	1350	1485	1616
3350	776	1068	1214	1354	1489	1620
3400	781	1072	1218	1358	1494	1625
3450	785	1077	1221	1362	1498	1630
3500	790	1081	1225	1365	1502	1634
3550	794	1086	1228	1369	1506	1639
3600	798	1090	1231	1373	1510	1643
3650	804	1096	1237	1380	1518	1651
3700	809	1103	1245	1388	1526	1661
3750	815	1110	1252	1396	1535	1670
3800	820	1117	1259	1403	1544	1680
3850	826	1123	1266	1411	1552	1689
3900	831	1130	1273	1419	1561	1699
3950	837	1137	1280	1427	1570	1708
4000	843	1144	1287	1435	1579	1717
4050	848	1151	1294	1443	1587	1727
4100	854	1158	1302	1452	1597	1738
4150	860	1165	1310	1461	1607	1748
4200	866	1173	1318	1469	1616	1759
4250	872	1180	1326	1478	1626	1769
4300	878	1187	1334	1487	1636	1780
4350	884	1194	1341	1496	1645	1790
4400	890	1202	1349	1504	1655	1800
4450	896	1209	1357	1513	1665	1811
4500	902	1216	1365	1522	1674	1821
4550	908	1224	1373	1531	1684	1832
4600	914	1231	1381	1539	1693	1842
4650	920	1238	1389	1548	1703	1853
4700	924	1243	1394	1554	1709	1860
4750	925	1245	1395	1555	1711	1861
4800	927	1246	1396	1557	1713	1863
4850	928	1248	1398	1558	1714	1865
4900	930	1249	1399	1560	1716	1867
4950	931	1251	1400	1561	1717	1869
5000	933	1253	1402	1563	1719	1870
5050	934	1254	1403	1564	1721	1872
5100	936	1256	1404	1566	1722	1874
5150	937	1257	1406	1567	1724	1876
5200	939	1259	1407	1569	1726	1877
5250	940	1261	1408	1570	1727	1879

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
5300	942	1262	1410	1572	1729	1881
5350	943	1264	1411	1573	1731	1883
5400	945	1265	1412	1575	1732	1885
5450	946	1267	1414	1576	1734	1886
5500	948	1268	1415	1578	1735	1888
5550	952	1273	1420	1583	1742	1895
5600	959	1283	1431	1595	1755	1909
5650	966	1292	1441	1607	1768	1923
5700	973	1302	1452	1619	1780	1937
5750	980	1312	1462	1630	1793	1951
5800	988	1321	1473	1642	1806	1965
5850	995	1331	1483	1654	1819	1979
5900	1002	1340	1494	1666	1832	1993
5950	1009	1350	1504	1677	1845	2007
6000	1016	1359	1515	1689	1858	2021
6050	1023	1369	1525	1701	1871	2035
6100	1030	1379	1536	1712	1884	2049
6150	1038	1388	1546	1724	1897	2063
6200	1045	1398	1557	1736	1909	2077
6250	1052	1407	1567	1748	1922	2092
6300	1059	1417	1578	1759	1935	2106
6350	1066	1426	1588	1771	1948	2120
6400	1072	1435	1597	1781	1959	2132
6450	1077	1441	1604	1788	1967	2140
6500	1082	1447	1610	1796	1975	2149
6550	1087	1454	1617	1803	1983	2158
6600	1092	1460	1624	1810	1991	2167
6650	1097	1466	1630	1818	1999	2175
6700	1102	1473	1637	1825	2008	2184
6750	1107	1479	1643	1832	2016	2193
6800	1112	1485	1650	1840	2024	2202
6850	1117	1491	1657	1847	2032	2211
6900	1122	1498	1663	1854	2040	2219
6950	1127	1504	1670	1862	2048	2228
7000	1132	1510	1676	1869	2056	2237
7050	1137	1517	1683	1876	2064	2246
7100	1142	1523	1690	1884	2072	2255
7150	1147	1529	1696	1891	2080	2263
7200	1152	1536	1703	1898	2088	2272
7250	1157	1542	1709	1906	2096	2281
7300	1162	1548	1716	1913	2104	2290
7350	1167	1555	1722	1921	2113	2298
7400	1172	1561	1729	1928	2121	2307
7450	1177	1567	1736	1935	2129	2316
7500	1182	1573	1742	1943	2137	2325

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
7550	1187	1580	1749	1950	2145	2334
7600	1192	1586	1755	1957	2153	2342
7650	1197	1592	1762	1965	2161	2351
7700	1202	1598	1768	1971	2169	2359
7750	1206	1604	1774	1978	2176	2367
7800	1210	1609	1780	1985	2183	2375
7850	1214	1615	1786	1992	2191	2384
7900	1219	1620	1792	1998	2198	2392
7950	1223	1626	1798	2005	2206	2400
8000	1227	1631	1804	2012	2213	2408
8050	1231	1637	1810	2019	2220	2416
8100	1235	1642	1816	2025	2228	2424
8150	1240	1648	1822	2032	2235	2432
8200	1244	1653	1828	2039	2243	2440
8250	1248	1659	1835	2045	2250	2448
8300	1252	1664	1841	2052	2257	2456
8350	1257	1670	1847	2059	2265	2464
8400	1261	1675	1853	2066	2272	2472
8450	1265	1681	1859	2072	2280	2480
8500	1269	1686	1865	2079	2287	2488
8550	1273	1692	1871	2086	2295	2496
8600	1278	1697	1877	2093	2302	2504
8650	1282	1703	1883	2099	2309	2513
8700	1286	1708	1889	2106	2317	2521
8750	1290	1714	1895	2113	2324	2529
8800	1295	1719	1901	2120	2332	2537
8850	1299	1725	1907	2126	2339	2545
8900	1303	1730	1913	2133	2346	2553
8950	1307	1736	1919	2140	2354	2561
9000	1311	1741	1925	2147	2361	2569
9050	1316	1747	1931	2153	2369	2577
9100	1320	1752	1937	2160	2376	2585
9150	1324	1758	1943	2167	2383	2593
9200	1328	1763	1949	2173	2391	2601
9250	1333	1769	1955	2180	2398	2609
9300	1337	1775	1961	2187	2406	2617
9350	1341	1780	1967	2194	2413	2625
9400	1345	1786	1973	2200	2420	2633
9450	1349	1791	1980	2207	2428	2642
9500	1354	1797	1986	2214	2435	2650
9550	1358	1802	1992	2221	2443	2658
9600	1362	1807	1996	2226	2449	2664
9650	1365	1811	2001	2231	2454	2670
9700	1369	1815	2005	2235	2459	2675
9750	1372	1819	2009	2240	2464	2681

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
9800	1376	1823	2013	2244	2469	2686
9850	1379	1827	2017	2249	2474	2692
9900	1383	1832	2021	2253	2479	2697
9950	1386	1836	2025	2258	2484	2702
10000	1390	1840	2029	2263	2489	2708
10050	1393	1844	2033	2267	2494	2713
10100	1397	1848	2037	2272	2499	2719
10150	1400	1852	2042	2276	2504	2724
10200	1404	1856	2046	2281	2509	2730
10250	1407	1860	2050	2285	2514	2735
10300	1411	1865	2054	2290	2519	2741
10350	1414	1869	2058	2295	2524	2746
10400	1418	1873	2062	2299	2529	2752
10450	1421	1877	2066	2304	2534	2757
10500	1425	1881	2070	2308	2539	2763
10550	1428	1885	2074	2313	2544	2768
10600	1432	1889	2078	2317	2549	2774
10650	1435	1894	2083	2322	2554	2779
10700	1439	1898	2087	2327	2559	2784
10750	1442	1902	2091	2331	2564	2790
10800	1446	1906	2095	2336	2569	2795
10850	1449	1910	2099	2340	2574	2801
10900	1453	1914	2103	2345	2579	2806
10950	1456	1918	2107	2349	2584	2812
11000	1460	1922	2111	2354	2589	2817
11050	1464	1927	2115	2359	2594	2823
11100	1467	1931	2119	2363	2599	2828
11150	1471	1935	2124	2368	2604	2834
11200	1474	1939	2128	2372	2610	2839
11250	1478	1943	2132	2377	2615	2845
11300	1481	1947	2136	2381	2620	2850
11350	1485	1951	2140	2386	2625	2856
11400	1488	1956	2144	2391	2630	2861
11450	1492	1960	2148	2395	2635	2866
11500	1495	1964	2152	2400	2640	2872
11550	1499	1968	2156	2404	2645	2877
11600	1502	1972	2160	2409	2650	2883
11650	1506	1976	2164	2413	2655	2888
11700	1509	1980	2169	2418	2660	2894
11750	1513	1984	2173	2423	2665	2899
11800	1516	1989	2177	2427	2670	2905
11850	1520	1993	2181	2432	2675	2910
11900	1523	1997	2185	2436	2680	2916
11950	1527	2001	2189	2441	2685	2921
12000	1530	2005	2193	2445	2690	2927

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
12050	1534	2009	2197	2450	2695	2932
12100	1537	2013	2201	2455	2700	2938
12150	1541	2018	2205	2459	2705	2943
12200	1544	2022	2210	2464	2710	2948
12250	1548	2026	2214	2468	2715	2954
12300	1551	2030	2218	2473	2720	2959
12350	1555	2034	2222	2477	2725	2965
12400	1558	2038	2226	2482	2730	2970
12450	1562	2042	2230	2486	2735	2976
12500	1565	2046	2234	2491	2740	2981
12550	1569	2051	2238	2496	2745	2987
12600	1572	2055	2242	2500	2750	2992
12650	1576	2059	2246	2505	2755	2998
12700	1579	2063	2251	2509	2760	3003
12750	1583	2067	2255	2514	2765	3009
12800	1586	2071	2259	2518	2770	3014
12850	1590	2075	2263	2523	2775	3020
12900	1593	2080	2267	2528	2780	3025
12950	1597	2084	2271	2532	2785	3030
13000	1600	2088	2275	2537	2790	3036
13050	1604	2092	2279	2541	2795	3041
13100	1607	2096	2283	2546	2800	3047
13150	1611	2100	2287	2550	2805	3052
13200	1614	2104	2291	2555	2811	3058
13250	1618	2108	2296	2560	2816	3063
13300	1622	2113	2300	2564	2821	3069
13350	1625	2117	2304	2569	2826	3074
13400	1629	2121	2308	2573	2831	3080
13450	1632	2125	2312	2578	2836	3085
13500	1636	2129	2316	2582	2841	3091
13550	1639	2133	2320	2587	2846	3096
13600	1643	2137	2324	2592	2851	3102
13650	1646	2142	2328	2596	2856	3107
13700	1650	2146	2332	2601	2861	3113
13750	1653	2150	2337	2605	2866	3118
13800	1657	2154	2341	2610	2871	3123
13850	1660	2158	2345	2614	2876	3129
13900	1664	2162	2349	2619	2881	3134
13950	1667	2166	2353	2624	2886	3140
14000	1671	2170	2357	2628	2891	3145
14050	1674	2175	2361	2633	2896	3151
14100	1678	2179	2365	2637	2901	3156
14150	1681	2183	2369	2642	2906	3162
14200	1685	2187	2373	2646	2911	3167
14250	1688	2191	2378	2651	2916	3173

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
14300	1692	2195	2382	2656	2921	3178
14350	1695	2199	2386	2660	2926	3184
14400	1699	2203	2390	2665	2931	3189
14450	1702	2208	2394	2669	2936	3195
14500	1706	2212	2398	2674	2941	3200
14550	1709	2216	2402	2678	2946	3205
14600	1713	2220	2406	2683	2951	3211
14650	1716	2224	2410	2687	2956	3216
14700	1720	2228	2414	2692	2961	3222
14750	1723	2232	2418	2697	2966	3227
14800	1727	2237	2423	2701	2971	3233
14850	1730	2241	2427	2706	2976	3238
14900	1734	2245	2431	2710	2981	3244
14950	1737	2249	2435	2715	2986	3249
15000	1741	2253	2439	2719	2991	3255
15050	1806	2319	2493	2780	3058	3327
15100	1811	2325	2498	2785	3064	3334
15150	1816	2330	2503	2791	3071	3341
15200	1821	2336	2509	2797	3077	3348
15250	1826	2342	2514	2803	3084	3355
15300	1831	2347	2519	2809	3090	3362
15350	1836	2353	2525	2815	3097	3369
15400	1841	2359	2530	2821	3103	3376
15450	1846	2364	2535	2827	3110	3383
15500	1851	2370	2541	2833	3116	3390
15550	1856	2375	2546	2839	3123	3397
15600	1861	2381	2551	2845	3129	3404
15650	1866	2387	2557	2851	3136	3411
15700	1871	2392	2562	2856	3142	3419
15750	1876	2398	2567	2862	3149	3426
15800	1881	2404	2572	2868	3155	3433
15850	1886	2409	2578	2874	3162	3440
15900	1891	2415	2583	2880	3168	3447
15950	1896	2420	2588	2886	3175	3454
16000	1901	2426	2594	2892	3181	3461
16050	1906	2432	2599	2898	3188	3468
16100	1911	2437	2604	2904	3194	3475
16150	1916	2443	2610	2910	3201	3482
16200	1921	2449	2615	2916	3207	3489
16250	1926	2454	2620	2921	3214	3496
16300	1931	2460	2625	2927	3220	3503
16350	1936	2466	2631	2933	3227	3511
16400	1941	2471	2636	2939	3233	3518
16450	1946	2477	2641	2945	3240	3525
16500	1951	2482	2647	2951	3246	3532

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
16550	1956	2488	2652	2957	3253	3539
16600	1961	2494	2657	2963	3259	3546
16650	1966	2499	2663	2969	3266	3553
16700	1971	2505	2668	2975	3272	3560
16750	1976	2511	2673	2981	3279	3567
16800	1981	2516	2678	2986	3285	3574
16850	1986	2522	2684	2992	3292	3581
16900	1991	2527	2689	2998	3298	3588
16950	1996	2533	2694	3004	3305	3595
17000	2001	2539	2700	3010	3311	3603
17050	2006	2544	2705	3016	3318	3610
17100	2011	2550	2710	3022	3324	3617
17150	2016	2556	2716	3028	3331	3624
17200	2021	2561	2721	3034	3337	3631
17250	2026	2567	2726	3040	3344	3638
17300	2031	2572	2731	3046	3350	3645
17350	2036	2578	2737	3052	3357	3652
17400	2041	2584	2742	3057	3363	3659
17450	2046	2589	2747	3063	3370	3666
17500	2051	2595	2753	3069	3376	3673
17550	2056	2601	2758	3075	3383	3680
17600	2061	2606	2763	3081	3389	3687
17650	2066	2612	2769	3087	3396	3694
17700	2071	2618	2774	3093	3402	3702
17750	2076	2623	2779	3099	3409	3709
17800	2081	2629	2784	3105	3415	3716
17850	2086	2634	2790	3111	3422	3723
17900	2091	2640	2795	3117	3428	3730
17950	2096	2646	2800	3122	3435	3737
18000	2101	2651	2806	3128	3441	3744
18050	2106	2657	2811	3134	3448	3751
18100	2111	2663	2816	3140	3454	3758
18150	2116	2668	2822	3146	3461	3765
18200	2121	2674	2827	3152	3467	3772
18250	2126	2679	2832	3158	3474	3779
18300	2131	2685	2838	3164	3480	3786
18350	2136	2691	2843	3170	3487	3794
18400	2141	2696	2848	3176	3493	3801
18450	2146	2702	2853	3182	3500	3808
18500	2151	2708	2859	3187	3506	3815
18550	2156	2713	2864	3193	3513	3822
18600	2161	2719	2869	3199	3519	3829
18650	2166	2725	2875	3205	3526	3836
18700	2171	2730	2880	3211	3532	3843
18750	2176	2736	2885	3217	3539	3850

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
18800	2181	2741	2891	3223	3545	3857
18850	2186	2747	2896	3229	3552	3864
18900	2191	2753	2901	3235	3558	3871
18950	2196	2758	2906	3241	3565	3878
19000	2201	2764	2912	3247	3571	3886
19050	2206	2770	2917	3253	3578	3893
19100	2211	2775	2922	3258	3584	3900
19150	2216	2781	2928	3264	3591	3907
19200	2221	2786	2933	3270	3597	3914
19250	2226	2792	2938	3276	3604	3921
19300	2231	2798	2944	3282	3610	3928
19350	2236	2803	2949	3288	3617	3935
19400	2241	2809	2954	3294	3623	3942
19450	2246	2815	2959	3300	3630	3949
19500	2251	2820	2965	3306	3636	3956
19550	2256	2826	2970	3312	3643	3963
19600	2261	2831	2975	3318	3649	3970
19650	2266	2837	2981	3323	3656	3977
19700	2271	2843	2986	3329	3662	3985
19750	2276	2848	2991	3335	3669	3992
19800	2281	2854	2997	3341	3675	3999
19850	2286	2860	3002	3347	3682	4006
19900	2291	2865	3007	3353	3688	4013
19950	2296	2871	3012	3359	3695	4020
20000	2301	2877	3018	3365	3701	4027]

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
0-900	50	55	60	65	70	75
950	75	76	77	78	78	79
1000	120	121	123	124	125	127
1050	165	167	169	171	172	174
1100	210	212	215	217	219	222
1150	255	258	261	264	266	269
1200	294	303	307	310	313	317
1250	306	349	353	357	360	364
1300	318	394	399	403	407	412
1350	330	440	445	450	454	459
1400	342	485	491	496	501	507
1450	354	514	537	543	548	554
1500	365	531	583	589	595	602
1550	377	548	629	636	642	649
1600	389	565	665	682	689	697

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
1650	401	582	684	729	736	744
1700	412	598	704	775	783	792
1750	424	615	723	808	830	839
1800	436	631	742	829	877	887
1850	447	648	762	851	924	934
1900	459	664	781	872	960	982
1950	470	681	800	894	983	1029
2000	482	698	820	915	1007	1077
2050	493	714	839	937	1031	1120
2100	505	731	858	959	1054	1146
2150	517	747	877	980	1078	1172
2200	528	764	897	1002	1102	1198
2250	540	781	916	1023	1126	1223
2300	551	797	936	1045	1150	1250
2350	563	814	956	1068	1174	1277
2400	575	831	976	1090	1199	1304
2450	587	849	996	1113	1224	1330
2500	598	866	1016	1135	1249	1357
2550	610	883	1036	1158	1273	1384
2600	622	900	1057	1180	1298	1411
2650	634	917	1077	1203	1323	1438
2700	646	934	1097	1225	1348	1465
2750	657	951	1117	1248	1373	1492
2800	669	968	1137	1270	1397	1519
2850	681	985	1157	1293	1422	1546
2900	693	1002	1178	1315	1447	1573
2950	704	1019	1198	1338	1472	1600
3000	714	1033	1213	1354	1490	1619
3050	723	1045	1226	1370	1507	1638
3100	732	1057	1240	1385	1523	1656
3150	741	1070	1253	1400	1540	1674
3200	750	1082	1267	1415	1557	1692
3250	759	1094	1281	1431	1574	1711
3300	768	1107	1294	1446	1590	1729
3350	777	1119	1308	1461	1607	1747
3400	786	1131	1322	1476	1624	1765
3450	793	1141	1333	1489	1637	1780
3500	798	1149	1342	1500	1650	1793
3550	804	1157	1352	1511	1662	1806
3600	809	1165	1362	1522	1674	1819
3650	815	1173	1372	1533	1686	1832
3700	820	1182	1382	1543	1698	1846
3750	826	1190	1392	1554	1710	1859
3800	831	1198	1401	1565	1722	1872
3850	837	1206	1411	1576	1734	1885

THE COURTS

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3900	842	1214	1421	1587	1746	1898
3950	848	1222	1430	1597	1757	1910
4000	854	1231	1439	1608	1769	1922
4050	860	1239	1449	1618	1780	1935
4100	866	1247	1458	1629	1791	1947
4150	872	1255	1467	1639	1803	1960
4200	878	1264	1477	1649	1814	1972
4250	884	1272	1486	1660	1826	1984
4300	890	1280	1495	1670	1837	1997
4350	895	1286	1502	1677	1845	2006
4400	898	1291	1506	1682	1850	2011
4450	902	1295	1510	1686	1855	2016
4500	905	1299	1513	1691	1860	2021
4550	909	1303	1517	1695	1864	2027
4600	912	1307	1521	1699	1869	2032
4650	916	1312	1525	1704	1874	2037
4700	919	1316	1529	1708	1879	2042
4750	923	1320	1533	1712	1884	2047
4800	926	1325	1538	1718	1890	2054
4850	931	1331	1545	1726	1898	2064
4900	935	1337	1552	1734	1907	2073
4950	940	1343	1559	1742	1916	2082
5000	944	1350	1566	1749	1924	2092
5050	949	1356	1573	1757	1933	2101
5100	953	1362	1580	1765	1942	2111
5150	957	1368	1587	1773	1950	2120
5200	962	1374	1594	1781	1959	2129
5250	966	1380	1601	1789	1968	2139
5300	971	1387	1608	1797	1976	2148
5350	975	1393	1615	1804	1985	2157
5400	980	1399	1622	1812	1993	2167
5450	984	1405	1629	1820	2002	2176
5500	989	1412	1637	1829	2011	2186
5550	994	1419	1645	1837	2021	2197
5600	1000	1426	1653	1846	2031	2207
5650	1005	1433	1660	1855	2040	2218
5700	1010	1440	1668	1864	2050	2228
5750	1015	1447	1676	1872	2059	2239
5800	1020	1454	1684	1881	2069	2249
5850	1025	1461	1692	1890	2079	2260
5900	1031	1469	1700	1899	2088	2270
5950	1036	1476	1707	1907	2098	2281
6000	1041	1483	1715	1916	2108	2291
6050	1046	1490	1723	1925	2117	2301
6100	1051	1497	1731	1933	2127	2312

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
6150	1056	1504	1739	1942	2136	2322
6200	1061	1511	1747	1951	2147	2333
6250	1066	1518	1755	1961	2157	2344
6300	1071	1525	1763	1970	2167	2355
6350	1076	1532	1772	1979	2177	2366
6400	1081	1539	1780	1988	2187	2377
6450	1086	1546	1788	1997	2197	2388
6500	1091	1553	1796	2006	2207	2399
6550	1096	1560	1804	2015	2217	2410
6600	1101	1567	1812	2024	2227	2421
6650	1106	1574	1821	2034	2237	2432
6700	1111	1581	1829	2043	2247	2442
6750	1116	1588	1837	2052	2257	2453
6800	1121	1595	1845	2061	2267	2464
6850	1126	1602	1853	2070	2277	2475
6900	1131	1609	1861	2078	2286	2485
6950	1135	1616	1868	2087	2295	2495
7000	1140	1622	1876	2095	2304	2505
7050	1145	1629	1883	2103	2314	2515
7100	1150	1636	1891	2112	2323	2525
7150	1155	1643	1898	2120	2332	2535
7200	1160	1649	1906	2128	2341	2545
7250	1165	1656	1913	2137	2351	2555
7300	1170	1663	1921	2145	2360	2565
7350	1174	1670	1928	2154	2369	2575
7400	1179	1676	1936	2162	2378	2585
7450	1184	1683	1943	2170	2387	2595
7500	1189	1690	1951	2179	2397	2605
7550	1194	1696	1958	2187	2406	2615
7600	1199	1703	1966	2196	2415	2625
7650	1204	1710	1973	2204	2424	2635
7700	1209	1717	1981	2212	2434	2645
7750	1214	1723	1988	2221	2443	2656
7800	1218	1731	1997	2230	2453	2667
7850	1223	1738	2005	2240	2464	2678
7900	1228	1745	2014	2249	2474	2689
7950	1233	1752	2022	2259	2485	2701
8000	1238	1759	2031	2268	2495	2712
8050	1243	1766	2039	2278	2505	2723
8100	1248	1774	2048	2287	2516	2735
8150	1253	1781	2056	2297	2526	2746
8200	1258	1788	2064	2306	2537	2757
8250	1263	1795	2073	2316	2547	2769
8300	1268	1802	2081	2325	2557	2780
8350	1273	1809	2090	2334	2568	2791

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
8400	1278	1816	2098	2344	2578	2803
8450	1283	1824	2107	2353	2589	2814
8500	1288	1831	2115	2363	2599	2825
8550	1293	1838	2124	2372	2609	2837
8600	1297	1845	2132	2382	2620	2848
8650	1302	1852	2141	2391	2630	2859
8700	1305	1856	2145	2396	2635	2864
8750	1307	1859	2149	2400	2640	2870
8800	1310	1863	2153	2404	2645	2875
8850	1313	1866	2156	2409	2650	2880
8900	1315	1870	2160	2413	2654	2885
8950	1318	1873	2164	2417	2659	2890
9000	1320	1877	2168	2422	2664	2896
9050	1323	1880	2172	2426	2669	2901
9100	1325	1884	2176	2430	2673	2906
9150	1328	1887	2180	2435	2678	2911
9200	1330	1891	2184	2439	2683	2916
9250	1333	1894	2188	2443	2688	2922
9300	1335	1898	2191	2448	2693	2927
9350	1338	1901	2195	2452	2697	2932
9400	1340	1905	2199	2457	2702	2937
9450	1343	1908	2203	2461	2707	2942
9500	1345	1912	2207	2465	2712	2948
9550	1348	1915	2211	2470	2716	2953
9600	1351	1920	2217	2476	2723	2960
9650	1356	1926	2223	2483	2731	2969
9700	1360	1932	2229	2490	2739	2977
9750	1364	1937	2235	2497	2746	2985
9800	1368	1943	2241	2504	2754	2994
9850	1372	1948	2248	2511	2762	3002
9900	1376	1954	2254	2518	2769	3010
9950	1381	1960	2260	2525	2777	3019
10000	1385	1965	2266	2532	2785	3027
10050	1389	1971	2273	2538	2792	3035
10100	1393	1977	2279	2545	2800	3044
10150	1397	1982	2285	2552	2808	3052
10200	1402	1988	2291	2559	2815	3060
10250	1406	1994	2297	2566	2823	3069
10300	1410	1999	2304	2573	2831	3077
10350	1414	2005	2310	2580	2838	3085
10400	1418	2010	2316	2587	2846	3093
10450	1422	2016	2322	2594	2854	3102
10500	1427	2022	2329	2601	2861	3110
10550	1431	2027	2335	2608	2869	3118
10600	1435	2033	2341	2615	2876	3127

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
10650	1439	2039	2347	2622	2884	3135
10700	1443	2044	2354	2629	2892	3143
10750	1448	2051	2361	2637	2901	3153
10800	1452	2057	2369	2646	2910	3164
10850	1457	2064	2376	2654	2920	3174
10900	1462	2070	2384	2663	2929	3184
10950	1466	2077	2391	2671	2938	3194
11000	1471	2083	2399	2679	2947	3204
11050	1475	2090	2406	2688	2957	3214
11100	1480	2097	2414	2696	2966	3224
11150	1485	2103	2421	2705	2975	3234
11200	1489	2110	2429	2713	2985	3244
11250	1494	2116	2437	2722	2994	3254
11300	1499	2123	2444	2730	3003	3264
11350	1503	2129	2452	2739	3012	3274
11400	1508	2136	2459	2747	3022	3285
11450	1512	2142	2467	2755	3031	3295
11500	1517	2149	2474	2764	3040	3305
11550	1522	2156	2482	2772	3049	3315
11600	1526	2162	2489	2781	3059	3325
11650	1531	2169	2497	2789	3068	3335
11700	1535	2175	2504	2798	3077	3345
11750	1540	2182	2512	2806	3087	3355
11800	1545	2188	2520	2814	3096	3365
11850	1549	2195	2527	2823	3105	3375
11900	1554	2201	2535	2831	3114	3385
11950	1558	2208	2542	2840	3124	3395
12000	1563	2214	2550	2848	3133	3405
12050	1568	2221	2557	2857	3142	3416
12100	1572	2228	2565	2865	3151	3426
12150	1577	2234	2572	2873	3161	3436
12200	1581	2241	2580	2882	3170	3446
12250	1586	2247	2588	2890	3179	3456
12300	1591	2254	2595	2899	3189	3466
12350	1595	2260	2603	2907	3198	3476
12400	1600	2267	2610	2916	3207	3486
12450	1605	2273	2618	2924	3216	3496
12500	1609	2280	2625	2932	3226	3506
12550	1613	2285	2632	2939	3233	3515
12600	1617	2290	2637	2945	3240	3522
12650	1620	2295	2642	2951	3246	3529
12700	1623	2300	2648	2957	3253	3536
12750	1627	2305	2653	2963	3260	3543
12800	1630	2309	2658	2969	3266	3550
12850	1634	2314	2664	2975	3273	3557

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
12900	1637	2319	2669	2981	3279	3565
12950	1641	2324	2674	2987	3286	3572
13000	1644	2328	2680	2993	3292	3579
13050	1648	2333	2685	2999	3299	3586
13100	1651	2338	2690	3005	3305	3593
13150	1654	2343	2695	3011	3312	3600
13200	1658	2347	2701	3017	3319	3607
13250	1661	2352	2706	3023	3325	3614
13300	1665	2357	2711	3029	3332	3621
13350	1668	2362	2717	3035	3338	3629
13400	1672	2366	2722	3041	3345	3636
13450	1675	2371	2727	3047	3351	3643
13500	1679	2376	2733	3053	3358	3650
13550	1682	2381	2738	3059	3364	3657
13600	1686	2385	2743	3064	3371	3664
13650	1689	2390	2749	3070	3377	3671
13700	1692	2395	2754	3076	3384	3678
13750	1696	2400	2759	3082	3391	3686
13800	1699	2404	2765	3088	3397	3693
13850	1703	2409	2770	3094	3404	3700
13900	1706	2414	2775	3100	3410	3707
13950	1710	2419	2781	3106	3417	3714
14000	1713	2423	2786	3112	3423	3721
14050	1717	2428	2791	3118	3430	3728
14100	1720	2433	2797	3124	3436	3735
14150	1723	2438	2802	3130	3443	3742
14200	1727	2442	2807	3136	3449	3750
14250	1730	2447	2813	3142	3456	3757
14300	1734	2452	2818	3148	3463	3764
14350	1737	2457	2823	3154	3469	3771
14400	1741	2461	2829	3160	3476	3778
14450	1744	2466	2834	3166	3482	3785
14500	1748	2471	2839	3172	3489	3792
14550	1751	2476	2845	3178	3495	3799
14600	1754	2481	2850	3184	3502	3807
14650	1758	2485	2855	3189	3508	3814
14700	1761	2490	2861	3195	3515	3821
14750	1765	2495	2866	3201	3522	3828
14800	1768	2500	2871	3207	3528	3835
14850	1772	2504	2877	3213	3535	3842
14900	1775	2509	2882	3219	3541	3849
14950	1779	2514	2887	3225	3548	3856
15000	1782	2519	2893	3231	3554	3863
15050	1786	2523	2898	3237	3561	3871
15100	1789	2528	2903	3243	3567	3878

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
15150	1792	2533	2909	3249	3574	3885
15200	1796	2538	2914	3255	3580	3892
15250	1799	2542	2919	3261	3587	3899
15300	1803	2547	2925	3267	3594	3906
15350	1806	2552	2930	3273	3600	3913
15400	1810	2557	2935	3279	3607	3920
15450	1813	2561	2941	3285	3613	3928
15500	1817	2566	2946	3291	3620	3935
15550	1820	2571	2951	3297	3626	3942
15600	1823	2576	2957	3303	3633	3949
15650	1827	2580	2962	3309	3639	3956
15700	1830	2585	2967	3315	3646	3963
15750	1834	2590	2973	3320	3653	3970
15800	1837	2595	2978	3326	3659	3977
15850	1841	2599	2983	3332	3666	3985
15900	1844	2604	2989	3338	3672	3992
15950	1848	2609	2994	3344	3679	3999
16000	1851	2614	2999	3350	3685	4006
16050	1854	2618	3005	3356	3692	4013
16100	1858	2623	3010	3362	3698	4020
16150	1861	2628	3015	3368	3705	4027
16200	1865	2633	3021	3374	3711	4034
16250	1868	2638	3026	3380	3718	4041
16300	1872	2642	3031	3386	3725	4049
16350	1875	2647	3037	3392	3731	4056
16400	1879	2652	3042	3398	3738	4063
16450	1882	2657	3047	3404	3744	4070
16500	1886	2661	3053	3410	3751	4077
16550	1889	2666	3058	3416	3757	4084
16600	1892	2671	3063	3422	3764	4091
16650	1896	2676	3069	3428	3770	4098
16700	1899	2680	3074	3434	3777	4106
16750	1903	2685	3079	3440	3783	4113
16800	1906	2690	3085	3445	3790	4120
16850	1910	2695	3090	3451	3797	4127
16900	1913	2699	3095	3457	3803	4134
16950	1917	2704	3101	3463	3810	4141
17000	1920	2709	3106	3469	3816	4148
17050	1923	2714	3111	3475	3823	4155
17100	1927	2718	3117	3481	3829	4162
17150	1930	2723	3122	3487	3836	4170
17200	1934	2728	3127	3493	3842	4177
17250	1937	2733	3133	3499	3849	4184
17300	1941	2737	3138	3505	3856	4191
17350	1944	2742	3143	3511	3862	4198

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
17400	1948	2747	3149	3517	3869	4205
17450	1951	2752	3154	3523	3875	4212
17500	1954	2756	3159	3529	3882	4219
17550	1958	2761	3165	3535	3888	4227
17600	1961	2766	3170	3541	3895	4234
17650	1965	2771	3175	3547	3901	4241
17700	1968	2775	3181	3553	3908	4248
17750	1972	2780	3186	3559	3914	4255
17800	1975	2785	3191	3565	3921	4262
17850	1979	2790	3197	3571	3928	4269
17900	1982	2794	3202	3576	3934	4276
17950	1986	2799	3207	3582	3941	4284
18000	1989	2804	3213	3588	3947	4291
18050	1992	2809	3218	3594	3954	4298
18100	1996	2814	3223	3600	3960	4305
18150	1999	2818	3229	3606	3967	4312
18200	2003	2823	3234	3612	3973	4319
18250	2006	2828	3239	3618	3980	4326
18300	2010	2833	3245	3624	3987	4333
18350	2013	2837	3250	3630	3993	4340
18400	2017	2842	3255	3636	4000	4348
18450	2020	2847	3260	3642	4006	4355
18500	2023	2852	3266	3648	4013	4362
18550	2027	2856	3271	3654	4019	4369
18600	2030	2861	3276	3660	4026	4376
18650	2034	2866	3282	3666	4032	4383
18700	2037	2871	3287	3672	4039	4390
18750	2041	2875	3292	3678	4045	4397
18800	2044	2880	3298	3684	4052	4405
18850	2048	2885	3303	3690	4059	4412
18900	2051	2890	3308	3696	4065	4419
18950	2055	2894	3314	3702	4072	4426
19000	2058	2899	3319	3707	4078	4433
19050	2061	2904	3324	3713	4085	4440
19100	2065	2909	3330	3719	4091	4447
19150	2068	2913	3335	3725	4098	4454
19200	2072	2918	3340	3731	4104	4461
19250	2075	2923	3346	3737	4111	4469
19300	2079	2928	3351	3743	4118	4476
19350	2082	2932	3356	3749	4124	4483
19400	2086	2937	3362	3755	4131	4490
19450	2089	2942	3367	3761	4137	4497
19500	2092	2947	3372	3767	4144	4504
19550	2096	2951	3378	3773	4150	4511
19600	2099	2956	3383	3779	4157	4518

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
19650	2103	2961	3388	3785	4163	4526
19700	2106	2966	3394	3791	4170	4533
19750	2110	2970	3399	3797	4176	4540
19800	2113	2975	3404	3803	4183	4547
19850	2117	2980	3410	3809	4190	4554
19900	2120	2985	3415	3815	4196	4561
19950	2123	2990	3420	3821	4203	4568
20000	2127	2994	3426	3827	4209	4575
20050	2130	2999	3431	3832	4216	4583
20100	2134	3004	3436	3838	4222	4590
20150	2137	3009	3442	3844	4229	4597
20200	2141	3013	3447	3850	4235	4604
20250	2144	3018	3452	3856	4242	4611
20300	2148	3023	3458	3862	4248	4618
20350	2151	3028	3463	3868	4255	4625
20400	2154	3031	3467	3873	4260	4630
20450	2157	3035	3471	3877	4265	4636
20500	2160	3039	3475	3881	4269	4641
20550	2164	3043	3479	3886	4274	4646
20600	2167	3047	3482	3890	4279	4651
20650	2170	3051	3486	3894	4284	4656
20700	2173	3055	3490	3899	4288	4661
20750	2176	3059	3494	3903	4293	4667
20800	2179	3063	3498	3907	4298	4672
20850	2182	3066	3502	3912	4303	4677
20900	2186	3070	3506	3916	4307	4682
20950	2189	3074	3510	3920	4312	4687
21000	2192	3078	3513	3924	4317	4692
21050	2195	3082	3517	3929	4322	4698
21100	2198	3086	3521	3933	4326	4703
21150	2201	3090	3525	3937	4331	4708
21200	2204	3094	3529	3942	4336	4713
21250	2207	3097	3533	3946	4341	4718
21300	2211	3101	3537	3950	4345	4724
21350	2214	3105	3541	3955	4350	4729
21400	2217	3109	3544	3959	4355	4734
21450	2220	3113	3548	3963	4360	4739
21500	2223	3117	3552	3968	4364	4744
21550	2226	3121	3556	3972	4369	4749
21600	2229	3125	3560	3976	4374	4755
21650	2233	3129	3564	3981	4379	4760
21700	2236	3132	3568	3985	4384	4765
21750	2239	3136	3571	3989	4388	4770
21800	2242	3140	3575	3994	4393	4775
21850	2245	3144	3579	3998	4398	4780

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
21900	2248	3148	3583	4002	4403	4786
21950	2251	3152	3587	4007	4407	4791
22000	2255	3156	3591	4011	4412	4796
22050	2258	3160	3595	4015	4417	4801
22100	2261	3163	3599	4020	4422	4806
22150	2264	3167	3602	4024	4426	4811
22200	2267	3171	3606	4028	4431	4817
22250	2270	3175	3610	4033	4436	4822
22300	2273	3179	3614	4037	4441	4827
22350	2276	3183	3618	4041	4445	4832
22400	2280	3187	3622	4046	4450	4837
22450	2283	3191	3626	4050	4455	4842
22500	2286	3195	3630	4054	4460	4848
22550	2289	3198	3633	4059	4464	4853
22600	2292	3202	3637	4063	4469	4858
22650	2295	3206	3641	4067	4474	4863
22700	2298	3210	3645	4071	4479	4868
22750	2302	3214	3649	4076	4483	4873
22800	2305	3218	3653	4080	4488	4879
22850	2308	3222	3657	4084	4493	4884
22900	2311	3226	3661	4089	4498	4889
22950	2314	3230	3664	4093	4502	4894
23000	2317	3233	3668	4097	4507	4899
23050	2320	3237	3672	4102	4512	4904
23100	2323	3241	3676	4106	4517	4910
23150	2327	3245	3680	4110	4521	4915
23200	2330	3249	3684	4115	4526	4920
23250	2333	3253	3688	4119	4531	4925
23300	2336	3257	3691	4123	4536	4930
23350	2339	3261	3695	4128	4540	4935
23400	2342	3264	3699	4132	4545	4941
23450	2345	3268	3703	4136	4550	4946
23500	2349	3272	3707	4141	4555	4951
23550	2352	3276	3711	4145	4559	4956
23600	2355	3280	3715	4149	4564	4961
23650	2358	3284	3719	4154	4569	4967
23700	2361	3288	3722	4158	4574	4972
23750	2364	3292	3726	4162	4579	4977
23800	2367	3296	3730	4167	4583	4982
23850	2370	3299	3734	4171	4588	4987
23900	2374	3303	3738	4175	4593	4992
23950	2377	3307	3742	4180	4598	4998
24000	2380	3311	3746	4184	4602	5003
24050	2383	3315	3750	4188	4607	5008
24100	2386	3319	3753	4193	4612	5013

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
24150	2389	3323	3757	4197	4617	5018
24200	2392	3327	3761	4201	4621	5023
24250	2396	3330	3765	4206	4626	5029
24300	2399	3334	3769	4210	4631	5034
24350	2402	3338	3773	4214	4636	5039
24400	2405	3342	3777	4219	4640	5044
24450	2408	3346	3781	4223	4645	5049
24500	2411	3350	3784	4227	4650	5054
24550	2414	3354	3788	4231	4655	5060
24600	2417	3358	3792	4236	4659	5065
24650	2421	3362	3796	4240	4664	5070
24700	2424	3365	3800	4244	4669	5075
24750	2427	3369	3804	4249	4674	5080
24800	2430	3373	3808	4253	4678	5085
24850	2433	3377	3811	4257	4683	5091
24900	2436	3381	3815	4262	4688	5096
24950	2439	3385	3819	4266	4693	5101
25000	2443	3389	3823	4270	4697	5106
25050	2446	3393	3827	4275	4702	5111
25100	2449	3396	3831	4279	4707	5116
25150	2452	3400	3835	4283	4712	5122
25200	2455	3404	3839	4288	4716	5127
25250	2458	3408	3842	4292	4721	5132
25300	2461	3412	3846	4296	4726	5137
25350	2465	3416	3850	4301	4731	5142
25400	2468	3420	3854	4305	4735	5147
25450	2471	3424	3858	4309	4740	5153
25500	2474	3428	3862	4314	4745	5158
25550	2477	3431	3866	4318	4750	5163
25600	2480	3435	3870	4322	4755	5168
25650	2483	3439	3873	4327	4759	5173
25700	2486	3443	3877	4331	4764	5178
25750	2490	3447	3881	4335	4769	5184
25800	2493	3451	3885	4340	4774	5189
25850	2496	3455	3889	4344	4778	5194
25900	2499	3459	3893	4348	4783	5199
25950	2502	3462	3897	4353	4788	5204
26000	2505	3466	3901	4357	4793	5210
26050	2508	3470	3904	4361	4797	5215
26100	2512	3474	3908	4366	4802	5220
26150	2515	3478	3912	4370	4807	5225
26200	2518	3482	3916	4374	4812	5230
26250	2521	3486	3920	4378	4816	5235
26300	2524	3490	3924	4383	4821	5241
26350	2527	3494	3928	4387	4826	5246

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
26400	2530	3497	3931	4391	4831	5251
26450	2533	3501	3935	4396	4835	5256
26500	2537	3505	3939	4400	4840	5261
26550	2540	3509	3943	4404	4845	5266
26600	2543	3513	3947	4409	4850	5272
26650	2546	3517	3951	4413	4854	5277
26700	2549	3521	3955	4417	4859	5282
26750	2552	3525	3959	4422	4864	5287
26800	2555	3529	3962	4426	4869	5292
26850	2559	3532	3966	4430	4873	5297
26900	2562	3536	3970	4435	4878	5303
26950	2565	3540	3974	4439	4883	5308
27000	2568	3544	3978	4443	4888	5313
27050	2571	3548	3982	4448	4892	5318
27100	2574	3552	3986	4452	4897	5323
27150	2577	3556	3990	4456	4902	5328
27200	2580	3560	3993	4461	4907	5334
27250	2584	3563	3997	4465	4911	5339
27300	2587	3567	4001	4469	4916	5344
27350	2590	3571	4005	4474	4921	5349
27400	2593	3575	4009	4478	4926	5354
27450	2596	3579	4013	4482	4930	5359
27500	2599	3583	4017	4487	4935	5365
27550	2602	3587	4021	4491	4940	5370
27600	2606	3591	4024	4495	4945	5375
27650	2609	3595	4028	4500	4950	5380
27700	2612	3598	4032	4504	4954	5385
27750	2615	3602	4036	4508	4959	5390
27800	2618	3606	4040	4513	4964	5396
27850	2621	3610	4044	4517	4969	5401
27900	2624	3614	4048	4521	4973	5406
27950	2627	3618	4051	4526	4978	5411
28000	2631	3622	4055	4530	4983	5416
28050	2634	3626	4059	4534	4988	5421
28100	2637	3629	4063	4538	4992	5427
28150	2640	3633	4067	4543	4997	5432
28200	2643	3637	4071	4547	5002	5437
28250	2646	3641	4075	4551	5007	5442
28300	2649	3645	4079	4556	5011	5447
28350	2653	3649	4082	4560	5016	5453
28400	2656	3653	4086	4564	5021	5458
28450	2659	3657	4090	4569	5026	5463
28500	2662	3661	4094	4573	5030	5468
28550	2665	3664	4098	4577	5035	5473
28600	2668	3668	4102	4582	5040	5478

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
28650	2671	3672	4106	4586	5045	5484
28700	2675	3676	4110	4590	5049	5489
28750	2678	3680	4113	4595	5054	5494
28800	2681	3684	4117	4599	5059	5499
28850	2684	3688	4121	4603	5064	5504
28900	2687	3692	4125	4608	5068	5509
28950	2690	3695	4129	4612	5073	5515
29000	2693	3699	4133	4616	5078	5520
29050	2696	3703	4137	4621	5083	5525
29100	2700	3707	4141	4625	5087	5530
29150	2703	3711	4144	4629	5092	5535
29200	2706	3715	4148	4634	5097	5540
29250	2709	3719	4152	4638	5102	5546
29300	2712	3723	4156	4642	5106	5551
29350	2715	3727	4160	4647	5111	5556
29400	2718	3730	4164	4651	5116	5561
29450	2722	3734	4168	4655	5121	5566
29500	2725	3738	4171	4660	5126	5571
29550	2728	3742	4175	4664	5130	5577
29600	2731	3746	4179	4668	5135	5582
29650	2734	3750	4183	4673	5140	5587
29700	2737	3754	4187	4677	5145	5592
29750	2740	3758	4191	4681	5149	5597
29800	2743	3762	4195	4685	5154	5602
29850	2747	3765	4199	4690	5159	5608
29900	2750	3769	4202	4694	5164	5613
29950	2753	3773	4206	4698	5168	5618
30000	2756	3777	4210	4703	5173	5623

[Explanatory Comment—2005

The schedule has been amended to reflect updated economic data. See Explanatory Comment—2005 following Rule 1910.16-1.]

Explanatory Comment—2010

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty level for one person. The schedule was further adjusted to incorporate an assumption that the children spend 30% of the time with the obligor.

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

Rule 1910.16-3.1. Support Guidelines. High Income Cases.

(a) *Child Support Formula.* When the parties' combined monthly net income is above \$30,000, the following

three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall in no event be less than the amount of support that would have been awarded if the parties' combined net monthly income were \$30,000. That amount shall be a presumptive minimum.

(1) First, the following formula shall be applied as a preliminary analysis in calculating the amount of basic child support to be apportioned between the parties according to their respective incomes:

One child: \$2,756 + 6.5 % of combined net income above \$30,000 per month.

Two children: \$3,777 + 8.0% of combined net income above \$30,000 per month.

Three children: \$4,210 + 9.2% of combined net income above \$30,000 per month.

Four children: \$4,703 + 10.3% of combined net income above \$30,000 per month.

Five children: \$5,173 + 11.3% of combined net income above \$30,000 per month.

Six children: \$5,623 + 12.3% of combined net income above \$30,000 per month;

(2) And second, the trier of fact shall make any applicable allocations of additional expenses pursuant to Rule 1910.16-6;

(3) Then, third, the trier of fact shall consider the factors in Rule 1910.16-5 in making a final child support award and shall make findings of fact on the record or in writing. After considering all of the factors in Rule 1910.16-5, the trier of fact may adjust the amount calculated pursuant to subdivisions (1) and (2) above upward or downward, subject to the presumptive minimum.

(b) *Spousal Support and Alimony Pendente Lite*. In cases in which the parties' combined monthly net income exceeds \$30,000, the trier of fact shall apply the formula in Part IV of Rule 1910.16-4(a) as a preliminary analysis in calculating spousal support or alimony *pendente lite*. In determining the amount and duration of the final spousal support or alimony *pendente lite* award, the trier of fact shall consider the factors in Rule 1910.16-5 and shall make findings of fact on the record or in writing.

Explanatory Comment—2010

New Rule 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high income child support cases no longer will be decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). Economic data supports the amounts in the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data is not readily available. Thus, for cases in which the parties' combined net monthly income is above \$30,000, the formula first applies a fixed percentage to calculate the amount of support. The formula is an extrapolation of the available economic data to higher income cases. Spousal support and alimony *pendente lite* awards in high income cases are preliminarily calculated pursuant to the formula in Part IV of Rule 1910.16-4(a). However, in both high income child support and spousal support/alimony *pendente lite* cases, the trier of fact is required to consider the factors in Rule 1910.16-5 before entering a final order and to make findings of fact on the record or in writing. Pursuant to Rule 1910.11(c)(2), in all high income cases, the parties must submit an Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) to enable the trier of fact to consider the factors in Rule 1910.16-5.

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of [the] basic [guideline] child support, **either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony *pendente lite* obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support [and/] or alimony *pendente lite* [obligation] obligations:**

* * * * *

(c) *Substantial or Shared Physical Custody*.

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in

the basic support obligation to reflect this time. Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

Example. Where the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is \$[1,548] 1,663 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or \$[1,053] 1,131. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$[898] 965. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$[820] 881. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$[743] 798.

(2) Without regard to which parent initiated the support action, when the children spend equal time with both parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. In no event shall an order be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, nothing in this subdivision shall prevent the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Rule 1910.16-6. Pursuant to either party's initiating a support action, the trier of fact may enter an order against either party based upon the evidence presented without regard to which party initiated the action. If application of the formula in Part II results in the obligee receiving a larger share of the parties' combined income in cases in which the parties share custody equally, then the court shall adjust the support obligation so that the combined income is allocated equally between the two households. **In those cases, no spousal support or alimony *pendente lite* shall be awarded.**

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$2,700 respectively. Mother has filed for support for the parties' two children with whom they share time equally. Pursuant to the Basic Child Support Schedule at Rule 1910.16-3, the support amount for two children at their parents' combined net income level is \$[1,302] 1,440 per month. Mother's share is 53% of that amount, or \$[690] 763. Father's share is 47%, or \$[612] 677. Application of subdivisions a. and b. of the Part II formula results in a 20% reduction in support when each parent spends 50% of the time with the children. Because the parties share custody equally, Mother cannot be the obligee for purposes of the Part II calculation because she has the higher income of the two parents. In these circumstances, although Mother initiated the support action, she would become the obligor even if Father has not filed for support. Father cannot be an obligor in the Part II calculations nor can the amount of support Mother is obligated to pay to Father be offset by calculating Father's adjusted amount of support under Part II because a support order cannot be entered against the parent with the lesser income. Using Mother as the obligor, her adjusted percentage share of the

basic support amount is 33% (53%–20%=33%). Her adjusted share of the basic support amount is \$[430] 475 (33% of \$[1,302] 1,440). However, instead of \$[430] 475 per month, Mother’s support obligation would be adjusted to \$150 per month to allocate the parties’ combined income equally between the two households. This is the presumptive amount of basic support payable to Father under these circumstances.

Example 2. Where the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is \$[1,268] 1,412. The obligor’s share of this obligation is 55%, or \$[697] 777. If the children spend equal time with both parents, the formula in Part II results in a support obligation of \$[444] 494 payable to the obligee. Since this amount gives the obligee \$[2,944] 2,994 of the combined income, and leaves the obligor with only \$[2,556] 2,506 of the combined income, the obligor’s support obligation must be adjusted to \$250 to equalize the combined income between the parties’ households. This is the presumptive amount of basic support payable to the obligee under these circumstances.

(3) This subdivision shall not apply when the obligor’s income falls within the shaded area of the schedule in Rule 1910.16-3 or when the obligee’s income is 10% or less of the parties’ combined income.

(d) *Divided or Split Physical Custody*

(1) When calculating a child support obligation, and one or more of the children reside with each party, the court shall offset the parties’ respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$[1,500] 2,500 and \$[800] 1,250 respectively, Father’s child support obligation is calculated as follows. Using the [formula with the] schedule in Rule 1910.16-3 for two children at the parties’ combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,190. As Father’s income is 67% of the parties’ combined net monthly income, Father’s support obligation for the two children living with Mother is \$[513] 797. Using [the formula with] the schedule in Rule 1910.16-3 for one child, Mother’s support obligation for the child living with Father is \$[199] 273. Subtracting \$[199] 273 from \$[513] 797 produces a net basic support amount of \$[314] 524 payable to Mother as child support.

* * * * *

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony *pendente lite* (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony *pendente lite* shall be determined by offsetting the non-custodial parent’s obligation for support of the children and the custodial parent’s obligation of spousal support or alimony *pendente lite*, and awarding the net difference either to the non-custodial parent as spousal support/alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent’s support obligation to the children and the effect of that obligation upon the custodial parent’s spousal support obligation. The example assumes that the parties have two children and the non-custodial parent’s net monthly income is \$1,000 and the custodial parent’s net monthly income is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, recompute the net income of the parties assuming the payment of the spousal support so that \$640 is deducted from the custodial parent’s net income, now \$1,960, and added to the non-custodial parent’s net income, now \$1,640. Third, determine the child support obligation of the non-custodial parent for two children, i.e., \$[501] 536. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent’s child support obligation from Step 3 (\$[501] 536) from the original support obligation determined in Step 1 (\$640). The recomputed spousal support is \$[139] 104.

* * * * *

Explanatory Comment—2010

The basic support schedule incorporates an assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment that fluctuate based upon parenting time, were adjusted in the schedule to build in the assumption of 30% parenting time. Upward deviation should be considered in cases in which the obligor has little or no contact with the children. However, upward deviation may not be appropriate where an obligor has infrequent overnight contact with the child, but provides meals and entertainment during daytime contact. Fluctuating expenditures should be considered rather than the extent of overnight time. Downward deviation may be appropriate when the obligor incurs substantial fluctuating expenditures during parenting time, but has infrequent overnights with the children.

The calculation in Rule 1910.16-4(c) reduces an obligor’s support obligation further if the obligor spends significantly more time with the children. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method still may result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties’ combined income than the obligor.

Rule 1910.16-5. Support Guidelines. Deviation.

(a) *Deviation.* If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing or on the record, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

(b) *Factors.* In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;
- (4) ages of the children;
- (5) **the relative assets and liabilities** of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony *pendente lite* case, the **[period of time during which the parties lived together] duration of the marriage** from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

[(c) *Duration.* In determining the duration of an award for spousal support or alimony *pendente lite*, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.]

Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony *pendente lite* award. The primary purpose of these provisions is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Explanatory Comment—2010

The provisions of subdivision (c), which provided that the court must consider the duration of the parties' marriage in determining the duration of an award of spousal support or alimony *pendente lite*, were moved to new Rule 1910.16-1(c)(2). The duration of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their net incomes and added to his and her basic support obligation. When a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the parent receiving the subsidy. However, if allocation of the unsubsidized amount would

result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 **[may be] is warranted.**

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is \$[1,268] 1,412 for two children. As Father's income is 64% of the parties' combined income, his share is \$[812] 904. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$[1,032] 1,124 (\$[812] 904 + \$220 = \$[1,032] 1,124).

* * * * *

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

Official Note: A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that the obligor has the financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to seek a child care subsidy in order to reduce the obligor's share of child care expenses if the obligor has the financial ability to contribute to those expenses. While public policy requires that parents, rather than taxpayers, pay for their children's child care when they are able to do so, allocation of the full unsubsidized cost of child care may result in a support order that is overly burdensome to the obligor. In those circumstances, in addition to considering deviation to relieve the burden on the obligor, the trier of fact also has the discretion to determine whether or not to include in the order other adjustments under Rule 1910.16-6, such as a mortgage contribution, which are not mandatory. No adjustment to the basic support amount shall be permitted if such would cause the obligor's remaining net monthly income to fall below the Self-Support Reserve of [\$748] 867. Implicit in the rule requiring apportionment of the unsubsidized cost of child care is recognition of the duty of the subsidy recipient to report any additional income pursuant to Department of Public Welfare regulations so that adjustments can be made to entitlements accordingly.

* * * * *

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony *pendente lite* and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital

residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony *pendente lite* or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. **This rule shall not be applied after a final resolution of all outstanding economic claims.** For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

* * * * *

Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.

(a) When the total of the obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of \$[1,142] 1,141 (\$[601] 593 for the first child and \$[541] 548 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$[1,500] 3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The [guideline amounts for] obligor's basic support obligations to each family are \$[514] 1,043 for the two children of the first marriage, \$[386] 831 for the one child of the second marriage, and \$[362] 699 for the one child out of wedlock for a total support obligation of \$[1,262] 2,573. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$[1,500] 3,800 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$[1,000] 1,500 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The [guideline amounts for] obligor's basic support obligations to each family [are] is \$[229] 531 for the two children of the first marriage and \$[422] 615 for the three children of the second marriage for a total support obligation of \$[651] 1,146. Since this total obligation leaves the obligor with only \$[349] 354 on which to live, the order for the three children of the second family is too high. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued to establish orders for three children born out of wedlock. The net monthly incomes for the obligor and for each obligee is \$1,500. The court would determine that the [guideline figure] obligor's basic support obligation for each child is \$[362] 357 for a total obligation of \$[1,086] 1,071 for three children. It would be incorrect to determine the guideline amount for three children, in this case \$[724] 1,213, and then divide that amount among the three children.

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating the presumptive amount of the obligor's basic support obligation, the court should ensure that obligor retains at least \$[748] 867 per month consistent with Rule 1910.16-2(e).

Example 1. Assume that the obligor is paying \$[591] 575 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations for both children is only \$[1,182] 1,150 (\$[591] 575 for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of \$[1,382] 1,350 which exceeds 50% of the obligor's net monthly income. Thus, the presumptive amount of basic support for the two children is still \$[1,182] 1,150 (\$[591] 575 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying \$[227] 365 per month support for one child of the first marriage. The obligor has one new child of the

second intact marriage. The relevant incomes are \$[1,000] 1,500 for the obligor and \$0 for both the former and current spouses. No reduction should be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only \$[454] 730 (\$[227] 365 for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves the obligor with only \$[546] 770 per month, the court should proportionally reduce the support obligations so that the obligor retains \$[748] 867 per month. Thus, the presumptive amount of basic support for the two children is \$[252] 633 (\$[126] 316.50 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

[(d) When an obligor is subject to more than one order for child support, spousal support and/or alimony *pendente lite*, the priority for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows unless the court specifically orders a different distribution priority:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) child support arrears.
- (4) current spousal support or alimony *pendente lite*.
- (5) spousal support or alimony *pendente lite* arrears.
- (6) court costs and fees.]

Explanatory Comment—2005

* * * * *

[Subdivision (d) addresses the priority of the distribution of payments and collections. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h).

Explanatory Comment—2008

The order of priority of the distribution of payments is revised to reflect changes in federal law which presume that cash and medical-related child support are established and paid in that sequence, and that obligations to children take priority over spousal-only obligations. An unallocated order for child and spousal support has the same priority as a child support order.]

Explanatory Comment—2010

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. **Priority of Distribution of Payments.**

* * * * *

(d) The priorities for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) monthly ordered amount toward child support arrears.
- (4) current spousal support or alimony *pendente lite*.
- (5) remaining child support arrears.
- (6) monthly ordered amount toward spousal support or alimony *pendente lite* arrears.
- (7) remaining spousal support or alimony *pendente lite* arrears.
- (8) court costs and fees.

Explanatory Comment—2010

Subdivision (d) has been moved from Rule 1910.16-7 and expanded for clarification. It addresses the priority of the distribution of payments and collections in all cases, not just those involving multiple families. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h). An unallocated order for child and spousal support has the same priority as a child support order.

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.

* * * * *

(c) The Income and Expense Statements to be attached to the order shall be in substantially the following form:

* * * * *

(2) *Expense Statements.* An Expense Statement is not required in cases which can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. (See Rule 1910.11(c)(1)). Child support is calculated under the guidelines based upon the net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments and other needs, contingent upon the obligor's ability to pay. The Expense Statement in subparagraph (A) below shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. In [cases which must be determined pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), because the parties' combined net monthly income exceeds \$20,000 per month] child support, spousal support and alimony *pendente lite* cases calculated pursuant to Rule

1910.16-3.1 and in divorce cases involving claims for alimony or counsel fees, costs and expenses pursuant to Rule 1920.31(a), the parties must complete the Expense Statement in subparagraph (B) below.

(A) *Guidelines Expense Statement.* If the combined monthly net income of the parties is \$[**20,000**] **30,000** or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. At the conference, each party must provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

* * * * *

(B) [*Melzer*] *Expense Statement for Cases Pursuant to Rule 1910.16-3.1 and Rule 1920.31.* No later than five business days prior to the conference, the parties shall exchange this form, along with receipts or other verification of the expenses set forth on this form. Failure to comply with this provision may result in an appropriate order for sanctions and/or the entry of an interim order based upon the information provided.

* * * * *

Explanatory Comment—2010

When the combined net monthly income of the parties exceeds \$30,000, the case will be decided pursuant to Rule 1910.16-3.1 and the Income Statement and the Expense Statement at Rule 1910.27 (c)(2)(B) must be submitted.

[Pa.B. Doc. No. 10-181. Filed for public inspection January 29, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 75]

Fishing

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment adds the Salamander mussel to the list of endangered species.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 75.1 (relating to endangered species) is published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. *Purpose and Background*

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

E. *Summary of Changes*

The Salamander mussel (*Simpsonaias ambigua*) has been added to the Pennsylvania endangered species list because it meets the following criteria:

CRITERIA A

A.2

As related to a decline in the area of occupancy, extent of occurrence or quality of habitat, four Pennsylvania subpopulations of Salamander mussels have been documented within the past 39 years: Allegheny River pool 5, Allegheny River pool 6, French Creek and Dunkard Creek. Presently, only two subpopulations are considered extant (that is, still in existence, not extinct): Allegheny River pool 5 and Allegheny River pool 6. The Dunkard Creek subpopulation is considered functionally extirpated (that is, locally extinct) since there is no evidence of recruitment. The French Creek subpopulation is considered extirpated since no live Salamander mussels have ever been collected, despite repeated surveys. The Allegheny River pool 5 subpopulation is under direct threat from proposed commercial sand and gravel operations. The Allegheny River pool 6 subpopulation is threatened by genetic isolation, natural mortality and the threat of a catastrophic pollution event. Combined with the threats below, a projected 80% population reduction within the next 10 years is expected for the Salamander mussel.

As related to actual or potential levels of exploitation, the lock and dam system in the Allegheny and Ohio Rivers, combined with maintenance/commercial sand and gravel dredging, have altered and destroyed Salamander mussel habitat, eliminated habitat continuity and genetically isolated subpopulations occurring in the Allegheny and Monongahela River systems. Allegheny River pool 5 has recently received authorization for dredging. The Department of Environmental Protection (Department), in consultation with the Commission and concurrence of the dredgers, has amended the dredgers' permits to provide for a specialized protocol to be utilized when Salamander mussels are found in predredging surveys.

As related to the effects of introduced taxa, hybridization, pathogens, pollutants, competitors or parasites, zebra mussels have colonized the Allegheny River, Ohio River and French Creek. Mortality from zebra mussel infestation is expected. Anthropogenic disturbances (that is, disturbances derived from human activities) such as acute or chronic pollution events could destroy remaining live Salamander mussels in Dunkard Creek or either Allegheny River subpopulation. Sedimentation from oil and gas developments, forestry and agricultural practices could have an adverse effect on mussel/host interactions and reduce Salamander mussel recruitment. The Salamander mussel is the only known North American mussel to use an amphibian as a host. Any alteration or reduction to host habitat (for example, loss of large flat rocks, sediment burial of large flat rocks) is likely to alter host numbers or behavior and reduce Salamander mussel recruitment.

CRITERIA B

B.3

Evidence of Salamander mussels (represented by live, fresh dead or relic shells) has been found at ten sites over a total of 5.8 stream miles including functionally extirpated or extirpated sites (Dunkard Creek and French Creek) and Allegheny River pool 5 and pool 6. This criterion for extent of occupancy provides for endangered status for species occupying less than 10 river miles.

B.4

B.4.a

The Salamander mussel is severely fragmented across its present range in this Commonwealth. There are only three known locations for live Salamander mussels: Dunkard Creek, Allegheny River pool 5, and Allegheny River pool 6.

B.4.b

B.4.b.3. The Commission projects a continuing decline in the area, extent or quality of habitat of at least 75%. This percentage is derived from the expected loss of suitable water quality and habitat for the functionally extirpated Dunkard Creek subpopulation and considers the extirpation of the French Creek population. If the habitat for the Allegheny River pool 5 Salamander mussel subpopulation is lost due to commercial sand and gravel dredging and natural mortality or pollution events reduce the Salamander mussel subpopulation in pool 6, the continuing decline is projected to be at least 75%.

B.4.b.4. The number of areas of occupancy is conservatively projected to decline by at least 50%. Based upon recent survey data (within the past 25 years), four areas of occupancy are known. The French Creek and Dunkard

Creek subpopulations are considered functionally extirpated or extirpated (= 50% decline) and if the Allegheny River pool 5 subpopulation is lost due to commercial sand and gravel dredging, the decline will be greater (= 75% decline).

B.4.b.5. A continued decline in mature individuals is projected to be at least 50%. Only one live Salamander mussel was found but no recruitment was observed in Dunkard Creek. Because mature individuals in Dunkard Creek are not likely to produce new recruits, this subpopulation is not counted as capable of reproduction. The French Creek subpopulation is considered extirpated. A projected continued decline of at least 50% is estimated.

B.4.b.6. The presence of a mature but apparently nonreproducing subpopulation in Dunkard Creek and extirpated French Creek subpopulation establishes an observed decline of 50%. The reproductive and recruitment status of the Allegheny River pool 5 subpopulation is unknown. Recruitment has been observed in the Allegheny River pool 6 subpopulation.

The Commission adopted the amendment to § 75.1 as set forth in Annex A.

F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendment will have no direct adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment will impose no new direct costs on the private sector or the general public. The direct regulatory significance of designating a mussel species as endangered is limited to prohibiting persons from taking, catching, killing or possessing these mussels in the Commonwealth. Because the Salamander mussel does not have any commercial or recreational significance because of its rarity, there are no direct fiscal impacts from providing these protections.

The private sector and regulated community have asserted that designation of certain mussels, including the Salamander mussel, as endangered may have indirect fiscal impacts on them and the Commonwealth because of impacts on permitting decisions by the Department and other agencies. If an endangered species is found in an area slated for development, applicants for permits may be required to conduct additional studies or adjust the project to avoid adverse impacts on these mussels and their habitat. These are fiscal impacts resulting from regulatory and statutory authorities other than those under the aegis of the Commission.

H. Public Comments

A notice of proposed rulemaking, containing the amendment and seeking public comments, was published at 38 Pa.B. 6617 (December 6, 2008). The original public comment period was December 6, 2008, through January 6, 2009. On January 30, 2009, the Commission extended the comment period until March 15 and directed staff to hold a public meeting on the listings in the greater Pittsburgh area prior to the April meeting. A notice extending the public comment period until March 15 and advising the public of the meeting on March 2, 2009, in Kittanning was published at 39 Pa.B. 1074 (February 21, 2009).

The Commission received a total of 174 public comments, including oral and written comments provided at the March 2nd meeting. During the formal comment period of December 6, 2008, through January 6, 2009, and the extended comment period of January 31 through March 15, 2009, the Commission received 169 comments: 106 comments favored the entire proposal, 62 comments opposed it and one was undetermined. The Commission received five comments between January 7 and January 30, of which four supported the proposal and one opposed it. Copies of all public comments and the transcript from the March 2nd meeting were provided to the Commissioners. The Commissioners also were provided with copies of a comment/response document, which is available on the Commission's web site at www.fishandboat.com under "Featured Topics."

In response to the comments and the interest in the proposed listings by members of industry, the environmental community and the general public, the Commission, through its staff, conducted further analysis, clarified the A.2 criterion after consultation with the Pennsylvania Biological Survey and reevaluated each of the proposed species as it relates to the objective criteria.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending § 75.1 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D,
Executive Director

Fiscal Note: Fiscal Note 48A-208A remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

* * * * *

(d) *Invertebrates*. The following species are endangered:

(1) Northern riffleshell mussel, *Epioblasma torulosa rangiana*.

- (2) Clubshell mussel, *Pleurobema clava*.
- (3) Dwarf wedgemussel, *Alasmidonta heterodon*.
- (4) Eastern pearlshell mussel, *Margaritifera margaritifera*.
- (5) Rabbitsfoot mussel, *Quadrula cylindrica cylindrical*.
- (6) Snuffbox mussel, *Epioblasma triquetra*.
- (7) Salamander mussel, *Simpsonaias ambigua*.**

[Pa.B. Doc. No. 10-182. Filed for public inspection January 29, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 78]

Oil and Gas Wells

The Department of Environmental Protection (Department) is soliciting comments on proposed changes to its regulations for the construction of oil and gas wells. The updated casing and cementing requirements will provide an increased degree of protection for both public and private water supplies.

The proposed rulemaking would incorporate and update existing requirements, with modifications regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies. The amended sections are §§ 78.1, 78.51, 78.52, 78.71—78.73, 78.81—78.85, 78.88 and 78.89, 78.91—78.96 and 78.122. The proposed modifications include updated material specifications and performance testing and revised design, construction, operational, monitoring, plugging, water supply replacement, and gas migration reporting requirements. With this proposed rulemaking, the Department is adding additional measures that will further minimize the concerns associated with gas migration.

While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for proposed rulemaking prior to submission to the Environmental Quality Board (Board), the Department believes further discussion would serve the public interest in this instance. A copy of the draft proposed regulations is available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Oil and Gas") or by contacting the Bureau of Oil and Gas Management at (717) 772-2199. Following the Department's consideration of the public comments on this proposal, the Department will summarize the comments and responses and submit an official proposed rulemaking to the Board. Additional public comments will be solicited following approval by the Board.

Written Comments: Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765 (express mail: Rachel Carson State Office Building, 5th 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 Department by March 2, 2010.

Electronic Comments: Comments may be submitted electronically to the Department at ra-epoilandgas@state.pa.us and must also be received by the Department by March 2, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-4526 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can best accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-183. Filed for public inspection January 29, 2010, 9:00 a.m.]

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Fees—Landscape Architect

The State Board of Landscape Architects (Board) proposes to amend § 15.12 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fees for landscape architects from \$125 to \$194.

Effective Date

The proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The new biennial renewal fees will take effect for the biennial period commencing June 1, 2011.

Statutory Authority

Section 5(a) of the Landscape Architects' Registration Law (act) (63 P.S. § 905(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.

Background and Need for Amendment

Under section 5(a) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees. The biennial renewal fee has not been increased since 1983. It currently stands at \$125.

At the March 12, 2009, Board meetings the Department of State's Bureau of Finance and Operations (BFO) staff presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2006-2007 and 2007-2008, and projected revenue and expenses through 2017-2018. BFO projects that, without an increase to the biennial renewal fee, the Board will incur a deficit of \$37,849.33 in FY 2011-2012, a deficit of \$22,849.33 in FY 2012-2013, a deficit of \$95,849.33 in FY 2013-2014, a deficit of \$86,849.33 in FY 2014-2015, a deficit of \$165,849.33 in FY 2015-2016, a deficit of \$162,849.33 in FY 2016-2017, and a deficit of \$247,849.33 in FY 2017-2018. These deficits are significant for a Board that has less than 1,000 licensees, and annual expenditures of less than \$100,000 most years. BFO recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 5(a) of the act. As a result, the Board voted to increase the biennial renewal fee from

\$125 to \$194. BFO anticipates that the proposed new biennial renewal fees will enable the Board to avoid the projected deficits and meet its estimated expenditures for years to come. The Board has a stable population base of landscape architects and a low adjudicatory docket.

Description of Proposed Amendments

Based upon the previous expense and revenue estimates provided to the Board, the Board proposes to amend § 15.12 to increase the fee for biennial renewal of licenses for landscape architects from \$125 to \$194.

Fiscal Impact

The proposed rulemaking will increase the biennial renewal fee for landscape architects by \$69 or approximately \$35 per year. There are currently 989 actively licensed landscape architects. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewals fees; however, the proposed rulemaking should not create additional paperwork for the private sector.

Sunset Date

The act requires the Board to monitor its revenue and costs on a FY and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 14, 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that 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 any comments, recommendations and objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher Grovich, Board Counsel, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JAMES W. BARNES, L. A.,
Chairperson

Fiscal Note: 16A-619. 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 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

	* * * * *
Biennial registration fee	\$ [125] 194
	* * * * *

[Pa.B. Doc. No. 10-184. Filed for public inspection January 29, 2010, 9:00 a.m.]

NOTICES

CANINE HEALTH BOARD

Public Meeting

The Canine Health Board gives notice of its public hearing on Thursday, February 4, 2010, at 2 p.m., for the purpose of hearing several requests from commercial kennels for alternative access to exercise, under section 207(i)(5) of the Dog Law, and other matters as they may arise. The hearing will be held in the VIP Room of the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110.

Hearings will be held for the following individuals/kennels: Bonnie Arndt, Arndt's Happy Tails; Joan Huber, Blythewood Kennel; Edwin Martin, Martin's Double E Kennel and Kevin Stroup, Possum Hollow Kennel.

JENNIFER MULLER,
Chairperson

[Pa.B. Doc. No. 10-185. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 12, 2010.

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

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-4-2010	Macquarie Bank Limited Sydney, Australia Indirect acquisition of 100% of the common stock of Delaware Management Trust Company, Philadelphia.	Effective
12-28-2009	Allen E. Ertel Application for approval to acquire up to 18.0% of Woodlands Financial Services Company, Williamsport.	Filed
1-8-2010	J. Donald Steele, Jr., and Joanne K. Steele Application for approval to acquire up to 35.0% of the common stock of Northumberland Bancorp, Northumberland.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2010	Somerset Trust Company Somerset Somerset County	2690 William Penn Avenue Suite 5 Johnstown Cambria County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-4-2010	Mifflinburg Bank and Trust Company Mifflinburg Union County	To: 2894 North Susquehanna Trail Shamokin Dam Snyder County	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
		<i>From:</i> 8 North Routes 11 and 15 Selinsgrove Snyder County	

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	9910 Frankford Avenue Philadelphia Philadelphia County	Filed
1-8-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2 Scott Street and Pavilion Avenue Riverside Burlington County, NJ	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-8-2010	First Commonwealth Bank Indiana Indiana County	Filed
	Amendment to Article 5 of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock.	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-186. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of a Professional Design Firm or Firms Project Reference No. FDC-500-915

Introduction

The Department of Conservation and Natural Resources (Department), is seeking proposals from interested and qualified professional design firms (Consultant), for an Open-End Contract or Contracts for various architectural, landscape architectural, and engineering design services. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis. The contract or contracts will be managed by the Department's Bureau of Facility Design and Construction.

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

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

Background

Established on July 1, 1995, the Department is charged with maintaining and preserving the 117 State Parks; managing the 2.1 million acres of State Forest land; providing information on the State's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau of Facility Design and Construction provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction

management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of two Divisions: Design and Field Engineering.

The Bureau's Design Division is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway, and civil and environmental projects required to support the Department's facility construction and maintenance program. This Division is comprised of five Sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management, and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operations in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium, Western Office in Moraine State Park; Southcentral Office in Shawnee State Park and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and State Forests field operations staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents.

Scope of Services

The open-ended design services work will primarily be architectural in nature but will also include building related sites, civil, landscape, structural, mechanical, plumbing and electrical. It may occasionally include other related engineering work such as bridges, roadway, alternative energy and utility infrastructure. Project types may include new construction and renovation, alteration, or addition to existing structures, while structure types cover a broad range of facilities typically found at State Parks and may include picnic pavilions, toilet facilities, shower houses, maintenance and storage buildings, visitor centers, and Park and Forest District office and administration buildings.

Many of the projects may be for buildings less than 5,000 square feet in size and small in terms of project scope. Construction budgets for typical projects have ranged from as low as \$25,000 to as high as \$7,000,000. The average construction budget is likely to be less than \$2,000,000. Consultants should give strong consideration to the typical project size when considering submitting for this RFP.

The services anticipated under the contract may include project planning, scoping and programming, budget estimating, site visits, existing facility review, assessment, and documenting, geotechnical investigations, site surveys, utility company coordination, cost/benefit analysis, life cycle cost analysis, computer energy and daylight modeling, conceptual design, design development, construction documentation including preparation of drawings and specifications, cost estimating, permit preparation and submission, construction administration including construction submission review and construction inspection, and existing building code and facility condition reviews. Permitting services may include PA UCC building permits, DER Chapter 105 sanitary permits, NPDES permits, erosion and sedimentation control plans, water encroachment permits, storm water management plans, and land development plans.

Work will be performed with a focus on environmentally sustainable design and construction principles and practices. Projects designed under this contract must

achieve a high level of environmental performance, durability and healthy indoor air quality through integrated design and sustainable practices, features and technologies. Designs should implement financially feasible and technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management and recycling. Furthermore the quality of the indoor environment (including quality of indoor air, light, acoustics and personal controllability of building systems) must be of primary consideration. Sustainability should be incorporated into the earliest design decisions. Projects may require LEED certification through the US Green Building Council.

Projects will be located throughout this Commonwealth. Travel to the project sites will be required. Project assignment will be through individual project Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project such as conceptual design, or for all phases of the entire project. The work shall be identified in the Work Order by a series of Tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the Sketch (10%), Preliminary (50%), Pre-Final (95%) and Final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion of the project. A Bureau of Facility Design and Construction Project Coordinator will be assigned to each Work Order. The Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of a Work Order and used in assigning additional projects to the Consultant.

Project fees associated with each Work Order will be negotiated individually within the bounds of the rates, terms and conditions established in the Professional Agreement. Most Work Orders will be negotiated as a lump sum maximum fee for defined tasks; however, some projects may be handled through Time and Expense Work Orders. Direct costs for travel and subsistence, shall be based on the current state rates. The Department will reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

Payment for services on Lump Sum Work Orders shall be made when the work of an individual task is accepted and approved by the Department. Payment for partial task completion will be at the Project Coordinator's discretion. Payment on Time and Expense Work Orders shall be made at most monthly based on actual time expended on the project and expenses incurred.

The Department's standard contract method is multiple prime, design-bid-build although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the construction method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's CAD Standard.

Qualifications

The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualifications will be expected of all Consultants:

- Possess current professional registrations required to perform the required services.
- Be licensed to conduct business in the Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.
- Have specialized experience in the field of sustainable building design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have LEED certified designers as current members of staff and available for assigned projects.
- Have design capabilities in digital format. (AutoCAD)
- Have the ability to produce 3-dimensional drawings in AutoCAD to further illustrate design intent.

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

Disadvantaged Business Information

The Commonwealth 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: 1) Department of General Services Bureau of Minority & Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses; and 2) United States Small Business Administration (SBA)-certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.

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).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to mem-

bers or 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 the Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, gs-bmwbo@state.pa.us, (717) 787-6708, fax (717) 772-0021.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, Keyword: BMWBO. 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 Commonwealth encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

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 businesses 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.

Disadvantaged Businesses Information

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

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the United States Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must attest to the fact that the business has 100 or fewer employees.

d) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or

Small Business Administration certification as an 8(a) or 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 or audited financial statement.

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:

- a) Be rooted in treatment which the business person has experienced in American society, not in other countries.
- b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.
- c) Indicate that the businessperson'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.

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of your project (contact) person for the Small Disadvantaged Business(es).
- The company name, address, telephone number of the prime contact person for each specific Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Business(es) to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.
- The specific work, goods or services the Small Disadvantaged Business(es) will perform or provide.
- The location where the Small Disadvantaged Business(es) will perform these services.
- The time frame for the Small Disadvantaged Business(es) to provide or deliver the goods or services.
- The amount of capital, if any, the Small Disadvantaged Business(es) will be expected to provide.
- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Business(es).
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor's proposed utilization of small businesses located in *Designated Enterprise Zones* as required by [Enter Section or Part # of the Enterprise Zone Small Business Utilization Response], Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business, services to be provided including time frame for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

Enterprise Zone Small Business Utilization Response

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, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's 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 or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will not receive credit by stating that it will find an Enter-

prise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The time frame for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone small Business, and services to be provided including time frame for performing services will be included as a contractual obligation when the contract is executed.

Disadvantaged Business Participation

The following options will be considered as part of the final criteria for selection:

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 a proposal is submitted by 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

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 a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

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

Contracts containing Disadvantaged Business participation must also include a provision requiring the 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. 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 portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

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

The 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 agency that awarded the contract and BMWBO within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." 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 Businesses and/or Enterprise Zone Small Businesses involved in Joint Ventures. Also, it is a record of fulfillment of the commitment your firm made and for which it received Disadvantaged Business and Enterprise Zone Small Business points.

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 BUSINESS STATUS OR ENTITLE A PROPOSER TO RECEIVE CREDIT FOR DISADVANTAGED BUSINESS UTILIZATION.

Proposal Content

Proposals must be complete in all respects as required in this section. A proposal will not be considered if it is conditional or incomplete; however, the Department reserves the right to waive any nonmaterial defects or omissions that in the Department's opinion does not constitute an omission of required information.

Proposals shall include the following items and information:

- Letter of Interest including the Consultant's Federal identification number and the project reference number.

- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.

- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of a project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.

- A description of the Consultant's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning, sustainability performance standards for the building, energy efficiency, water efficiency, indoor air quality, environmentally sound materials, construction waste management and prevention, low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Consultant's building design process.

- A detailed description of the Consultant's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.

- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, etc. Describe roles and experience of proposed subconsultants.

- Résumés of personnel who will actually be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services, and percent of time they will be committing to Department-assigned projects. The resumes must include their Professional Education and Professional Registrations and Licenses. Provide resumes of subconsultant's personnel.

- A description of the Consultant's ability to work on multiple projects of various sizes at the same time.

- A list of at least three of the Consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of work which the firm designed, the firm's Project Manager, and the names of all of the firm's personnel who made contributions to the project. If the Consultant has experience with LEED projects, at least one LEED project should be added to the list. In addition to the previous information, a summary of the sustainable features, the LEED rating achieved, and a description of the integrated design process shall accompany the LEED project.

- A standard DGS Form 150-ASP indicating 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/>. On the lower left of the web site (Search DGS) type in Form 150-ASP. Written requests for a hard copy of Form 150-ASP should be addressed to the Selections Committee, Department of General Services, 3rd Floor, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing your request to: pbianchi@state.pa.us.

- SERB information in a separate, sealed envelope.

Additional information may be included in the proposal at the Consultant's discretion if the Consultant feels it is pertinent to the review and evaluation of the Consultant's qualifications.

Cost or fee information should not be submitted as part of the proposal. Cost and fee information will be requested from Consultants deemed technically qualified and ranked high enough by the technical evaluation and selection process to be reasonably susceptible of being selected for award. Negotiation of these costs and fees between the Department and the Consultant may occur. Failure to reach an agreement on costs and fees may disqualify the Consultant from further consideration and constitute withdrawal from this RFP and forfeiture of any claims related to this RFP.

Evaluation and Selection

Companies interested in participating in the RFP process must submit qualifications. Selections will be made based on the qualifications of team members and the qualifications of the firm and their subconsultants. The best qualified team of design professionals that meet all parameters established will be selected for the project.

Each technical Proposal will be reviewed to determine responsiveness. Nonresponsive Proposals will be rejected without evaluation. Responsive Proposals will be evaluated by a Selection Committee, hereinafter referred to as the "Committee," established for this purpose. Such evaluation will be based upon the information provided by the firms. Although not mandatory, the Department reserves the right to conduct interviews with and/or request presentations from any of the Consultants. Interviews and presentations may not be requested of all Consultants. Consultants may be asked to produce additional documentation. Following the review process, firms will receive a final technical ranking.

The Department reserves the right to investigate the qualifications of any Consultant under consideration in-

cluding proposed subconsultants and parties otherwise related to the Consultant and require confirmation of information furnished by a Consultant, or require additional evidence of experience and qualifications to provide the services or otherwise discharge the obligations required by this RFP.

Consultants are advised that the lowest cost proposal will not necessarily be awarded the contract, as the selection will be based upon qualification criteria as determined by the Committee.

Selected Consultants will be required to execute the Department's Agreement for Professional Services. Failure to agree to the terms of this Agreement will constitute withdrawal from this RFP and forfeiture of any claims related to this RFP. The Department will begin negotiations with the Consultant ranked next qualified by the Committee.

The Department reserves the right to cancel or modify this RFP. This RFP does not commit the Department to award a contract. The final authority to award a contract rests with the Department.

Materials submitted with the response will become the property of the Department. No materials submitted will be returned.

The Committee will evaluate the Proposals against the following criteria:

- Consultant's experience on past projects of similar scope, type and size.
- Consultant's staff qualifications, experience, and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.
- Consultant's understanding of the problem and the services required.
- Consultant's project approach and methodology.
- Knowledge of and experiences with environmentally sustainable design and LEED accreditation.
- Consultant's quality control and assurance program and procedures.
- Equitable distribution of the contracts.
- SERB participation. (Note: SERB participation is evaluated by the Department of General Services and is not part of the technical review performed by the Committee; however, it is part of the total selection ranking.)

Proposal Format

Proposals are to be prepared in such a way as to provide a straightforward, concise description of capabilities to satisfy the requirements of this RFP. Proposals shall contain concise written material and illustrations that enable a clear understanding and evaluation of both the capabilities of the Consultant, and the characteristics and benefits of the services being proposed. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

Proposals shall not exceed 8 1/2-inches by 11-inches, but may include folded pages of a larger size. Tabbed dividers dividing the information into logical parts with an associated table of contents are encouraged. Proposals shall be bound, or otherwise fastened to keep the pages in the intended order and in an orderly, organized fashion.

Proposal Submission

Only technical proposals are to be submitted at this time. The scope and fees for individual task orders will be negotiated after the contract is awarded.

Consultants electing to respond to this RFP are responsible for all costs incurred in the preparation and submission of the proposals; demonstrations; interviews; preparation of responses to questions and requests for additional information; for contract discussions; or for anything in any way related to this RFP. The Department is not liable for any costs incurred by the Consultant in response to this RFP and the Consultant, including all subconsultants and related parties, disclaims and voluntarily and knowingly waives any and all rights to reimbursement for any such costs.

Six copies of the Letter of Interest; six copies of the required forms and one copy of the SERB information must be received no later than 4 p.m. on March 8, 2010. The six copies shall be submitted in six complete sets that are individually bound. 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 readvertise solicitation for this service.

Firms interested in performing the required services for the 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 Michael Twigg at (717) 787-2401 for general information concerning the design work.

The Department disclaims any liability whatsoever to its review of the proposals submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 10-187. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Proposed Grant Application by Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2010

Public comment is invited regarding the Department of Education's (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the State's policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from age 3 to 21, including children who have been suspended or expelled from school. The current policies and procedures are available for viewing at <http://www.education.state.pa.us> (go to "Programs," go to "Special Education," go to "Funding Sources," go to IDEA-B Policies and Procedures 2009).

Section 300.165 of 34 CFR requires that the State provide notice, an opportunity for public comment and conduct public hearings. Each State must publish the proposed IDEA-B application and current policies and procedures related to IDEA-B. Copies of the proposed grant application and the current policies and procedures are available by viewing the documents on <http://www.pattan.net/regsforms/IDEA2004.aspx>. Alternative formats of the documents (for example, Braille, large print, cassette tape) can be made available to members of the public upon request. Moreover, public comment is welcomed in alternative formats such as Braille, taped comments and telephone comments for the disabled. Persons who are disabled and wish to submit comments by telephone, contact Beth Runkle, (717) 783-5768.

Written comments will be received until April 30, 2010. The written comments should be directed to Patty Todd, Special Education Adviser, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Additionally, opportunity for oral testimony will be held by the Department, Bureau of Special Education, for individuals wishing to present oral testimony on the proposed IDEA-B application and the current policies and procedures. One written copy of oral testimony at the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations and times for oral testimony regarding the proposed grant application and current policies and procedures are as follows:

- March 16, 2010 PaTTAN-King of Prussia
200 Anderson Road
King of Prussia, PA
(4 p.m.—7 p.m.)
- March 17, 2010 PaTTAN-Harrisburg
6340 Flank Drive
Harrisburg, PA
(4 p.m.—7 p.m.)
- March 18, 2010 PaTTAN-Pittsburgh
3190 William Pitt Way
Pittsburgh, PA
(4 p.m.—7 p.m.)

To schedule an opportunity to present oral testimony, or for persons with a disability wishing to attend the public testimony and require an accommodation to participate in the proceedings, call Beth Runkle at (717) 783-5768 no later than March 12, 2010.

Following receipt of all written and oral comments, the Department will consider all comments and make any necessary modifications to the current grant application and to the current policies and procedures before submission of the grant application to the Secretary of the United States Department of Education.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 10-188. Filed for public inspection January 29, 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 in 40 CFR 123.24(d).

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

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

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

I. NPDES Renewal Applications

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>
PA0008281 Amendment No. 3 (IW)	PPL Brunner Island, LLC Two North Ninth Street GENPL6 Allentown, PA 18101-1179	York County East Manchester Township	Susquehanna River 7-H	Y
PA0082643 (Sew)	Flatbush Golf Course, Inc. 940 Littlestown Road Littlestown, PA 17340	Adams County Union Township	UNT to Conewago Creek 7-F	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>
PA0228133 IW	Department of Transportation Engineering District 2 1924 Daisy Street Ext. Clearfield, PA 16830	Cameron County Lumber Township	Driftwood Branch Sinnemahoning Creek 8A	Y
PA0024341 (Sewage) Non-Public	Canton Borough Authority P. O. Box 237 Canton, PA 17724	Bradford County Canton Borough	Towanda Creek SWP 4C	Y
PA0024538	Beech Creek Borough Authority STP P. O. Box 216 Beech Creek, PA 16822	Clinton County Beech Creek Borough	Beech Creek 9C	Y
PAS804804 (Sewerage)	Superior Plus Energy Services, LLC Rebersburg Bulk Plant 103 Broad Street Rebersburg, PA 16872	Miles Township Centre County	UNT to Elk Creek 6A	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>
PA0039225	Blaine E. Rhodes, d/b/a B.E. Rhodes Sewer Company Route 8 P. O. Box 397 Reno, PA 16343	Sugarcreek Township Venango County	Allegheny River 16-E	Y
PA0000329	PA American Water Company 800 W. Hersheypark Drive Hershey, PA 17033-2400	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y

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

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

PA0056065, Sewage, SIC 8221, **Enserv, Inc. (Immaculata University)**, 1145 King Road, Immaculata, PA 19345. This facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Immaculata University and Camilla Hall. This is an existing discharge.

The receiving stream, an unnamed tributary to Valley Creek (Stream Code 01012), is in the State Water Plan Watershed 3F and is classified for: EV. The nearest downstream public water supply intake for Borough of Norristown, is located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 97,770-gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
CBOD ₅	8.0		10		20
Total Suspended Solids	8.0		10		20
Ammonia as N					
(05-01 to 10-31)	1.2		1.5		3.0
(11-01 to 04-30)	3.0		3.7		7.4
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard Units at all times		
Fecal Coliform			200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml in more than 10% of samples		

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

1. Responsible Operator.
2. Abandon STP when Public Sewer Available.
3. Remedial Measures.
4. No Stormwater.
5. Obtain Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Sludge Disposal.
9. TMDL/WLA Analysis.
10. Operator Training.
11. Certified Laboratory.

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

Application No. PA 0261343, Sewage, **Joshua Hill Sewer Company, LLC**, 929 Baltimore Street, Hanover, PA 17331. This facility is located in West Manheim Township, **York County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, a UNT to West Branch Codorus Creek, is in Watershed 7-H, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Public Water Supply is located on the Susquehanna River, approximately 47.7 miles downstream. The discharge is expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	25	XXX	60
(11-1 to 4-30)	25	XXX	60
Total Suspended Solids	30	XXX	50
NH ₃ -N			
(5-1 to 10-31)	1.5	XXX	5.0
(11-1 to 4-30)	4.5	XXX	9.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Chesapeake Bay Requirements			
	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	0
Net Total Phosphorus	XXX	Report	0

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. PA 0040860, Amendment No. 1, Industrial Waste, SIC Code 4953, Delaware County Solid Waste Authority (Rolling Hills Landfill), 583 Longview Road, Boyertown, PA 19512. This facility is located in Oley and Earl Townships, Berks County.

Description of activity: The application is for an NPDES amendment to expand an existing discharge of treated industrial wastewater at Outfall 001 from 0.08 MGD to 0.120 MGD.

The receiving stream, Manatawny Creek, is in Watershed 3-C, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pennsylvania American Water System located on the Schuylkill River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.08 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen			Minimum of 5.0 at all times.		
pH			From 6.0 to 9.0 inclusive.		
Total Residual Chlorine			0.5	1.0	1.6
Total Suspended Solids	18	40	27	60	75
Total Dissolved Solids	20,016	40,032	30,000	60,000	75,000
Color			100	100	
a-Terpinol	0.013	0.028	0.019	0.042	0.042
Aniline	0.01	0.016	0.015	0.024	0.024
Benzoic Acid	0.049	0.079	0.073	0.119	0.119
Naphthalene	0.015	0.039	0.022	0.059	0.059
p-Cresol	0.01	0.016	0.015	0.024	0.024
Phenol	0.019	0.032	0.029	0.048	0.048
Pyridine	0.017	0.048	0.025	0.072	0.072
Arsenic	0.36	0.734	0.54	1.1	1.1
Chromium VI	0.029	0.057	0.043	0.086	0.108
Zinc	0.197	0.357	0.296	0.535	0.535
CBOD ₅	17	34	25	50	63
NH ₃ -N					
(5/1 to 10/31) (Interim)	9	18	14	28	35
(11/1 to 4/30) (Final)	13	26	20	40	40
Fecal Coliform					
(5/1 to 9/30)			200/100 ml as geometric average.		
(10/1 to 4/30)			2,000/100 ml as a geometric average.		

The proposed final effluent limits for Outfall 001 for a design flow of 0.115 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen			Minimum of 5.0 at all times.		
pH			From 6.0 to 9.0 inclusive.		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.5	1.0	1.6
Total Suspended Solids	30	60	30	60	75
Total Dissolved Solids			See PART C E.		
Color				100	100
a-Terpinol	0.0186	0.033	0.016	0.033	0.033
Aniline	0.0145	0.024	0.015	0.024	0.024
Benzoic Acid	0.071	0.12	0.073	0.12	0.12
Naphthalene	0.022	0.059	0.022	0.059	0.059
p-Cresol	0.014	0.025	0.015	0.024	0.024
Phenol	0.028	0.046	0.029	0.048	0.048
Pyridine	0.025	0.072	0.025	0.072	0.072
Arsenic	0.52	1.06	0.54	1.1	1.1
Chromium VI	0.043	0.0816	0.043	0.086	0.086
Zinc	0.11	0.2	0.11	0.2	0.2
CBOD ₅	25	50	25	50	63
NH ₃ -N	4.9	10	4.9	10	10
Fecal Coliform					
(5/1 to 9/30)			200/100 ml as geometric average.		
(10/1 to 4/30)			2,000/100 ml as a geometric average.		

Limits for Outfall 006 and the Stormwater Outfalls 002—005 and 008—010 will not change.

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. PA 0260738, Industrial Waste, NAIC Code 327390, **Nitterhouse Concrete Products**, 2655 Molly Pitcher Highway, Chambersburg, PA 17202. This facility is located in Guilford Township, **Franklin County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated industrial waste.

The receiving stream, groundwater and unnamed tributaries to Conococheague Creek, is in Watershed 13-C, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown, MD located on the Potomac River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.003 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			Between 6.0 and 9.0 at all times
Total Dissolved Solids	500		1,000
Total Suspended Solids	Monitor & Report		

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

- Site wide Best Management Practices must be followed to ensure proper disposal of all water generated onsite.

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.

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

PA0102784, Industrial Waste. **Waste Treatment Corporation**, P. O. Box 1550, Warren, PA 16365. This existing facility is located in the City of Warren, **Warren County**.

Description of Proposed Activity: permit renewal for an existing discharge of treated industrial waste.

The receiving water is the Allegheny River. The receiving stream is in State Water Plan 16-B and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a maximum flow of 0.213 MGD.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)		0.213			
Oil and Grease			15		30

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids			30		60
BOD ₅			53	163	163
Iron (total)			3	6	7.5
Barium			10	20	25
Manganese			2	4	5
Copper			0.757	0.865	1.893
Zinc			0.420	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.141
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.455
2,4,6 -Trichlorophenol			0.106	0.155	0.265
Cadmium			0.049	0.098	0.123
Acrylamide			0.022	0.044	0.0055
Aluminum			4.0		8.0
Osmotic Pressure (mOs/Kg)			28,519	57,038	71,298
TDS	148,276	333,007			
Acidity				Less than	Alkalinity
Alkalinity			XX	XX	
Strontium			XX	XX	
Ammonia - N			XX	XX	
Silver			XX	XX	
Lead			XX	XX	
Benzene			XX	XX	
Selenium			XX	XX	
Sulfate			XX	XX	
Chloride			XX	XX	
Bromide			XX	XX	
Radium 226/228 (pCi/L)			XX	XX	
Gross Alpha (pCi/L)			XX	XX	
pH			XX	XX	

Within limits of 6.0 to 9.0 standard units at all times.

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

WQM Permit No. 4609411, Sewerage, **East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401. This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a surge tank, pump station and force main to service the proposed Albert Einstein Medical Center.

WQM Permit No. 0996409, Sewerage, **Amendment, Department of Conservation and Natural Resources, Bureau of State Parks, Nockamixon State Park**, P. O. Box 8551, Harrisburg, PA 17105-8551. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Action/Activity: Add pre-equalization tank, reduce SBR basin dimensions and reduce chlorine contact tank dimensions.

WQM Permit No. WQG02231001, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Low pressure sanitary sewer extension utilizing individual and duplex grinder pumps.

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

WQM Permit No. 0109404, Sewerage, **CACO Three, Inc.**, P. O. Box E, Bowmansdale, PA 17008. This proposed facility is located in Huntingdon Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a privately owned sewage treatment facility to serve the planned Peakview Residential Development located along SR 0094 (on the left side of the road) immediately south of an unnamed tributary to Latimore Creek.

WQM Permit No. 2110401, Sewerage, **Lawrence D. Hodges**, 25 Longview Drive, Mechanicsburg, PA 17055. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of a wastewater treatment plant to serve existing Hodges Mobile Home Park.

WQM Permit No. 0110401, Sewage, **Reading Township Authority**, 235 Browns Dam Road, New Oxford, PA 17350. This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new wastewater treatment facility to serve the Lauchmans Bottom residents.

WQM Permit No. 6709202, Industrial Waste, **PPL Brunner Island, LLC**, P. O. Box 221, Wago Road, York Haven, PA 17370-0221. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new wastewater treatment plant.

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

WQM Permit No. WQG02140904, Sewerage, SIC 4952, **The Pennsylvania State University, Pennsylvania State University, WWTP Physical Plant Building**, University Park, PA 16802. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a submersible grinder pump station and force main to provide the new Nittany Lion softball field's lower-level facilities a way to convey wastewater to the existing sanitary system.

WQM Permit No. 4910401, Sewerage, SIC 4952, **Mount Carmel Municipal Authority**, 137 West 4th Street, Suite 4, P. O. Box 365, Mount Carmel, PA 17851-0365. This proposed facility is located in Mount Carmel Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of a suction lift pump station and force main to provide SEEDCO Industrial Park access to Mount Carmel Township's sanitary sewer system.

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

WQM Permit No. 1610201, Industrial Waste, **Ralph W. Emery**, 495 Main Street, Callensburg, PA 16212. This proposed facility is located in Callensburg Borough, **Clarion County**.

Description of Proposed Action/Activity: Construction of a groundwater remediation system for clean up of an underground storage tank leak at the Emery's Outlet service station.

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

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

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

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

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724-228-6774).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056309004	Department of General Services 515 North Office Building Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF

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

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

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs)

for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Hillside Acres Bryan Cooper 335 Dotterer Road Lenhartsville, PA 19534	Berks and Lehigh	475	729.78	Swine, Farrow to Finish	NA	Renewal
Martin Farms 167 Overcash Road Chambersburg, PA 17202	Franklin	1,061	1,406.25	Dairy	HQ	New

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 2310501, Public Water Supply.

Applicant	Chester Water Authority
Township	Aston
County	Delaware
Responsible Official	Brian P. MacEwen 415 Welsh Street P. O. Box 467 Chester, PA 19016
Type of Facility	PWS
Consulting Engineer	Tank Industry Consultants, Inc. 7740 West New York Street Indianapolis, IN 46214
Application Received Date	January 6, 2010
Description of Action	Cleaning and repainting one 10 MG steel ground water storage tank (exterior).

Application No. 0910501, Public Water Supply.

Applicant	Warrington Township
Township	Warrington Township

County **Bucks**
 Responsible Official Timothy J. Tieperman
 852 Easton Road
 Warrington, PA 18976
 Type of Facility PWS
 Consulting Engineer C.K.S. Engineering, Inc.
 88 South Main Street
 Doylestown, PA 18901
 Application Received Date January 6, 2010
 Description of Action Surface preparation and
 repainting of an existing
 1,000,000 gallon water storage
 tank.

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

Application No. 6409504, Public Water Supply.

Applicant **Honesdale Consolidated
 Water Co.**
 1775 North Main Street
 Honesdale, PA 18431
 Township or Borough Honesdale Borough
Wayne County
 Responsible Official Roswell McMullen
 Type of Facility Public Water System
 Consulting Engineer Entech
 4 S. Fourth Street
 Reading, PA
 Application Received Date 12/21/09
 Description of Action Treatment of the Weidner well
 water for manganese and
 hydrogen sulfide.

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

Application No. 4509509, Public Water Supply.

Applicant **Aqua Pennsylvania Inc.**
 (Hamilton Water System)
 50 East Woodhaven Drive
 White Haven, PA
 Township or Borough Hamilton Township
Monroe County
 Responsible Official Patrick R. Burke
 Type of Facility Public Water System
 Consulting Engineer CET Engineering Services
 1240 N. Mountain Road
 Harrisburg, PA
 Application Received Date 12/11/09
 Description of Action The addition of Lily St well 2,
 well house and treatment.

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

Permit No. 0609507, Public Water Supply.

Applicant **Blue Mountain Water
 Cooperative**
 Municipality Tilden Township

County **Berks**
 Responsible Official David J. Gettle, President
 P. O. Box 373
 Myerstown, PA 17067
 Type of Facility Public Water Supply
 Consulting Engineer David J. Gettle
 Kohl Bros., Inc.
 P. O. Box 350
 Myerstown, PA 17067
 Application Received Date 6/18/2009
 Description of Action Addition of corrosion control and
 upgrade of booster pumps.

MINOR AMENDMENT

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

Application No. 3007226-MA8, Minor Amendment.

Applicant **Zelienople Borough**
 Township or Borough Zelienople Borough
Butler County
 Responsible Official Donald C. Pepe
 Borough Manager
 Type of Facility Public Water System
 Application Received Date 01/11/2010
 Description of Action Finished water storage project to
 replace existing in-ground tanks
 with 2 precast concrete 1,000,000
 gallon water storage tanks.

Application No. 1069502-T1-MA8, Minor Amend-
 ment.

Applicant **PA American Water Company**
 Township or Borough Saxonburg Borough
 Jefferson and Summit Townships
Butler County
 Responsible Official William H. Lage
 Project Manager
 Type of Facility Public Water System
 Application Received Date 01/11/2010
 Description of Action Install 12 inch main between
 PAWC-Butler, and Saxonburg
 along SR 2010.

**LAND RECYCLING AND
 ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
 Submitted under the Land Recycling and Envi-
 ronmental Remediation Standards Act (35 P. S.
 §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) require the
 Department of Environmental Protection (Department) to
 publish in the *Pennsylvania Bulletin* an acknowledgment
 noting receipt of Notices of Intent to Remediate. An
 acknowledgment of the receipt of a Notice of Intent to

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

1995 Highland Avenue Remediation Site, 1995 Highland Avenue, Bethlehem Township, **Northampton County**. Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 has submitted a Notice of Intent to Remediation (on behalf of his client, J. G. Petrucci Co., Inc., 171 State Route 173, Suite 201, Asbury, NJ 08802), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a ruptured saddle tank on a tractor trailer at the site. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Leeward Construction Route 611 Site, Intersection of Route 611 and Wiscasset Road, Pocono Township, **Monroe County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Notice of Intent to Remediate (on behalf of their client, Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101), concerning the remediation of groundwater found to have been impacted by diesel fuel as a result of a release from a diesel fuel powered portable water pump and a 300-gallon, unregulated skid tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain as a Route 611 right-of-way. A summary of the Notice of Intent to Remediate was published in *The Scranton Times*.

Zaboy Property, 1755 Old Franklin Hill Road, Lower Mount Bethel Township, **Northampton County**. Karl Pfizenmayer, Storb Environmental, Inc., 410 Easton Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate (on behalf of his client, Bonnie Zaboy, 1755 Old Franklin Hill Road, Bangor, PA 18013), concerning the remediation of soil found to have been impacted by heating oil as a result of a spill during fuel oil delivery. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Service Oil Company/Aronson and Aronson-Stern Property, Swatara Township, **Dauphin County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Raphael Aronson, Deborah Aronson-Stern and Service Oil Company, 3798 Paxton Street, Harrisburg, PA 17111-1412 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline from an underground pipeline. The site will be remediated to the Site-Specific Standard and future use will be industrial or commercial.

Carlton Snack Foods, Heidelberg Township, **York County**. GCI Environmental Services, Inc., 1250 East King Street, Lancaster, PA 17602 on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356 and WR Real Estate Holdings, LLC, 6051 Carlton Avenue, Spring Grove, PA 17363, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from non-regulated underground storage tanks. Future use of the property will be commercial. The site will be remediated to the Site-Specific Standard.

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

Pellegrini Residence, Concord Township, **Butler County**. AMEC Earth and Environmental, Inc., 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 on behalf of Arthur A. and Christine Pellegrini, Sr., 153 Zion Church Road, Chicora, PA 16025 and Westfield Insurance, 800 Cranberry Woods Drive, Suite 150, Cranberry Township, PA 16066 has submitted a Notice of Intent to Remediate. A spill involving #2 Fuel Oil occurred when the feed/return line to the underground storage tank was damaged. The current and intended future use of the property is residential. The site is to be remediated to the Statewide Health Standard. The Notice of Intent to Remediate was published in *The Butler Eagle* on December 18, 2009.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

43-354A: Terralinks, Inc.—Sand Processing Plant (105 McQuiston Road, Jackson Center, PA 16133) for

construction of a sand processing plant consisting of a 13.6 MMBtu/hr fluidized bed dryer with associated hoppers, storage bins and screening operations in Jackson Township, **Mercer County**. The 50 tons per hour dryer and associated equipment will operate 2,000 hours per year/seasonal. Terralinks will limit annual production to 100,000 tons of sand per year.

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.

46-0262B: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) for installation of two (2) extruder machines at the Penn Color facility in Hatfield Township, **Montgomery County**. The production plant manufacturers pigment dispersions and color concentrates for commercial use. Penn Color is an existing facility, however, currently, there are no facility operating permits issued to this site. Facility Volatile Organic Compounds (VOC) and Particulate Matter (PM) emissions are below major facility thresholds for the Philadelphia Metropolitan Area; the facility is classified as a Synthetic Minor Facility. The new sources, two (2) extruder machines, Extruder E12 (Source ID 213) and Extruder E13 (Source ID 214), will be exhausted an existing dust collector (C205—Dust Collector, Dry Building Henschel) currently operating under Plan Approval No. 46-0262A. Plan Approval No. 46-0262B will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

36-03121D: Cadmus Journal Services, Inc. (3575 Hempfield Road, Lancaster, PA 17601) for installing another thermal oxidizer in their facility in West Hempfield Township, **Lancaster County**. The facility is presently covered by State-only permit no. 36-03121. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

26-00413A: Texas Eastern Transmission, LP, (P. O. Box 1642, Houston, TX 77251-1642) to authorize VOC emission increases resulting from installation of an electric compressor rated at 20,000 bhp and a natural gas-fired space heater rated at 0.12 MMBtu/hr, as well as the uprate of an existing electric compressor to 14,300 bhp at their Uniontown Compressor Station in North Union Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue Air Quality Plan Approval: PA-26-00413A to authorize VOC emission increases resulting from installation of an electric compressor rated at 20,000 bhp and a natural gas-fired space heater rated at 0.12 MMBtu/hr, as well as

the uprate of an existing electric compressor to 14,300 bhp at the Uniontown Compressor Station located in North Union Township, Fayette County. Additionally, allowable hours of operation of the existing group of 4 Ingersoll-Rand 1,100 bhp natural gas-fired compressor engines will be reduced to 100 hours per year each, site level emission limits will be revised, and emission limits will be established for each of the 2 existing Solar Mars 14,000 bhp natural gas-fired turbines during startup, shutdown, and low temperature conditions. Facility-wide emissions are limited by plan approval condition to 154 tons of NO_x, 83 tons of CO and 49 tons of VOCs per year. Potential emissions for other air contaminants include 3.59 tons of SO_x, 7.07 tons of PM/PM₁₀, 2.74 tons of Formaldehyde and 8.97 tons of HAPs per year. The project will result in net decreases of 33.53 tons of NO_x, 42.64 tons of CO, 1.34 tons of PM/PM₁₀, and 2.42 tons of Formaldehyde and an increase of 5.65 tons of VOCs per year. Best Available Technology for the VOC increase is operation of all sources with existing controls, according to work practice standards, and through monitoring of facility throughputs. This authorization is subject to State regulations. Plan Approval has been conditioned to ensure compliance with all applicable rules. The facility currently operates under a Title V Operating Permit No. TV-26-00413. Once compliance with the Plan Approval is demonstrated, the provisions of this Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

06-05004: Baldwin Hardware Corp. (P. O. Box 15048, Reading, PA 19612) for operation of a brass hardware manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the Title V Operating Permit issued in 2005.

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

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

09-00209: Univar USA, Inc. (4 Steel Road, Morrisville, PA 19067) submitted an initial application for a Non-Title V Facility, State-Only, Natural Minor Permit in Falls Township, **Bucks County**. Univar USA, Inc. is a chemical and allied products merchant wholesaler. The sources of emissions include: storage tanks and transfer stations. The facility has a combined VOC and HAP emission limit of 20 tons per year calculated on a 12-month rolling sum. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00259: PPL Renewable Energy, LLC (660 Thomas Road, Lafayette Hill, PA 19444) for a State-only, Synthetic Minor Operating Permit in Whitemarsh Township, **Montgomery County**. The company has one natu-

ral gas-fired I. C. engine rated at 2,311 HP, one 500 KW emergency diesel generator and three boilers rated at 4.0 MMBtu/hr each. The pollutant of concern is Nitrogen Oxides (NO_x). The estimated NO_x emissions are less than 24.90 tons per year with the proposed limits. The permit will include monitoring, recordkeeping and reporting requirements designed to address 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.

54-00037: Copperhead Chemical Co., Inc. (120 River Road, Tamaqua, PA 18252) for operation of two (2) boilers, an acetone recovery system, and a pharmaceutical manufacturing process with associated air cleaning devices at their facility in Walker Township, **Schuylkill County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

48-00061: Haines & Kibblehouse, Inc.—Asphalt Plant (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) a renewal State-only operating permit for the ABE Materials—Easton Quarry in Lower Mount Bethel Township, **Northampton County**. The State-only operating permit includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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

20-00040: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) for a Reissuance of the Title V Operating Permit. The facility is located in Vernon Township, **Crawford County**. The facility manufactures gray and ductile iron foundries casting products. The facility's major emission sources include preheating and charge, melting and transfer, pouring-cooling-shakeout, new grinding and goff, grinding and cleaning, shell core making and core drying, sand handling, heat treating-austemper operation, painting operation, air-makeup units (3), miscellaneous natural gas usage and two degreaser units. The facility is a major facility due to its potential to emit of particulate matter less than 10 microns in diameter. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule found in 40 CFR Part 64.

33-00141: National Fuel Gas Supply Corp.—Knox Compressor Station (P. O. Box 2081, Erie, PA 16512) for the re-issuance of a Natural Minor Permit to operate a Natural Gas Compressor Station, at 157 Pump Station Road, in Knox Township, **Jefferson County**. The primary sources of emissions are the four (4) compressor engines used to move natural gas.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

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

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

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

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

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

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

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

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

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

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

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

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

Coal Applications Received

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Aluminum (Total) pH ¹	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
Alkalinity greater than acidity 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 mg/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.

03851303 and NPDES Permit # PA0213462, McVillie Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Clementine Mine No. 1 in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received: October 21, 2009.

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

07100101 and NPDES No. PA0262943. Heritage Mining Company, Inc., P. O. Box 125, Cresson, PA 16630 commencement, operation and restoration of a bituminous surface mine in Logan Township, **Blair County**, affecting 99.0 acres. Receiving stream(s): Kittanning Run and Glenwhite Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Altoona City Water Authority. Application received: January 5, 2010.

56080108. NPDES No. PA0262692 and General Permit GP-12-56080108, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Brothersvalley Township, **Somerset County**, affecting 83.3 acres. Receiving stream(s): unnamed tributary to Blue Lick Creek and Swamp Creek classified for the following uses(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2010.

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

03060103 and NPDES Permit No. PA0250911. Black Rock Coal Co., Inc. (1107 University Drive, Dunbar, PA 15431). Application received for transfer of permit currently issued to State Industries, Inc., for continued operation and reclamation of a bituminous surface mine with associated noncoal mining and alkaline distribution, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributaries to Crooked Creek. Application received: January 5, 2010.

Noncoal Applications Received

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

Parameter	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 mg/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.

34092803. Quarry Cut, Inc., 77 Wells Road, Parker Ford, PA 19457, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Sprucehill Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): Hunters Creek and unnamed tributaries to Tuscarora Creek. Application received: December 24, 2009.

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

4880501C6 and NPDES Permit No. PA0121681. Sreebs Slate & Stone Co., Inc., (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plainfield Township, **Northampton County**, receiving stream: Little Bushkill Creek, classified for the following use: High Quality-cold water fishery and migratory fishery. Application received: January 11, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33

U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E39-502. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18103-1013, in Upper Saucon Township, **Susquehanna County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a 0.27 acre of EV wetland; remove the existing structure; and to construct and maintain a single-span, pre-stressed concrete, spread box beam bridge having a normal span of 63.5 feet and a minimum underclearance of 5.3 feet over a tributary to Saucon Creek (CWF, MF); the proposed bridge will be located approximately 45 feet downstream of the current bridge location. The permittee is required to provide 1.1 acres of replacement wetlands. The project is located along SR 2045 (Center Valley Road), Segment 0050, Offset 0516, approximately 520 feet north of the SR 2045/SR 2028 intersection (Allentown East, PA Quadrangle Latitude: 40° 31' 29"; Longitude: -75° 23' 27").

E58-285. Cabot Oil & Gas Corporation, 900 Lee Street, Charleston, WV 25301, in Rush, Jessup and Dimmock Townships, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 83 water obstructions and encroachments in and along Meshoppen Creek and tributaries thereof, impacting approximately 577 linear feet of

streams Elk Lake Stream (CWF, MF), Burdick Creek (CWF, MF), Shelp Creek (CWF, MF), South Branches of Wyalusing Creek (CWF, MF), East Branch of Wyalusing Creek (WWF, MF), Pettis Creek (WWF, MF), Roe Creek (CWF, MF), Stevens Creek (CWF), West Creek (CWF), White Creek (CWF), Crystella Lake, Big Elk Lake, Little Elk Lake, Indian Lake, Cope Pond and Unnamed Tributaries, and 1.62 acres of wetlands (PEM, PSS and PFO). This work is associated with Cabot Oil & Gas Susquehanna Project Zone 2 which includes the installation of 103,191 linear feet of pipeline and access roads for natural gas well drilling pads. The project is centroid is located approximately 5.21 miles from the intersection of SR 0706 and SR 0029 in and extends into Rush, Jessup and Dimmock Townships (Monroe West and Springville, PA Quadrangle Latitude: 41° 46' 17"; Longitude: -75° 56' 24").

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

E22-556: The Harrisburg Authority, 212 Locust Street, Suite 302, Harrisburg, PA 17101, Harrisburg City and Swatara Township, **Dauphin County**, ACOE Baltimore District.

To replace an existing 82-foot by 60-foot steel storage building with a 84-foot by 61-foot steel building, and to construct and maintain an 84-foot by 61-foot steel building with associated access and loading facilities in the floodplains of Spring Creek (CWF, MF) and the Susquehanna River (WWF), for the purpose of upgrading the existing wastewater treatment facility. The project is located near the intersection of SR 230 and Elliot Street (Steelton, PA Quadrangle N: 21.4 inches; W: 15.3 inches, Latitude: 40° 14' 28"; Longitude: 76° 51' 30") in Harrisburg City and Swatara Township, Dauphin County.

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

E17-461. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0219, Section 251 Intersection Improvements and Bridge Replacement Activities on SR 0830 in Sandy Township, **Clearfield County**, ACOE Baltimore District (Falls Creek, PA Quadrangle Latitude: 41° 08' 41"; Longitude: 78° 47' 48").

The applicant proposes to perform pavement reconstruction and the construction of a left turning lane on SR 0830 as well as the associated Bridge improvements. The project will include a superstructure replacement and substructure widening over Wolf Run and a complete structure replacement over Slab Run on SR 0830. The bridges will be replaced on the existing horizontal and vertical alignment. The roadway widening will result in sliver wetland impacts which will result in a total wetland impact of 0.58 acre. The wetland mitigation will require 0.77 acre replacement. The wetland mitigation will be debited from a nearby wetland bank. Wolf and Slab Runs are classified as Cold Water Fisheries.

E59-492. Fortuna Energy, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845-1008. Water Obstruction and Encroachment Joint Permit Application, in Ward Township, **Tioga County**, ACOE Susquehanna River Basin District (Monroeton, PA Quadrangle N: 41° 42' 5"; W: 76° 57' 7").

To construct and maintain single cell, pre-cast concrete box culvert having a span of 21 feet and an underclearance of 7 feet within Fellows Creek (CWF). The box

culvert is located off Fellows Creek Road, 1.5 miles northwest of the intersection with River Road in Ward Township, Tioga County. This project proposes to permanently impact 60 linear feet of Fellows Creek, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

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

E02-1626. Chris Castagnari, 308 Thompson Run Road, Pittsburgh, PA 15237. To operate and maintain retaining wall in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 1.7 inches; W: 16.2 inches, Latitude: 40° 30' 34"; Longitude: 79° 59' 30"). The applicant proposes to operate and maintain a retaining wall approximately 150 feet long along the left back of Girty's Run (WWF). The wall was built after hurricane Ivan to stabilize the bank. The project is located along the southwest side of Babcock Boulevard at its intersection with Rosecliff Drive.

E26-358. James J. Wild, 1277 Brooklawn Drive, Pittsburgh, PA 15227. To construct a residential bridge in Saltlick Township, **Fayette County**, Pittsburgh ACOE District (Seven Spring, PA Quadrangle N: 7.9 inches; W: 15.7 inches, Latitude: 40° 02' 37"; Longitude: 79° 21' 44"). The applicant proposes to construct and maintain a bridge across Back Creek (CWF) to access the property. The bridge will span the stream channel.

E30-229. Department of Transportation, District 12-0, 825 N. Gallatin Avenue Extension, Uniontown, PA 15401-2105. To remove existing bridge and construct new bridge in Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle N: 4.3 inches; W: 11.4 inches, Latitude: 39° 53' 57"; Longitude:

80° 12' 23"). The applicant proposes to remove the existing bridge and to construct and maintain a new bridge having a 100 ft span, 40 ft width, and underclearance of 12 ft over Browns Creek (HQ-WWF); and to place and maintain fill within a PEM/PSS wetland with a de minimis impact of 0.05 acre. The new bridge is located downstream and adjacent to the existing single span bridge.

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

E25-734, Charlotte D. and Norman M. Martin. Martin Property Wetland Fill, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42° 5' 41.5"; W: 80° 1' 48.07").

The applicant is proposing to fill 0.03 acre of PSS wetland for the construction of a single family residence at the southeast corner of Crabapple Drive and Cidermill Road. The project proposes to impact 0.03 acre of PSS wetland.

ENVIRONMENTAL ASSESSMENTS

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

EA36-022: Wilson's Enterprise, LLP, Keith Wilson, 1230 West Main Street, Mount Joy, PA 17522-9592, Mount Joy Borough, **Lancaster County**, ACOE Baltimore District.

To restore and enhance 200.0 linear feet of an unnamed tributary (UNT) to Donegal Creek (CWF) for the purpose of enhancing the stream corridor at a point just east of the intersection of Musser Road and Wood Street (Columbia East, PA Quadrangle 20.7 inches North; 4.1 inches West, Latitude: 40° 6' 50" N; Longitude: 76° 34' 43" W) in Mount Joy Borough, Lancaster County.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061000	Mr. John P. Gorel Executive Manager Village of Four Seasons Association, Inc. R. R. 2 Box 3350 Union Dale, PA 18470	Herrick Township Susquehanna County	East Branch Tunkhannock Creek 4F High Quality Cold Water Fishery	Y
PA0063029	Fountain Court Associates, LLC Metro Commercial Management Services, Inc. 303 Fellowship Road Suite 202 Mount Laurel, NJ 08054	Pocono Township Monroe County	Cranberry Creek High Quality Cold Water Fishes 1E	Y
PA0033529	Penn State University 101P Physical Plant Building University Park, PA 16802	Luzerne County Lehman Township	East Fork Harvey Creek Cold Water Fishes Watershed 5B	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>
PA0221236	Robert L. Brocklehurst 306 Fox Mine Road Jackson Center, PA 16133-1434	Jackson Township Mercer County	Unnamed tributary to Fox Run 20-A	Y
PA0210820	Michael P. and Cheryl L. Nass 2670 Old State Road Waterford, PA 16441	Waterford Township Erie County	Unnamed tributary to Little Conneautee Creek 16-A	Y

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

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

NPDES Permit No. PA0244031, Amendment No. 1, Sewage, Chadds Ford Township Sewer Authority, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an existing permit for the Turner's Mill Sewage Treatment Plant, currently held by Chadds Ford Township to the Chadds Ford Township Sewer Authority.

NPDES Permit No. PAG040141, Sewage, Thomas Kemmerer SRSTP, 829 Haycock Run Road, Kintnersville, PA 18930. This proposed facility is located in Haycock Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gdp of treated sewage into an Unnamed Tributary to Haycock Creek in Watershed 2D.

NPDES Permit No. PAG040140, Sewage, Cynthia Robinson, 1414 Newman Road, Pennsburg, PA 18073-1926. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

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

NPDES Permit No. PAG040142, Sewage, **Lisa F. Pratt**, 2109 Jacobs Sawmill Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

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

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

NPDES Permit No. PA0026638, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Wyomissing Creek in Watershed 3-C.

NPDES Permit No. PA0083135, Sewage, **Mr. David Sutton, Mifflin County School District**, 103 Green Avenue, Lewistown, PA 17044. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Cancellation of Permit.

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

NPDES Permit No. PA0263613, Sewage, **Robert Miller**, P. O. Box 203, Custer City, PA 16725-0203. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a new discharge of treated sewage.

NPDES Permit No. PA0263583, Sewage, **Heron Ridge Development Company, LLC**, 108 Deer Lane, Harmony, PA 16037. This proposed facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage discharge from a proposed housing development.

NPDES Permit No. PA0210072, Sewage, **Young Men's Christian Association of Greater Erie**, 31 West 10th Street, Erie, PA 16501-1401. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage from a sewage treatment plant serving a seasonally operated campground: YMCA—Camp Sherwin.

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

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

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

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

WQM Permit No. 4686464, Sewerage, Renewal, **Creek Lane Homeowners Association**, 456 Germantown Pike, Suite 2, Lafayette Hill, PA 19444. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Renewal of existing permit.

WQM Permit No. WQG010030, Sewerage, **Ms. Linda Copenhaver**, 200 West Montgomery Avenue, North Wales, PA 19454. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 500 gpd sewage treatment plant.

WQM Permit No. 2303405, Sewerage, Transfer, **Arbors at Edgemont Home Owners Associations**, 129 Columbus Avenue, Newtown Square, PA 19073. This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Transfer permit operations from Linnere Homes to Arbors at Edgmont Home Owner Association.

WQM Permit No. 2309404, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Installation of new pumps and automatic influent screen and a influent flow equalization tank.

WQM Permit No. 2309404, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: New tertiary disk filter to the Ridings at Chadds Ford STP.

WQM Permit No. 4609408, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a the Earlington Pump Station and force main.

WQM Permit No. 4607201, Sewerage, **Realen Valley Forge Greenes Associates**, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Discharge of treated post-construction stormwater to groundwater through constructed gravity drains.

WQM Permit No. 2309201, Industrial, **FPL Energy Marcus Hook, LP**, 100 Green Street, Marcus Hook, PA 19601. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Action/Activity: Installation of a dechlorination system designed to remove chlorine from cooling tower.

WQM Permit No. 4609407, Sewerage, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Upgrades to the existing pump station and installation of a new 16" force main.

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

WQM Permit No. 2209401, Amendment 09-1, Sewage, **Gratz Borough Municipal Authority**, 125 North Center Street, Gratz, PA 17030. This proposed facility is located in Gratz Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit amendment approval for the modification of sewerage facilities consisting of: Changing SBR tank dimensions from 14' by 78' by 12' to 14' by 78' by 13.5' and sludge holding tank dimensions from 10' by 12' by 14' to 12' by 12' by 14' and changing SBR blower size from 454 cfm at 4.6 psi to 632 cfm at 5.5 psi and sludge holding tank blower size from 85 cfm at 4.6 psi to 121 cfm at 5.1 psi. Distribution chamber deleted and influent chamber added in the pre-react zone.

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

WQM Permit No. 1809401, Sewage 4952, **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. This proposed facility is located in Pine Creek Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes to abandon their existing contact stabilization sewage plant and replace it with a tertiary sewage plant.

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

WQM Permit No. 4209403, Sewage, **Robert Miller**, P. O. Box 203, Custer City, PA 16725-0203. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities.

WQM Permit No. WQG028321, Sewerage, **Sandy Lake Township**, 3086 Sandy Lake-Grove City Road, Sandy Lake, PA 16145. This proposed facility is located in Sandy Lake Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new Water Quality Management Part II General Permit for construction of a pressurized sewer extension with grinder pumps to replace malfunctioning on-lot systems.

WQM Permit No. 1607402, Sewerage, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. This proposed facility is located in New Bethlehem Borough, **Clarion County**.

Description of Proposed Action/Activity: Issuance of new Water Quality Management Permit for construction and operation of new sewers in the Cottage Hill and Route 66 corridors, a new flow equalization tank at the existing STP, and a new Grant Street Pump Station with new dry weather flow and wet weather flow force mains.

WQM Permit No. 1009404, Sewerage, **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001. This proposed facility is located in City of Butler, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new Water Quality Management Part for construction of pumping and storage facilities to alleviate sewer system overflow and limit the peak flows to the wastewater treatment plant.

WQM Permit No. WQG018729, Sewerage, **Tammy Doughton**, 355 Leech Road, Greenville, PA 16125. This proposed facility is located in Sugar Grove Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

WQM Permit No. WQG018731, Sewerage, **Robert F. Dovishaw**, 8450 Luther Road, Girard, PA 16417. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single Residence 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
PAI010 907022	Milford Acquisitions, Inc. 1590 Canary Road Quakertown, PA 18951	Bucks	Richland	Tohickon/Unami Creeks TSF-HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909008	Solebury Township 3092 Sugas Road P. O. Box 139 Solebury, PA 18963-0139	Bucks	Solebury Township	Paunacussing Creek HQ-CWF
PAI01 1509016	Southeastern Pennsylvania Transportation Authority 124 Market Street Philadelphia, PA 19107	Chester	Malvern Borough	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006	Karl Pfeiffenberger SLIBCO 222 Mulberry Street Scranton, PA 18503	Lackawanna	Archbald and Jessup Boroughs	Grassy Island Creek HQ-CWF, MF Tributary to Lackawanna River CWF, MF Laurel Run CWF, MF
PAI024809006	Terence O'Reilly, Jr. 65 Constitution Avenue Wind Gap, PA 18091	Northampton	Moore Township	Monocacy Creek HQ-CWF, MF
PAI026409006	Association of Property Owners of the Hideout, Inc. Attn: Mr. Ralph Graf 640 The Hideout Lake Ariel, PA 18436	Wayne	Lake Township	Wagnum Creek HQ-CWF, MF
PAI023909013	Lehigh Hills Route 100 Development, LP 559 Main Street Suite 300 Bethlehem, PA 18018	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF, MF Jordan Creek TSF, MF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409011	Jeffrey Long Bontrager, Hackman & Long P. O. Box 140 Spring Mills, PA 16875	Centre	Haines Township	UNT to Elk Creek EV
PAI041409014	John Rhodes Centre Medical Sciences Building II 1300 Market Street P. O. Box 662 Lemoyne, PA 17043	Centre	College Township	Spring Creek HQ-CWF
PAI041409015	Ed Poprick State College Area School District 131 W. Nittany Avenue State College, PA 16801	Centre	Patton Township	Beaver Branch Spruce 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
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>
Newtown Township Bucks County	PAG200 0909101	David W. Fleming 158 Durham Road Newtown, PA 18940	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG200 0909100	Plumstead Township P. O. Box 387 Plumsteadville, PA 18949-0387	Deep Run Tohickon WWF-CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4609006	Montgomery County Community College 340 DeKalb Pike Blue Bell, PA 19422	Unnamed Tributary Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAG200 4609087	Department of Conservation and Natural Resources 2808 Three Mile Run Road Perkasie, PA 18944	Stony Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 461002	Centocor, Inc. 920 Rt Highway 202 South Raritan, NJ 08869	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4608172	Upper Providence Township 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Unnamed Tributary Donny Brook TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4608162	Sanatoga Interchange Assoc, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG200 4609092	Henkels & McCoy, Inc. 985 Jolly Road P. O. Box 950 Blue Bell, PA 19422	Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG20200 4609063	Norristown Borough 234 East Airy Street Norristown, PA 19401	Stony Creek TSF-CWF	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>
Whitpain Township Montgomery County	PAG20200 4608175	Laurence Genuardi 385 Hollow Lane Blue Bell, PA 19422	Prophecy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Bethlehem Northampton County	PAG2004809010	Bethlehem Area School District Attn: Scott Gilliland 250 E. Fairview Street Bethlehem, PA 18018-4138	Tributary to the Lehigh River CWF, MF	Northampton County Conservation District 610-746-1971
West Lampeter Township Lancaster County	PAG2003609062	Bob Kettering Ketterline, Inc. 3121A Mt. Joy Road Mt. Joy, PA 17552	Conestoga River WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
Union Township Lebanon County	PAG2003809017	Clyde Patches Brooke, LP 1501 East Cumberland Street Suite B Lebanon, PA 17042	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 717-272-3908, Ext. 4
Bethel Township Lebanon County	PAG2003809018	James Heisey Fredericksburg Sewer & Water Authority 113 East Main Street Fredericksburg, PA 17026	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 717-272-3908, Ext. 4
Sandy Township Clearfield County	PAG2001709008-1	Joe Varacallo Developac, Inc. 996 Beaver Drive DuBois, PA 15801	Beaver Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
City of Lock Haven Clinton County	PAG2001809002	Jason Mitchell J.C. Bar Properties, Inc. 3100 Market Street Camp Hill, PA 17011	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Mount Carmel Township Northumberland County	PAG2004910001	SEEDCO Industrial Park Pump Station and Force Main Routes 61 and 901 Mount Carmel Township, PA	Shamokin Creek WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Lewis Township Northumberland County	PAG2004910002	Sensenig Mill Office 10705 State Route 44 Watsontown, PA 17777	UNT of Warrior Run	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Delaware Township Northumberland County	PAG2004910003	Weaver Subdivision Gearhart and Enterline Roads McEwensville, PA	UNT of Warrior Run	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Ralpho Township Northumberland County	PAG2004910004	Shepard Pond Estates 477 Blue Church Road Paxinos, PA 17860	UNT of Shamokin Creek CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
West Chillisquaque Township Northumberland County	PAG2004910005	Dennis Reedy Integrity Land Residential Subdivision 197 Point Township Drive Northumberland, PA 17857	UNT West Branch Susquehanna River CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Fayette County Georges Township	PAG2002608005	Nick Licciardi P. O. Box 2031 Uniontown, PA 15401	UNT to Muddy Run WWF	Fayette County Conservation District 724-438-4497

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Manheim Township	PAR803677	Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543	UNT to Conestoga River WWF Bachman Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR603534	Darrah's Automotive & Recycling 535-545 South Prospect Street York, PA 17403	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Manchester Township	PAR143518	C-P Converters, Inc. Aka C-P Flexible Packaging 15 Grumbacher Road York, PA 17406-9417	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Mt. Pleasant Township	PAR603571	Hartlaub & Sons Used Auto Parts, Inc. 270 Kuhn Road Littlestown, PA 17340	UNT to South Branch Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County West Manchester Township	PAR123527	Frito-Lay, Inc. 3553 Gillespie Drive York, PA 17404	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Middletown Borough	PAR803601	Department of Military and Veterans Affairs PA Air National Guard 62 Olmsted Boulevard Middletown, PA 17057	UNT to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Berks County Bern Township	PAG043508	Michael McDermott 1113 Seifrit Lane Bernville, PA 19506	UNT to Plum Creek 3-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<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>
Sugar Grove Township Mercer County	PAG049553	Tammy Doughton 355 Leech 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
Fairview Township Erie County	PAG049555	Robert F. Dovishaw 8450 Luther Road Girard, PA 16417	Unnamed tributary to Elk Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-7

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Penn Township Lancaster County	PAG073502	A&M Composting, Inc. 2022 Mountain Road Manheim, PA 17545	A&M Composting, Inc. Penn Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Hopewell Borough Bedford County	PAG08308	Borough of Hopewell P. O. Box 160 411 Broad Street Hopewell, PA 16650	Hopewell Borough Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
St. Thomas Township Franklin County	PAG093550	May and Co., Inc. 197 Pioneer Drive St. Thomas, PA 17252	St. Thomas Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-10

<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>
York County Peach Bottom Township	PAG103541	Mr. Randall Flowers Transcontinental Gas Pipe Line Company, LLC 2800 Post Oak Boulevard Level 17 Houston, TX 77056	UNT to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the

Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jay L. Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	450	534.6	Hogs	HQ	Approved
Alan Bleacher Bleacher Farms, LLC 2794 Safe Harbor Road Millersville, PA 17551	Lancaster	100	515.4	Layers, deer	NA	Approved
Mark Will Lexington Farm 306 East Lexington Road Lititz, PA 17543	Lancaster	48.9	431.5	Broilers, Hogs, Beef	NA	Approved
Lynn H. Royer Green Tree Farm 273 Greentree Road Elizabethtown, PA 17022	Lancaster	216.7	720.43	Dairy, Layers	NA	Approved
Dan and Gloria Hess Chickies Creek Farms, LLC 2537 Risser Mill Road Mount Joy, PA 17552	Lancaster	91.2	1,207.9	Layers, Dairy	NA	Approved
Shank's Hen House 4640 Lighthouse Road Chambersburg, PA 17202	Franklin	3	851.4	Layers	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5109506, Public Water Supply.

Applicant

Philly's Water Store
6820 Rising Sun Avenue
Philadelphia, PA 19111

Township City of Philadelphia
 County **Philadelphia**
 Type of Facility PWS
 Consulting Engineer Bruce E. Brooks & Associates
 2209 Chestnut Street
 Philadelphia, PA 19103
 Permit to Construct Issued October 6, 2009

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

Permit No. 2520070, Public Water Supply.

Applicant **Pennsylvania Utilities, Inc.**
 Township or Borough Lehman Township
Pike County
 Responsible Official Ms. Jan Springman
 Pennsylvania Utilities, Inc.
 234 The Glen
 Tamiment, PA 18371
 Type of Facility Community Water System
 Permit Issuance Date January 19, 2010
 Description of Action PWS operation permit issued for corrosion control.

Permit No. 3480055, Public Water Supply.

Applicant **Pennsylvania American Water**
 Township or Borough Hamilton Township
Monroe County
 Responsible Official Paul A. Zielinski, Director
 Environmental Management & Compliance
 PA American Water
 800 Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Community Water System
 Permit Issuance Date January 19, 2010
 Description of Action Operation permit issued for work completed to Filter No. 2, under construction permit No. 4592506MA.

Permit No. 2450034, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
 Township or Borough Stroudsburg Borough
Monroe County
 Responsible Official Kenneth R. Brown, Manager
 Brodhead Creek Regional Authority
 410 Stokes Avenue
 East Stroudsburg, PA 18301
 Type of Facility Community Water System
 Permit Issuance Date January 19, 2010
 Description of Action Operation permit issued following completion of work on the Dreher storage tank under PWS construction permit No. 4509502MA.

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

Permit No. 0109506, Public Water Supply.

Applicant **Bonneauville Borough Municipal Authority**
 Municipality Bonneauville Borough
 County **Adams**
 Type of Facility New Well No. 13
 (Sommerfield Subdivision)
 Consulting Engineer Bruce Hulshizer, P. E.
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17401-3383

Permit to Construct Issued: 1/11/2010

Permit No. 3609509, Public Water Supply.

Applicant **Herr Mobile Home Park**
 Municipality West Earl Township
 County **Lancaster**
 Type of Facility Convert iodine disinfection to sodium hypochlorite disinfection.
 Consulting Engineer John G. Fuehrer II, P. E.
 Fuehrer Associates, Ltd.
 Box 541
 Ephrata, PA 17522

Permit to Construct Issued: 12/21/2009

Operations Permit issued to: **Bonneauville Borough Municipal Authority**, 7010012, Bonneauville Borough, **Adams County** on 1/8/2010 for the operation of facilities approved under Construction Permit No. 0109501.

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

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Township or Borough White Deer Township
 County **Union**
 Responsible Official Mr. Scott Thomas
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date January 13, 2010
 Description of Action Operation of the washwater tank at the White Deer Treatment Plant.

Permit No. 5509501—Construction, Public Water Supply.

Applicant **Freeburg Municipal Authority**
 Township or Borough Freeburg Borough

County	Snyder
Responsible Official	Mr. Todd Hoffman Freeburg Municipal Authority P. O. Box 308 Freeburg, PA 17827
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Paul Deardorff, P. E. JMT 220 St. Charles Way Suite 200 York, PA 17402
Permit Issued Date	January 15, 2010
Description of Action	Approves a Pall Aria AP-3 membrane microfiltration plant, disinfection, and cleaning chemical feeds.

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

Operations Permit issued to **H & H Property Investments, LLC, d/b/a Perry Lake Estates MHP**, PWSID No. 5100043, Lancaster Township, **Butler County**, January 6, 2010, for the operation of Well No. 4, as a permanent replacement source, as approved under construction permit 1007502, issued April 11, 2008.

Operations Permit issued to **JBT Petroleum, Inc., d/b/a Countryside Mobile Home Park**, PWSID No. 6200028, East Fairfield Township, **Crawford County**, January 12, 2010, for the operation of the newly constructed/modified water treatment system for Countryside MHP, as approved under construction permit 2008502, issued July 13, 2009. Transfer and Consolidation of Operations Permits issued to PA American Water Company, PWSID No. 5100069, Saxonburg Borough, Clinton and Jefferson Townships, Butler County, January 15, 2010, by operations permit no. 1090503-T1. Permit 1090503-T1 covers operation of water supply facilities including sources, raw water tank; transmission main; pH adjustment; gas chlorination; booster pump station; distribution system and 3 finished water storage tanks as identified and approved by former Saxonburg Permit Nos. 1090503, issued November 22, 1991; 1078502, issued November 30, 1978; 1094506, issued June 4, 1996 and 1094506-MA1, issued October 28, 2002. This action due to recent acquisition of the Saxonburg public water supply system.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

Borough or Township	Borough or Township Address	County
East Norriton Township	2501 Standbridge Street East Norriton, PA 19401-1616	Montgomery

Plan Description: On January 14, 2010, the Southeast Regional Office approved East Norriton Township's Act 537 Special Study. The Special Study provides for the following:

Planning approval is granted for a sewage pumping station (Einstein Pumping Station) and a force main, which will convey sewage flows from the Albert Einstein Regional Medical Center (Medical Center) property to an existing manhole in Germantown Pike, west of North Wales Road. The pumping station will be located in the western corner of the Medical Center property, southeast of Whitehall Road, and will have average design flows of 142,600 gallons per day. East Norriton Township must secure a Water Quality Management Permit from the Department for the construction and operation of the proposed sewage pumping station.

East Norriton Township commits to continuing its existing infiltration and inflow (I/I) reduction program and to rehabilitating the Germantown Pump Station force main as its comprehensive, long-term program to address capacity shortfalls in the Germantown Pump Station service area. East Norriton Township must obtain a Water Quality Management Permit for the rehabilitation of the Germantown Pump Station force main.

A 225,000 gallon surge storage tank will be constructed on the Medical Center property. Sewage will be pumped from the Einstein Pumping Station into the surge storage tank when the maximum flow rate in the upstream conveyance facilities exceeds 2,400 gallons per minute. The surge tank is considered a long-term best management practice that is complementary to the program outlined in Item 2 above. East Norriton Township must obtain a Water Quality Management Permit for the installation, operation and maintenance of the surge storage tank.

Sewage from the Sandra Lane Pumping Station will be diverted from the Germantown Pumping Station to the Einstein Pumping Station.

The Marion Avenue Pumping station will be decommissioned and the sewage flows from this pumping station and from North Whitehall Road will be rerouted to the gravity sewers in Barbara Drive.

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:

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

Rosedale Tract KOZ & Lower Ore Yard KOZ, City of Johnstown, **Cambria County**. L. Robert Kimball & Associates, 615 West Highland Avenue, P. O. Box 1000, Ebensburg, PA 15931 on behalf of the Johnstown Redevelopment Authority 401 Washington Street, 4th Floor, Johnstown, PA 15901 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Cragle Property, 27 Winola Road, Tunkhannock Borough, **Wyoming County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Ginger Cragle, 27 Winola Road, Tunkhannock, PA 18657), concerning the remediation of soil found to have been impacted by No. 2 heating oil as a result of an overflow of fuel being dispensed into a 275-gallon aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in the *Wyoming County Press Examiner* on December 30, 2009.

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

Albright College / Former Scrapyard, City of Reading, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PCBs, inorganics and organics. Albright College will utilize these parcels to expand their athletic facilities. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, **York County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on

behalf of Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53208, submitted a Remedial Investigation Report for site soils contaminated with VOCs, PAHs, PCBs Inorganics. Groundwater will be addressed in a separate report. The applicant seeks to remediate the site to a combination of the Statewide Health and Site-Specific Standards.

Former Pinto Tract, South Middleton Township, **Cumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of LIT Industrial Limited Partnership, 2650 Cedar Springs Road, Suite 850, Dallas, TX 75201, submitted a combined Remedial Investigation and Final Report for groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Honeywell Farmers Valley Wax Plant Main, Keating Township, **McKean County**. MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Pennzoil Quaker State, d/b/a Shell Oil Products US, 910 Louisiana OSP 687, Houston, TX 77002 and Honeywell International, Inc., 101 Columbia Road, Morristown, NJ 07960 has submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead and site groundwater contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Pellegrini Residence, Concord Township, **Butler County**. AMEC Earth & Environmental, Inc., 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 on behalf of Arthur A. and Christine Pellegrini, Sr., 153 Zion Church Road, Chicora, PA 16025 and Westfield Insurance, 800 Cranberry Woods Drive, Suite 150, Cranberry Township, PA 16066 has submitted a Final Report concerning remediation of site soil contaminated with ethylbenzene, naphthalene, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene), 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of

concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Former R & D Fuels/Nevin Kemmerling Trust Property, 733 N. 17th Street, Allentown City, **Lehigh County**. Eric R. Strauss, Esquire, Worth, Magee & Fisher, PC, 2610 Walbert Avenue, Allentown, PA 18104 submitted a Final Report (on behalf of his client, Gary L. Weiland, 4159 Wilson Avenue, Bethlehem, PA 18020), concerning the remediation of soil found to have been impacted by used motor oil and No. 2 heating oil as a result of surface spills due to leaking trucks that had been parked on the site and leakage from an aboveground storage tank. The report documented attainment of the Statewide Health Standard and was approved on January 4, 2010.

Tower 80 81, LLC, 231 Tracey Lane, Butler Township, **Luzerne County**. Pierre O. McCoy, CMX, 1555 Bustard Road, Suite 50T, Lansdale, PA 19446 submitted a Final Report (on behalf of his client, Tower 80 81, LLC, 680 Kindermach Road, River Edge, NJ 07661), concerning the remediation of soil found to have been impacted by heating oil as a result of a release from an unregulated 275-gallon, aboveground storage tank. The report documented attainment of the Residential Statewide Health

Standard for soil and was approved on January 11, 2010.

Northwestern Lehigh School District Maintenance Shop, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, nonregulated underground storage tank. The report documented attainment of the Statewide Health Standard for soil and was approved on January 14, 2010.

Former Artex, Inc. Property, State Route 54 and Fairview Road, Rush Township, **Schuylkill County**. Andrew K. Markoski, P. G., Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19517 submitted a Remedial Investigation Report/Final Report (on behalf of his client, Hazleton Oil and Environmental, Inc., 300 South Tamaqua Street, Hazleton, PA 18201), concerning the remediation of soil and groundwater found to have been impacted by petroleum hydrocarbons due to a historical release from a former bulk petroleum storage and distribution facility. The report documented attainment of the Statewide Health Standard for soil and groundwater and was approved on January 12, 2010

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

Village Greens Golf Course, Sinking Spring Borough, **Berks County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601, on behalf of Traditions Development Corporation, 7159 Red Top Road, Hummelstown, PA 17036, submitted a Remedial Investigation Report and Cleanup Plan concerning site soils and groundwater contaminated with arsenic. The site will be remediated to a combination of Statewide Health and Site-Specific Standards. The Remedial Investigation Report and Cleanup Plan were approved by the Department of Environmental Protection on January 6, 2010.

Cloister Office Building, Borough of Ephrata, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Ephrata Community Hospital, 169 Martin Avenue, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an unregulated underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on January 11, 2010.

Supervalu Distribution Center, City of Harrisburg, **Dauphin County**. Property Solutions, Inc., 323 New Albany Road, Moorestown, NJ 08057 on behalf of KTR Capital Partners, LLC, Five Towers Bridge, Barr Harbor Drive, Suite 150, West Conshohocken, PA 19428, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The applicant intends to remediate the site to meet the Statewide Health (Residential and Nonresidential) and Site-Specific Standards. The combined Remedial Investigation and Final Report was disapproved by the Department of Environmental Protection on January 12, 2010.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permits Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 101696. Swanson Rail Transfer, LP, 31 Tamarack Road, Mahopac, NY 10541. This permit is to construct and operate a new municipal solid waste (MSW) transfer facility known as the Swanson Rail Transfer Station located at 13 Pattison Avenue in the City of Philadelphia, **Philadelphia County**. This new facility is permitted to receive a maximum of 2,500 tpd of municipal and construction and demolition (C&D) waste by truck and then transferred offsite by rail to permitted facilities. The permit was issued by the Southeast Regional Office on January 15, 2010.

AIR QUALITY

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

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

GP14-15-0092: James J. Terry Funeral Home (736 East Lancaster Avenue, Downingtown, PA 19335) on January 14, 2010, to operate a human crematory in Downingtown Borough, **Chester County**.

GP11-46-0039: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 14, 2010, to operate a nonroad engine(s) in Limerick Township, **Montgomery County**.

GP3-46-0083: Allied Recycling Co. (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 14, 2010, to operate a portable nonmetallic mineral processing plant Limerick Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

GP3-67-03160: The Berg Corp. (2519 Wilkens Avenue, Baltimore, MD 21223) on January 12, 2010, for a Portable Nonmetallic Mineral Processing Plant under GP3 at the Fypon site, Stewartstown Borough, **York County**.

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

GP14-65-00985A: Eternal Life Cremation Services (555E Valley Kitchen Drive, Mt. Pleasant, PA 15666) on January 6, 2010, to install and operate one Crematory Manufacturing & Service, Inc. Model No. Millennium III human crematory rated at 150 lbs per hour at their facility in East Huntingdon Township, **Westmoreland County**.

GP5-30-00179B: Energy Corp. of America. (1380 Route 286 Highway E, Suite 221, Indiana, PA 15701) on January 12, 2010, to allow installation and operation of three (3) Caterpillar G3516TALE, lean-burn natural gas-fired engines, rated at 1,340 Bhp each, with one (1) engine equipped with an exhaust catalyst, and one (1) NATCO dehydrator, rated at 0.275MMBtu/hr at the Cumberland Compressor Station in Cumberland Township, **Greene County**.

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

GP5-20-297A: Laurel Mountain Midstream, LLC—Townville Compressor Station (14499 Maplewood Road, Townville, PA 16360) on January 15, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Randolph Township, **Crawford County**. Previously permitted under Atlas Pipeline Pennsylvania, LLC.

GP2-62-017D: United Refining Co. (15 Bradley Street, Warren, PA 16365) on January 8, 2010, to construct a storage tank for volatile organic liquids (BAQ-GPA/GP-2) in Warren, **Warren County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

23-0012A: Sunoco Chemicals, Inc. (750 W. 10th Street, Marcus Hook, PA 19061) on January 14, 2010, to modify (3) three existing storage silos in Marcus Hook Borough, Sunoco Chemicals, Inc., **Delaware County**.

46-0035E: SmithKline Beecham Corp., d/b/a GlaxoSmithKline (709 Swedeland Road, King of Prussia, PA 19406) on January 14, 2010, to operate 750 kW diesel fueled internal combustion engine in Upper Merion Township, **Montgomery County**.

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

40-399-064: Schott North America, Inc. (400 York Avenue, Duryea, PA 18642-2026) on January 14, 2010, to install a shot blast booth with baghouse at their facility in Duryea Borough, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

07-03038A: Amerway, Inc. (3701 Beale Avenue, Altoona, PA 16601-1317) on January 15, 2010, for production of tin/lead alloy wire and bar solder for the big box building products retailers in the City of Altoona, **Blair County**.

36-03171A: New Holland Concrete (P. O. Box 550, Blue Ball, PA 17506) on January 6, 2010, for their concrete plant operations facility in East Earl Township, **Lancaster 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.

32-00055F: EME Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748) on January 7, 2010, to construct and begin operation of a distillate oil-fired auxiliary boiler in replacement of two existing auxiliary boilers at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**.

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

20-303A: Crawford Central School District (860 Thurston Road, Meadville, PA 16335) on January 13, 2010, to construct a new biomass combustion unit providing renewal energy to heat the Meadville Area Middle/High School, Crawford County Career & Technical Center and the Meadville Recreation Complex in the City of Meadville, **Crawford County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0122C: Arkema, Inc. (100 PA Route 413, Bristol, PA 19007) on January 11, 2010, to operate a new compounding line in Bristol Township, **Bucks County**.

46-0158B: Colorcon Div.—BPSI (415 Moyer Boulevard, West Point, PA 19486) on January 12, 2010, to operate a modification to the (PVSD) dryer No. 2 in Upper Gwynedd Township, **Montgomery County**.

09-0189A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on January 12, 2010, to operate nonmetallic mineral processing plant in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

06-03134: Dietrich's Specialty Processing, LLC (61 Vanguard Drive, Reading, PA 19606) on January 12, 2010, for their custom for ingredients and processing services in Exeter Township, **Berks County**. This plan approval was extended.

06-05079E: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602-2718) on January 11, 2010, for commercial operation of their Evergreen Community Power Plant in the City of Reading, **Berks County**. This plan approval was extended.

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

16-132H: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16245) on December 31, 2009, to modify plan approvals 16-132B and C conditions with regards to the RTO in Paint Township, **Clarion County**. These changes are due to the CO&A and are a result of the facility being major for VOC. This is a Title V facility.

33-178A: Triangle Suspension Systems, Inc. (1 Meter Street, Punxsutawney, PA 15767) on December 31, 2009, to install two (2) dip tanks and associated hoods, fans and at the facility site in Punxsutawney Borough, **Jefferson County**. This is not a Title V facility.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507.

39-00055: B. Braun Medical, Inc. (901 Marcon Boulevard, Allentown, PA 18109) on January 13, 2010, for renewal of a Title V Operating Permit to operate a surgical/medical instruments and apparatus manufacturing facility in addition to the modification to the permit to include an adjacent building formerly owner by SureFit, Inc. and permitted under permit number 39-00038, in Hanover Township, **Lehigh County**.

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

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

46-00213: Cremation Society of Pennsylvania (371 East Church Road, King of Prussia, PA 19406) on January 19, 2010, to operate a human crematorium in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The main source of air emissions is one human crematorium, rated at 1.9 MMBTU/hr. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00137: Oehlert Brothers, Inc. (1203 Township Line Road, Royersford, PA 19468) on January 19, 2010, for a State-only, Natural Minor Operating Permit Renewal in Limerick Township, **Montgomery County**. Oehlert Bros., Inc. is in the business of retail/wholesale sale of petroleum products and HVAC sales and service. The facility operates two gasoline storage tanks which are a source of volatile organic compounds (VOC). A vapor recovery system is installed on the tanks as a control device. This facility does not have the potential to exceed any Title V thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00124: MacKissic, Inc. (1189 Old Schulykill Road, Parker Ford, PA 19457) on January 19, 2010, for issuance of a State-only Operating Permit to operate a Paint Spray Booth with Dry Particulate Filtering System and Infrared Oven in East Coventry Township, **Montgomery County**. The facility is synthetic minor for VOC and HAP. Plan Approval, 15-0124, is being incorporated into the facility synthetic minor operating permit, SMOP 15-0124. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

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

54-00075: D.G. Yuengling and Sons, Inc. (310 Mill Creek Avenue, Pottsville, PA 17901) on January 10, 2010, for a new State-only Operating Permit for the operation of an aerobic reactor and three boilers in Port Carbon Borough, **Schuylkill County**.

39-00093: ICO Polymers North America, Inc. (6355 Farm Bureau Road, Allentown, PA 18106) on January 14, 2010, to operate a new plastic product manufacturing facility in Upper Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.

28-03026: Gish Logging, Inc. (P. O. Box 282, Fort Loudon, PA 17224-9732) on January 11, 2010, for their wood waste-fired boiler and mechanical collector in Metal Township, **Franklin 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.

09-00003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) on January 12, 2010, in Upper Southampton Township, **Bucks County**. The facility is a manufacturing-commercial printing processor, which operates other flexographic printing presses, numerous space heaters and various miscellaneous sources associated with printing and manufacturing. The facility is major for VOC emissions and an area source for HAP emissions. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 09-0003B, which allows for the installation of an 8-station, 41-inch web width, central-impression flexographic printing press manufactured by Paper Converting Machine Company. The source is designated as Source ID 132 Flexo Printing Press CI-16. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

15-00010: ArcelorMittal Plate, LLC (139 Modena Road, Coatesville, PA 19320) On January 15, 2010, in the City of Coatesville, **Chester County**, for an Administrative Amendment to Title V Operating Permit No. TVOP-15-00010. TVOP-15-00010 has been amended to: 1) adjust the allowable pressure drop range for Source ID: C182; 2) correct administrative errors made under AUTH ID: 779975; and 3) re-incorporate a 250-kW emergency generator into Source ID 768. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the ink presses operating within the allowable emissions and all applicable air quality requirements.

46-00061: Department of Correction—Graterford, SCI (1 Prison Road, Graterford, PA 19426) On January

15, 2010, located in Skippack Township, **Montgomery County**. The permit is being amended for the implementation of energy efficiency modifications to the existing four (4) high-pressure steam boilers and associated boiler plant equipment as approved under Plan Approval 46-0061B, including Stack Heat Recovery, Blowdown Heat Recovery, and Combustion Control per the plan approval.

The proposed modifications do not require additional or modifications of any conditions in the current operating permit.

The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The administrative amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00044: Glasgow, Inc. (Church and Flint Hill Roads, King of Prussia, PA 19406) on January 15, 2010, for an Administrative Amendment to State-only (Synthetic Minor) Operating Permit No. 46-00044 for its McCoy Quarry facility, which is located in Upper Merion Township, **Montgomery County**. The Administrative Amendment incorporates the requirements of Plan Approval No. 46-0044A for relocation of the primary stone crushing operation and installation of a replacement primary crusher (with grizzly feeder) and associated equipment, scalping screen, and belt conveyors at the existing stone crushing plant at its facility.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00142: ML35, LLC (35 Runway Road, Levittown, PA 19057) On January 19, 2010, in Bristol Township, **Bucks County**. The operating permit was amended to incorporate the sources and requirements of general permit/plan approval 09-329-007GP into the facility's State-only operating permit. Administrative Amendment of State-only Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00175: Hanson Aggregates-BMC, Inc. (825 Swamp Road, Penns Park, PA 18943) On January 19, 2010, a non-Title V facility located in Wrightstown Township, **Bucks County**. The Synthetic Minor Operating Permit No. 09-00175 has been amended to incorporate conditions from Plan Approval No. 09-0175, which is for the operation of a new tertiary crushing and screening plant (Source ID 241), new pit conveyors (Source ID 240), and a new storage silo (Source ID 800). As part of the installation of the new equipment, a previous tertiary crushing plant (Source ID 400), a screening and transfer house (Source ID 300A), and two (2) baghouses (Source IDs C300A and C400) were removed from the site. The Synthetic Minor Operating Permit contains monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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.

11-0062: Quaker Sales Corp. (P. O. Box 1128, Northern Cambria, PA 15714) using the De minimis Provisions of SOOP-11-00062, 25 Pa. Code § 127.449, for the addi-

tion of one non-metallic mineral processing plant and other recycled asphalt processing equipment on or about December 14, 2009 at their Northern Cambria Plant located at 336 Shawna Road, Susquehanna Township, **Cambria County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56080103 and NPDES No. PA0262617. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650 commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 105.5 acres. Receiving stream(s): unnamed tributaries to South Glade Creek to South Glade Creek to the Casselman River to the Youghiogheny River classified for the following use(s): warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2008. Permit issued: January 8, 2010.

32990105 and NPDES No. PA0235083. Thomas J. Smith, Inc., R. D. 1, Box 260D, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 210.3 acres. Receiving stream(s): unnamed tributaries to Tom's Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 13, 2009. Permit issued: January 11, 2010.

11990102 and NPDES No. PA0235095. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Adams and Conemaugh Townships, and South Fork Borough, **Cambria County**, affecting 366.0 acres. Receiving stream(s): Little Conemaugh River, Bear Run, unnamed tributaries to and South Fork Branch of Little Conemaugh River classified for the following use(s): warm water fishery, cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received: October 14, 2009. Permit issued: January 11, 2010.

56950108 and NPDES No. PA0213195. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, revision

of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 112.25 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009. Permit issued: January 12, 2010.

56900113 and NPDES No. PA05989882. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 99.5 acres. Receiving stream(s): unnamed tributaries to and Hays Run; unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009. Permit issued: January 12, 2010.

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

30080201 and NPDES Permit No. PA0251470. Shannopin Materials, LLC (308 Dents Run Road, Morgantown, WV 26501). Permit issued for commencement, operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Monongahela Township, **Greene County**, affecting 39.0 acres. Receiving streams: unnamed tributaries to the Monongahela River. Application received: December 22, 2008. Permit issued: September 15, 2009.

26090104 and NPDES Permit No. PA0251721. David L. Patterson, Jr. (12 Shortcut Road, Smithfield, PA 15478). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Nicholson Township, **Fayette County**, affecting 43.6 acres. Receiving streams: unnamed tributaries to Cats Run. Application received: August 3, 2009. Permit issued: January 11, 2010.

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

24990102 and NPDES Permit No. PA0241580. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 136.0 acres. Receiving streams: Limestone Run. Application received: November 19, 2009. Permit Issued: January 13, 2010.

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

54840202R5. Penn Equipment Corp., (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Branch Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received: November 4, 2009. Renewal issued: January 12, 2010.

54753038R4. Lensco Corporation, (6500 Tollgate, Zionsville, PA 18092), renewal of an existing anthracite surface mine operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 67.2 acres, receiving stream: none. Application received: November 24, 2009. Renewal issued: January 13, 2010.

54940102R3. Gale Coal Co., Inc., (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation for reclamation activities only in

Blythe Township, **Schuylkill County** affecting 102.0 acres, receiving stream: none. Application received: June 17, 2009. Renewal issued: January 13, 2010.

Noncoal Applications Returned

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

18092801. Benson W. Probst (668 German Road, Lock Haven, PA 17745), commencement, operation and restoration of a shale operation located in Gallagher Township, **Clinton County** affecting 5.0 acres. Receiving stream(s): Queen Run East Branch, Susquehanna River. Application received: November 17, 2009. Permit returned: January 8, 2010.

Noncoal Permits Actions

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

65092801. Gary M. Sukala (1723 Ridge Avenue, Arnold, PA 15068). Permit issued for commencement, operation and reclamation of a small noncoal (sandstone and shale) surface mining site located in Lower Burrell City, **Westmoreland County**, affecting 4.0 acres. Receiving stream: Allegheny River. Application received: May 1, 2009. Permit issued: January 11, 2010.

65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Derry Township, **Westmoreland County**, affecting 1,303.0 acres. Receiving streams: unnamed tributaries to both and including Harbridge Run and Tannery Hollow. Application received: October 13, 2009. Transfer permit issued: January 12, 2010.

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Unity and Cook Townships, **Westmoreland County**, affecting 139.8 acres. Receiving streams: unnamed tributaries to Ninemile Run. Application received: October 13, 2009. Transfer permit issued: January 13, 2010.

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

08060814. Johnson Bros. Quarries (R. R. 2, Box 278C, Towanda, PA 18548) transfer of an existing small noncoal flagstone operation in Terry Township, **Bradford County** affecting 3.0 acres. Receiving stream(s): Susquehanna River, Chesapeake. Application received: March 10, 2009. Permit issued: January 6, 2010.

53090803. Tracy Crosby (307 East Oak Street, Coudersport, PA 16915) commencement, operation and restoration of a bluestone operation in Roulette Township, **Potter County** affecting 1.0 acre. Receiving stream(s): Fishing Creek, Allegheny River. Application received: April 29, 2009. Permit issued: January 4, 2010.

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

5975SM3A1C3 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914), renewal and update of NPDES Permit for discharge of treated mine drainage from a quarry operation

in Covington Township, **Lackawanna County**, receiving stream: Spring Brook. Application received: August 18, 2006. Renewal issued: January 12, 2010.

5975SM3A1C4 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914), depth correction of an existing quarry in Covington Township, **Lackawanna County** affecting 118.8 acres, receiving stream: Spring Brook. Application received: July 9, 2008. Correction issued: January 12, 2010.

58090812. Diaz Stone and Pallet, Inc. (7686 State Route 167, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 16, 2009. Permit issued: January 12, 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.

66094003. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744) and George Klopf, (143 West Blade Drive, Pennsylvania Furnace, PA 16865), construction blasting for Wyoming South Seismic Survey 2D in Forkston Township, **Wyoming County** with an expiration date of April 30, 2010. Permit issued: January 13, 2010.

66044004. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 46744) and George Klopf (143 West Blade Drive, Pennsylvania Furnace, PA 16865), construction blasting for Dimock 3D Seismic Survey in Nicholson, Meshoppen, Lemon and Washington Townships, **Wyoming County** with an expiration date of April 30, 2010. Permit issued: January 13, 2010.

58094017. PGS Onshore, (417 Grow Avenue, Montrose, PA 18801) and Omni Energy, (P. O. Box 3761, Lafayette, LA 70502), construction blasting for Friendsville 3D in Apolaccon, Bridgewater, Choconut, Forest Lake, Franklin, Great Bend, Jessup, Liberty, Middletown, New Milford, Rush and Silver Lake Townships and Friendsville, Great Bend, Hallstead, Little Meadows and Montrose Boroughs, **Susquehanna County** with an expiration date of December 31, 2010. Permit issued: January 13, 2010.

22104101. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Cameron Wood in Royalton Borough, **Dauphin County** with an expiration date of January 1, 2011. Permit issued: January 14, 2010.

40104101. Austin Powder Northeast, LLC (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of January 6, 2012. Permit issued: January 14, 2010.

67104102. J Roy's, Inc. (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Joseph Road Subdivi-

sion in North Codorus Township, **York County** with an expiration date of January 6, 2011. Permit issued: January 14, 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

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

E51-237. Philadelphia Water Department, Aramark Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19107, City and County of Philadelphia, ACOE Philadelphia District.

To restore and maintain approximately 5,376 linear feet of severely eroded channel of Mill Run (Tributary to the Wissahickon Creek) and its tributary, utilizing fluvial geomorphologic principles (FGM) and natural stream channel design (NSCD). The site is located near the intersection of Old Line and Mill Roads (Germantown, PA USGS Quadrangle N: 12.1 inches; W: 15.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1048. Donald Colosimo, Montgomery County Roads and Bridges, One Montgomery Plaza, 6th Floor, Norristown, PA 19401, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To extend and maintain the existing is 67.2 foot long, 8-footspan, and 8-foot rise, by approximately 51 feet on the downstream side across the Dry Run Branch of Stony Creek (TSF) associated with the construction of the proposed Albert Einstein Hospital.

The site is located approximately 500 feet southeast of the intersection of Germantown Pike and Whitehall Road (Lansdale, PA USGS Quadrangle N: 4.8 inches; W: 13.40 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E35-404. Carol Drive Realty, LLC, 2020 Maple Road, Dalton, PA 18414. LaPlume Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To modify and maintain a 34-foot wide driveway crossing of a tributary to South Branch Tunkhannock Creek (TSF) and 0.12 acre of adjacent wetlands consisting of three 24-inch diameter pipes. Modifications include the installation of three additional 24-inch diameter pipes. The permittee is required to provide 0.24 acre of replacement wetlands. The project is located on the east side of Maple Road approximately 0.2 mile north of Turnpike Road (Dalton, PA Quadrangle Latitude: 41° 33' 09"; Longitude: 75° 44' 33") in LaPlume Township, Lackawanna County.

E35-424. City of Carbondale, One North Main Street, Carbondale, PA 18407, City of Carbondale, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove a 4-story building, streambank retaining wall and the existing bridge; to construct and maintain a pre-stressed adjacent box beam bridge having a 50' 3" span and an 8' 4" minimum underclearance across the Lackawanna River (HQ-CWF); and to remove accumulated sediment in and along 100 feet of the Lackawanna River, 50-foot upstream and 50-foot downstream of the bridge. The project is located at the 6th Street Bridge over the Lackawanna River (Carbondale, PA Quadrangle Latitude: 41° 34' 19"; Longitude: -75° 30' 15") in the City of Carbondale, Lackawanna County. This project was previously authorized by Department Permit number E35-385 which expired prior to the commencement of construction.

E58-283. Borough of Hop Bottom, P.O. Box 175, Hop Bottom, PA 18824. Hop Bottom Borough, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the Hop Bottom Creek/Martins Creek Improvement project with work consisting of removing a gravel bar and sediment deposits at the confluence of Hop Bottom Creek (CWF) and Martins Creek (CWF); constructing a sediment basin in the floodway and floodplain of Hop Bottom Creek and Martins Creek; and installing a log sill and root wads in Hop Bottom Creek. Excavation of the basin will impact a de minimis area of wetlands equal to 0.05 acre. The purpose of project is to encourage the deposition of bedload material from Hop Bottom Creek in the sediment basin in order to reduce sediment deposition in downstream urbanized areas.

The project is located on the west side of SR 0611 approximately 0.6 mile north of its intersection with SR 0167 (Hop Bottom, PA Quadrangle Latitude: 41° 42' 48"; -75° 46' 10") in Hop Bottom Borough, Susquehanna County (Hop Bottom, PA Quadrangle Latitude: 41° 42' 48"; Longitude: -75° 46' 10") in Hop Bottom Borough, Susquehanna County.

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

E01-278: Porto Vecchio Properties, LLC, 113 Westminster Road, Suite 200, Reisterstown, MD 21136, Hampton Village, Reading Township, **Adams County**, ACOE Baltimore District:

To construct and maintain: (1) a 6.0-foot by 2.5-foot by 74.0-foot long box culvert and its associated rip-rap and a 2-inch diameter sanitary sewer force main in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 10.1 inches; W: 7.0 inches, Latitude: 39° 55' 50"; Longitude: 77° 03' 00"); (2) a 12.0-foot by 5.0-foot by 58.0-foot long box culvert and its associated rip-rap and a 8-inch diameter sanitary sewer line in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.7 inches; W: 7.4 inches, Latitude: 39° 55' 41"; Longitude: 77° 03' 13"); (3) a 6.0-foot diameter by 87-foot long RCP and its associated rip-rap in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.2 inches; W: 7.2 inches, Latitude: 39° 55' 28"; Longitude: 77° 03' 06"); (4) a 6.0-foot wide pedestrian bridge with a single span of 50 feet with an underclearance of 6.0 feet across an unnamed tributary to Conewago Creek (WWF) and a 8.0-inch diameter sanitary sewer line strapped at the downstream end of the bridge (Hampton, PA Quadrangle N: 9.3 inches; W: 6.8 inches, Latitude: 39° 55' 33"; Longitude: 77° 02' 55"), all for the purpose of constructing a residential development called Shemon Property located about 2,000 feet southeast of the PA 394 and PA 94 intersection in Hampton Village, Reading Township, Adams County.

E67-865: Texas Eastern Transmission, LP, 890 Winter Street, Suite 300, Waltham, MA 02451, TEMAX and TIME III Projects, Chanceford, Hellam, Lower Chanceford, Lower Windsor and Windsor Townships, **York County**, ACOE Baltimore District.

To install and maintain 26.5 miles of 30-inch gas transmission line from existing piping in Hellam Township to where it will interconnect with existing pipeline facilities in Lower Chanceford Township. The project begins with the northern most crossing of Wildcat Run (WWF) (Columbia West, PA Quadrangle N: 8.48 inches; W: 1.54 inches, Latitude: 40° 02' 47.652"; Longitude: 76° 36' 48.995") and terminates at the southern most crossing of an unnamed tributary to Muddy Creek (TSF) (Holtwood, PA Quadrangle N: 9.55 inches; W: 5.13

inches, Latitude: 39° 48' 8.676"; Longitude: 76° 20' 16.835"). The project also crosses an unnamed tributary to Wildcat Run (WWF), unnamed tributaries to Kreutz Creek (WWF), Kreutz Creek (WWF), unnamed tributaries to Cabin Creek (WWF), Cabin Creek (WWF), Fishing Creek (TSF), unnamed tributaries to Fishing Creek (TSF), Beaver Creek (CWF), unnamed tributaries to Beaver Creek (CWF), Otter Creek (CWF), unnamed tributaries to Otter Creek (CWF), Mill Branch (WWF), unnamed tributaries to Mill Branch (WWF), South Fork Otter Creek (WWF), unnamed tributaries to Furnace Run (CWF), Furnace Run (CWF), unnamed tributaries to Oakland Run (CWF), Wallace Run (CWF), unnamed tributaries to Wallace Run (CWF), unnamed tributaries to Susquehanna River (WWF), Anderson Run (WWF) and unnamed tributaries to Anderson Run (WWF). The project will cross wetlands associated with Wildcat Run, Kreutz Creek, Fishing Creek, Beaver Creek, Otter Creek, Mill Branch, Furnace Run and the Susquehanna River. The project will impact a total of 692.0 linear feet of stream and 2.97 acres of wetland for the purpose of accessing new supplies of natural gas.

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

E18-444. Pine Creek Municipal Authority, P. O. Box 608, Avis, PA 17721. Water Obstruction and Encroachment Joint Permit, in Pine Creek Township, **Clinton County**, ACOE Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17").

To construct and maintain a wastewater treatment plant in the floodway of the West Branch of the Susquehanna River. The treatment plant serves the Borough of Avis, Dunnstable, Pine Creek and Wayne Townships. The original plant was constructed in 1974. The treated effluent is discharged into an unnamed tributary to the West Branch of the Susquehanna River. The new plant is being built to upgrade equipment, meet new environmental regulations and accommodate future growth in the service area. The treatment units and main floor of the control building for the wastewater treatment plant are designed to be above the 100-year floodplain of the West Branch of the Susquehanna River. The project will displace 234,000 cu.ft. of water volume from the floodway. Total area of disturbance will be 2.00 acres. This project is located along the West Branch of the Susquehanna River, 5,800-feet southwest of the intersection of T-438, Maryland Avenue and T-519, 8th Street, (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17") in Pine Creek Township, Clinton County. This project proposes to have an impact on the West Branch of the Susquehanna River, which is designated a Warm Water Fishery, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E18-449. Original Italian Pizza—Mill Hall, 150 Hogan Boulevard, Mill Hall, PA 17751-1904. New Parking Lot in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41° 07' 02.66"; W: 77° 28' 26.31").

To construct and maintain a stormwater quality area and less than seven cubic yards of earthen fill in the 100-year floodway of Bald Eagle Creek behind the Original Italian Pizza Restaurant to facilitate the creation of additional parking in the 100-year flood fringe to compensate for parking lost to a highway expansion in front of the restaurant, located in the southeast corner of Draketown Road and Hogan Boulevard (Mill Hall, PA

Quadrangle N: 41° 07' 02.66"; W 77° 28' 26.31") in Bald Eagle Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

E59-488. NFG Midstream Covington, LLC, P. O. Box 2081, Erie, PA 16512. Water Obstruction and Encroachment Joint Permit, A3 Gathering Pipeline, in Bloss and Covington Townships, **Tioga County**, ACOE Baltimore

District (Blossburg, PA Quadrangle N: 41° 39' 34.58"; W: 77° 6' 5.02").

To construct, operate and maintain approximately 6 miles of 12" natural gas pipeline within the Tioga River watershed (Cold Water Fishery, MF). Construction of the pipeline will require seventeen (17) stream and eight (8) wetland crossings as follows:

<i>Stream Name / Wetland Type</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
~ Wetlands ~			
PEM/PSS/PFO	CWF	41° 43' 29.07"	77° 06' 48.38"
PEM/PSS	CWF	41° 42' 17.36"	77° 06' 43"
PEM	CWF	41° 43' 29.07"	77° 06' 42"
PEM	CWF	41° 42' 12.41"	77° 06' 40"
PEM/PSS	EV	41° 40' 18.64"	77° 06' 2.47"
PEM/PSS	EV	41° 39' 56.24"	77° 06' 4.95"
PEM	EV	41° 39' 42.7"	77° 06' 8.37"
PEM/PSS	EV	41° 39' 40.82"	77° 06' 7.62"
~ Streams ~			
UNT Tioga River	CWF	41° 44' 42.6"	77° 06' 51.66"
UNT Tioga River	CWF	41° 44' 37.72"	77° 06' 51.44"
UNT Marvin Creek	CWF	41° 43' 47.19"	77° 06' 47.94"
UNT Marvin Creek	CWF	41° 43' 41.79"	77° 06' 48.4"
Marvin Creek	CWF	41° 43' 31.88"	77° 06' 48.85"
UNT Marvin Creek	CWF	41° 43' 25.44"	77° 06' 48.07"
UNT Marvin Creek	CWF	41° 43' 25.01"	77° 06' 48.28"
UNT Tioga River	CWF	41° 43' 11.03"	77° 06' 32.11"
UNT Tioga River	CWF	41° 42' 53.24"	77° 06' 28.4"
UNT Tioga River	CWF	41° 42' 47.11"	77° 06' 30.69"
UNT Tioga River	CWF	41° 42' 46.31"	77° 06' 31.75"
UNT Tan Creek	CWF	41° 42' 17.36"	77° 06' 42.0"
Tan Creek	CWF	41° 42' 12.41"	77° 06' 40"
UNT Boone Run	CWF	41° 41' 2.83"	77° 07' 14.54"
UNT Johnson Creek	CWF	41° 39' 42.7"	77° 06' 8.37"
Johnson Creek	CWF	41° 39' 40.82"	77° 06' 7.62"
UNT Johnson Creek	CWF	41° 39' 40.04"	77° 06' 7.2"

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project temporarily impacts 0.13 acre of wetland and 338 linear feet of stream. The project is centered north of SR 2016 approximately 1 mile west of the intersection with SR 0015 outside the Village of Arnot in Bloss and Covington Townships, Tioga County.

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

E25-729, Corry Memorial Hospital Association, 612 West Smith Street, Corry, PA 16407. Corry Memorial Hospital, in the City of Corry, **Erie County**, ACOE

Pittsburgh District (Columbus, PA Quadrangle N: 41° 56' 12.5"; W: 79° 36' 50.2").

The applicant proposes to construct and maintain an 80,000 square foot hospital building and associated parking and infrastructure at the northern terminus of Shady Avenue Extension (Columbus, PA Quadrangle N: 41° 56' 12.5"; W: 79° 36' 50.2") in the City of Corry, Erie County and Columbus Township, Warren County involving: 1) to fill 0.845 acre of PEM wetlands, 0.03 acre of PSS/PEM wetlands and 0.001 acre of PFO/PEM wetland; 2) to fill 0.38 acre of a 0.65 acre pond; 3) to construct and maintain a 100-foot long, 20-foot wide by 7-foot high precast concrete Con Span arch culvert in an unnamed tributary to Hare Creek having associated channel changes, riprap rock protection on the bed and banks for 40 feet upstream of the culvert and 50 feet downstream of the culvert and riprap rock protection on the stream bank and woody/shrubby perennial vegetation plants for a

length of 20 feet starting approximately 50 feet downstream of the culvert; 4) to construct a temporary road crossing of a UNT Hare Creek; 5) to construct and maintain a 0.90 acre wetland mitigation area; and 6) to construct and maintain various associated stormwater outfalls and utility line crossings. UNT Hare Creek is a perennial stream classified as a cold water fishery. The project proposes to directly impact 0.876 acre of wetland, 0.38 acre of open water and approximately 120 linear feet of perennial watercourse.

DAM SAFETY

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

D15-395. Osborne Lagoon Dam. Oxford Area Sewer Authority, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. Reissue of expired permit to construct, operate, and maintain Osborne Lagoon Dam located in the watershed of Leech Run (TSF, MF), for the purpose of providing additional wastewater storage capacity in order to meet 80-day storage requirements per a Consent Order and Agreement with the Department of Environmental Protection (Oxford, PA Quadrangle N: 9.85 inches; W: 16.35 inches) in Lower Oxford Township, **Chester County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCGP-1 # ESX09-015-0076
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Herrick Township
Receiving Stream(s) and Classification(s) Totem Lake, Camps Creek

ESCGP-1 # ESX09-015-0074
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Standing Stone Township
Receiving Stream(s) and Classification(s) Rummerfield Creek

ESCGP-1 # ESX09-015-0042(01) Major Revision
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) UNT to North Branch to Mehoopany Creek

ESCGP-1 # ESX09-015-0073
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Terry Township
Receiving Stream(s) and Classification(s) North Branch Sugar Run

ESCGP-1 # ESX09-015-0079
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Troy Township
Receiving Stream(s) and Classification(s) Mud Creek

ESCGP-1 # ESX09-015-0078
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Towanda Township
Receiving Stream(s) and Classification(s) UNT to Towanda Creek

ESCGP-1 # ESX09-115-0020
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Susquehanna Township(s) Auburn Township
Receiving Stream(s) and Classification(s) Little Meshoppen Creek

ESCGP-1 # ESX09-015-0082
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Albany Township
Receiving Stream(s) and Classification(s) UNT to the South Branch of Towanda Creek

ESCGP-1 # ESX09-015-0032(01) Major Revision
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford Township(s) Wysox Township
Receiving Stream(s) and Classification(s) UNT to Susquehanna River

ESCGP-1 # ESX09-015-0081
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Terry Township
 Receiving Stream(s) and Classification(s) Sugar Run

ESCGP-1 # ESX09-015-0080
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) North Towanda Township
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX09-115-0023
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River

ESCGP-1 # ESX09-113-0001
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan Township(s) Cherry Township
 Receiving Stream(s) and Classification(s) Little
 Loyalsock Creek

ESCGP-1 # ESX09-015-0058(01) Major Revision
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Wysox Township
 Receiving Stream(s) and Classification(s) UNT to
 Wysox Creek

ESCGP-1 # ESX09-015-0056(01) Major Revision
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Albany Township
 Receiving Stream(s) and Classification(s) Tributary to
 South Branch

ESCGP-1 # ESX09-015-0059(01) Major Revision
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Troy Township
 Receiving Stream(s) and Classification(s) UNT to
 Mud Creek

ESCGP-1 # ESX09-015-0060(01) Major Revision
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Wyalusing Township
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River

ESCGP-1 # ESX09-015-0019(01) Major Revision
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Asylum Township
 Receiving Stream(s) and Classification(s) Tributary to
 Durrell Creek

ESCGP-1 # ESX09-015-0086
 Applicant Name Fortuna Energy, 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
 Beckwith Creek

ESCGP-1 # ESX09-015-0084
 Applicant Name Fortuna Energy, 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

ESCGP-1 # ESX09-015-0083
 Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford Township(s) Wells Township
 Receiving Stream(s) and Classification(s) UNT to
 Beckwith Creek

ESCGP-1 # ESX09-015-0085
 Applicant Name Fortuna Energy, 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 of
 Mill Creek

ESCGP-1 # ESX09-015-0087
 Applicant Name Fortuna Energy, 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) Webier Creek
*Southwest Region: Oil and Gas Program Manager, 400
 Waterfront Drive, Pittsburgh, PA 15222-4745.*

12/18/09

ESCGP-1 No.: ESX09-125-0070
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: Tenmile Creek,
 Other

12/8/09

ESCGP-1 No.: ESX09-051-0043
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA 15478
 County: Fayette Township(s): Redstone
 Receiving Stream(s) and Classifications: UNT to
 Saltlick Run, Other

11/30/09

ESCGP-1 No.: ESX09-125-0066
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154-0496
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: UNT Cross
 Creek (before Avella Intake), HQ, Cross Creek (beyond
 Avella Watger Intake), WV Border-Ohio River

11/30/09

ESCGP-1 No.: ESX09-125-0065
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154-0496
 County: Washington Township(s): Cross Creek
 Receiving Stream(s) and Classifications: UNT HQ-WWF
 to UNT North Middle Fork, HQ-WWF to Cross Creek
 HQ-WWF to Ohio River Pawv Border-WWF

12/15/09

ESCGP-1 No.: ESX09-059-0059
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Jefferson
 Receiving Stream(s) and Classifications: UNT to South
 Fork Tenmile Creek, Other

12/15/09

ESCGP-1 No.: ESX09-125-0069
 Applicant Name: Markwest Liberty Midstream &
 Resources, LLC
 Contact Person: Robert McHale
 Address: 100 Plaza Drive, Suite 102
 City: Atlasburg State: PA Zip Code: 15004
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: UNT to
 Sugarcamp Run, HQ

12/16/09

ESCGP-1 No.: ESX069-125-0057
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: PA Zip Code: 73154-0496
 County: Washington Township(s): Carroll
 Receiving Stream(s) and Classifications: Monongahela
 River/Middle Monongahela River Watershed, Other

12/17/09

ESCGP-1 No.: ESX09-003-0001
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA 15317
 County: Allegheny Township(s): Plum
 Receiving Stream(s) and Classifications: UNT to Little
 Plum Creek, Other

12/12/09

ESCGP-1 No.: ESX09-125-0071
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA 15317
 County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: Montgomery
 Run, Other

12/23/09

ESCGP-1 No.: ESX09-059-0063
 Applicant Name: EQT Production, LLC
 Contact Person: Hanna McCoy
 Address: 625 Liberty Avenue
 City: Pittsburgh State: PA 15222
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: Grimes Run/
 Browns Run, Other

12/22/09 REV

ESCGP-1 No.: ESX09-059-0013-7
 Applicant Name: CNX Gas Company, LLC
 Contact Person: Kenneth Kormendy
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: Bates Fork, HQ

12/23/09

ESCGP-1 No.: ESX09-059-0064
 Applicant Name: EQT Production, LLC
 Contact Person: Hanna McCoy
 Address: 625 Liberty Avenue
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: Poverty Run/
 Ruff Creek, Other

12/22/09

ESCGP-1 No.: ESX09-125-0073
 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): Cross Creek/
 Mt Pleasant
 Receiving Stream(s) and Classifications: UNT to Cross
 Creek, HQ

12/23/09

ESCGP-1 No.: ESX09-059-0062
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154-0496
 County: Greene Township(s): Aleppo
 Receiving Stream(s) and Classifications: UNT to Hart's
 Run to PA-WV Border, UNT to South Fork (TSF-WWF)
 to Dunkard Fork (WWF) to PA-WV Border, Other

12/22/09

ESCGP-1 No.: Esx09-125-0072
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA 15317
 County: Washington Township(s): Amwell/South
 Franklin
 Receiving Stream(s) and Classifications: UNT to Fork of
 Bane Creek, Other

1/4/10

ESCGP-1 No.: ESX09-059-0066
 Applicant Name: Laurel Mountain Midstream
 Contact Person: Tim Williams
 Address: 1550 Coraopolis Heights Road, Suite 210
 City: Moon Township State: PA 15108 County: Greene
 Township(s): Dunkard
 Receiving Stream(s) and Classifications: Whitely and
 Dunkard Creek, Other

SPECIAL NOTICES

Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) hereby announces the following grants to Counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to Counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund. Inquiries regarding the grant offerings should be directed to Ms. Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,
Secretary

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Cameron	Cameron County	Waste Plan Revision	\$67,200

[Pa.B. Doc. No. 10-189. Filed for public inspection January 29, 2010, 9:00 a.m.]

Pollution Control Technology Grant Program Final Criteria

Section 304 of the Alternative Energy Investment Act of 2008 (73 P. S. § 1649.304) (Act 1 or Act) authorizes the Department of Environmental Protection (Department) to award a total of \$25 million for "pollution control technology projects" installed on electric generating units (EGUs) and cogeneration units that have an installed capacity of less than 500 MWper unit which utilize coal, as defined under 25 Pa. Code § 123.202, as their primary fuel.

The Act specifies that each unit owner or operator that applies for a grant is eligible to receive a pro rata share of the moneys allocated for pollution control technology projects based on criteria developed by the Department. In accordance with the Act 1, the criteria for the grant selection criteria were published in the *Pennsylvania Bulletin* on April 25, 2009, and submitted to the Pennsylvania Senate and House Environmental Resources and Energy Committees for review and comment.

Based on the comments received, the Department has modified the proposed eligibility criteria. The final criteria are summarized as follows:

- Grant applicants will be eligible to receive a pro rata share of the \$25,000,000 available for each eligible electric generating or cogeneration unit at a facility with an installed capacity of less than 500 MW that utilizes coal, as defined under 25 Pa. Code § 123.202 (relating to definitions), as its primary fuel.
- Eligibility is limited to pollution control technology constructed or installed on the units to comply with regulatory requirements including the Clean Air Interstate Rule, the Clean Air Mercury Rule, the Pennsylvania Mercury Rule under 25 Pa. Code Chapter 123, and SO₂ and NO_x emission reduction requirements established under 25 Pa. Code Chapters 121, 129 and 145 (relating to general provisions; standards for sources; and interstate pollution transport reduction).
- The grant allocation will be based on the capital cost portion of each project.
- The owner or operator must have obtained a plan approval from the Department on or after January 1, 2006, but not later than December 31, 2009, and must have commenced construction or installed the controls no later than December 31, 2010.

The revised eligibility criteria and comment/response document are available online at <http://www.depweb.state.pa.us> (Keyword: Air Quality). When the grant funding is available, an announcement will be made in the *Pennsylvania Bulletin* and the grant application packet will be placed on the Department web site. Persons who have questions or need additional information, contact Dan Husted by e-mail at dhusted@state.pa.us or by telephone at (717) 772-3995.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-190. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

**Real Estate for Sale
Northampton County**

The Department of General Services (Department) will accept bids for the purchase of 0.48-acre ± of land and building formerly known as the Easton Job Center located at 220 Ferry Street, City of Easton, Northampton County. Bids are due Tuesday, April 27, 2010. Interested parties wishing to receive a copy of Solicitation No. 94331 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-191. Filed for public inspection January 29, 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 §§ 205.28(b) and 205.33(a) (relating to nurses' station; and utility room).

Laurelwood Care Center
100 Woodmont Road
Johnstown, PA 15905

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Vincentian De Marillac
5300 Stanton Avenue
Pittsburgh, PA 15206

These request 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, 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. 10-192. Filed for public inspection January 29, 2010, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, February 4, 2010, from 10:30 a.m. to 3 p.m. in the large conference room of the Community Center, located on the 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Maureen Young, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons

contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-193. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code (UCC) Review and Advisory Council; Meeting Scheduled

Thursday, February 18, 2010
10 a.m.—5 p.m.
Department of Labor and Industry
651 Boas Street, Room E-100
Harrisburg, PA 17121

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-194. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These per diem rates are effective January 1, 2010, until further notice.

<i>Hollidaysburg Veterans' Home</i>	
Nursing Care	\$275.96
Personal Care (Domiciliary)	\$179.26
<i>Pennsylvania Soldiers' and Sailors' Home</i>	
Nursing Care	\$310.61
Personal Care (Domiciliary)	\$144.74
<i>Southeastern Veterans' Center</i>	
Nursing Care	\$256.96
Personal Care (Domiciliary)	\$212.92
<i>Gino J. Merli Veterans' Center</i>	
Nursing Care	\$285.10
Personal Care (Domiciliary)	\$193.71

<i>Southwestern Veterans' Center</i>	
Nursing Care	\$261.59
Personal Care (Domiciliary)	\$187.49
<i>Delaware Valley Veterans' Home</i>	
Nursing Care	\$306.33
Personal Care (Domiciliary)	\$220.12

JESSICA L. WRIGHT,
Major General, PAARNG,
The Adjutant General

[Pa.B. Doc. No. 10-195. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to allocate funding for Fiscal Year (FY) 2009-2010 for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance recipients. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

Fiscal Impact

The FY 2009-2010 fiscal impact, as a result of this additional class of DSH payments is \$500,000 (\$225,950 in State General Funds and \$274,050 in Federal Funds upon approval by the Centers for Medicare and Medicaid Services).

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,
Acting Secretary

Fiscal Note: 14-NOT-631. (1) General Fund; (2) Implementing Year 2009-10 is \$226,000; (3) 1st Succeeding Year 2010-11 is \$223,000; 2nd Succeeding Year 2011-12 is \$222,000; 3rd Succeeding Year 2012-13 is \$222,000; 4th Succeeding Year 2013-14 is \$222,000; 5th Succeeding Year 2014-15 is \$222,000; (4) 2008-09 Program \$426.822M; 2007-08 Program \$468.589M; 2006-07 Program \$513.020M; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 10-196. Filed for public inspection January 29, 2010, 9:00 a.m.]

Medical Assistance Program Outpatient Fee Schedule Revisions for Vision Services

The purpose of this notice is to announce the Department of Public Welfare's (Department) several changes to the Medical Assistance (MA) Program Outpatient Fee Schedule, effective with dates of service on and after March 1, 2010.

Fee Schedule Revisions

The Department is end-dating the following local procedure codes for vision services billed by optometrists and physicians. These procedure codes were previously end-dated for other types of providers: Y0012, Y0017, Y0034, Y2021, Y2411 and Y0090.

There are national procedure codes already on the MA Program Outpatient Fee Schedule that have replaced Y0012, Y0017, Y0034 and Y2021.

National procedure code V2770, defined as "occluder lens, per lens," is being added to the MA Program Outpatient Fee Schedule. This will replace local procedure code Y2411. Local procedure code Y0090 will not be replaced with a National procedure code, since there were only 6 claims paid from January 1, 2007, through July 30, 2009.

The following procedure codes for physical therapy services are being end-dated for optometrists: 97112, 97116 and 97530.

An MA Bulletin will be issued to optometrists and physicians who provide vision services and will include a crosswalk of the local procedure codes that are being end-dated and the National procedure codes and modifiers, as applicable, which are replacing them.

Services rendered on and after March 1, 2010, must be billed using the National procedure code and modifier, if appropriate.

Fiscal Impact

The end-dating of the local procedure codes is anticipated to be budget neutral and, therefore, these changes will have no fiscal impact.

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 revisions of the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

HARRIET DICHTER,
Acting Secretary

Fiscal Note: 14-NOT-630. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-197. Filed for public inspection January 29, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue announces that, for the year commencing January 1, 2010, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 3.0%.

Section 1403(c) of 4 Pa.C.S. requires the Department of Revenue (Department) to utilize the most recent consumer price index effective immediately prior to the date the adjustment is due to take effect. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics on January 15, 2010. Therefore, the Department is publishing notice of the annual inflation adjustment.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-198. Filed for public inspection January 29, 2010, 9:00 a.m.]

Mega Millions® Terminal-Based Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Mega Millions®. The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Definitions:* The following words and terms, when used in this notice, have the following meanings, unless the context clearly indicates otherwise:

Cross-Selling Agreement—The agreement between the Mega Millions® Lotteries and the MUSL allowing the MUSL Mega Millions® Product Group member lotteries to sell the Mega Millions® game.

Liability Cap—An amount equal to 300% of Mega Millions® sales for a particular drawing or 50% of Mega Millions® sales for a particular drawing plus \$50,000,000, whichever is less.

MUSL—The Multi-State Lottery Association.

MUSL Finance and Audit Committee—The committee established by the Muti-State Lottery Association Agreement which, among other things, establishes the reserve accounts balances and may accelerate the payment of the jackpot category prize upon the death of a lottery winner.

MUSL Mega Millions® Product Group—The group of lotteries which have joined together to offer the Mega Millions® game under the terms of the Cross-Selling Agreement between the MUSL and the Mega Millions® Lotteries.

Mega Millions®—A terminal-based lottery game offered by the Mega Millions® Lotteries and the MUSL Mega Millions® Product Group.

Mega Millions® drawing officials—The personnel authorized by the Mega Millions® Lotteries to conduct and ensure the integrity of the Mega Millions® and the Megaplier® drawings.

Mega Millions® Lotteries—Lottery jurisdictions which are parties to the Mega Millions Lottery Agreement. This term does not include members of the MUSL Mega Millions® Product Group.

Mega Millions® winning numbers—Six numbers, the first five numbers from the field of numbers 1 through 56, and one number from the field of numbers 1 through 46, randomly selected at each Mega Millions® drawing, which shall be used to determine winning Mega Millions® plays.

Megaplier® promotion—A Mega Millions® game feature by which a player, for an additional wager of \$1 per play, can increase the set prize amount or pari-mutual set prize amount, as applicable, by a factor of two, three or four times depending upon the multiplier number that is drawn prior to a Mega Millions® drawing. The Megaplier® does not apply to the jackpot category prize.

3. *Price:* The price of a Mega Millions® play is \$1. Additional plays may be purchased at the discretion of the player. The Megaplier® promotion may be exercised, at the discretion of the player, for an additional \$1 per play.

4. *Description of the Mega Millions® lottery game:*

(a) Mega Millions® is designed to give players the opportunity to win one prize in each play.

(b) For a \$1 purchase, the player gets a ticket containing one play. Each play shall consist of six numbers, the first five numbers selected from the field of numbers 1 through 56 and one number selected from the field of numbers from 1 through 46. During each Mega Millions® drawing, six Mega Millions® winning numbers will be selected from two fields of numbers in the following manner: five winning numbers from the field of numbers 1 through 56, and one winning number from the field of numbers 1 through 46.

(c) Players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four, three, two or one of the five numbers selected from the field of numbers 1 through 56 and matching one number from the field of numbers 1 through 46, all within a single play, with the winning numbers selected from the field of numbers 1 through 56 and the one number selected from the field of numbers 1 through 46, in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four or three of the five numbers selected from the field of numbers 1 through 56 with the winning numbers selected from the field of numbers 1 through 56, in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, one number from the field of numbers 1 through 46, with the one number selected from the field of numbers 1 through 46 in the Mega Millions® drawing in which the ticket is entered.

5. *Mega Millions® bet slip and ticket characteristics:*

(a) Mega Millions® bet slips shall be available at no cost to the player. Plays shall be selected in accordance with the instructions printed on the Mega Millions® bet slip. A Mega Millions® bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected. The use of mechanical, electronic, computer generated or any other nonmanual method of marking bet slips is not permitted.

(b) To purchase a ticket, the player shall remit to an authorized retailer the purchase price, submit the completed Mega Millions® bet slip or request the number selection through Quick Pick or manual terminal entry to have a ticket issued. The ticket shall contain six numbers, the first five numbers selected from the field of numbers 1 through 56 and one number selected from the field of numbers 1 through 46 for each play, the drawing date or range of dates for which the ticket is entered, the total cost of the bet, validation data and the Megaplier® promotion indication if applicable. On tickets containing multiple plays, each play will be identified by a letter prefix: A for the first play printed on the ticket; B for the second play printed on the ticket; C for the third play printed on the ticket; D for the fourth play printed on the ticket; and E for the fifth play printed on the ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(c) Through the use of a bet slip the player may select up to five numbers from the field of numbers 1 to 56 and one number from the field of numbers 1 to 46 for each play purchased and select the number of drawings in which the plays are entered. Additionally, a player may exercise the Quick Pick option by indication on the bet slip. A \$1 wager entitles a player to play game A. A \$2 wager entitles a player to play games A and B. A \$3 wager entitles a player to play games A, B and C. A \$4 wager entitles a player to play games A, B, C and D. A \$5 wager entitles a player to play games A, B, C, D and E. Players are also given the option to select the Megaplier® promotion on the bet slip at the time of purchase for an additional \$1 per play.

(d) If Mega Millions® bet slips are unavailable, the designation of the drawing date or dates for which the ticket is entered, number selections or request for the Quick Pick option may be given to an authorized retailer for each play. The player may designate the Megaplier® promotion for an additional \$1 per play. The retailer shall manually enter the drawing date or dates for which the ticket is entered, number selections or Quick Pick selection and the Megaplier® promotion, if applicable, into the Lottery terminal.

(e) To purchase a ticket at a Lottery self-service terminal that dispenses terminal-based Lottery tickets, the player shall designate the drawing date or dates for which the ticket is entered, number selections and may exercise the Megaplier® promotion for an additional \$1 per play. The player may use a bet slip or the Quick Pick option at a Lottery self-service terminal that dispenses terminal-based Lottery tickets.

(f) A player may purchase plays for one through twenty-six consecutive drawings, commencing with the next scheduled drawing.

6. *Time, place and manner of conducting drawings.*

(a) Time of drawing. A Mega Millions® drawing will be held as determined and publicly announced by the Secretary.

(b) Place of drawing. Mega Millions® and the Megaplier® drawings will be conducted in locations selected by the Mega Millions® Lotteries.

(c) Manner of conducting drawings. The Mega Millions® drawing officials will select, at random, the Mega Millions® winning numbers, with the aid of mechanical devices or any other selection methodology as authorized by the Mega Millions® Lotteries. Prior to the Mega Millions® drawing, the Megaplier® number will be drawn.

7. *Prizes available to be won and determination of prize winners:*

(a) An amount equal to 50.00% of Mega Millions® gross sales for a Mega Millions® game drawing is anticipated to be reserved for prizes and allocated for payment of prizes as enumerated in sections 7(b) and 7(d) (relating to prizes available to be won and determination of prize winners).

(b) Determinations of the Mega Millions® prize winners for tickets correctly matching, in the same play, the winning numbers selected by the Mega Millions® drawing officials are:

(1) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the Mega Millions® winning numbers, in a single play, for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize. Prize money allocated to the jackpot category prize will be divided into as many shares as there are winning jackpot category prize plays as provided in this section.

(i) Prior to each drawing, the Mega Millions® Lotteries shall determine the annuity jackpot category prize amount to be advertised. The official advertised annuity jackpot category prize amount, as determined by the Mega Millions® Lotteries, shall be the basis for determining the amount to be awarded for each Mega Millions® play matching all the Mega Millions® winning numbers.

(ii) If the sales support a jackpot that is at least \$12 million lower than the advertised annuity jackpot category prize amount, the resulting annuity jackpot category prize amount to be paid will be the highest fully funded million dollars plus \$12 million or the advertised annuity jackpot category prize, whichever is lower. In no event, however, shall the annuity jackpot category prize paid be less than the advertised annuity jackpot category prize of the immediately prior drawing in which there were no winning jackpot category prize plays.

(iii) The minimum Mega Millions® annuity jackpot category prize shall not be less than \$12 million divided by the number of plays entitled to a jackpot category prize.

(iv) If, in a Mega Millions® drawing, there are no winning Mega Millions® jackpot category prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot category prize in the next consecutive Mega Millions® drawing.

(v) If the annuity jackpot category prize divided by the number of Mega Millions® plays matching all the Mega Millions® winning numbers, is equal to or greater than \$1,000,000, the jackpot category prize will be paid as an

annuity as described in section 7(b)(1)(vi) unless the winner elects to receive the jackpot category prize in a single cash payment provided the election is made by the player within 60 days of the date the Lottery determines that a player is entitled to the jackpot category prize.

(vi) Annuity jackpot category prizes shall be paid in 26 consecutive annual installments. The initial payment shall be paid upon completion of internal validation procedures. The subsequent 25 payments shall be paid annually.

(vii) The amount of the jackpot category prize, if paid as a lump-sum cash payment, may be either the amount determined by multiplying the annuity jackpot category prize amount by a discount value set by the Mega Millions® Lotteries prior to each drawing, divided by the number of jackpot category prize winners, or the proceeds of the sale of bonds purchased to fund a particular winner's share of the annuity jackpot category prize amount. A winner has 60 days from the date the Lottery determines that a player is entitled to a jackpot category prize to elect in writing to irrevocably receive payment as a lump-sum cash payment.

(viii) In the event multiple Mega Millions® plays match all the Mega Millions® winning numbers in the same drawing, and the annuity Mega Millions® jackpot category prize divided by the number of winning jackpot category prize game plays is less than \$1,000,000, each Mega Millions® jackpot category prize winner shall be paid a lump-sum cash payment in an amount equal to the annuity jackpot category prize amount multiplied by a discount value set by the Mega Millions® Lotteries prior to each drawing, divided equally by the number of jackpot category prize winners.

(ix) If individual shares of the cash held to fund an annuity are less than \$250,000, the MUSL Mega Millions® Product Group, in its sole discretion, may elect to pay the winners their share of the cash allocated for the payment of the jackpot category prize. Prize payments may be rounded to the nearest one thousand dollars.

(x) In the event of the death of a lottery winner during the annuity payment period, the MUSL Finance & Audit Committee, in its sole discretion excepting a discretionary review by the MUSL Mega Millions® Product Group, may accelerate the payment of all of the remaining lottery proceeds to the estate of the lottery winner. The estate of the lottery winner shall petition the lottery of the jurisdiction in which the deceased lottery winner purchased the winning ticket to request acceleration. If such a determination is made, then securities and/or cash held to fund the deceased lottery winner's annuity prize may be distributed to their estate. The identification of the securities to fund the annuity prize shall be at the sole discretion of the MUSL Finance and Audit Committee or the MUSL Mega Millions® Product Group.

(2) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 56 match the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a second category prize.

(3) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 56 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches

the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a third category prize.

(4) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 56 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fourth category prize.

(5) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 56 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fifth category prize.

(6) Holders of tickets upon which two of the player's five numbers selected from the field of numbers 1 through 56 match two of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a sixth category prize.

(7) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 56 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a seventh category prize.

(8) Holders of tickets upon which one of the player's five numbers selected from the field of numbers 1 through 56 matches one of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of an eighth category prize.

(9) Holders of tickets upon which the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a ninth category prize.

(c) An amount up to one percent of a MUSL Mega Millions® Product Group member's sales shall be placed in trust in one or more prize reserve accounts held by the MUSL Mega Millions® Product Group at any time that the MUSL Mega Millions® Product Group member's share of the prize reserve account or accounts is below the amounts designated by the MUSL Mega Millions® Product Group. The MUSL Mega Millions® Product Group, with approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize reserve account or accounts. The MUSL Mega Millions® Product Group may determine to expend all or a portion of the funds in the accounts for the payment of prizes in

the game subject to the approval of the MUSL Finance and Audit Committee. The shares of a member of the MUSL Mega Millions® Product Group may be adjusted with refunds to the member from the prize reserve account or accounts as may be needed to maintain the approved maximum balance and shares of the MUSL Mega Millions® Product Group member. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Mega Millions® Product Group in accordance with jurisdiction law.

(d) Should total prize liability for all lotteries selling the Mega Millions® game, exclusive of jackpot category prize rollover from previous drawings, exceed the Liability Cap, the second through fifth category prizes shall be paid on a pari-mutuel basis, provided, however, that in no event shall the pari-mutuel prize be greater than the fixed prize. The amount to be used for the allocation of such pari-mutuel prizes shall be the Liability Cap less the amount paid for the jackpot category prize and the sixth through ninth category prizes. The California Lottery is excluded from this calculation for the second through ninth category prizes.

(1) In the event the Liability Cap is met, the amount to fund the jackpot category prize together with the amounts to fund the sixth through the ninth category prizes shall be first paid from the Liability Cap amount. The balance of the Liability Cap, after deducting the jackpot category prize and payment for the sixth through the ninth category prizes, shall be applied to the second through the fifth category prizes on a pari-mutuel basis in accordance with the following formula: The second category prize shall be an amount equal to 64.53% of the balance of the Liability Cap divided by the number of winners of a second category prize; the third category prize shall be an amount equal to 14.63% of the balance of the Liability Cap divided by the number of winners of a third category prize; and the fourth and fifth category prize shall be an amount equal to 20.84% of the balance of the Liability Cap divided by the number of winners of a fourth and fifth category prize.

(2) In the event the formula in section 7(d)(1) produces a prize amount for any category prize above that category

prize's normal fixed amount, then that prize shall be paid at its normal fixed amount rather than the pari-mutuel determined prize amount. In this event, the amount exceeding the normal fixed amount shall then be redistributed among the other pari-mutuel prizes according to the procedure established by the Mega Millions® Lotteries.

(e) All Mega Millions® prize payments, other than the jackpot category prize, will be made as a lump-sum cash payment.

(f) A winning Mega Millions® play is entitled only to the highest prize won by those numbers for the drawing in which the play was entered.

(g) For purpose of prize calculation with respect to a Mega Millions® second through fifth category pari-mutuel prize, the calculation may be rounded down so that prizes may be paid in multiples of one dollar.

(h) With respect to any Mega Millions® annuity jackpot category prize, the prize amount may be rounded to the next highest affordable multiple of one million dollars, prior to any division by the number of winning plays, based upon market rates at the time of the annuity purchase.

(i) The pool of funds used to pay prizes may be increased as necessary from funds authorized for the payment of prizes to meet the payment obligations in this section.

(j) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Mega Millions® Lotteries and change will be announced by public notice. Any such changes will apply prospectively to Mega Millions® drawings as of the date specified in the public notice.

(k) The Lottery shall not be responsible for Mega Millions® winning numbers reported in error.

8. *Probability of winning.* The following tables set forth all possible ways that a prize can be won in a single play, the corresponding prize, the probability of winning each prize and the percent of sales anticipated to be paid in prizes in each prize category:

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Five numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Jackpot	Jackpot	1:175,711,536	31.8% (Actual)
Five numbers from the field of numbers 1 through 56	Second	\$250,000	1:3,904,700.80	6.4%
Four numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Third	\$10,000	1:689,064.85	1.45%
Four numbers from the field of numbers 1 through 56	Fourth	\$150	1:15,312.55	0.98%
Three numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Fifth	\$150	1:13,781.30	1.09%

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Two numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Sixth	\$10	1:843.75	1.19%
Three numbers from the field of numbers 1 through 56	Seventh	\$7	1:306.25	2.29%
One number from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Eighth	\$3	1:140.63	2.13%
One number from the field of numbers 1 through 46	Ninth	\$2	1:74.80	2.67%

9. *Unclaimed prizes.* All unclaimed jackpot category prize moneys will be returned to the lotteries selling Mega Millions® in the same ratio that each lottery contributed to the jackpot category prize.

10. *Megaplier® promotion.*

(a) The Megaplier® promotion shall be available in association with the Mega Millions® game and will continue until the Secretary publicly announces a suspension or termination thereof. The Megaplier® promotion will be conducted in accordance with the Mega Million® rules except that players may purchase the Megaplier® promotion for the chance to multiply set prizes won as a result of a Mega Millions® drawing by a number ranging from 2 to 4. The Secretary on occasion may announce, as a special promotion, multipliers greater than four. The Mega Millions® jackpot category prize will not be eligible for multiplication under the Megaplier® promotion.

(b) At the time of purchasing a Mega Millions® ticket from a Lottery retailer, a player may choose the Megaplier® promotion for an additional \$1 per play for each play on a Mega Millions® ticket. If a player chooses the Megaplier® promotion feature for any play on a ticket, every play on that ticket must participate in the promotion.

(c) Prior to the time of each Mega Millions® drawing, the Mega Millions drawing officials shall conduct a Megaplier® drawing which shall result in the selection of the Megaplier® number from among the following series of numbers: 2, 2, 3, 3, 3, 3, 3, 3, 3, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, and 4.

(d) Mega Millions® tickets that contain the Megaplier® promotion and one or more plays eligible for Mega Millions® set prizes, but not the jackpot category prize, identified in section 7 (relating to prizes available to be won and determination of prize winners), shall be entitled to a total set prize calculated by multiplying each Mega Millions® set prize by the Megaplier® number selected for the drawing in which the ticket was entered.

(e) Fifty percent of the Megaplier® sales shall be allocated for the payment of Megaplier® prizes. Any amount not used to pay multiplied prizes may be carried forward to subsequent draws or may be collected and placed in prize reserve accounts until the prize reserve accounts reach the amounts designated by the MUSL Mega Millions® Product Group.

(f) The odds of various Megaplier® numbers being selected in a Megaplier® drawing are:

<i>Megaplier®</i>	<i>Odds</i>
Two	1:10.5
Three	1:3
Four	1:1.75

(g) When the Mega Millions® second through fifth category prizes become pari-mutuel, the prize won will be calculated by multiplying the pari-mutuel prize value by the Megaplier® number.

(h) If the total of the Mega Millions® set prizes, as determined in section 7(b) and the multiplied Megaplier® set prizes, as determined in this section, awarded in a drawing exceeds the percentage of the sales allocated to the Mega Millions® set prizes and the multiplied Megaplier® set prizes, then the amount needed to fund the Mega Millions® set prizes and the Megaplier® multiplied set prizes awarded shall be drawn from the following sources, in the following order: (i) the amount allocated to the set prizes and carried forward from previous draws, if any; (ii) an amount from the reserve accounts not to exceed the lesser of 300% of draw sales or 50% of draw sales plus \$50 million. If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded, including multiplied prizes, then the prize levels two through five shall become a pari-mutuel prize, as set out in section 7(d). The funds dedicated to the payment of Mega Millions® set prizes and the multiplied Megaplier® set prizes shall be combined in the rare instance when the set prizes are paid on a pari-mutuel basis, so that the Megaplier® will remain in effect for all prize levels.

11. A Mega Millions® game ticket may not be purchased, and a prize will not be paid to a lottery board member, commissioner, officer or employee of a lottery jurisdiction selling Mega Millions®, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person. A Mega Millions® game ticket may not be purchased, and a prize will not be paid to individuals prohibited by the MUSL Mega Millions Product Group or individuals identified in 61 Pa. Code § 871.17(b) (relating to purchase and prize restrictions).

12. Claims arising from Mega Millions® sales occurring in the Commonwealth shall be resolved exclusively with the Pennsylvania Lottery according to the laws of Pennsylvania.

13. The Lottery may conduct a separate retailer incentive program for retailers who sell Mega Millions® lottery tickets.

The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-199. Filed for public inspection January 29, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-268	Pennsylvania Public Utility Commission Natural Gas Distribution Company; Business Practices 39 Pa.B. 6078 (October 17, 2009)	12/16/09	1/15/10
7-441	Environmental Quality Board Air Quality Fee Schedules 39 Pa.B. 6049 (October 17, 2009)	12/21/09	1/20/10
7-447	Environmental Quality Board Flat Wood Paneling Surface Coating Processes 39 Pa.B. 6061 (October 17, 2009)	12/21/09	1/20/10

**Pennsylvania Public Utility Commission
Regulation #57-268 (IRRC #2798)**

**Natural Gas Distribution Company;
Business Practices**

January 15, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments

are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General.—Fiscal impact; Reasonableness; Implementation procedure; Feasibility; Need.

Preamble and Regulatory Analysis Form (RAF)

The Preamble of this proposed regulation refers to the PUC report dated September 2008 and titled “Stakeholders Exploring Avenues for Removing Competition Hurdles” (SEARCH) (PUC Docket # I-00040103F0002). Page 11 of the SEARCH report includes this statement:

Differences among NGDC [natural gas distribution company] systems in regard to their organization and operation have been identified as a barrier to supplier entry and full participation in Pennsylvania’s retail natural gas market.

The Preamble includes similar language indicating that the “lack of uniformity in NGDC practices, operating rules and supplier tariffs was cited as a *possible* market barrier to supplier entry and participation.” (Emphasis added.) However, the Preamble and RAF submitted by the PUC with this proposed regulation do not explain, justify or quantify the impact of this “barrier” to suppliers. There are three concerns with this lack of information.

First, without a thorough explanation of this barrier and its impact, it is difficult to ascertain whether the provisions in this proposed regulation will effectively address the problem or provide a solution. Without a detailed description of the problem and its impact, how can the PUC identify effective methods for reducing or eliminating the barrier? Furthermore, how can the public or the Independent Regulatory Review Commission (IRRC) determine whether an implementation procedure is reasonable or feasible if the problem and solution are not clearly defined?

Second, commentators expressed concerns with the potential costs of various components of this proposed regulation for NGDCs and their ratepayers. These concerns will be further discussed below. The potential costs of this regulation are a significant concern because the PUC has not quantified the fiscal impact of the possible barrier that this regulation is intended to address. Without this information, we cannot determine the potential benefit if this regulation could reduce or eliminate the barrier. It is also difficult to determine whether any such benefits outweigh the costs in time and effort imposed on NGDCs and their ratepayers by this regulation. A related question is who will pay for the costs of this proposed regulation? Several commentators have also expressed concern over this question.

Finally, without a description and quantification of the impact of this market barrier, the question arises as to the need for this proposed regulation.

In the final-form regulation submittal, the PUC must explain and quantify the impact of any barrier to competition that this regulation is intended to remove or reduce. It must also describe how each provision in the regulation will effectively reduce or eliminate any barrier, and who will pay for the costs of the regulation. We will review the PUC’s response as part of our determination of whether the final-form regulation is in the public interest.

Stakeholder process

The Preamble refers to a stakeholder process that will run *concurrently* with the rulemaking and will provide an additional avenue for public input. However, the Preamble also states that the PUC intends to complete the stakeholder process “no later than August 1, 2009.” This proposed regulation was published in the *Pennsylvania Bulletin* in October 2009, and it is our understanding that the stakeholder process has not yet been initiated. Given the numerous concerns expressed by commentators with this regulation, the PUC needs to initiate an extensive stakeholder process that includes meetings and opportunities for the review of and comments on draft revisions. It would be prudent for the PUC to complete this process before it moves to submit a final-form version of this regulation.

Applicable markets and consumers

The question has been posed by commentators from all sectors of the natural gas market as to what or to whom this regulation would apply. One example of this concern was noted by Philadelphia Gas Works (PGW) in its comments on Sections 62.185(a) and (c). According to PGW, Section 62.185(a) applies to aspects of the retail natural gas market, while Subsection 62.185(c)(3) includes provisions that relate to wholesale customer supply. The PUC needs to clearly explain how the whole regulation will apply to all parties and sectors of the natural gas market and how each provision applies directly to NGDCs, natural gas suppliers (NGSSs) and consumers. The PUC should specifically identify the sectors and parties that will need to comply with each provision in the final-form regulation.

Consistency and overlap between two rulemakings

According to the Preamble, the language in Section 62.184 is similar to that of language found in another PUC proposed rulemaking which appeared in the July 11, 2009 *Pennsylvania Bulletin*. See § 62.226 of proposed PUC Regulation #57-269 (IRRC #2772) (PUC Docket #L-2008-2069114). This is not the only similarity. In addition, Section 62.224(a)(8) of the earlier proposed regulation includes provisions concerning supplier coordination tariffs (SCTs). These tariffs are also addressed in this current proposed regulation in Section 62.185(b).

Promulgating two separate regulations with similar provisions and intent might lead to possible confusion and conflict between the two. The PUC should either explain the need for the two separate rulemakings, or give strong consideration to combining the two into one rulemaking.

2. Section 62.181. General.—Need; Clarity.

There are three concerns with this section.

First, the section is titled “General,” which is not a standard title for a regulatory section. We recommend the title be changed to “Scope” or “Purpose.”

Second, several commentators are concerned with the first sentence, which reads:

The use of a common set of business practices, including standard supplier tariffs, facilitates the participation of NGSSs in the retail market, reduces the potential for mistakes or misunderstandings between NGSSs and NGDCs, and increases the efficiency in industry operations.

Commentators suggest that this sentence is a statement of opinion and improper for a regulation. We agree and recommend it should be deleted from the final-form regulation.

Finally, this section is redundant since it describes the rest of the proposed regulation and does not provide any unique information or directive. The *Pennsylvania Code & Bulletin Style Manual* states that this type of section should be used “only when needed to limit the applicability of the chapter.” See § 2.6., “Scope section,” *Pennsylvania Code & Bulletin Style Manual*, Fourth Edition, 2003. The PUC should either delete this section in its entirety, or clarify the language so that the section specifies and limits the applicability of the proposed regulation.

3. Section 62.182. Definitions.—Need; Clarity.

It appears that the provisions contained in many of the definitions are vague or conceptual in nature. One example is provided by the comments of Columbia Gas of Pennsylvania, Inc. (Columbia), on the term “cash out” which does not include any financial reference. Several commentators offered suggestions for improving the descriptive quality of the definitions. The PUC should examine these comments, along with input from the stakeholder process, to clarify the definitions.

Several terms also are defined, but are not used in the regulation, including: “asset management;” “city gate;” and “uniform electronic transactions.” The PUC should either delete these terms from the final-form regulation or explain the need for their inclusion in this section.

Asset management

If the inclusion of a definition for this term is necessary, National Fuel Gas Distribution Corporation (National Fuel) notes that there already exists a definition for this term at the federal level. The definition should be consistent with federal provisions, and include the appropriate cross-reference.

Business practices

This definition refers to “business operations,” but it does not explain what type of operation is relevant or is included under this term. The final-form regulation should clarify this issue and provide examples.

4. Section 62.183. NGDC customer choice system operations plan.—Implementation procedures; Clarity.

This section uses the term “customer choice system operations plan,” but the term has not been defined by statute or regulation. The final-form regulation should include a definition for this term.

In Subsection (a), NGDCs are instructed to submit a customer choice system operations plan for PUC “review to comply with this subchapter.” It is not clear what process will be used to review the submittal. Will the PUC approve the plan? If so, what is the process for notifying the NGDCs of the results of the review and will there be an opportunity for a response by an NGDC or an appeal? How long will the review process take? Subsection (b) requires NGDCs to serve copies of the plan on the Office of Consumer Advocate (OCA) and other parties. What will be the process for these parties to file comments?

Subsection (c)(3) refers to “communication standards,” but unlike the term “business standards” that is used in Subsection (c)(2), this term is not defined in Section 62.182. The final-form regulation should include a definition for this term.

5. Section 62.184. NGDC cost recovery.—Fiscal impact; Need; Implementation procedures; Clarity.

This section explains the process for NGDCs to recover the costs of implementing and promoting natural gas competition. We have five concerns.

First, Section 1307(f) of the Public Utility Code (Code) already provides a detailed process for cost recovery. See 66 Pa.C.S.A. § 1307(f). While this section requires the PUC to promulgate regulations establishing the “time and manner of filing” tariffs reflecting costs, the language in this section of the regulation does not provide a clear picture of what the timing and manner are. Furthermore, Section 1307(h) of the Code provides a definition for “natural gas costs” which it appears does not include costs incurred from competition. Therefore, based upon the language of the Code and the vague language in the proposed regulation, it is unclear how these costs can be recovered as part of a 1307(f) filing, as Subsection (a) of the regulation intends. Therefore, this section should be revised to provide more detail about the cost recovery process and how it is aligned with the Code.

Second, the OCA questions whether it is appropriate to recover these costs from customers. As part of its revisions to this section, the final-form regulation should explain how the cost recovery process is beneficial to the regulated community, suppliers and consumers, and who should bear the costs.

Third, Subsection (a) uses the term “nonbypassable reconcilable surcharge,” but does not define it. The final-form regulation should include a definition for this term. This definition should specify what type of costs can be included in the surcharge.

Fourth, Subsection (c) requires surcharge recovery “on a per unit basis on each unit of commodity. . . .” How did the PUC decide to recover these costs strictly on a unit basis? The Preamble to the final-form regulation should clarify this issue.

Finally, in Subsections (e) and (f), what is the difference between a “revenue neutral adjustment clause” and a “revenue neutral adjustment clause rider?” The final-form regulation should clarify this issue.

6. Section 62.185. Supplier coordination tariff, business practices and standards.—Fiscal impact; Reasonableness; Need; Implementation procedures; Clarity.

Subsection (a) General.

The first sentence of this subsection reads:

The Commission [PUC] may adopt best business practices and standards that will facilitate supplier participation in the retail natural gas market and will direct NGDCs and NGSs to comply with the practices and standards.

This is very similar to the first sentence of Subsection (c) which reads:

The Commission [PUC] may establish best business practices and standards as necessary to implement the provisions of 66 Pa.C.S. Chapter 22 (relating to natural gas competition), and may direct their implementation by NGDCs and NGSs.

Neither sentence explains how uniform or best practices and standards will be determined. When and how will this “adoption” or “establishment” take place? What sort of process will be used? How will the public, NGSs and NGDCs be notified? Will there be a chance for public input? Will there be an opportunity for legislative and IRRC review? Will new requirements be phased in over a certain period of time or will they occur all at once? These are the types of provisions that should be addressed and developed via a stakeholder process with opportunities for review and comment on drafts, and included in the

regulation. Given that the PUC already has the authority to adopt practices and standards, what is the need for the language contained in these subsections? Similar concerns apply to Subsection (c).

Subsection (b) Supplier coordination tariff.

Subsection (b)(2) requires an NGDC to file an SCT with the PUC, but if the NGDC has an existing one, then they must file a tariff supplement. What is the difference between an SCT and a tariff supplement? If the purpose of this regulation and the concurrent stakeholder process is to provide consistency in SCTs, then why are NGDCs permitted to file tariff supplements? The final-form regulation should explain the need for tariff supplements.

Subsection (c) Business practices and standards.

The first sentence of this subsection is very similar to the first sentence of Subsection (a). Therefore it is redundant and raises the same questions. It is unclear how this process to establish or adopt “best business practices” will be implemented.

Subsection (c)(3)(ii) states that a span of 90% to 110% of the volume of gas nominated is an appropriate tolerance band. However, several commentators question the need for this span, and also whether there should be some flexibility with reaching the exact volumes. How did the PUC determine this was an appropriate span and has the PUC considered permitting span flexibility? In addition, what costs would be associated with this span? The final-form regulation should explain the fiscal impact associated with the implementation of tolerance bands and the justification for the specific span size.

Subsection (c)(3)(iv) refers to nomination cycles. However, Columbia, PECO Energy Company, and National Fuel each question the total number of actual nomination cycles. The regulation includes four North American Energy Standards Board (NAESB) nomination cycles, the timely cycle and at least one intraday cycle. However, these commentators indicate that the four NAESB cycles include the timely and intraday cycles. The final-form regulation should clarify the number of and connection between different nomination cycles.

Subsection (d) Communication standards and formats.

Subsection (d)(2) states that NGDCs may be required to install electronic bulletin boards, which are defined in Section 62.181 as a “computer system.” When would the PUC require such installations? It is our understanding that the term “electronic bulletin board” may be outdated and that most companies already have and use web-based systems. In these situations, what is the intent of this provision and what will the fiscal impact be?

Subsection (d)(3) requires communication standards and formats to be revised “in accordance with Commission [PUC] orders, policies and regulations.” To which orders, policies or regulations is this provision referring? When should these revisions occur? Who determines that these revisions must take place or which orders or regulations will apply? Finally, what will be the costs associated with these revisions? In their comments, UGI Distribution Companies refers to the “direct and indirect costs that can result from requiring changes in customer information systems.” The PUC should identify the actual costs and the fiscal impact of this provision. The final-form regulation should clarify these issues. Similar concerns apply to Subsection (b)(2).

**Environmental Quality Board
Regulation #7-441 (IRRC #2800)**

Air Quality Fee Schedules

January 20, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Calculation of the fee amounts.—Economic impact; Fiscal impact; Lesser standards for small sources; Reasonableness; Implementation procedures; Clarity.

Commentators questioned the dollar amount of the fees in the proposed regulation and how the fee increases were developed. Commentators noted that the emission fee increases exceed the Consumer Price Index, that several of the fees may be excessive, particularly for smaller sources, and that owners of multiple sources may be unfairly affected. We have reviewed the “Fee Report Form” the EQB included with the proposed regulation. Under the heading “Fee Objective,” the EQB states “the proposed fees are calculated to cover the cost incurred by the Department [of Environmental Protection] in reviewing these activities.”

The Fee Report Form provides general information on the activities the fees will cover. However, we agree with the commentators that the EQB has not provided enough detail regarding the calculation of the dollar amount of the fees. Consequently, we are unable to fully determine whether each fee is a fair representation of the activities it covers. We recommend that the EQB provide with the final-form regulation the fully detailed calculation of each fee to establish that the fees are reasonable.

In addition, the increased fees and new fees affect the bottom line for any business. While we do not advocate a lesser environmental standard for smaller sources, the impact of the fees may be disproportionate for a smaller source’s budget. As part of the review of the economic impact of the regulation, we also recommend that the EQB consider the effect of the fee increases on smaller businesses and industries, and the feasibility of setting lower fees for them.

2. Implementation and application of the fees.—Economic impact; Fiscal impact; Reasonableness; Implementation procedures; Clarity.

In order to understand the full impact of the fees, it must be clearly understood when a fee will be required to be paid and what alternatives may be available. Related to questions about how the fees were developed, there were several comments relating to how the fees will be implemented, duplication of fees, excessive fees, multiple fees for owners of multiple sources and what actions would require the payment of fees. The issues raised by commentators include:

- Title V facilities already pay annual fees and some of the new fees duplicate activities that are already covered by the existing fees. The commentators believe they should either pay fees under Chapter 127 or 139, not both.
- The emission fee increase is excessive. Emission fees should continue to be calculated using the Consumer Price Index.

- Subsection 127.702(h) should require payment of a fee only if the modifications are initiated by the applicant, not when DEP requires modifications.

- Payment of fees should not be required when the action has no adverse environmental impact such as administrative amendments, minor modifications and transfer of ownership.

- The fees will have a disproportionate impact on facilities that have numerous continuous emission monitoring systems.

- How the fees will be implemented under Sections 127.703(j)(2), 127.703(e)(2), 127.704, 127.708, 139.201 and 139.202.

- Source test fees exceed the cost for a private testing firm to perform the same analysis. Therefore those who pay the fees should have the opportunity to contract with a private firm.

- The fiscal impact of the fee increases is affecting already completed budgets.

- Long-term contract holders are affected because the contracts cannot be adjusted to accommodate the fee increases.

- The fees associated with stack testing are too complicated.

In response to the commentator’s concerns, the EQB should explain how the fees will be implemented and why the circumstances that require payment of a fee are reasonable. We will evaluate the final-form regulation along with the EQB’s responses to the commentators concerns in our determination of whether the final-form regulation is in the public interest.

3. Section 121.1. Definitions.—Reasonableness; Clarity.

The definition of “observer” is vague. The phrase “staff qualified to observe testing” is not clear regarding what qualifications a person must have to be an observer. We recommend adding specific qualifications to this definition.

4. Fees for the years 2005 to 2009.—Clarity.

For clarity, the EQB should delete the obsolete fees for the years 2005 to 2009.

**Environmental Quality Board
Regulation #7-447 (IRRC #2801)**

Flat Wood Paneling Surface Coating Processes

January 20, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

1. General.—Fiscal impact; Feasibility; Reasonableness.

In the preamble and the Regulatory Analysis Form (#17), the Board estimates the compliance costs for non-complying facilities would range from \$28,842 to \$86,000, based on an operation changing from solvent-based coatings to water-based coatings. The Board specifically estimates that the costs for CraftMaster Manufac-

turing, Inc. (CraftMaster) would be \$28,842. However, CraftMaster asserts that there are some circumstances that would require installation of a control device which would be substantially higher in cost. In those situations, CraftMaster estimates that the cost would be closer to \$43,000 per ton of VOC reduction which, CraftMaster asserts, exceeds any known “reasonably available control technology” cost-effectiveness criterion.

CraftMaster further asserts that the additional costs of daily recordkeeping and enclosure of coatings and coatings-related wastes and clean-up materials have not been evaluated.

The Board should address the fiscal impact concerns raised by CraftMaster in the preamble and RAF that accompany the final-form regulation.

2. Section 121.1. Definitions.—Clarity.

Non-regulatory language

The second sentences in the definitions of “Decorative interior panel,” “Exterior siding” and “Exterior trim” contain non-regulatory language. These sentences would be more appropriate in the preamble and should be deleted from the definitions.

MDF—Medium density fiberboard

This definition contains the phrase “engineered wood panel product.” To improve clarity, we recommend the Board define this term in the final-form regulation.

Tileboard

Under this definition, what is a “premium interior wall paneling product”? We recommend that the Board define this term in the final-form regulation.

Also, Section 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual* states that a “. . . term being defined may not be included as part of the definition.” Therefore, the word “Tileboard” at the beginning of the second sentence should be deleted.

3. Section 129.52c. Control of VOC emissions from flat wood paneling surface coating processes.—Feasibility; Need; Reasonableness; Clarity.

Subsection (d)

CraftMaster asserts that the daily recordkeeping required under this subsection is burdensome with no known benefit. In the preamble to the final-form regulation, the Board should explain the basis and need for requiring daily recordkeeping.

Subsection (e)

This subsection is unclear as to what format the records should be maintained. Also, will requests for submission of records by the Department be made orally or in writing? These items should be clarified in the final-form regulation.

Subsection (f)

This subsection sets forth the application methods that are approved for use by surface coating operations (SCO). However, CraftMaster asserts that these are not the only technically feasible methods used by SCOs. It further states that airless sprays are used in many instances. The Board should consider adding airless sprays to the list, or explain why airless sprays should not be included.

Subsections (h) and (i)

These subsections contain work practice requirements for coating-related activities and cleaning materials, including requirements for enclosure of the related materi-

als. CraftMaster asserts that it is not technically feasible or cost-effective to enclose materials where coatings are water-based “complying coatings,” the cleaning material is limited to water and wastes are treated on-site. The Board should explain why it is necessary to fully enclose all coatings and coating-related waste materials.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-200. Filed for public inspection January 29, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
31-11	State Employees’ Retirement Board Death Benefits	1/14/10	2/25/10
4-91	Department of Community and Economic Development Industrialized Housing	1/14/10	2/25/10

Final-Omitted

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5322	State Board of Osteopathic Medicine Reduction of Biennial Renewal Fee for Osteopathic Physicians	1/14/10	2/25/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-201. Filed for public inspection January 29, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by Amerin Guaranty Corporation

Amerin Guaranty Corporation, a stock property insurance company, has submitted an Application for Redomestication, whereby it proposes to redomesticate from the State of Illinois to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 4161 and 4162 (relating to Business Corporation Law of 1988). Persons wishing to

comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax (717) 787-8557, or e-mail cbybee@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-202. Filed for public inspection January 29, 2010, 9:00 a.m.]

Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages

In May 2009, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 39 Pa.B. 2511 (May 16, 2009). Accordingly, for those insurance coverages that are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on any proposed changes before formal publication of the revised list.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-203. Filed for public inspection January 29, 2010, 9:00 a.m.]

Travelers Home and Marine Insurance Company; Homeowners; Rate Revision; Rate Filing

On January 11, 2010, the Insurance Department (Department) received from Travelers Home and Marine Insurance Company a filing for a rate level change for homeowners insurance.

The companies request an overall 6.02% increase amounting to \$3,173,000 annually, to be effective March 12, 2010, for new business and May 18, 2010, for renewal business.

Unless formal administrative action is taken prior to March 12, 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. On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-204. Filed for public inspection January 29, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PPL Electric Utilities Corporation

A-2010-2152104. PPL Electric Utilities. Application of PPL Electric Utilities filed under 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of the Effort Mountain No. 1 and No. 2 138kV Taps in Chestnuthill and Polk Townships, Monroe County, PA.

A-2010-2153061. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Effort Mountain Substation to be constructed in Chestnuthill Township, Monroe County, PA, is reasonably necessary for the convenience or welfare of the public.

Notice

This is to inform you that an Initial Prehearing Conference on the previously-captioned case will be held as follows:

<i>Type:</i>	Initial Prehearing Conference
<i>Date:</i>	Tuesday, March 23, 2010
<i>Time:</i>	10 a.m.
<i>Location:</i>	Hearing Room 2 Plaza Level Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120

Presiding: Administrative Law Judge Wayne L. Weismandel
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

Persons with a disability, and wish to attend the prehearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the conference.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-205. Filed for public inspection January 29, 2010, 9:00 a.m.]

Electric Utilities

A-2010-2152104. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation filed under 52 Pa. Code Chapter 57, Subchapter G, For approval of the Siting and Construction of the Effort Mountain No. 1 and No. 2 138kV Taps in Chestnuthill and Polk Townships, Monroe 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 March 5, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, PA 18101

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-206. Filed for public inspection January 29, 2010, 9:00 a.m.]

Electric Utilities

A-2010-2153061. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for a Finding that a Building to Shelter Control Equipment at the Effort Mountain Substation to be Constructed in Chestnuthill Township, Monroe County, PA, is Reasonably Necessary for the Convenience or Welfare of the Public.

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 March 5, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Office of General Counsel, Two North Ninth Street, Allentown, PA 18106

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-207. Filed for public inspection January 29, 2010, 9:00 a.m.]

Natural Gas

A-2010-2153371. Laser Marcellus Gathering Company, LLC. Application of Laser Marcellus Gathering Company, LLC for approval to begin to offer, render, furnish or supply natural gas gathering and transporting or conveying service by pipeline to the public in certain Townships of Susquehanna 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 March 1, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Laser Marcellus Gathering Company

Through and By Counsel: Daniel P. Delaney, Esquire, George A. Bibikos, Esquire, K & L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-208. Filed for public inspection January 29, 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 Commis-

sion, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 16, 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-2010-2152608. Ultra Transportation, Inc. (73A Unit A Tracey Road, Huntingdon Valley, Montgomery County, PA 19006)—persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2010-2152783. Paul's Cab Service, Inc. (735 Market Street, Sunbury, Northumberland County, PA 17801)—a corporation of the Commonwealth, persons, in paratransit service, for the Department of Public Welfare's Careerlink clients and patients of Evangelical Community Hospital, between points, and within a 15 air-mile radius of the Boroughs of Lewisburg, Milton, West Milton, Watsonstown, Mifflinburg, Montandon and Turbotville.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2010-2152582. Corporate Cars of Lehigh Valley, LLC (15 Carbon Avenue, Pottsville, Schuylkill County, PA 17901)—a limited liability corporation of the Commonwealth—in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00112823 to John D. Salaki, t/d/b/a Private Limousine and Sedan Service, subject to the same limitations and conditions. *Attorney:* JoAnn L. Ruchlewicz, 1716 Olive Street, Reading, PA 19604.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2010-2152513. William Rose t/a Pack Rats Packing (827 East Glenside Avenue, Wyncote, Montgomery County, PA 19093)—household goods in use, from points in Bucks and Montgomery Counties, and the City and County of Philadelphia, to points in Pennsylvania, and vice versa. *Attorney:* Richard T. Mulcahey, Jr., 1500 JFK Boulevard, Suite 1400, Philadelphia, PA 19102.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2010-2152555. Anna Phillips (363 Wolfrock Road, Paradise, Lancaster County, PA 17562)—discontinuance of service and cancellation of her certificate—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor

vehicles, from points in the County of Lawrence, to points in Pennsylvania, and return.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-209. Filed for public inspection January 29, 2010, 9:00 a.m.]

Tentative Default Order

Public Meeting held
January 14, 2010

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice-Chairperson; Kim Pizzingrilli, Joint Statement; Wayne E. Gardner, Joint Statement; Robert F. Powelson

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Able Co., LTD.; C-20042415; A-120025

Tentative Default Order

By the Commission:

On July 31, 2009, the Law Bureau Prosecutory Staff filed an Amended Formal Complaint against Able Co., LTD. (the Respondent), a gas utility certificated at A-120025. In the Complaint, Prosecutory Staff charged that the Respondent committed numerous violations of the Public Utility Code, the Commission's regulations and gas safety regulations contained in the Code of Federal Regulations (CFR). The CFR violations were discovered during a gas safety inspection on September 9, 2003. Since that time, the Respondent has yet to advise the Commission that it has completed any of the directives contained in the Gas Safety Division's non-compliance letter. In addition, the Formal Complaint alleged that the Respondent has failed to pay outstanding assessments and has failed to file annual assessment reports since 1990. Lastly, the Respondent has failed to file annual reports since 1995 and pay the accompanying penalties assessed in previous default orders relating to Respondent's failure to file annual reports.

As a result of Respondent's numerous and persistent violations, Prosecutory Staff sought a total civil penalty in the amount of \$167,000 as well as \$3,100 in outstanding penalties. In addition, the Prosecutory Staff sought an order directing Respondent to file all outstanding annual and assessment reports. Respondent was given 20 days from the date of service of the Complaint to file its answer.

It is important to mention that in addition to the outstanding complaints and penalties mentioned in the Formal Complaint, Respondent's compliance history includes a Default Order at C-2008-2036244 which resulted in a \$1,000 civil penalty for Respondent's failure to file its 2006 Annual Report. In addition, at C-2009-2130646, a Formal Complaint was instituted against Respondent for failure to file its 2007 annual Report. The Commission first attempted to serve Respondent on September 17, 2009. The Commission's second attempt to re-serve Respondent is dated November 19, 2009.

On July 27, 2009, the Deputy Sheriff of Jefferson County made personal service of the Complaint and Notice to Plead on Michael Harju, chief executive officer and statutory agent of the Respondent. In addition, the Commission attempted to serve the Respondent by certified mail on or about August 6, 2009, which was returned

unclaimed on September 2, 2009. The Commission then re-served the Complaint to the Respondent by First Class Mail on or about September 11, 2009, which was not returned.

We note that the only address for Respondent on file with the Commission is a P. O. Box. A physical address is not listed for Respondent. Several Formal Complaints and Default Orders sent by certified mail to Respondent for various violations have been returned to the Commission by the post office as unclaimed. The fact that Respondent has a long history of refusing to claim certified mail necessitated personal service in this case.

To date, more than 20 days have passed since service of the Complaint. No answer to the Complaint has been filed. No civil penalties or assessments have been paid and no annual or assessment reports have been filed on behalf of the Respondent. Accordingly, a Tentative Default Order sustaining Prosecutory Staff's Amended Formal Complaint and granting the requested remedy is appropriate in this case.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its outstanding annual and assessment reports, we conclude that a civil penalty in the amount of \$170,100 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301 of the Pennsylvania Public Utility Code, if Respondent seeks relief from this Default Order; *Therefore,*

It is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Amended Formal Complaint filed on July 31, 2009, are deemed admitted and the said Complaint is thereby sustained.

2. Able Co., LTD. is hereby directed to file all of its outstanding annual and assessment reports.

3. Able Co., LTD. is hereby directed to pay the outstanding fines instituted at C-20027732, C-20066097 and C-20077707 in the amount of \$3,000. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

4. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$3,000 for failure to file its annual assessment reports since 1990 in violation of 66 Pa.C.S. § 501(c). Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

5. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$3,000 for failure to file its annual reports since 1995 in violation of 66 Pa.C.S. § 504. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

6. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$1,000 for failure to comply with a Commission order directing payment of a penalty in the amount of \$100 at C-00014930 in violation of 66 Pa.C.S. §§ 510(c) and 3301. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

7. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$160,000 for the various violations to the Commission's Gas Service regulations committed by Able Co., LTD as delineated in the Amended Formal Complaint filed under this Docket.

8. The total civil penalty that Able Co., LTD. is directed to remit to the Commonwealth of Pennsylvania is \$170,100.

9. Able Co., LTD. may not claim or include any amounts imposed under this Default Order as a recoverable expense in any future rate proceeding.

10. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

11. If no objection or comments are filed with the Commission under this Docket within the 20-day comment period, the Default Order shall become final.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-210. Filed for public inspection January 29, 2010, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, February 11, 2010. The meeting will be held at 11 a.m. in Conference Room D, 1st Floor, Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA.

Parking Accomodations:

At 7th and Forster Streets the facility is open for general public parking 6 a.m. to 7 p.m., Monday through Friday with a cashier on duty 7:15 a.m. to 7 p.m. The facility is closed on all State holidays. Parking is available 24 hours daily, 7 days a week, including holidays, for monthly parkers only. The parking garage holds 1,182 spaces (including 15 handicap) and there are 152 spaces in the adjacent parking lot. Clearance height within the garage is 7 feet.

Seventh Street Garage and surface lot:

<i>Parking Garage Rates</i>	<i>Hourly</i>
2 hours or less	\$4.00
3 hours or less	\$6.00
4 hours or less	\$7.00
5 hours or less	\$8.00

<i>Parking Garage Rates</i>	<i>Hourly</i>
5 to 11 hours	\$15.00
11 to 24 hours	\$19.00

RONALD NAPLES,
Chairperson

[Pa.B. Doc. No. 10-211. Filed for public inspection January 29, 2010, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Kim Thi Luong; Doc. No. 0560-45-2008

On December 10, 2009, Kim Thi Luong, license no. CO262354, of Windsor Mill, MD, was revoked and ordered to pay a civil penalty of \$1,000, because she obtained her license by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

JANET G. M. SANKO,
Chairperson

[Pa.B. Doc. No. 10-212. Filed for public inspection January 29, 2010, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of November 1, 2009, through December 31, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net, or mail inquiries to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) for the time period specified previously:

Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Tyco Electronics Corporation, Lickdale Facility, ABR-20091222, Union Township, Lebanon County, PA; Consumptive Use of up to 0.080 mgd; Approval Date: December 18, 2009.

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. East Resources, Inc., Pad ID: Stehmer 420, ABR-20091101, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 15, 2009.

2. East Resources, Inc., Pad ID: Johnson 435, ABR-20091102, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

3. J-W Operating Company, Pad ID: Pardee & Curtin Lumber Co. C-09H, ABR-20091103, Shippen Township, Cameron County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: November 16, 2009.

4. Citrus Energy, Pad ID: Procter & Gamble Mehoopany Plant 2 1H, ABR-20091104, Washington Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: November 16, 2009.

5. Fortuna Energy, Inc., Pad ID: Eick 013, ABR-20091105, Columbia Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: November 16, 2009.

6. East Resources, Inc., Pad ID: Brown 425, ABR-20091106, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

7. East Resources, Inc., Pad ID: Barrett 410, ABR-20091107, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

8. East Resources, Inc., Pad ID: Starks 461, ABR-20091108, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

9. Chesapeake Appalachia, LLC, Pad ID: Doss, ABR-20091109, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 16, 2009.

10. East Resources, Inc., Pad ID: Yungwirth 307, ABR-20091110, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

11. East Resources, Inc., Pad ID: West 299, ABR-20091111, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

12. Chesapeake Appalachia, LLC, Pad ID: CSI, ABR-20091112, Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 16, 2009.

13. East Resources, Inc., Pad ID: Button 402, ABR-20091113, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

14. EXCO-North Coast Energy, Inc., Pad ID: Fidatti-Bianconi, ABR-20091114, Scott Township, Lackawanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: November 16, 2009.

15. Chief Oil & Gas, LLC, Pad ID: Teel Unit No. 1H, ABR-20091115, Springville Township, Susquehanna County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: November 16, 2009.

16. EOG Resources, Inc., Pad ID: Guinan IV, ABR-20091116, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: November 18, 2009.

17. EOG Resources, Inc., Pad ID: Guinan 2H, ABR-20091117, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 18, 2009.

18. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 724—Pad A, ABR-20091118, Gamble Township, Lycoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: November 19, 2009, including a partial waiver of 18 CFR 806.15.

19. EOG Resources, Inc., Pad ID: Hoppaugh 1V, ABR-20091119, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: November 20, 2009.

20. EOG Resources, Inc., Pad ID: Hoppaugh 2H, ABR-20091120, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

21. EOG Resources, Inc., Pad ID: Hoppaugh 3H, ABR-20091121, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

22. EOG Resources, Inc., Pad ID: Lee 1H, ABR-20091122, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

23. EOG Resources, Inc., Pad ID: Lee 2H, ABR-20091123, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

24. EOG Resources, Inc., Pad ID: Lee 2H, ABR-20091124, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

25. Rice Drilling B, LLC, Pad ID: Ultimate Warrior No. 1, ABR-20091125, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: November 30, 2009.

26. Chief Oil & Gas, LLC, Pad ID: Hodge Unit Drilling Pad No. 1, ABR-20091201, Juniata Township, Blair County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 1, 2009.

27. Citrus Energy Corporation, Pad ID: Martin No. 1V, ABR-20091202, Sugarloaf Township, Columbia County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 1, 2009.

28. XTO Energy Incorporated, Pad ID: Jenzano, ABR-20090713.1, Franklin Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 1, 2009.

29. EOG Resources, Inc., Pad ID: Houseknecht 1H, ABR-20090423.1, Springfield Township, Bradford County, PA; Consumptive Use total of up to 1.999 mgd; Approval Date: December 2, 2009.

30. EOG Resources, Inc., Pad ID: Ward M 1H, ABR-20090421.1, Springfield Township, Bradford County, PA; Consumptive Use total of up to 1.990 mgd; Approval Date: December 2, 2009.

31. EOG Resources, Inc., Pad ID: Jones IV, ABR-20091203, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 2, 2009.

32. Chief Oil & Gas, LLC, Pad ID: Teel Unit Drilling Pad No. 2H, ABR-20091204, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: December 3, 2009.

33. Chief Oil & Gas, LLC, Pad ID: Teel Unit Drilling Pad No. 3H, ABR-20091205, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: December 3, 2009.

34. East Resources, Inc., Pad ID: Chapman 237, ABR-20091206, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 8, 2009.

35. East Resources, Inc., Pad ID: Houck 433, ABR-20091207, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 9, 2009.

36. Chesapeake Appalachia, LLC, Pad ID: Stoorza, ABR-20091208, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

37. Chesapeake Appalachia, LLC, Pad ID: Roger, ABR-20091209, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

38. Chesapeake Appalachia, LLC, Pad ID: Readinger, ABR-20091210, West Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

39. Chesapeake Appalachia, LLC, Pad ID: Miller, ABR-20091211, Towanda Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

40. Chesapeake Appalachia, LLC, Pad ID: Grippo, ABR-20091212, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

41. Chesapeake Appalachia, LLC, Pad ID: Duffield, ABR-20091213, Tuscarora Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

42. Chief Oil & Gas, LLC, Pad ID: Clear Springs Dairy Drilling Pad No. 1, ABR-20091214, Burlington Township, Bradford County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 14, 2009.

43. East Resources, Inc., Pad ID: Jenkins 523, ABR-20091215, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

44. East Resources, Inc., Pad ID: Pannebaker 515, ABR-20091216, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

45. East Resources, Inc., Pad ID: Starks 460, ABR-20091217, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

46. East Resources, Inc., Pad ID: Oldroyd 509, ABR-20091218, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

47. XTO Energy Incorporated, Pad ID: Hazlak, ABR-20090715.1, Franklin Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 14, 2009.

48. XTO Energy Incorporated, Pad ID: Temple, ABR-20090714.1, Moreland Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 14, 2009.

49. EOG Resources, Inc., Pad ID: Harkness 1V, ABR-20091219, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 14, 2009.

50. EOG Resources, Inc., Pad ID: Harkness 2H, ABR-20091220, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: December 14, 2009.

51. EOG Resources, Inc., Pad ID: Harkness 3H, ABR-20091221, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: December 14, 2009.

52. Seneca Resources Corporation, Pad ID: T. Wivell Horizontal Pad, ABR-20090814.1, Covington Township, Tioga County, PA; Consumptive Use total of up to 4.000 mgd; Approval Date: December 18, 2009.

53. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P1, ABR-20091223, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: December 21, 2009.

54. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P2, ABR-20091224, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: December 21, 2009.

55. XTO Energy Incorporated, Pad ID: King Unit, ABR-20091225, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: December 22, 2009.

56. XTO Energy Incorporated, Pad ID: Booth, ABR-20091226, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 28, 2009.

57. Seneca Resources Corporation, Pad ID: Rich Valley 1V Pad, ABR-20091227, Shippen Township, Cameron County, PA; Consumptive Use of up to 0.500 mgd; Approval Date: December 28, 2009.

58. Citrus Energy Corporation, Pad ID: Farver No. 1V, ABR-20091228, Benton Township, Columbia County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 28, 2009.

59. Seneca Resources Corporation, Pad ID: Wolfinger, ABR-20091229, Shippen Township, Cameron County, PA; Consumptive Use of up to 0.500 mgd; Approval Date: December 28, 2009, including a partial waiver of 18 CFR 806.15.

60. Ultra Resources, Inc., Pad ID: Marshlands H. Bergey Unit No. 1, ABR-20091230, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

61. Ultra Resources, Inc., Pad ID: Marshlands K. Thomas Unit No. 1, ABR-20091231, Elk Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

62. Ultra Resources, Inc., Pad ID: Lick Run Pad, ABR-20091232, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

63. Ultra Resources, Inc., Pad ID: Hillside Pad, ABR-20091233, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

64. Ultra Resources, Inc., Pad ID: Button B 901 Pad, ABR-20091234, West Branch Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

65. EOG Resources, Inc., Pad ID: Kenyon 1V, ABR-20091235, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 29, 2009.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: January 19, 2010.

THOMAS W. BEAUDUY,
Deputy Director

[Pa.B. Doc. No. 10-213. Filed for public inspection January 29, 2010, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0007 for snow removal from the main campus and branch campus. Bid specifications can be obtained from Nancy Froeschle at Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 299-7710 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 10-214. Filed for public inspection January 29, 2010, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0008 for a uPrint 3D printer system package and for a clean station JR. Bid specifications can be obtained from Nancy Froeschle at Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 299-7710 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 10-215. Filed for public inspection January 29, 2010, 9:00 a.m.]

