

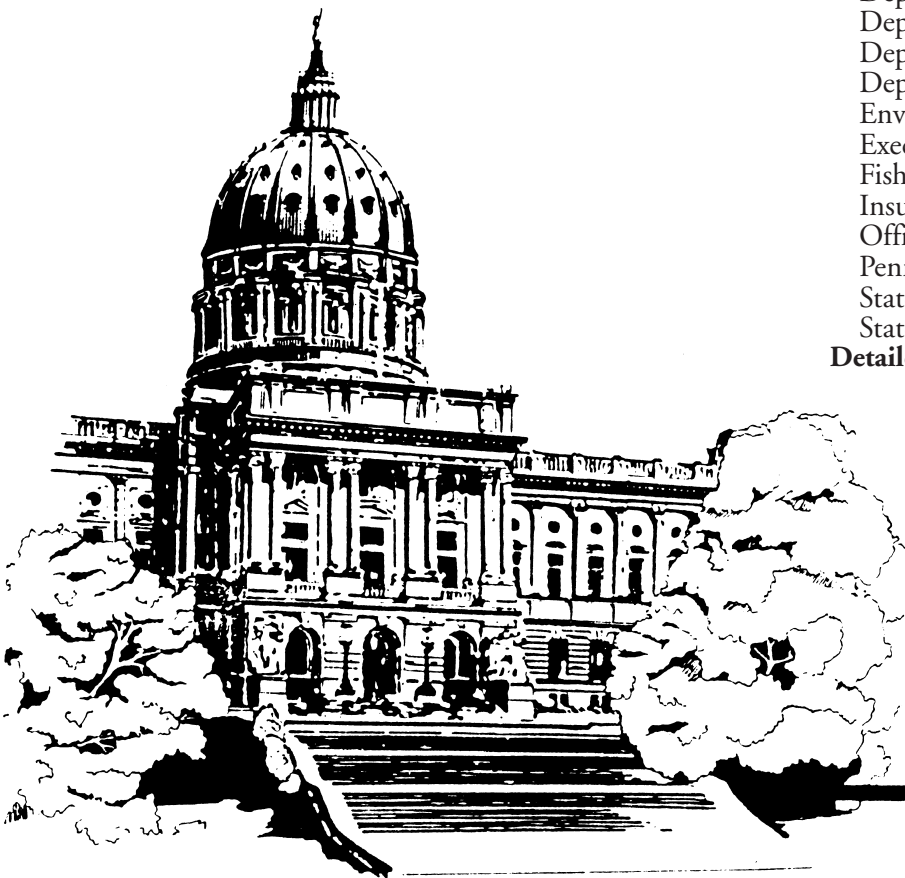
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Capital Preservation Committee
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Revenue
Department of Transportation
Environmental Quality Board
Executive Board
Fish and Boat Commission
Insurance Department
Office of the Budget
Pennsylvania Public Utilities Commission
State Board of Medicine
State Board of Nursing

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**Latest Pennsylvania Code Reporters
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No. 433, December 2010

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7a]

[EXECUTIVE ORDER NO. 2010-04 RESCISSION]

Consumer-Directed Home Care Providers; Rescission of Executive Order No. 2010-04

December 1, 2010

I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct that Executive Order 2010-04, Consumer-Directed Home Care Providers, issued on September 14, 2010, is *Rescinded*. This rescission is effective immediately.



Governor

Fiscal Note: 2010-10. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS

Subchapter C. (Reserved)

§§ 7a.21—7a.30. (Reserved).

§ 7a.31. Rescission.

This subchapter is rescinded, effective December 1, 2010.

[Pa.B. Doc. No. 10-2449. Filed for public inspection December 23, 2010, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Judicial Salaries

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

§ 211.2. Judicial salaries effective January 1, 2011.

The Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2010, was 1.7 percent (1.7%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Wednesday, November 17, 2010).

The annual judicial salaries for calendar year beginning January 1, 2011 will be adjusted by a cost-of-living factor as follows:

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$189,620.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$195,138.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$178,914.

(2) The annual salary of the President Judge of the Superior Court shall be \$184,432.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$178,914.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$184,432.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$164,602.

(2) The annual salary of the President Judges of the Court of Common Pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$167,361.

(ii) Philadelphia County, \$167,913.

(iii) Judicial districts having six or more judges, \$166,036.

(iv) Judicial districts having one to five judges, \$165,319.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$166,036.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$165,319.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$166,036.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$165,319.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$160,793.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$163,277.

(f) *Philadelphia Traffic Court.*

(1) The annual salary of a judge of the Philadelphia Traffic Court shall be \$86,496.

(2) The annual salary of the President Judge of the Philadelphia Traffic Court shall be \$87,213.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$82,303.

(h) *Senior judges.*

The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$506 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 10-2450. Filed for public inspection December 23, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 4000]

Proposed Amendment of Rule 4003.5 Governing Discovery of Expert Testimony; Proposed Recommendation No. 248

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 4003.5 governing discovery of expert testimony be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than February 18, 2011 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4003.5. Discovery of Expert Testimony. Trial Preparation Material.

(a) Discovery of facts known and opinions held by an expert, otherwise discoverable under the provisions of Rule 4003.1 and acquired or developed in anticipation of litigation or for trial, may be obtained as follows:

(1) A party may through interrogatories require

[(a)] (A) any other party to identify each person whom the other party expects to call as an expert witness at trial and to state the subject matter on which the expert is expected to testify and

[(b)] (B) **subject to the provisions of subdivision (a)(4)**, the other party to have each expert so identified state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The party answering the interrogatories may file as his or her answer a report of the expert or have the interrogatories answered by the expert. The answer or separate report shall be signed by the expert.

(2) Upon cause shown, the court may order further discovery by other means, subject to [**such restrictions as to scope and such provisions concerning fees and expenses as the court may deem appropriate**]
(1) **the provisions addressing scope, and fees and expenses as the court may deem appropriate and**
(2) **the provisions of subdivision (a)(4) of this rule.**

(3) A party may not discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, except a medical expert as provided in Rule 4010(b) or except on order of court as to any other expert upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means, subject to such restrictions as to scope and such provisions concerning fees and expenses as the court may deem appropriate.

Official Note: For additional provisions governing the production of expert reports in medical professional liability actions, see Rule 1042.26 et seq. Nothing in Rule 1042.26 et seq. precludes the entry of a court order under this rule.

(4) A party may not discover the communications between another party's attorney and any expert who is to be identified pursuant to subdivision (a)(1)(A) regardless of the form of the communications.

* * * * *

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 4003.5 governing the discovery of expert testimony. Recent amendments to the Federal Rules of Civil Procedure have prohibited the discovery of communications between an attorney and his or her expert witness unless those communications (1) relate to compensation for the expert's study or testimony, (2) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed, or (3) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed. See FRCP 26(b)(4)(C), effective December 31, 2010.

Current practice in Pennsylvania has not been to seek discovery of communications between the attorney and his or her expert. The proposed amendment to Rule 4003.5 follows the federal rule in explicitly prohibiting the discovery of such communications. However, it does not include the exceptions in the federal rule to those communications because of the differences between the federal rules and the Pennsylvania rules governing the scope of discovery of expert testimony.

The federal rules of civil procedure permit an expert to be deposed after the expert report has been filed. The exceptions enumerated above simply describe some of the matters that may be covered in a deposition. However, in the absence of cause shown, the Pennsylvania rules of civil procedure do not permit an expert to be deposed. Thus, the exceptions within the federal rule are inconsistent with the restrictions of the Pennsylvania rules of civil procedure governing discovery of expert witnesses.

In Pennsylvania, questions regarding the compensation of the expert have traditionally been addressed at trial; there is no indication that this procedure is not working well.

In addition, the facts or data provided by the attorney that the expert considered, as well as the assumptions provided by the attorney that the expert relied on in forming his or her opinion, are covered by Rule 4003.5(a)(1)(b), which requires the expert to "state the substance of the facts and opinions to which the expert is expected to testify and summary of the ground for each opinion." If facts or data which the expert considered were provided by counsel or if the expert relied on assumptions provided by counsel, they must be included in the expert report. See Rule 4003.5(c) which provides that the expert's direct testimony at trial may not be inconsistent with or go beyond the fair scope of his or her testimony set forth in the report. If the expert report is unclear as to the facts upon which the expert relied, upon cause shown, the court may order further discovery including the filing of a supplemental expert report. See Rule 4003.5(a)(2).

By the Civil Procedural Rules Committee

ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 10-2451. Filed for public inspection December 23, 2010, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 114 of the Rules of Criminal Procedure; No. 395 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 6th day of December 2010, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 2517 (May 15, 2010), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 968), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 114 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2011.

Annex A

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

PART A. Business of the Courts

Rule 114. Orders and Court Notices: Filing; Service; and Docket Entries.

* * * * *

(B) Service

* * * * *

(3) Methods of Service

Except as otherwise provided in Chapter 5 concerning notice of the preliminary hearing, service shall be:

(a) in writing by

* * * * *

(vi) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has filed a written request for this method of service [or has included a facsimile number or an electronic address on a prior legal paper filed in the case] as provided in paragraph (B)(3)(c); or

(vii) delivery to the party's attorney, or the party if unrepresented, by carrier service; or

(b) orally in open court on the record.

(c) A party's attorney, or the party if unrepresented, may request to receive service of court orders or notices pursuant to this rule by facsimile transmission or other electronic means by

(i) filing a written request for this method of service in the case or including a facsimile number or an electronic address on a prior legal paper filed in the case; or

(ii) filing a written request for this method of service to be performed in all cases, specifying a facsimile number or an electronic address to which these orders and notices may be sent.

The request for electronic service in all cases filed pursuant to paragraph (ii) may be rescinded at any time by the party's attorney, or the party if unrepresented, by filing a written notice that service of orders and notices shall be accomplished as otherwise provided in this rule.

* * * * *

Comment

* * * * *

Paragraph (B)(3)(c) provides two methods for consenting to the receipt of orders and notices electronically. The first method, added to this rule in 2004, permits electronic service on a case-by-case basis with an authorization for such service required to be filed in each case. A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph [(B)(3)(a)(vi)] (B)(3)(c)(i). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization must be filed in each case the party or attorney wants to receive documents by this method of service.

The second method was added in 2010 to provide the option of entering a "blanket consent" to electronic service in all cases. It is expected that this would be utilized by those offices that work frequently in the criminal justice system, such as a district attorney's office or public defender's office, or by a judicial district that has the capability, based upon the availability of local technological resources, to accept a general request from a party to receive court orders and notices electronically. For example, a judicial district may have a system for electronically scanning documents that are stored on the courthouse computer system. In such a situation, an office that is part of the system, such as the District Attorney's Office or the Public Defender's Office, could consent to the receipt of all court orders and notices generally. As with service under paragraph (B)(3)(c)(i), a facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(c)(ii). This consent may be rescinded as provided in paragraph (B)(3)(c).

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping or making docket entries.

* * * * *

Official Note: Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended July 20, 2006, effective September 1, 2006; Comment revised September 18, 2008, effective February 1, 2009; amended December 6, 2010, effective February 1, 2011.

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 6, 2010 amendment concerning consent to electronic service published with the Court's Order at 40 Pa.B. 7336 (December 25, 2010).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 114

Electronic Distribution of Orders and Court Notices

On December 6, 2010, effective February 1, 2011, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted the amendment of Rule 114 (Orders and Court Notices) to permit a party to consent generally to receive orders and notices electronically in all cases.

This issue was first raised with the Committee by the Clerk of Courts for a county that has a document scanning function in their local computer system that provides immediate distribution of documents to users when an order is scanned into the system. The Clerk asked whether frequent users, such as the District Attorney's Office or Public Defender's Office, could avoid the requirement to provide consent to electronic service in each case by providing a general consent.²

The problem arose from the language in Rule 114(B)(3)(a)(vi) that permits the distribution of orders "by facsimile transmission or other electronic means" but only if the party or counsel for the party files a written request for this method of service in each case or "has included a facsimile number or an electronic address on a prior legal paper filed in the case. . ." Additionally, the Comment to Rule 113 states, "In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required in paragraph (C)(2) must include the facsimile number or electronic address."

The Committee examined the history of the Rule 114 requirement for case-by-case consent. The language regarding electronic service of orders was added to Rule 114 in 2004.³ The Final Report to that amendment specifically discusses the rationale for the allowance for electronic service on a case-by-case basis:

In addition, the Committee discussed service by electronic means. We noted both that Pa.R.Civ.P. 236(d) permits service of orders by facsimile or electronic transmission, and that the use of electronic technology for transmitting documents is proliferating. However, the Committee expressed concern about issues such as proof of service and signatures that arise with the various means of electronically transmitting documents. Following several meetings at which this issue was debated at length, the Committee ultimately concluded there is nothing in Civil Rule 236(d) that is contrary to the purposes of service in criminal cases and having uniform means of service in civil and criminal cases is a salutary purpose. Accordingly, Rule 114(B)(3)(a)(vi), modeled

on Civil Rule 236(d), permits this method of service. To alleviate the members' concerns about service by electronic means, the new provision incorporates two safeguard provisions. First, the paragraph permits the use of electronic means of service, but only if counsel or, the defendant if unrepresented, requests this method of service either by filing a specific request or including the facsimile number or an electronic address on a prior legal paper filed in the case. The Comment includes a paragraph clarifying that the facsimile number or electronic address on letterhead is not sufficient to authorize service by facsimile. Second, the paragraph requires the authorization for the use of electronic means for service by the court to be on a case-by-case basis. A Comment provision explains this, and notes a new authorization must be made for each case of the attorney or defendant.

In reviewing this rule history, it became clear that the case-by-case requirement was due to concerns that electronic distribution would not be as effective as more traditional means of serving these orders and that an electronic message could more easily fall astray due to a technical glitch or that a party could more easily claim never to have received the transmission. The Committee noted, however, that this requirement was established six years ago when the electronic service of documents was still a relative novelty. In the intervening time, electronic service of documents, usually as part of a larger electronic filing system, has become more routine.

Based on a review of the practice of the electronic transfer of documents in a number of jurisdictions, the federal system being a foremost example, the Committee concluded that many of the concerns about problems with the technology have proven unfounded. Therefore, permitting "blanket consent" for electronic service would be efficient and practical. The Committee also believed that, if a method of providing consent that was not case specific were added to the rule, some mechanism for rescinding such consent should be included as well.

To accomplish this change, a new paragraph (B)(3)(c) has been added to Rule 114 that provides the two methods of consent to receive orders electronically as well as the method for rescinding the general consent. Paragraph (B)(3)(c)(i) retains the case-by-case method of the present rule while new paragraph (B)(3)(c)(ii) provides for the general, non-case-specific consent. Language also has been added to the Comment to indicate that the practice of providing a general consent is not mandatory and should be utilized only in those judicial districts where existing technology makes this practical.

The Committee considered a publication response that suggested the amendments address certain technical details, such as the electronic format in which the orders would be sent. As the amendments are intended to provide general permission where local technology permits with such details to be worked out based on local capabilities, the Committee concluded that such details would need to be worked out at the local level and, therefore, such specifics should not be mandated in the statewide rules.

[Pa.B. Doc. No. 10-2452. Filed for public inspection December 23, 2010, 9:00 a.m.]

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

² This amendment applies only to the service of court orders and notices by the court and does not apply to service by the parties.

³ See 34 Pa.B. 1547 (March 20, 2004).

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

**Prothonotary of Philadelphia—Clerk of Courts;
President Judge Administrative Order No.
2010-04**

Order

And Now, this 7th of day December, 2010 this Court's Order of November 15, 2010, pursuant to the order of the Supreme Court of Pennsylvania dated March 3, 2010 directing that all duties and functions of the office formerly known as the "Office of the Clerk of Quarter Sessions" of Philadelphia be absorbed and assumed by the First Judicial District of Pennsylvania, and the "Office of the Clerk of Quarter Sessions" having been officially abolished effective as of July 1, 2010 by Ordinance No. 100360 which was unanimously passed by the Council of the City of Philadelphia on September 30, 2010 and signed by the Mayor of the City of Philadelphia on October 12, 2010, and consistent with this Court's Administrative Order of March 4, 2010, *It Is Hereby Ordered, Adjudged and Decreed That:*

1) All duties and functions of the office formerly known as the "Office of the Clerk of Quarter Sessions" are assumed by the First Judicial District of Pennsylvania through the Office of the Prothonotary of Philadelphia;

2) Effective immediately, the Prothonotary of Philadelphia shall also be known as the "Clerk of Courts" when exercising the duties as the Clerk of the: Philadelphia Municipal Court—Criminal Division; Court of Common Pleas, Trial Division—Criminal; and Court of Common Pleas, Family Court Division—Juvenile Branch; and

3) All other duties and functions of the office of the Prothonotary of Philadelphia remain as heretofore.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil and Criminal Procedural Rules Committees. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge

[Pa.B. Doc. No. 10-2453. Filed for public inspection December 23, 2010, 9:00 a.m.]

PHILADELPHIA COUNTY

**Rescission of Philadelphia Civil Rule *229.1 and
Amendment of Philadelphia Civil Rule *212.3;
General Court Regulation No. 2010-02**

Order

And Now, this 7th day of December, 2010, the Board of Judges of Philadelphia County having voted at the Board

of Judges' meeting held on November 18, 2010 to rescind Philadelphia Civil Rule *229.1 Settlement Recommendations, Demands and Offers and to amend Philadelphia Civil Rule *212.3, it is hereby Ordered that Philadelphia Civil Rule *229.1 Settlement Recommendations, Demands and Offers is rescinded and that Philadelphia Civil Rule *212.3 is amended as follows.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and the previously-referenced rule changes shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and the Civil Procedural Rules Committee. Copies of the General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge

**Rescission of Philadelphia Civil Rule *229.1 and
Amendment of Philadelphia Local Rule *212.3**

Philadelphia Civil Rule 229.1. Settlement Recommendations, Demands and Offers.

**[From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount, demand or offer made shall be communicated forthwith to the client by his, her or its counsel.]
Rescinded.**

Explanatory Note: This rule has been moved in its entirety to Philadelphia Civil Rule * 212.3, titled Pretrial and Settlement Conferences, as Subsection (C).

Philadelphia Civil Rule *212.3. Pre-Trial and Settlement Conferences

(A) The court, in its Program Case Management Orders scheduling pre-trial or settlement conferences pursuant to Pa.R.Civ.P. No. 212.3, may order anyone with a financial interest in the outcome of a case to be personally present at the pre-trial or settlement conference. Failure of anyone with a financial interest in the outcome of a case to appear may result in the imposition of sanctions against such party, or other entity. The court, upon appropriate request of counsel, may for good cause permit a party or representative to appear by telephone rather than in person.

(B) In non-jury cases, the Trial Judge shall not enter into settlement negotiations without the consent of the parties and may refuse to enter into settlement negotiations even if the parties consent to such participation. In such a case, if the parties wish to pursue settlement negotiations with a judge, arrangements [shall] may be made to find a judge agreeable to all parties to serve as a settlement conference judge.

(C) From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount,

demand or offer made shall be communicated forthwith to the client by his, her or its counsel.

Explanatory Note: Former Philadelphia Civil Rule *229.1 titled "Settlement Recommendations, Demands and Offers" has been added in its entirety to this rule as Subsection (C).

Amended by the Board of Judges of the Court of Common Pleas on November 18, 2010 and effective on

Adopted by the Board of Judges November 18, 2010; effective 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 10-2454. Filed for public inspection December 23, 2010, 9:00 a.m.]

SUPREME COURT

Appointment of Prothonotary of the Supreme Court of Pennsylvania; No. 360 Judicial Administration Doc.

Order

Per Curiam

And Now, this 8th day of December, 2010, Irene M. Bizzoso, Esquire, is hereby appointed as Prothonotary of the Supreme Court of Pennsylvania.

[Pa.B. Doc. No. 10-2455. Filed for public inspection December 23, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 129 AND 130]

Adhesives, Sealants, Primers and Solvents

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) and adds Subchapter D (relating to adhesives, sealants, primers and solvents) to Chapter 130 (relating to standards for products), to read as set forth in Annex A.

The final-form rulemaking adds definitions to § 121.1 (relating to definitions) for 57 new terms, including those that relate to the adhesive, sealant, primer and solvent product categories that will be regulated under § 129.77 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents) and Chapter 130, Subchapter D, and amends definitions for 9 existing terms to provide clarity.

The final-form rulemaking amends § 129.51(a) (relating to general) to add § 129.77 to the list of sections for which compliance may be achieved by alternative methods.

The final-form rulemaking adds § 129.77 to regulate the owner or operator of a facility or stationary source that uses or applies, on or after January 1, 2012, a regulated adhesive, sealant, adhesive primer or sealant primer product. The final-form rulemaking adopts emission standards and volatile organic compound (VOC) content limits for the industrial or commercial use or application of 37 categories of adhesive, sealant, adhesive primer or sealant primer products, and adhesive or sealant products applied to particular substrates. The final-form rulemaking also includes requirements for the use of surface preparation solvents and cleanup solvents. Owners and operators using noncomplying products have the option to use add-on controls as a compliance alternative rather than switching to complying products.

The final-form rulemaking adds Chapter 130, Subchapter D to adopt emission standards and VOC content limits for the sale, supply, offer for sale, manufacture, use or application of 37 categories of adhesive, sealant, adhesive primer and sealant primer products; adhesive and sealant products applied to certain substrates; and surface preparation solvents and cleanup solvents. Chapter 130, Subchapter D applies to a person who, on or after January 1, 2012, sells, supplies, offers for sale or manufactures for sale an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product for industrial or commercial use or application in this Commonwealth. The requirements also apply to a person who uses or applies in this Commonwealth, for compensation, an adhesive, sealant, adhesive primer or sealant primer product; adhesive or sealant products applied to particular substrates; or surface preparation solvent or cleanup solvent products.

This order was adopted by the Board at its meeting on September 21, 2010.

A. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

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

C. *Statutory Authority*

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

D. *Background and Purpose*

The purpose of this final-form rulemaking is to establish a program to limit the emissions of VOCs from the industrial and commercial use and application of certain adhesive, sealant, adhesive primer and sealant primer products; adhesive and sealant products applied to certain substrates; and surface preparation solvent and cleanup solvent products. This final-form rulemaking also extends these product requirements to the owners or operators of facilities that use these products as part of a manufacturing process and provides them with an alternative compliance method of using add-on air pollution controls in place of complying products. VOCs are a precursor for ozone formation. Ground-level ozone is not emitted directly by adhesives, sealants, primers and solvents to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides in the presence of sunlight.

The United States Environmental Protection Agency (EPA) is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone, particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and

damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long-time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA established primary and secondary ozone standards at a level of 0.08 part per million (ppm) averaged over 8 hours. See 62 FR 38855 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. This Commonwealth is meeting the 1997 standard in all areas except the five-county Philadelphia area. The areas in which the 1997 standard has been attained are required to have permanent and enforceable control measures to ensure violations do not occur for the next decade.

Furthermore, in March 2008, the EPA lowered the standard to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). The EPA is reconsidering the March 2008 ozone NAAQS and proposed at 75 FR 2938

(January 19, 2010) to set a more protective 8-hour ozone primary standard between 0.060 and 0.070 ppm to provide increased protection for children and other at-risk groups. The EPA also proposed that the secondary ozone standard, which was set identically to the revised primary standard in the 2008 final rule, should instead be a new cumulative, seasonal standard. See 75 FR 2938. This seasonal standard is designed to protect plants and trees from damage occurring from repeated ozone exposure, which can reduce tree growth, damage leaves and increase susceptibility to disease. The final revised ozone NAAQS is expected in 2011.

There are no Federal limits for the larger container sizes of adhesive, sealant, adhesive primer and sealant primer products subject to regulation under this final-form rulemaking. The staff of the Ozone Transport Commission (OTC) and member states and the District of Columbia formed a workgroup to discuss control measures for the sale, offer for sale, supply, manufacture, industrial use and commercial application of solvent-based adhesives, sealants and primers during a series of conference calls and workshops held from the Spring of 2004 through the Autumn of 2006. The OTC workgroup collected and evaluated information regarding emission benefits, cost-effectiveness and implementation issues.

This final-form rulemaking is based on emission reduction measures recommended by the OTC in its 2006 Model Rule for adhesives, sealants and primers, which is based on the 1998 reasonably available control technology (RACT) and best available retrofit control technology (BARCT) determination by the California Air Resources Board (CARB) for the industrial and commercial use and application of adhesives, sealants and primers. The Department has reviewed the OTC 2006 Model Rule and the CARB RACT/BARCT for their applicability to the ozone reduction measures necessary for this Commonwealth.

The OTC workgroup received comments on the 2006 Model Rule from the National Paint and Coatings Association, the Adhesive and Sealant Council, Inc. and LORD Corporation. The Department reviewed these comments for applicability to the development of this Commonwealth-specific final-form rulemaking.

The Department has determined that the measures provided in the 2006 Model Rule are appropriate to be implemented in this Commonwealth.

This final-form rulemaking will assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. This final-form rulemaking is consistent with regulatory initiatives that will be undertaken by other jurisdictions in the Ozone Transport Region (OTR). Adoption of VOC emission requirements for adhesives, sealants, primers and solvents is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The final-form rulemaking is reasonably necessary to attain and maintain the health-based 8-hour ozone NAAQS. This final-form rulemaking will be submitted to the EPA as a revision to the State Implementation Plan (SIP).

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on November 18, 2009, and February 18, 2010. The AQTAC unanimously concurred with the Department's recommendation to present the final-form amendments to the Board for approval for publication as a final regulation. The

Department also consulted with the Citizens Advisory Council (CAC) on December 16, 2009, and the Small Business Compliance Advisory Committee (SBCAC) on July 28, 2010. Neither the CAC nor the SBCAC had concerns.

E. Summary of Regulatory Requirements; and Changes to the Proposed Rulemaking

This final-form rulemaking amends the following definitions in § 121.1 of the following terms to improve clarity, style and format or explain new product categories: “adhesive,” “adhesive primer,” “aerospace vehicle or component,” “as applied,” “as supplied,” “cyanoacrylate adhesive,” “exempt compound or exempt solvent,” “sealant” and “solvent.”

This final-form rulemaking adds definitions in § 121.1 for the following terms to explain new product categories: “ABS welding adhesive or acrylonitrile-butadiene-styrene welding adhesive,” “aerosol adhesive,” “architectural sealant or primer,” “automotive glass adhesive primer,” “CPVC plastic or chlorinated polyvinyl chloride plastic,” “CPVC welding adhesive or chlorinated polyvinyl chloride welding adhesive,” “ceramic tile installation adhesive,” “cleanup solvent,” “computer diskette jacket manufacturing adhesive,” “contact bond adhesive,” “cove base,” “cove base installation adhesive,” “diluent,” “drywall installation,” “fiberglass,” “flexible vinyl,” “indoor floor covering installation adhesive,” “laminant,” “low-solids adhesive, sealant or primer,” “marine deck sealant or marine deck sealant primer,” “medical equipment manufacturing,” “metal to urethane/rubber molding or casting adhesive,” “multipurpose construction adhesive,” “nonmembrane roof installation/repair adhesive,” “outdoor floor covering installation adhesive,” “PVC plastic or polyvinyl chloride plastic,” “PVC welding adhesive or polyvinyl chloride welding adhesive,” “panel installation,” “perimeter bonded sheet flooring installation,” “plastic cement welding adhesive,” “plastic cement welding adhesive primer,” “plastic foam,” “plasticizer,” “plastics,” “porous material,” “propellant,” “reactive diluent,” “roadway sealant,” “rubber,” “SCAQMD-South Coast Air Quality Management District,” “sealant primer,” “sheet rubber installation,” “single-ply roof membrane,” “single-ply roof membrane adhesive primer,” “single-ply roof membrane installation and repair adhesive,” “single-ply roof membrane sealant,” “structural glazing adhesive,” “subfloor installation,” “surface preparation solvent,” “thin metal laminating adhesive,” “tire repair,” “tire tread adhesive,” “traffic marking tape,” “traffic marking tape adhesive primer,” “undersea-based weapons systems components” and “waterproof resorcinol glue.”

Three of the definitions previously listed are amended in the final-form rulemaking in response to public comment: “metal to urethane/rubber molding or casting adhesive,” “rubber” and “single-ply roof membrane.” A fourth definition, “fiberglass,” is amended to include both the proposed definition and a different definition of the same term adopted at 40 Pa.B. 3328 (June 19, 2010) for a different purpose. The definition specifies which definition applies when.

The final-form rulemaking amends § 129.51(a) to extend its coverage to adhesives, sealants, primers and solvents covered by § 129.77. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The final-form rulemaking adds § 129.77. Many of the revisions to the proposed language are made for the

purpose of clarity. The compliance date is also changed, based on the anticipated publication date of the final-form rulemaking.

Section 129.77(a) establishes that this section applies to the owner or operator of a facility that uses or applies at the facility, on or after January 1, 2012, an adhesive, sealant, adhesive primer or sealant primer subject to the VOC content limits in § 129.77, Table V (relating to VOC content limits for adhesives, sealants, adhesive primers and sealant primers, as applied); an adhesive or sealant product applied to the listed substrate subject to the VOC content limits in § 129.77, Table VI (relating to VOC content limits for adhesive or sealant products applied to particular substrates, as applied); or a surface preparation solvent or cleanup solvent.

Section 129.77(b) establishes that, on or after January 1, 2012, an owner or operator of a facility may not use or apply at the facility an adhesive, sealant, adhesive primer or sealant primer that exceeds the applicable VOC content limit in Table V or VI, except as provided elsewhere in § 129.77.

Section 129.77(c) establishes that, on or after January 1, 2012, an owner or operator of a facility may not use or apply at the facility a surface preparation or cleanup solvent that exceeds the applicable VOC content limit or composite vapor pressure requirements of this section, except as provided elsewhere in this section.

Section 129.77(d) specifies that the VOC content limits in Table VI apply if the adhesive or sealant does not have a VOC content limit in Table V. This subsection also specifies that if an owner or operator of a facility uses or applies at the facility an adhesive to bond dissimilar substrates together, the applicable substrate category with the highest VOC content is the limit for this use.

Section 129.77(e) specifies requirements for an owner or operator of a facility using or applying a surface preparation solvent or cleanup solvent at the facility.

Section 129.77(f) specifies the requirements for removal of an adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment.

Section 129.77(g) addresses the requirements for an owner or operator of a facility using or applying at the facility an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to this section that wants to use add-on air pollution control equipment to comply. The subsection is amended in the final-form rulemaking to add requirements for recording and maintaining daily records of certain information for add-on air pollution control devices. The final-form rulemaking also amends this subsection to provide an owner or operator of a facility that intends to comply with § 129.77 through the use of add-on air pollution control equipment with the option to request an extension to the compliance date.

Section 129.77(h) establishes that an owner or operator of a facility subject to this section shall store or dispose of all absorbent materials, including cloth or paper, which are moistened with products subject to this section, in nonabsorbent containers at the facility that are kept closed except when placing materials in or removing materials from the container.

Section 129.77(i) establishes that an owner or operator of a facility subject to this section may not solicit, require or specify the use or application of a product subject to this section if the use or application would result in a violation of this section. The final-form rulemaking clari-

ties that this restriction does not apply if the emissions are controlled through the use of add-on air pollution control equipment. The final-form rulemaking specifies that the prohibition of subsection (i) applies to all written or oral contracts created on or after January 1, 2012, under which an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to this section is to be used or applied at a facility in this Commonwealth.

Section 129.77(j) specifies that an owner or operator of a facility subject to this section who uses or applies a product subject to this section may not add solvent to the adhesive, sealant, adhesive primer or sealant primer in an amount in excess of the manufacturer's recommendation for application, if this additional solvent causes the product to exceed the applicable VOC content limit listed in Table V or VI, unless the emissions are controlled through the use of add-on air pollution control equipment as specified in subsection (g).

Section 129.77(k) provides for certain exemptions, including exemptions for products being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required in subsections (p) and (q); products that are subject to § 129.73 (relating to aerospace manufacturing and rework), Chapter 130, Subchapter B (relating to consumer products) or Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings); adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied; cyanoacrylate adhesives; adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less, or a net weight of 1 pound or less, except plastic cement welding adhesives and contact adhesives; and contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of 1 gallon or less.

Section 129.77(l) provides exemptions for the use of adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents in certain operations, including tire repair operations, if the label of the tire repair adhesive states "For tire repair only;" the assembly, repair and manufacture of aerospace components or undersea-based weapon systems; the manufacture of medical equipment; and certain plaque laminating operations.

The final-form rulemaking deletes proposed § 129.77(m), which provided a phased-in compliance schedule for the use and application of single-ply roof membrane materials. The proposed schedule is removed because the change in compliance date to January 1, 2012, made it unnecessary.

Section 129.77(m) in the final-form rulemaking, which amends proposed § 129.77(n), provides an exemption from § 129.77 if the total VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used or applied at the facility are less than 200 pounds or an equivalent volume per calendar year. An owner or operator of a facility claiming exemption under this subsection shall record and maintain operational records sufficient to demonstrate compliance with this exemption.

Section 129.77(n) in the final-form rulemaking, which amends proposed § 129.77(o), provides an exemption from § 129.77 for the use or application of a noncomplying adhesive, sealant, adhesive primer, sealant primer, sur-

face preparation solvent or cleanup solvent if the total volume of noncomplying products used or applied facility-wide does not exceed 55 gallons per calendar year. An owner or operator of a facility claiming exemption under this subsection shall record and maintain operational records sufficient to demonstrate compliance with this exemption.

Section 129.77(o) in the final-form rulemaking, which amends proposed § 129.77(p), specifies that each owner or operator subject to this section shall maintain records demonstrating compliance with this section. This subsection is amended in the final-form rulemaking in response to comments to specify that records of volume must indicate monthly volume.

Section 129.77(p) in the final-form rulemaking, which amends proposed § 129.77(q), provides recordkeeping requirements for the person conducting testing on products that are subject to the laboratory testing exemption.

Section 129.77(q) in the final-form rulemaking, which amends proposed § 129.77(r), specifies that all records made to determine compliance with this section shall be maintained onsite for 5 years from the date the record is created and made available to the Department upon request. This subsection is amended in the final-form rulemaking in response to comments to specify that records must be made available to the Department upon receipt of a written request.

Section 129.77(r) in the final-form rulemaking, which amends proposed § 129.77(s), specifies, with certain exceptions, that the VOC and solids content of nonaerosol adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents shall be determined using either EPA Reference Method 24 or South Coast Air Quality Management District (SCAQMD) Method 304, including updates and revisions. This subsection is amended in the final-form rulemaking in response to comment to specify that the VOC and solids content of nonaerosol adhesives, including one-part moisture cure urethane adhesives and silicone adhesives, shall be determined using either EPA Reference Method 24 or SCAQMD Method 304, including updates and revisions.

Section 129.77(s), added in response to public comment, adds a test method for determining the volatile matter and solids content of one-part or multiple part reactive adhesives, except one-part moisture cure urethane adhesives and silicone adhesives.

Section 129.77(t) specifies that the identity and concentration of exempt organic compounds shall be determined using either ASTM D4457 or SCAQMD Method 303, including updates and revisions.

Section 129.77(u) specifies that the VOC content of a plastic cement welding adhesive or primer shall be determined using SCAQMD Method 316A, including updates and revisions.

Section 129.77(v) specifies that to determine if a diluent is a reactive diluent, the percentage of the reactive organic compound that becomes an integral part of the finished material shall be determined using SCAQMD Method 316A, including updates and revisions.

Section 129.77(w) specifies the procedure for determining the composite vapor pressure of organic compounds in cleaning materials.

Section 129.77(x) specifies that the vapor pressure of each component in the cleaning material subject to § 129.77(w) shall be determined from either ASTM 2879 or one or more of the listed references, including updates and revisions.

Section 129.77(y) specifies that if air pollution control equipment is used to meet the requirements of this section, the owner or operator shall determine the capture efficiency and the control efficiency using certain procedures.

Section 129.77(z) specifies that the active and passive solvent losses from spray gun cleaning systems shall be determined using the SCAQMD Method, General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems, including updates and revisions.

New § 129.77(aa) allows for use of another test method to determine the VOC or solids content of a product if a request is submitted to the Department in writing, the request demonstrates that the test method provides results that accurately determine the concentration of VOCs in the product or its emissions, and the request is approved by the Department in writing.

Section 129.77(bb) specifies the method for calculating the VOC content of adhesive, sealant, adhesive primer or sealant primer products that do not contain reactive diluents.

Section 129.77(cc) specifies the method for calculating the VOC content for adhesive, sealant, adhesive primer or sealant primer products that contain reactive diluents.

Section 129.77(dd) specifies the method for calculating the VOC content for low-solids adhesive, sealant, adhesive primer or sealant primer products.

Section 129.77(ee) specifies the method for calculating percent VOC by weight.

Section 129.77(ff) specifies how to convert from units of grams per liter to units of pounds per gallon.

Section 129.77, Table V lists the VOC content limits for the regulated adhesives, sealants, adhesive primers and sealant primers, as applied. The VOC content limits for nonporous architectural and porous architectural sealant primers are corrected in the final-form rulemaking, as they had been transposed in the proposed rulemaking.

Section 129.77, Table VI lists the VOC content limits for adhesive or sealant products applied to particular substrates, as applied.

The final-form rulemaking adds Chapter 130, Subchapter D. Many of the revisions to the proposed rulemaking are made for the purpose of clarity. The compliance date is also changed, based on the anticipated publication date of the final-form rulemaking.

Section 130.701 (relating to applicability) in the final-form rulemaking establishes that, except as provided in § 130.703 (relating to exemptions and exceptions), this subchapter applies to a person who, on or after January 1, 2012, sells, supplies, offers for sale, manufactures for sale for use or application in this Commonwealth, or uses or applies for compensation in this Commonwealth one or more of the following products subject to this subchapter: an adhesive, sealant, adhesive primer or sealant primer; an adhesive or sealant product applied to particular substrates; or a surface preparation solvent or cleanup solvent product.

Section 130.702(a) (relating to emission standards) establishes that, except as provided in § 130.703, a person may not sell, supply, offer for sale or manufacture for sale for use or application in this Commonwealth an adhesive, sealant, adhesive primer or sealant primer manufactured on or after January 1, 2012, which contains VOCs in excess of the applicable VOC content limit specified in

Table I (relating to VOC content limits for adhesives, sealants, adhesive primers and sealant primers, as applied).

Section 130.702(a) also establishes that, except as provided in § 130.703, a person may not sell, supply, offer for sale or manufacture for sale for use or application in this Commonwealth an adhesive or sealant product manufactured on or after January 1, 2012, applied to particular substrates, which contains VOCs in excess of the applicable VOC content limit in Table II (relating to VOC content limits for adhesive or sealant products applied to particular substrates, as applied).

Section 130.702(b) establishes that, except as provided in § 130.703, a person may not use or apply for compensation within this Commonwealth an adhesive, sealant, adhesive primer or sealant primer manufactured on or after January 1, 2012, which contains VOCs in excess of the applicable VOC content limit specified in Table I, or an adhesive or sealant product manufactured on or after January 1, 2012, applied to a substrate listed in Table II if the product contains VOCs in excess of the applicable VOC content limit in Table II.

Section 130.702(c) describes how the VOC content limits in Table II will apply.

Section 130.702(d) establishes additional requirements for persons using or applying a surface preparation solvent or cleanup solvent.

Section 130.702(e) establishes the methods that must be followed for removing adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment.

Section 130.702(f) establishes that a person who uses or applies a product subject to this subchapter shall store or dispose of all absorbent materials, including cloth or paper, which are moistened with adhesives, sealants, primers or solvents subject to this subchapter in nonabsorbent containers at the facility or location of use that are kept closed except when placing materials in or removing materials from the container.

Section 130.702(g) establishes that a person may not solicit, require or specify the use or application of a product subject to this subchapter if the use or application would result in a violation of this subchapter. The final-form rulemaking specifies that the prohibition of subsection (g) applies to all written or oral contracts created on or after January 1, 2012, under which an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to this section is to be used or applied at a location in this Commonwealth.

Section 130.702(h) specifies that a person who, for compensation, uses or applies an adhesive, sealant, adhesive primer or sealant primer in this Commonwealth may not add solvent to the adhesive, sealant, adhesive primer or sealant primer in an amount in excess of the manufacturer's recommendation for application, if this additional solvent causes the product to exceed the applicable VOC content limit listed in Table I or II.

Section 130.702, Table I lists the VOC content limits for the regulated adhesives, sealants, adhesive primers and sealant primers, as applied. The final-form rulemaking contains new VOC content limits in Table I for ceramic tile installation adhesives, single-ply roof membrane sealants and "other" sealant primers, as these limits were printed incorrectly in the proposed rulemaking.

Section 130.702, Table II lists the VOC content limits for the regulated adhesive or sealant products applied to particular substrates, as applied.

Section 130.703 provides certain exemptions from Subchapter D. Subsection (a) provides exemptions for products being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required under § 130.704 (relating to recordkeeping requirements); products that are subject to § 129.73 or Chapter 130, Subchapter B or C; adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied; cyanoacrylate adhesives; adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less or a net weight of 1 pound or less, except plastic cement welding adhesives and contact adhesives; and contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of 1 gallon or less.

Section 130.703(b) provides exemptions from the requirements of Subchapter D for the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents in certain operations, including tire repair operations, if the label of the tire repair adhesive states "For tire repair only;" the assembly, repair and manufacture of aerospace components or undersea-based weapons systems; the manufacture of medical equipment; and certain plaque laminating operations.

The final-form rulemaking removes proposed § 130.703(c) and (d), which provided a phased-in compliance schedule for the use and application of single-ply roof membrane materials and an exemption for the sale, supply, offer for sale or manufacture for sale of these materials prior to January 1, 2012. The proposed schedule and removes exemption are deleted because the change in compliance date to January 1, 2012, make them unnecessary.

The final-form rulemaking removes proposed § 130.703(e) and (f), which contained "small quantity" exemptions similar to those in § 129.77(m) and (n). Proposed subsection (e) provided an exemption from many of the requirements of § 130.702 if the total VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used at a facility were less than 200 pounds or an equivalent volume, per calendar year. Proposed subsection (f) provided an exemption for the use of a noncomplying adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent if the total volume of noncomplying products applied facility-wide did not exceed 55 gallons per calendar year. In response to comment, the Board determined that the small quantity exemptions are applicable only for the owner and operator of a facility and these sources are regulated under § 129.77.

Section 130.703(c) in the final-form rulemaking provides an exemption for an adhesive, sealant, adhesive primer or sealant primer product if the manufacturer or distributor keeps records demonstrating that the product is intended for shipment and use outside of this Commonwealth and that the manufacturer or distributor has taken reasonably prudent precautions to assure that the product is not distributed to or within this Commonwealth.

Section 130.703(d) precludes the exercise of the exemption in subsection (c) for an adhesive, sealant, adhesive primer or sealant primer product sold, supplied or offered for sale by a person to a retail outlet in this Commonwealth.

Section 130.703(e) specifies that Subchapter D does not apply to an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or clean-up solvent product that is sold or supplied for use or application as part of a manufacturing process at a facility subject to § 129.77.

Section 130.703(f) specifies that Subchapter D does not apply to an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent used or applied at a private residence for a noncommercial purpose or by a person who is not seeking compensation.

Section 130.704 specifies that on and after January 1, 2012, a person who sells, supplies, offers for sale, manufactures for sale for use or application in this Commonwealth, or uses or applies in this Commonwealth an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to Subchapter D shall maintain records demonstrating compliance with this subchapter, including certain information. This section also specifies that all records made to determine compliance with this section shall be maintained onsite for 5 years from the date the record is created and made available to the Department upon request. This section is amended in the final-form rulemaking in response to comment to specify that records of volume must indicate monthly volume and that records shall be made available to the Department upon receipt of a written request.

Section 130.705(a) (relating to compliance procedures and test methods) specifies, with certain exceptions, that the VOC and solids content of nonaerosol adhesives, including one-part moisture cure urethane adhesives and silicone adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents shall be determined using either EPA Reference Method 24 or SCAQMD Method 304, including updates and revisions.

Section 130.705(b) is added in the final-form rulemaking, in response to public comment, to add a test method for determining the volatile matter and solids content of one-part or multiple part reactive adhesives, except one-part moisture cure urethane adhesives and silicone adhesives.

Section 130.705(c) specifies that the identity and concentration of exempt organic compounds shall be determined using either ASTM D4457 or SCAQMD Method 303, including updates and revisions.

Section 130.705(d) specifies that the VOC content of a plastic cement welding adhesive or primer shall be determined using SCAQMD Method 316A, including updates and revisions.

Section 130.705(e) specifies that to determine if a diluent is a reactive diluent, the percentage of the reactive organic compound that becomes an integral part of the finished material shall be determined using SCAQMD Method 316A, including updates and revisions.

Section 130.705(f) specifies the procedure for determining the composite vapor pressure of organic compounds in cleaning materials.

Section 130.705(g) specifies that the vapor pressure of each component in the cleaning material subject to § 130.705(f) shall be determined from either ASTM 2879 or one or more of the listed references, including updates and revisions.

Section 130.705(h) specifies that the active and passive solvent losses from spray gun cleaning systems shall be determined using the SCAQMD Method, General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems, including updates and revisions.

New § 130.705(i) allows for use of another test method to determine the VOC or solids content of a product if a request is submitted to the Department in writing, the request demonstrates that the test method provides results that accurately determine the concentration of VOCs in the product or its emissions and the request is approved by the Department in writing.

Section 130.705(j) specifies the method for calculating the VOC content of adhesive, sealant, adhesive primer or sealant primer products that do not contain reactive diluents.

Section 130.705(k) specifies the method for calculating the VOC content for adhesive, sealant, adhesive primer or sealant primer products that contain reactive diluents.

Section 130.705(l) specifies the method for calculating the VOC content for low-solids adhesive, sealant, adhesive primer or sealant primer products.

Section 130.705(m) specifies the method for calculating percent VOC by weight.

Section 130.705(n) specifies how to convert from units of grams per liter to units of pounds per gallon.

Section 130.706 (relating to container labeling) specifies that on and after January 1, 2012, each manufacturer of an adhesive, sealant, adhesive primer or sealant primer product subject to this subchapter shall display certain information on the product container or label.

The final-form rulemaking adds §§ 130.707 and 130.708 (relating to product dating; and sell-through of products) to allow the sell-through of noncomplying product manufactured before January 1, 2012, if the product container or package displays the date on which the product was manufactured.

F. Summary of Major Comments and Responses

The Board approved publication of the proposed rulemaking at its meeting of December 16, 2008. The proposed rulemaking was published at 39 Pa.B. 1636 (April 4, 2009). Three hearings were held on May 4, 7 and 8, 2009, in Pittsburgh, Norristown and Harrisburg, respectively. The public comment period closed on June 8, 2009. The Board received public comments from 12 commentators. The Independent Regulatory Review Commission (IRRC) also provided comments.

Definitions

Several commentators expressed concern with the Department's definition of the term "metal to urethane/rubber molding or casting adhesive." They suggested that the use of the word "heater" in this definition was a typographical error and should be replaced with the word "heated." The commentators also suggested deleting the phrase "to fabricate products like rollers for computer printers or other paper handling equipment" because it could be misinterpreted by regulators to restrict the category only to paper handling products and not to all

products that use adhesive to bond metal and urethane/rubber. The Board agrees and amended the definition accordingly.

One commentator recommended that the term and definition of "metal to urethane/rubber molding or casting adhesive" be deleted and replaced with a term and definition modeled after a term and definition for "rubber vulcanization adhesive/primer" in the (California) San Joaquin Valley Air Quality Management District Rule 4653—Adhesives due to confusion the commentator asserts may result from customers being subject to a number of VOC and hazardous air pollutants (HAPs) emission standards. The Board disagrees and retained the proposed term and definition of "metal to urethane/rubber molding or casting adhesive," amended as previously described, for consistency with the OTC Model Rule and the regulations of other OTR member states.

A commentator suggested that the term "rubber" be defined as in the (California) Bay Area Air Quality Rule 8.51 (relating to adhesive and sealant products) to accommodate the concerns of the Polyurethane Manufacturers Association and its members. The Board disagrees with the commentator's recommendation. The Board did not receive comments from the Polyurethane Manufacturers Association concerning the definition of the term "rubber" and the definition in the Bay Area Air Quality Management District Rule 8.51 is similar to the definition in the Board's rulemaking. In addition, the definition of the term "rubber" in the proposed rulemaking is consistent with the definition in the Control Techniques Guidelines (CTG) for Miscellaneous Industrial Adhesives published by the EPA (EPA-453/R-08-005, September 2008) and with the definition in the OTC Model Rule. The Board retained the proposed definition of the term "rubber" for consistency with the OTC Model Rule.

A commentator recommended that the definition of the term "single-ply roof membrane" be expanded to include thermoplastic membranes like thermoplastic polyolefin (TPO) and polyvinyl chloride (PVC), as these materials are also considered part of the single-ply roofing market by the commercial roofing industry. The Board agrees with the commentator that the definition of "single-ply roof membrane" should be expanded to include TPO and PVC. The definition of this term has been amended in the final-form rulemaking to include TPO, PVC and ketone ethylene ester. This change is consistent with the final-form definition of this term promulgated by Rhode Island and Connecticut. These states are members of the OTR, as is the Commonwealth.

IRRC requested clarification on the Editor's Note for the term "fiberglass" and questioned if the Board would have two definitions for the term "fiberglass." The Board replies that it published a definition for the term "fiberglass" in § 121.1 in two separate proposed rulemakings. The definition of the term in this proposed rulemaking specified that the definition is for purposes of §§ 129.77 and 130.702. The definition of this term in the rulemaking published for comment at 38 Pa.B. 1831 (April 19, 2008), concerning emissions from glass melting furnaces, specified that that definition is for purposes of §§ 129.301—129.310 (relating to control of NOx emissions from glass melting furnaces). That rulemaking was published as a final at 40 Pa.B. 3328 (June 19, 2010). The definition of the term "fiberglass" in this final-form rulemaking for adhesives, sealants, primers and solvents includes both definitions, as specified.

Implementation of Single-ply Roof Membrane Requirements

Several commentators expressed support for the rulemaking on behalf of the ethylene propylene diene monomer (EPDM) roofing industry. The Board appreciates the commentators' support.

Due to concerns about the effects of cold weather and intense temperature swings and freeze-thaw cycles on the installation of EPDM roofing in this Commonwealth, the EPDM industry requested a transitional period that would allow the EPDM industry adequate time to field test new VOC-compliant adhesive formulations during colder months and to train the approximately 25,000 roofing crew members employed in this Commonwealth in the effective use of VOC-compliant adhesives under colder temperature conditions. Another commentator on behalf of the EPDM industry stated that the industry is committed to having a year-round product commercialized by January 1, 2012. The Board amended the final-form rulemaking to require compliance with the VOC content limits for adhesives, sealants, primers and solvents, including single-ply roofing membrane products, by January 1, 2012. This compliance date will provide EPDM roofing manufacturers and roofing contractors in this Commonwealth adequate time to develop VOC-compliant products and perfect the application practices that will be effective on a year-round basis. This new compliance date removes the need to have a phased-in compliance period for the use and application of single-ply roofing membrane products, which was included in the proposed rulemaking.

Sell-Through and Use-Through Provisions; Date-Coding Provision

Two commentators suggested that there is an inconsistency between proposed § 130.702(a) and (b) in the provisions for the sell-through and use-through of non-complying products. They noted that § 130.702(a) prohibits the sale, supply, offer for sale or manufacture for sale in this Commonwealth of noncomplying products manufactured on or after the compliance date and that proposed § 130.702(b) prohibited the use or application of noncomplying products in this Commonwealth on or after the compliance date, even if the product was manufactured prior to the compliance date. The commentators recommended that specific language be added indicating that the use and application of noncomplying products manufactured after the compliance date of the rulemaking are prohibited. The Board agrees and amended final-form § 130.702(b) to clarify that noncomplying products manufactured on and after the amended compliance date of January 1, 2012, may not be used or applied for compensation in this Commonwealth. The Board also amended the final-form rulemaking to add §§ 130.707 and 130.708 to allow the sell-through of noncomplying product manufactured before January 1, 2012, if the product container or package displays the date on which the product was manufactured.

A commentator suggested that it would be simpler and more cost effective to make the compliance deadline 24 months from the date that the final-form rulemaking is published than to have a sell-through or use-through provision. The commentator stated a sell-through or use-through provision would force users to stockpile product, which the commentator described as a costly expense in difficult economic times. The Board disagrees. Many complying adhesives, sealants, primers and solvents have already been developed, or reformulated from noncomplying products, due to similar rules having been promulgated in California and other states in the OTR. The

final-form rulemaking has been amended to include date-coding and sell-through provisions to allow for the sell-through of noncomplying product manufactured before the compliance date.

Burden of Compliance

A commentator suggested that the proposed amendments place the burden of compliance on the manufacturer and seller of adhesives, sealants, primers or solvents in two ways: to ensure that noncompliant product is not sold to customers that do not have control systems in place, and for technical service and regulatory support costs to assist its customers in identifying and requalifying alternate adhesive systems or determining if their use meets the allowable exemptions. The commentator recommended that the language that places a compliance burden on the manufacturer and seller be removed from the proposed rulemaking. The commentator also asked how the requirement not to sell noncompliant product to customers that do not have control systems in place will be enforced equally between manufacturers of adhesives located in this Commonwealth and those located outside the United States. The Board disagrees with the commentator's characterization of the rulemaking. An adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product intended for use or application at a manufacturing facility subject to § 129.77 does not require the manufacturer or supplier of the product to verify that the facility has a control system in place. Under § 130.703(e) (proposed § 130.703(i)), Subchapter D does not apply to a product sold or supplied for use or application as part of a manufacturing process at a facility subject to § 129.77. The burden of compliance will fall on the owner or operator of the manufacturing facility that is using or applying noncomplying product to demonstrate that the noncomplying product was used or applied in accordance with § 129.77(g), which lists the requirements for the use of add-on air pollution control equipment to control emissions of VOC from noncomplying product subject to § 129.77.

Three commentators expressed concern with the compliance date of the proposed regulation and stated that the Department must provide a reasonable compliance date that allows for implementation of the rule's requirements. IRRC commented that because the Board did not know exactly when this final-form rulemaking would officially be promulgated, the Board should consider replacing the April 15, 2010, compliance date with a reference to a specific amount of time after the effective date of the final-form rulemaking. The Board agrees that it must provide a reasonable compliance date. The proposed compliance date of April 15, 2010, has been amended to January 1, 2012, in the final-form rulemaking. The Board does not agree that it must replace the proposed compliance date with a reference to a specific amount of time after the effective date of the final-form rulemaking. The Board is able to estimate within a reasonable time frame when this final-form rulemaking will be published and effective and extended the compliance date taking that time frame and the needs of the regulated industry into account.

The same three commentators suggested that the proposed compliance deadline is not achievable to design, build, install, test and obtain permit approval of add-on air pollution control devices. Two of these commentators also asserted that it is not realistic to develop, reformulate, test and achieve final customer approval for a new adhesive in less than 1 year. The commentators suggested that the rulemaking allow 2 years after adoption of the

final-form rulemaking for the regulated industry to make the appropriate changes to their operations and to allow for proper reformulation and customer acceptance testing of adhesives. The Board disagrees that the regulated industry needs 2 years after adoption of the final-form rulemaking to comply with the VOC content requirements. The Board agrees, however, that the January 1, 2012, compliance deadline in the final-form rulemaking might not be achievable for the design and installation of add-on controls. The Board amended proposed § 129.77(g) to provide the option for an extension to the compliance date for the owner or operator of a facility that intends to comply with this section through the use of add-on air pollution control equipment.

A commentator expressed concern that its products manufactured in this Commonwealth will be at a competitive disadvantage in the marketplace due to inadequate time for proper reformulation and customer acceptance testing. The Board disagrees that the commentator will be at a competitive disadvantage. The Board amended the final-form rulemaking to require compliance beginning January 1, 2012. Further, many states, including California and several members of the OTR, have implemented rules with VOC content limits and requirements similar to the Board's proposed rulemaking. Manufacturers and users in states outside this Commonwealth will be required to manufacture and buy products that meet the same limits as were in the proposed rulemaking, creating a market for complying products manufactured in this Commonwealth. Additionally, the EPA issued the CTG for Miscellaneous Industrial Adhesives in 2008. The CTG provides states in ozone nonattainment areas and in the OTR with guidance on what constitutes RACT for emissions of VOCs from miscellaneous industrial adhesives. The EPA reviewed the California rules and the OTC Model Rule for Adhesives and Sealants prior to developing its guidance for RACT for miscellaneous industrial adhesives. The OTR states are required to adopt RACT regulations for miscellaneous industrial adhesives, based on the EPA's CTG.

The same commentator expressed concern that its customers outside of this Commonwealth would incur additional costs associated with reformulation. The Board disagrees. Noncomplying products may be sold outside of this Commonwealth to a customer in a state or region that does not have the VOC content limits that are proposed to be implemented in this Commonwealth.

The commentator suggested that the rule imposes a competitive disadvantage on manufacturers in this Commonwealth. Manufacturers outside of this Commonwealth are able to choose adhesives on the basis of performance and cost without incurring additional operational costs to control emissions beyond what is required by the EPA. The Board disagrees that the proposed rulemaking would impose a competitive disadvantage on manufacturers in this Commonwealth. Noncomplying products may be sold outside of this Commonwealth to a customer in a state or region that does not have the VOC content limits implemented in this Commonwealth. Many states, including California and several members of the OTR, have implemented rules with VOC content limits and requirements similar to those in the Board's final-form rulemaking. Manufacturers and users in these states will be required to buy products that meet the same limits as those in the final-form rulemaking, creating a market for complying products manufactured in this Commonwealth.

The commentator stated that compliance with the Plastic and Metal Surface Coating National Emissions

Standards for Hazardous Air Pollutants (NESHAP) is based on a 12-month rolling average with an adhesive coating category limit expressed in pounds of HAP per gallon of applied solids rather than pounds per gallon or grams per liter. This allows facilities to use noncomplying products as long as the overages are compensated by other materials that are significantly below the limit. The commentator recommended that the Department consider using a rolling average in the proposed rule. The Board disagrees with the commentator's suggestion to adopt a 12-month rolling average. Compliance with the requirements of this proposed rulemaking is expected to be through the use of compliant products, consistent with the requirements of the OTC Model Rule. An owner or operator of a facility may seek compliance through the use of add-on controls to control the emissions from noncomplying products. Compliance using add-on controls will be evaluated on a daily basis, consistent with the OTC Model Rule. An owner or operator of a facility may also seek compliance with § 129.77 through the use of an equivalency under § 129.51(a). This option would allow the owner or operator to request approval of an averaging approach specified in a plan approval application and memorialized in a permit under the equivalency provision.

VOC Test Methodology

The commentator requested that an EPA-approved alternative test method for two-component reactive adhesives, codified in Appendix A of the Plastic Surface Coating NESHAP (40 CFR Part 63, Subpart PPPP, Appendix A (relating to determination of weight volatile matter content and weight solids content of reactive adhesives)), be added to §§ 129.77(s) and 130.705(a). The Board reviewed the EPA Reference Method, *Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives*, for two-component reactive adhesives codified in 40 CFR Part 63, Subpart PPPP, Appendix A and agrees that it should be included on the list of test methods listed in §§ 129.77(s) and 130.705(a). This revision has been made to the final-form rulemaking.

Written and Oral Contracts

IRRC noted that proposed §§ 129.77(i) and 130.702(g) included a prohibition on the use of a material that would result in a violation of the regulation and that this prohibition applies to "all written or oral contracts" under which any of these materials would be used. IRRC asked if the Board intends to apply this provision retroactively. If so, IRRC requested that the Board outline its authority to do so. If not, IRRC requested that the Board clarify the provisions to state that they will be applied prospectively. The Board appreciates IRRC's concern and amended the final-form rulemaking to clarify that this prohibition applies to written or oral contracts that are created on or after the compliance date of this final-form rulemaking.

Records and Reporting Requirements

IRRC requested clarification on how the records required under proposed §§ 129.77(l)(4), (n) and (o), and 130.703(b)(4), (e) and (f) shall be recorded and maintained by the owner or operator. The Board disagrees that the rulemaking should be amended for clarity on recordkeeping. Proposed § 129.77(l)(4), (n) and (o) (final-form subsections (l), (m) and (n)) states that an owner or operator claiming an exemption under the section shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with proposed subsections (p)—(r) (final-form subsections (o)—(q)).

Section 130.703(b)(4) states that a person claiming an exemption under this paragraph shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with § 130.704. Proposed § 130.703(e) and (f) have been deleted from the final-form rulemaking, mooted the comment with regard to these two subsections. Requiring the owners and operators of regulated facilities to maintain records is a standard requirement. This requirement is found in many Board-approved regulations, including § 129.52(g) (relating to surface coating processes), for instance, and the owners and operators of regulated sources have not had difficulty understanding or complying with requirements.

IRRC requested clarification of the requirement in proposed § 129.77(r)(1) for maintaining records. IRRC asked whether the records can be maintained in electronic or paper format and stated that the final-form rulemaking should indicate in what format these records must be maintained. The Board disagrees that the final-form rulemaking must specify in what format the records must be maintained. Requiring the owners and operators of regulated facilities to maintain records is a standard requirement found in many Board-approved regulations, including § 129.52(g), for instance. The owners and operators of regulated sources have not had difficulty understanding or complying with this requirement.

IRRC requested clarification of whether the Department's requests for records under proposed § 129.77(r)(2) will be made orally or in writing and stated that the final-form rulemaking should indicate in what format the requests will be made. The Board agrees and amended the final-form rulemaking to specify that the records shall be submitted to the Department upon receipt of a written request.

G. *Benefits, Costs and Compliance*

Benefits

The citizens of this Commonwealth will be the major benefactors from this final-form rulemaking through reduced exposure to a variety of solvents, including HAPs, that are used in a variety of adhesive, sealant, adhesive primer and sealant primer products. This final-form rulemaking will result in improved air quality by reducing VOC ozone precursor emissions from the industrial and commercial use and application of the regulated adhesive, sealant and primer products. Benefits will also occur from reduced VOC content in surface preparation solvent and cleanup solvent products. The final-form rulemaking will encourage the implementation of new technologies and practices, which will reduce emissions of VOCs and HAPs throughout this Commonwealth.

Implementation of the VOC content limits for adhesive, sealant, primer and solvent products included in the final-form rulemaking is anticipated to provide additional VOC emission reductions of 21.8 tons per summer day (tpsd) beginning with the 2012 ozone monitoring season. Ozone monitoring season (April 1 through October 31) VOC emission reductions from this final-form rulemaking would be approximately 4,665.2 tons (21.8 tpsd × 214 ozone monitoring season days). Assuming that there are approximately 12 million people living in this Commonwealth, the average ozone monitoring season VOC emissions reduction is calculated to be 0.78 pound of VOC emissions reduced per resident. Annual VOC emission reductions from this final-form rulemaking would be approximately 7,957 tons (21.8 tpsd × 365 days per year) or 1.3 pounds of VOC emissions reduced per resident per year.

Compliance Costs

The cost of complying with the new requirements includes the cost of using or developing alternative product formulations, including product formulations for low VOC-content or water-based adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent products. Based on information provided by the Ventura County Air Pollution Control District (VCAPCD), the CARB determined that the cost-effectiveness of the VCAPCD adhesives rule, which formed the basis of the CARB 1998 RACT/BARCT Determination upon which the OTC 2006 Model Rule is based, ranges from a savings of \$1,060 per ton to a cost of \$2,320 per ton of VOC reduced. Any costs are likely to be less in the OTR, because some of the research and reformulation costs incurred for products sold in California will not have to be incurred again for products sold in the OTR. The CARB also reports a cost-effectiveness of \$9,000 to \$110,000 per ton of VOC reduced should the use of add-on control equipment to comply with the requirements be necessary.

The Department anticipates similar costs in this Commonwealth. MACTEC Federal Programs, a consultant to the OTC, indicated in its report, "Identification and Evaluation of Candidate Control Measures, Final Technical Support Document," that the OTC Adhesives, Sealants and Primers Model Rule would reduce emissions of VOC by approximately 21.8 tpsd in this Commonwealth. Ozone monitoring season (April 1 through October 31) VOC emission reductions from this final-form rulemaking would be approximately 4,665.2 tons (21.8 tpsd × 214 ozone monitoring season days). Assuming that there are approximately 12 million people living in this Commonwealth, the average ozone season VOC emissions reduction is calculated to be 0.78 pound of VOC emissions reduced per resident of this Commonwealth.

The total ozone monitoring season costs are calculated by multiplying the maximum estimated cost of \$2,320 per ton of VOC emissions reduced times 4,665.2 tons per ozone monitoring season, which equals approximately \$10,823,264 per ozone monitoring season. The maximum ozone monitoring season cost per resident of this Commonwealth will be approximately 90¢.

Annual VOC emission reductions from this final-form rulemaking will be approximately 7,957 tons (21.8 tpsd × 365 days per year) or 1.3 pounds of VOC emissions reduced per resident of this Commonwealth per year. Annual costs will be \$2,320 per ton of VOC emissions reduced times 7,957 tons per year or \$18,460,000. The maximum annual cost per resident of this Commonwealth will be approximately \$1.55.

Cost savings will be incurred if reformulated products are less expensive, with the possibility that residents of this Commonwealth could realize savings of 41¢ per ozone season per resident (\$1,060 × 4,665.2 tons divided by 12,000,000 residents) or 70¢ annually per resident (\$1,060 × 7,957 tons divided by 12,000,000 residents).

Owners or operators of facilities or stationary sources using regulated adhesive, sealer, primer and solvent products could incur costs of \$9,000 to \$110,000 per ton of VOC emissions reduced, should the use of add-on control equipment be necessary to comply with the requirements of this final-form rulemaking, based on CARB estimates. However, fewer than 20 facilities in this Commonwealth are expected to be subject to the applicability of this rulemaking. Approximately 16 of these affected facilities have permits that establish requirements for the use of products that are regulated under this rulemaking.

Compliance Assistance Plan

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

Paperwork Requirements

The final-form rulemaking includes recordkeeping and reporting requirements in § 129.77 for affected owners and operators of facilities that use or apply the regulated adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent products. These recordkeeping requirements include keeping lists of each regulated product in use or in storage; a data sheet or material list for each product that provides the name of the product, manufacturer's identification and use for the product; the VOC content for the product as supplied; the catalysts, reducers or other components used and the mix ratio; the VOC content or vapor pressure of each product as applied, if solvent or other VOC is added to the product before application; the volume purchased or produced of each product; and the monthly volume of each product used or applied as part of a manufacturing process at the facility of each product.

If the owner or operator of a facility chooses to use an add-on air pollution control device to comply with § 129.77, the final-form rulemaking requires recording and maintaining daily records of certain information.

For an adhesive, sealant, adhesive primer and sealant primer product subject to the laboratory testing exemption, the person conducting the testing shall make and maintain records of all products used, including the following information: the product name; the product category of the material or type of application; and the VOC content of the material.

Records made to determine compliance with § 129.77 shall be maintained onsite for 5 years from the date the record is created and made available to the Department upon receipt of a written request.

The final-form rulemaking includes recordkeeping and reporting requirements in Chapter 130, Subchapter D for a person who sells, supplies, offers for sale or manufactures for sale for use in this Commonwealth an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter. The person shall maintain records demonstrating compliance with this subchapter, including the following information: a data sheet or material list which provides the material name, manufacturer identification and material application for each product; the VOC content of each product, as supplied; and the number of gallons of product sold in this Commonwealth.

A person who uses or applies an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to Chapter 130, Subchapter D shall maintain records demonstrating compliance with this subchapter, including the following information: a list of each adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent product in use and in storage; a data sheet or material list which provides the product name, manufacturer identification and use or material application for each product included on the list; the VOC content of each product on the list, as supplied; catalysts, reducers or other components used and the mix ratio; the VOC content or vapor pressure of each product on the

list, as applied, if solvent or other VOC is added to the product before application; and the monthly volume used of each product on the list.

For an adhesive, sealant, adhesive primer and sealant primer product subject to the laboratory testing exemption in § 130.703(a)(1), the person conducting the testing shall make and maintain records of all materials used, including the following information: the product name; the product category of the material or type of application; and the VOC content of the material.

Records made to determine compliance with Chapter 130, Subchapter D shall be maintained for 5 years from the date the record is created and made available to the Department upon receipt of a written request.

H. Pollution Prevention

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

The final-form rulemaking will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from the industrial and commercial use or application of low VOC-content adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent products. Although the final-form rulemaking is designed to address ground-level ozone air quality by reducing emissions of ozone precursors, the reformulation of products to meet the VOC content limits will also result in the reduction of HAP emissions, which are also a serious health threat. The final-form rulemaking will result in improved indoor and outdoor air quality for all citizens of this Commonwealth by reducing VOC ozone precursor emissions and HAP compounds. The reduced levels of HAPs will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of HAP compounds in spillage on the ground. Owners and operators of affected facilities may also reduce VOC emissions through the use of add-on controls.

I. Sunset Review

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

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 20, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 1636, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when re-

quested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 3, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2010, and approved the final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was 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 regulations promulgated thereunder. 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 39 Pa.B. 1636.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are necessary to attain and maintain the ozone NAAQS.

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 129 and 130, are amended by amending §§ 121.1 and 129.51 and adding §§ 129.77 and 130.701—130.708 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The amendment of § 129.51 and the addition of §§ 130.707 and 130.708 were not included in the proposed rulemaking at 39 Pa.B. 1636.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6752 (November 20, 2010).)

Fiscal Note: Fiscal Note 7-428 remains valid for the final adoption of the subject regulations.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

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

ABS welding adhesive or acrylonitrile-butadiene-styrene welding adhesive—An adhesive intended by the manufacturer to weld acrylonitrile-butadiene-styrene (ABS) pipe, which is made by reacting monomers of acrylonitrile, butadiene and styrene.

* * * * *

Adhesive—

(i) A chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(ii) The term does not include coatings or finishing materials.

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Adhesive primer—

(i) A product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

(ii) For purposes of § 129.73 (relating to aerospace manufacturing and rework), a coating applied to an aerospace vehicle or component that does one of the following:

(A) Inhibits corrosion and serves as a primer when applied to bare metal or other surfaces prior to adhesive application.

(B) Is applied to surfaces that can be expected to contain fuel, with the exception of fuel tanks.

Aerosol adhesive—An adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for handheld application without the need for ancillary hoses or spray equipment.

* * * * *

Aerospace vehicle or component—

(i) For purposes of § 129.73, a fabricated part, processed part, assembly of parts or completed unit, with the exception of electronic components, of an aircraft including airplanes, helicopters, missiles, rockets and space vehicles.

(ii) For purposes of § 129.77 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents) and Chapter 130, Subchapter D (relating to adhesives, sealants, primers and solvents), the fabricated part, assembly of parts or completed unit of an aircraft, helicopter, missile or space vehicle, including passenger safety equipment.

* * * * *

Architectural sealant or primer—

(i) A sealant or sealant primer intended by the manufacturer to be applied to stationary architectural structures, including mobile homes, and their appurtenances.

(ii) Appurtenances to a stationary architectural structure include hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

As applied—

(i) The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent that is actually used to coat the substrate.

(ii) The term includes the contribution of materials used for in-house dilution of the coating.

*As supplied—*The VOC and solids content of a coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent as sold and delivered to the end user.

* * * * *

*Automotive glass adhesive primer—*An adhesive primer labeled by the manufacturer to be applied to automotive glass prior to installation of the glass using an adhesive or sealant. This primer improves the adhesion to pinch weld and blocks ultraviolet light.

* * * * *

*CPVC—*Chlorinated polyvinyl chloride

*CPVC plastic or chlorinated polyvinyl chloride plastic—*A polymer of the vinyl chloride monomer that contains 67% chlorine and is normally identified with a CPVC marking.

*CPVC welding adhesive or chlorinated polyvinyl chloride welding adhesive—*An adhesive labeled for welding of CPVC plastic.

* * * * *

*Ceramic tile installation adhesive—*An adhesive intended by the manufacturer for use in the installation of ceramic tiles.

* * * * *

*Cleanup solvent—*A VOC-containing material used for either of the following:

(i) To remove a loosely held, uncured (that is, not dry to the touch) adhesive or sealant from a substrate.

(ii) To clean equipment used in applying a material.

* * * * *

*Computer diskette jacket manufacturing adhesive—*An adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

* * * * *

Contact bond adhesive—

(i) An adhesive that meets all of the following:

(A) Is designed for application to both surfaces to be bonded together.

(B) Is allowed to dry before the two surfaces are placed in contact with each other.

(C) Forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other.

(D) Does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

(ii) The term does not include the following:

(A) Rubber cements that are primarily intended for use on paper substrates.

(B) Vulcanizing fluids that are designed and labeled for tire repair only.

* * * * *

*Cove base—*A flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

*Cove base installation adhesive—*An adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

* * * * *

Cyanoacrylate adhesive—

(i) For purposes of § 129.77 and Chapter 130, Subchapter D, an adhesive with a cyanoacrylate content of at least 95% by weight.

(ii) A fast-setting, single component adhesive that cures at room temperature.

(iii) The term is also known as “super glue.”

* * * * *

*Diluent—*A diluting agent added to decrease the viscosity of a material.

* * * * *

*Drywall installation—*The installation of gypsum drywall to studs or solid surfaces using an adhesive formulated for that purpose.

* * * * *

*Exempt compound or exempt solvent—*Specified organic compounds that have been designated by the Administrator of the EPA as having negligible photochemical reactivity and are listed in 40 CFR 51.100 (relating to requirements for preparation, adoption and submittal of implementation plans).

* * * * *

Fiberglass—

(i) For purposes of §§ 129.301—129.310 (relating to control of NOx emissions from glass melting furnaces), material consisting of fine filaments of glass that are combined into yarn and woven or spun into fabrics, or that are used as reinforcement in other materials or in masses as thermal or as acoustical insulating product.

(ii) For purposes of §§ 129.77 and 130.702 (relating to emission standards), a material consisting of extremely fine glass fibers.

* * * * *

*Flexible vinyl—*Nonrigid PVC plastic with at least 5% by weight plasticizer content.

* * * * *

Indoor floor covering installation adhesive—

(i) An adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass.

(ii) The term does not include adhesives used to install ceramic tile or perimeter bonded sheet flooring with vinyl backing onto a nonporous substrate like flexible vinyl.

* * * * *

Laminate—A product made by bonding together two or more layers of material.

* * * * *

Low-solids adhesive, sealant or primer—An adhesive, sealant, adhesive primer or sealant primer product that contains 120 grams or less of solids per liter of material.

* * * * *

Marine deck sealant or marine deck sealant primer—A sealant or sealant primer labeled for application to wooden marine decks.

* * * * *

Medical equipment manufacturing—The manufacture of medical devices including catheters, heart valves, blood cardioplegia machines, tracheostomy tubes, blood oxygenators and cardiatory reservoirs.

* * * * *

Metal to urethane/rubber molding or casting adhesive—An adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials in a heated molding or casting process.

* * * * *

Multipurpose construction adhesive—An adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

* * * * *

Nonmembrane roof installation/repair adhesive—

(i) An adhesive intended by the manufacturer for use in the installation or repair of nonmembrane roofs and that is not intended for the installation of prefabricated single-ply flexible roofing membrane.

(ii) The term includes:

- (A) Plastic or asphalt roof cement.
- (B) Asphalt roof coating.
- (C) Cold application cement.

* * * * *

Outdoor floor covering installation adhesive—An adhesive intended by the manufacturer for use in the installation of floor covering that is both of the following:

- (i) Not in an enclosure.
- (ii) Exposed to ambient weather conditions during normal use.

* * * * *

PVC—Polyvinyl chloride.

PVC plastic or polyvinyl chloride plastic—A polymer of the chlorinated vinyl monomer that contains 57% chlorine.

PVC welding adhesive or polyvinyl chloride welding adhesive—An adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.

* * * * *

Panel installation—The installation of plywood, predecorated hardboard or tileboard, fiberglass reinforced

plastic and similar predecorated or nondecorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

* * * * *

Perimeter bonded sheet flooring installation—The installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to 4 inches wide around the perimeter of the sheet flooring.

* * * * *

Plastic cement welding adhesive—

(i) An adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

(ii) The term does not include the following welding adhesives:

- (A) ABS.
- (B) CPVC.
- (C) PVC.

Plastic cement welding adhesive primer—A primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

Plastic foam—Foam constructed of plastics.

Plasticizer—A material, like a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability or distensibility, as determined by ASTM Method E-260, including updates and revisions.

Plastics—Synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders or reinforcing agents and are capable of being molded, extruded, cast into various shapes and films or drawn into filaments.

* * * * *

Porous material—A substance that has tiny openings, often microscopic, into or from which fluids may be absorbed or discharged, including wood, paper and corrugated paperboard.

* * * * *

Propellant—A fluid under pressure that expels the contents of a container when a valve is opened.

* * * * *

Reactive diluent—A liquid reactive organic compound in an uncured adhesive, sealant or primer that reacts chemically or physically during the curing process to become an integral part of a finished material.

* * * * *

Roadway sealant—A sealant intended by the manufacturer for application to public streets, highways and other surfaces, including curbs, berms, driveways and parking lots.

* * * * *

Rubber—A natural or manmade rubber substrate, including styrene-butadiene rubber, polychloroprene (neoprene) rubber, butyl rubber, nitrile rubber, chlorosulfonated polyethylene rubber and ethylene propylene diene terpolymer rubber.

* * * * *

SCAQMD—South Coast Air Quality Management District—The California regional government agency responsible for air pollution control in Los Angeles and Orange counties and parts of Riverside and San Bernardino counties.

* * * * *

Sealant—

(i) For purposes of § 129.73:

(A) A material used to prevent the intrusion of water, fuel, air or other liquids or solids from certain areas of aerospace vehicles or components.

(B) There are two categories of sealants:

(I) Extrudable/rollable/brushable sealants.

(II) Sprayable sealants.

(ii) For purposes of § 129.77 and Chapter 130, Subchapter D:

(A) A material with adhesive properties that is formulated primarily to fill, seal, waterproof or weatherproof gaps or joints between two surfaces.

(B) The term includes caulks.

Sealant primer—A product intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding surface.

* * * * *

Sheet rubber installation—

(i) The process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion.

(ii) The term includes laminating sheet rubber to fabric by hand.

* * * * *

Single-ply roof membrane—A prefabricated single sheet of rubber or compounded synthetic material, including ethylene propylene diene terpolymer (EPDM), PVC, thermoplastic polyolefin (TPO) or ketone ethylene ester (KEE), that is field applied to a building roof using one layer of membrane material.

Single-ply roof membrane adhesive primer—A primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

Single-ply roof membrane installation and repair adhesive—An adhesive labeled for use in the installation or repair of single-ply roof membrane. For purposes of this definition:

(i) Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane.

(ii) Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.

Single-ply roof membrane sealant—A sealant labeled for application to single-ply roof membrane.

* * * * *

Solvent—Organic compounds which are liquid at standard conditions and which are used as diluents, thinners, dissolvers, viscosity reducers, cleaning agents or other related uses.

* * * * *

Structural glazing adhesive—An adhesive intended by the manufacturer to apply glass, ceramic, metal, stone or composite panels to exterior building frames.

* * * * *

Subfloor installation—The installation of subflooring material over floor joists, including the construction of load bearing joists. Subflooring material is covered by a finish surface material.

* * * * *

Surface preparation solvent—A solvent used to remove dirt, oil and other contaminants from a substrate prior to the application of an adhesive, sealant, adhesive primer or sealant primer.

* * * * *

Thin metal laminating adhesive—An adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line is less than 0.25 mils.

* * * * *

Tire repair—A process that includes both of the following steps:

(i) Expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging.

(ii) Applying adhesive and filling the expanded hole, tear, fissure or blemish with rubber.

Tire tread adhesive—An adhesive intended by the manufacturer for one or more of the following applications:

(i) To the back of precure tread rubber and to the casing and cushion rubber.

(ii) To seal buffed tire casings to prevent oxidation while the tire is being prepared for a new tread.

* * * * *

Traffic marking tape—Preformed reflective film intended by the manufacturer for application to public streets, highways and other surfaces, including curbs, berms, driveways and parking lots.

Traffic marking tape adhesive primer—A primer intended by the manufacturer for application to surfaces prior to installation of traffic marking tape.

* * * * *

Undersea-based weapons systems components—The fabrication of parts, parts assembly or completed units of a portion of a missile launching system used on undersea ships.

* * * * *

Waterproof resorcinol glue—A two-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

* * * * *

CHAPTER 129. STANDARDS FOR SOURCES OF VOCs

§ 129.51. General.

(a) Equivalency. Compliance with §§ 129.52, 129.54—129.73 and 129.77 may be achieved by alternative methods if the following exist:

(1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.

(2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.

(3) Compliance by a method other than the use of a low VOC coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent or ink which meets the applicable emission limitation in §§ 129.52, 129.67, 129.73 and 129.77 shall be determined on the basis of equal volumes of solids.

(4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.

(5) Adequate records are maintained to ensure enforceability.

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.67, § 129.68(b)(2) and (c)(2), § 129.73 or § 129.77.

(b) *New source performance standards.* Sources covered by new source performance standards which are more stringent than those contained in this chapter shall comply with those standards in lieu of the standards found in this chapter.

(c) *Demonstration of compliance.* Test methods and procedures used to monitor compliance with the emission requirements of this section are those specified in Chapter 139 (relating to sampling and testing).

(d) *Records.* The owner or operator of a facility or source subject to the VOC emission limitations and control requirements in this chapter shall keep records to demonstrate compliance with the applicable limitation or control requirement.

(1) The records shall provide sufficient data and calculations to clearly demonstrate that the emission limitations or control requirements are met. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.

(2) The records shall be retained at least 2 years and shall be made available to the Department on request.

(3) An owner or operator claiming that a facility or source is exempt from the VOC control provisions of this chapter shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements.

§ 129.77. Control of emissions from the use or application of adhesives, sealants, primers and solvents.

(a) This section applies to the owner or operator of a facility that uses or applies one or more of the following at the facility on or after January 1, 2012:

(1) An adhesive, sealant, adhesive primer or sealant primer subject to the VOC content limits in Table V.

(2) An adhesive or sealant product applied to the listed substrate subject to the VOC content limits in Table VI.

(3) A surface preparation solvent or cleanup solvent.

(b) On or after January 1, 2012, an owner or operator of a facility may not use or apply at the facility an adhesive, sealant, adhesive primer or sealant primer that exceeds the applicable VOC content limit in Table V or VI, except as provided elsewhere in this section.

(c) On or after January 1, 2012, an owner or operator of a facility may not use or apply at the facility a surface preparation or cleanup solvent that exceeds the applicable VOC content limit or composite partial vapor pressure requirements of this section, except as provided elsewhere in this section.

(d) The VOC content limits in Table VI for adhesives or sealants applied to particular substrates apply as follows:

(1) If an owner or operator of a facility uses or applies at the facility an adhesive or sealant subject to a specific VOC content limit in Table V, the specific limit is applicable rather than the adhesive-to-substrate limit in Table VI.

(2) If an owner or operator of a facility uses or applies at the facility an adhesive to bond dissimilar substrates together, the applicable substrate category with the highest VOC content limit is the limit for this use.

(e) An owner or operator of a facility subject to this section using or applying a surface preparation solvent or cleanup solvent at the facility may not:

(1) Except as provided in paragraph (2) for single-ply roof membrane, use materials containing VOCs for surface preparation, unless the VOC content of the surface preparation solvent is less than 70 grams per liter of material or 0.6 pound of VOC per gallon of material.

(2) Use materials containing VOCs for surface preparation or cleanup when applying single-ply roof membrane, unless the composite partial vapor pressure, excluding water and exempt compounds, of the surface preparation solvent or cleanup solvent is less than or equal to 45 mm mercury at 20° C.

(3) Except as provided in subsection (f), use cleanup solvent materials containing VOCs for the removal of adhesives, sealants, adhesive primers or sealant primers from surfaces, other than from the parts of spray application equipment, unless the composite partial vapor pressure of the solvent is less than or equal to 45 mm mercury at 20° C.

(f) Removal of an adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment shall be performed by one or more of the following methods:

(1) Using an enclosed cleaning system, or an equivalent cleaning system as determined by the test method identified in subsection (z).

(2) Using a solvent with a VOC content less than or equal to 70 grams of VOC per liter of material or 0.6 pound of VOC per gallon of material.

(3) Soaking parts containing dried adhesive in a solvent if the composite partial vapor pressure of the solvent, excluding water and exempt compounds, is less than or equal to 9.5 mm mercury at 20° C and the parts and solvent are in a closed container that remains closed except when adding parts to or removing parts from the container.

(g) An owner or operator of a facility using or applying at the facility an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to the VOC content limits of this section may comply with the requirements of this section through

the use of add-on air pollution control equipment if the following requirements are met:

(1) The VOC emissions from the use of all noncomplying as applied adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents subject to this section are reduced by an overall efficiency of at least 85%, by weight.

(i) The capture efficiency of the system shall be determined in accordance with subsection (y)(1).

(ii) The control efficiency of the system shall be determined in accordance with subsection (y)(2).

(2) The combustion temperature is continuously monitored and recorded daily if a thermal incinerator is operated.

(3) Inlet and exhaust gas temperatures are continuously monitored and recorded daily if a catalytic incinerator is operated.

(4) Control device efficiency is monitored continuously and recorded daily if a carbon absorber or control device other than a thermal or catalytic incinerator is operated.

(5) Operation records sufficient to demonstrate compliance with the requirements of this section are maintained in accordance with subsections (o), (p) and (q).

(6) The following information is also recorded and maintained:

(i) Daily records of the volume used each day of each noncomplying as applied adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent.

(ii) Daily records of the hours of operation of the add-on air pollution control equipment.

(iii) Records of all maintenance performed on the add-on air pollution control equipment, including the date and type of maintenance.

(7) The control equipment is approved, in writing, by the Department in an operating permit.

(8) The owner or operator of a facility that intends to comply with this section using add-on air pollution control equipment may apply to the Department for an extension to the compliance date specified in subsections (a)—(c).

(i) The Department will approve the extension request if the request meets the requirements in subparagraph (ii).

(ii) The extension request must:

(A) Be received, in writing, by January 1, 2012.

(B) Include the date by which a permit application or request for plan approval will be submitted.

(C) Demonstrate to the Department's satisfaction that an extension is necessary.

(iii) An extension will be automatically revoked if the recipient fails to comply with its terms by the dates specified in it.

(h) An owner or operator of a facility subject to this section shall store or dispose of all absorbent materials, including cloth or paper, which are moistened with adhesives, sealants, primers, surface preparation solvents or cleanup solvents subject to this section, in nonabsorbent containers at the facility that are kept closed except when placing materials in or removing materials from the container.

(i) An owner or operator of a facility subject to this section may not solicit, require or specify the use or application of an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent if the use or application would result in a violation of this section, unless the emissions are controlled through the use of add-on air pollution control equipment as specified in subsection (g). The prohibition of this subsection applies to all written or oral contracts created on or after January 1, 2012, under which an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to this section is to be used or applied at a facility in this Commonwealth.

(j) An owner or operator of a facility subject to this section who uses or applies an adhesive, sealant, adhesive primer or sealant primer subject to this section may not add solvent to the adhesive, sealant, adhesive primer or sealant primer in an amount in excess of the manufacturer's recommendation for application, if this addition causes the adhesive, sealant, adhesive primer or sealant primer to exceed the applicable VOC content limit listed in Table V or VI, unless the emissions are controlled through the use of add-on air pollution control equipment as specified in subsection (g).

(k) This section does not apply to the use or application of the following compounds or products:

(1) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required in subsections (p) and (q).

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to § 129.73 (relating to aerospace manufacturing and rework) or Chapter 130, Subchapter B or C (relating to consumer products; and architectural and industrial maintenance coatings).

(3) Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied.

(4) Cyanoacrylate adhesives.

(5) Adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less, or a net weight of 1 pound or less, except plastic cement welding adhesives and contact adhesives.

(6) Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of 1 gallon or less.

(l) This section does not apply to the use of adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents or cleanup solvents in the following operations:

(1) Tire repair operations, if the label of the adhesive states, "For tire repair only."

(2) The assembly, repair and manufacture of aerospace components or undersea-based weapons systems.

(3) The manufacture of medical equipment.

(4) Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992. An owner or operator claiming an exemption under this paragraph shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with subsections (o)—(q).

(m) This section does not apply if the total VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used or applied at the facility are less than 200 pounds or an equivalent volume, per calendar year. An owner or operator of a facility claiming exemption under this subsection shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with subsections (o)—(q).

(n) This section does not apply to the use or application of a noncomplying adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent if the total volume of noncomplying adhesives, sealants, primers, surface preparation and cleanup solvents used or applied facility-wide does not exceed 55 gallons per calendar year. An owner or operator of a facility claiming exemption under this subsection shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with subsections (o)—(q).

(o) Except as provided in subsection (p), each owner or operator subject to this section shall maintain records demonstrating compliance with this section, including the following information:

(1) A list of each adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent product in use and in storage.

(2) A data sheet or material list which provides the product name, manufacturer identification and use or material application for each product included on the list required under paragraph (1).

(3) The VOC content of each product on the list required under paragraph (1), as supplied.

(4) Catalysts, reducers or other components used and the mix ratio.

(5) The VOC content or vapor pressure of each product on the list required by paragraph (1), as applied, if solvent or other VOC is added to the product before application.

(6) The volume purchased or produced of each product on the list required under paragraph (1).

(7) The monthly volume used or applied as part of a manufacturing process at the facility of each product on the list required under paragraph (1).

(p) For an adhesive, sealant, adhesive primer and sealant primer product subject to the laboratory testing exemption of subsection (k)(1), the person conducting the testing shall make and maintain records of all products used, including the following information:

(1) The product name.

(2) The product category of the material or type of application.

(3) The VOC content of the material.

(q) Records made to determine compliance with this section shall be:

(1) Maintained onsite for 5 years from the date the record is created.

(2) Made available to the Department upon receipt of a written request.

(r) Except as otherwise provided in this section, the VOC and solids content of nonaerosol adhesives (including one-part moisture cure urethane adhesives and silicone adhesives), sealants, adhesive primers, sealant prim-

ers, surface preparation solvents and cleanup solvents shall be determined using one of the following:

(1) EPA Reference Method 24, *Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings*, found at 40 CFR 60, Subpart D, Appendix A, including updates and revisions.

(2) SCAQMD Method 304, *Determination of Volatile Organic Compounds (VOC) in Various Materials*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(s) The weight volatile matter content and weight solids content for one-part or multiple part reactive adhesives, except one-part moisture cure urethane adhesives and silicone adhesives, shall be determined using the EPA Reference Method, *Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives*, found at 40 CFR 63, Subpart P, Appendix A, including updates and revisions.

(t) The identity and concentration of exempt organic compounds shall be determined using one of the following:

(1) ASTM D4457, *Standard Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA including updates and revisions.

(2) SCAQMD Method 303, *Determination of Exempt Compounds*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(u) The VOC content of a plastic cement welding adhesive or primer shall be determined using SCAQMD Method 316A, *Determination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(v) To determine if a diluent is a reactive diluent, the percentage of the reactive organic compound that becomes an integral part of the finished material shall be determined using SCAQMD Method 316A, *Determination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(w) The composite partial vapor pressure of organic compounds in cleaning materials shall be determined by the following procedure:

(1) Quantifying the amount of each compound in the blend using gas chromatographic analysis, using the following methods:

(i) ASTM E260, *Standard Practice for Packed Column Gas Chromatography*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA, for organic content, including updates and revisions.

(ii) ASTM D3792, *Standard Test Method for Water Content of Coatings by Direct Injection Into a Gas Chromatograph*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA, for water content, including updates and revisions.

(2) Calculating the composite partial vapor pressure using the following equation:

$$PP_c = \frac{\sum_{i=1}^n (W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \sum_{e=1}^k W_e/MW_e + \sum_{i=1}^n W_i/MW_i}$$

Where:

PP_c = VOC composite partial vapor pressure at 20° C, in mm mercury.

W_i = Weight of the "i"th VOC compound, in grams, as determined by ASTM E260.

W_w = Weight of water, in grams, as determined by ASTM D3792.

W_e = Weight of the "e"th exempt compound, in grams, as determined by ASTM E260.

MW_i = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature.

MW_w = Molecular weight of water, in grams per g-mole (18 grams per g-mole).

MW_e = Molecular weight of the "e"th exempt compound, in grams per g-mole, as given in chemical reference literature.

VP_i = Vapor pressure of the "i"th VOC compound at 20° C, in mm mercury, as determined by subsection (x).

(x) The vapor pressure of each single component compound shall be determined from one or more of the following:

(1) ASTM D2879, *Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA, including updates and revisions.

(2) The most recent edition of one or more of the following sources:

(i) *Vapour Pressures of Pure Substances*, Boublik, Elsevier Scientific Publishing Company, New York.

(ii) *Perry's Chemical Engineers' Handbook*, Green and Perry, McGraw-Hill Book Company.

(iii) *CRC Handbook of Chemistry and Physics*, CRC Press.

(iv) *Lange's Handbook of Chemistry*, McGraw-Hill Book Company.

(v) Additional sources approved by the SCAQMD or other California air districts.

(y) If air pollution control equipment is used to meet the requirements of this section, the owner or operator shall make both of the following determinations:

(1) The measurement of capture efficiency shall be conducted and reported in accordance with the EPA Technical Document "Guidelines for Determining Capture Efficiency," issued January 9, 1995.

(2) The control efficiency shall be determined in accordance with one of the following:

(i) EPA Reference Method 25, *Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*, found at 40 CFR 60, Subpart D, Appendix A, including updates and revisions.

(ii) EPA Reference Method 25A, *Determination of Total Gaseous Organic Concentration Using a Flame Ionization*

Analyzer, found at 40 CFR 60, Subpart D, Appendix A, including updates and revisions.

(iii) EPA Reference Method 25B, *Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer*, found at 40 CFR 60, Subpart D, Appendix A, including updates and revisions.

(iv) CARB Method 100, *Procedures for Continuous Gaseous Emission Stack Sampling*, California Air Resources Board, 1001 "I" Street, Post Office Box 2815, Sacramento, CA 95812 USA, including updates and revisions.

(z) The active and passive solvent losses from the use of an enclosed spray gun cleaning system or equivalent cleaning system, as listed in subsection (f)(1), shall be determined using the SCAQMD method, *General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems*, dated October 3, 1989, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(1) The test solvent for this determination shall be a lacquer thinner with a minimum vapor pressure of 105 mm of mercury at 20° C.

(2) The minimum test temperature shall be 15° C.

(aa) Another test method may be used to determine the VOC or solids content of a product if the request for approval of the test method meets the following requirements:

(1) The request is submitted to the Department in writing.

(2) The request demonstrates that the test method provides results that accurately determine the concentration of VOCs in the product or its emissions.

(3) The Department approves the request in writing.

(bb) For adhesive, sealant, adhesive primer or sealant primer products that do not contain reactive diluents, grams of VOC per liter of product thinned to the manufacturer's recommendation, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of product, as applied} = \frac{W_s - W_w - W_e}{V_m - V_w - V_e}$$

Where:

W_s = weight of volatile compounds, in grams.

W_w = weight of water, in grams.

W_e = weight of exempt compounds, in grams.

V_m = volume of material, in liters.

V_w = volume of water, in liters.

V_e = volume of exempt compounds, in liters.

(cc) For adhesive, sealant, adhesive primer or sealant primer products that contain reactive diluents, the VOC content of the product is determined after curing. The grams of VOC per liter of product thinned to the manufacturer's recommendation, less water and exempt compounds, shall be calculated according to the following equation:

Grams of VOC per liter of product, as applied =
$$\frac{Wrs - Wrw - Wre}{Vrm - Vrw - Vre}$$

Where:

Wrs = weight of volatile compounds not consumed during curing, in grams.

Wrw = weight of water not consumed during curing, in grams.

Wre = weight of exempt compounds not consumed during curing, in grams.

Vrm = volume of material not consumed during curing, in liters.

Vrw = volume of water not consumed during curing, in liters.

Vre = volume of exempt compounds not consumed during curing, in liters.

(dd) For low-solids adhesive, sealant, adhesive primer or sealant primer products, grams of VOC per liter of product thinned to the manufacturer's recommendation,

including the volume of water and exempt compounds, shall be calculated according to the following equation:

Grams of VOC per liter of product, as applied =
$$\frac{Ws - Ww - We}{Vm}$$

Where:

Ws = weight of volatile compounds, in grams.

Ww = weight of water, in grams.

We = weight of exempt compounds, in grams.

Vm = volume of material, in liters.

(ee) Percent VOC by weight shall be calculated according to the following equation:

% VOC by weight = $[(Wv/W)] \times 100$

Where:

Wv = weight of VOCs, in grams.

W = weight of material, in grams.

(ff) To convert from grams per liter (g/l) to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345×10^{-3} (lb/gal/g/l).

Table V. VOC Content Limits for Adhesives, Sealants, Adhesive Primers and Sealant Primers, As Applied

<i>Adhesive, sealant, adhesive primer or sealant primer category</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
<i>Adhesives</i>		
ABS welding	3.3	400
Ceramic tile installation	1.1	130
Computer diskette jacket manufacturing	7.1	850
Contact bond	2.1	250
Cove base installation	1.3	150
CPVC welding	4.1	490
Indoor floor covering installation	1.3	150
Metal to urethane/rubber molding or casting	7.1	850
Multipurpose construction	1.7	200
Nonmembrane roof installation/repair	2.5	300
Outdoor floor covering installation	2.1	250
Perimeter bonded sheet vinyl flooring installation	5.5	660
Plastic cement welding, other than ABS, CPVC or PVC welding	4.3	510
PVC welding	4.3	510
Sheet rubber installation	7.1	850
Single-ply roof membrane installation/repair	2.1	250
Structural glazing	0.8	100
Thin metal laminating	6.5	780
Tire retread	0.8	100
Waterproof resorcinol glue	1.4	170
<i>Sealants</i>		
Architectural	2.1	250
Marine deck	6.3	760
Nonmembrane roof installation/repair	2.5	300
Roadway	2.1	250
Single-ply roof membrane	3.8	450
Other	3.5	420
<i>Adhesive Primers</i>		
Automotive glass	5.8	700
Plastic cement welding	5.4	650
Single-ply roof membrane	2.1	250
Traffic marking tape	1.3	150
Other	2.1	250

<i>Adhesive, sealant, adhesive primer or sealant primer category</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
<i>Sealant Primers</i>		
Marine deck	6.3	760
Nonporous architectural	2.1	250
Porous architectural	6.5	775
Other	6.3	750

*The VOC content is determined as the weight of VOC per volume of product, less water and exempt compounds, as specified in subsections (bb) and (cc) or as the weight of VOC per volume of product, as specified in subsection (dd).

Table VI. VOC Content Limits for Adhesive or Sealant Products Applied to Particular Substrates, As Applied

<i>Adhesive or Sealant Products Applied to the Listed Substrate</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
Fiberglass	1.7	200
Flexible vinyl	2.1	250
Metal	0.3	30
Porous material	1.0	120
Rubber	2.1	250
Other substrates	2.1	250

*The VOC content is determined as the weight of VOC per volume of product, less water and exempt compounds, as specified in subsections (bb) and (cc) or as the weight of VOC per volume of product, as specified in subsection (dd).

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter D. ADHESIVES, SEALANTS, PRIMERS AND SOLVENTS

GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 130.701. Applicability.

(a) Except as provided in § 130.703 (relating to exemptions and exceptions), this subchapter applies to a person who, on or after January 1, 2012, sells, supplies, offers for sale or manufactures for sale for use or application in this Commonwealth one or more of the following products subject to this subchapter:

(1) An adhesive, sealant, adhesive primer or sealant primer product.

(2) An adhesive or sealant product applied to particular substrates.

(3) A surface preparation solvent or cleanup solvent product.

(b) Except as provided in § 130.703, this subchapter applies to a person who, on or after January 1, 2012, uses or applies for compensation within this Commonwealth one or more of the following products subject to this subchapter:

(1) An adhesive, sealant, adhesive primer or sealant primer product.

(2) An adhesive or sealant product applied to particular substrates.

(3) A surface preparation solvent or cleanup solvent product.

§ 130.702. Emission standards.

(a) Except as provided in § 130.703 (relating to exemptions and exceptions), a person may not sell, supply, offer for sale or manufacture for sale for use or application in this Commonwealth one or more of the following products:

(1) An adhesive, sealant, adhesive primer or sealant primer product manufactured on or after January 1, 2012, which contains VOCs in excess of the applicable VOC content limit specified in Table I.

(2) An adhesive or sealant product manufactured on or after January 1, 2012, if it is sold, supplied, offered for sale or manufactured to be applied in this Commonwealth to a substrate listed in Table II and it contains VOCs in excess of the applicable VOC content limit specified in Table II.

(b) Except as provided in § 130.703, a person may not use or apply for compensation within this Commonwealth one or more of the following products:

(1) An adhesive, sealant, adhesive primer or sealant primer product manufactured on or after January 1, 2012, which contains VOCs in excess of the applicable VOC content limit specified in Table I.

(2) An adhesive or sealant product manufactured on or after January 1, 2012, applied to a substrate listed in Table II if the product contains VOCs in excess of the applicable VOC content limit specified in Table II.

(c) On and after January 1, 2012, the VOC content limits in Table II for adhesives or sealants applied to particular substrates apply as follows:

(1) If a person uses or applies an adhesive or sealant subject to a specific VOC content limit in Table I, the specific limit is applicable rather than the adhesive-to-substrate limit in Table II.

(2) If a person uses or applies an adhesive to bond dissimilar substrates together, the applicable substrate category with the highest VOC content is the limit for this use.

(d) On and after January 1, 2012, a person subject to this subchapter using or applying a surface preparation solvent or cleanup solvent may not:

(1) Except as provided in paragraph (2) for single-ply roof membrane, use materials containing VOCs for surface preparation, unless the VOC content of the surface preparation solvent is less than 70 grams per liter of material or 0.6 pound of VOC per gallon of material.

(2) If a surface preparation solvent is used in applying single-ply roof membrane, use materials containing VOCs for surface preparation, unless the composite partial vapor pressure, excluding water and exempt compounds, of the surface preparation solvent is less than or equal to 45 mm mercury at 20° C.

(3) Except as provided in subsection (e), use materials containing VOCs for the removal of adhesives, sealants or adhesive or sealant primers from surfaces, other than from the parts of spray application equipment, unless the composite partial vapor pressure of the solvent used is less than or equal to 45 mm mercury at 20° C.

(e) On and after January 1, 2012, the removal of an adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment shall be performed by one or more of the following methods:

(1) Using an enclosed cleaning system or equivalent cleaning system, as determined by the test method identified in § 130.705(h) (relating to compliance procedures and test methods).

(2) Using a solvent with a VOC content less than or equal to 70 grams of VOC per liter of material or 0.6 pound of VOC per gallon of material.

(3) Soaking parts containing dried adhesive in a solvent if the composite partial vapor pressure of the

solvent, excluding water and exempt compounds, is less than or equal to 9.5 mm mercury at 20° C and the parts and solvent are in a closed container that remains closed except when adding parts to or removing parts from the container.

(f) On and after January 1, 2012, a person who uses or applies adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents or cleanup solvents subject to this subchapter shall store or dispose of all absorbent materials, including cloth or paper, which are moistened with adhesives, sealants, primers or solvents subject to this subchapter, in nonabsorbent containers at the facility or location of use that are kept closed except when placing materials in or removing materials from the container.

(g) A person may not solicit, require or specify the use or application of an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent if the use or application would result in a violation of this subchapter. The prohibition of this subsection applies to all written or oral contracts created on or after January 1, 2012, under which an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent subject to this subchapter is to be used or applied at a location in this Commonwealth.

(h) On and after January 1, 2012, a person who, for compensation, uses or applies an adhesive, sealant, adhesive primer or sealant primer in this Commonwealth may not add solvent to the adhesive, sealant, adhesive primer or sealant primer in an amount in excess of the manufacturer's recommendation for application, if this addition causes the adhesive, sealant, adhesive primer or sealant primer to exceed the applicable VOC content limit listed in Table I or II.

Table I. VOC Content Limits for Adhesives, Sealants, Adhesive Primers and Sealant Primers, As Applied

<i>Adhesive, sealant, adhesive primer or sealant primer category</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
<i>Adhesives</i>		
ABS welding	3.3	400
Ceramic tile installation	1.1	130
Computer diskette jacket manufacturing	7.1	850
Contact bond	2.1	250
Cove base installation	1.3	150
CPVC welding	4.1	490
Indoor floor covering installation	1.3	150
Metal to urethane/rubber molding or casting	7.1	850
Multipurpose construction	1.7	200
Nonmembrane roof installation/repair	2.5	300
Outdoor floor covering installation	2.1	250
Perimeter bonded sheet vinyl flooring installation	5.5	660
Plastic cement welding, other than ABS, CPVC or PVC welding	4.3	510
PVC welding	4.3	510
Sheet rubber installation	7.1	850
Single-ply roof membrane installation/repair	2.1	250
Structural glazing	0.8	100
Thin metal laminating	6.5	780
Tire retread	0.8	100
Waterproof resorcinol glue	1.4	170

<i>Adhesive, sealant, adhesive primer or sealant primer category</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
<i>Sealants</i>		
Architectural	2.1	250
Marine deck	6.3	760
Nonmembrane roof installation/repair	2.5	300
Roadway	2.1	250
Single-ply roof membrane	3.8	450
Other	3.5	420
<i>Adhesive Primers</i>		
Automotive glass	5.8	700
Plastic cement welding	5.4	650
Single-ply roof membrane	2.1	250
Traffic marking tape	1.3	150
Other	2.1	250
<i>Sealant Primers</i>		
Marine deck	6.3	760
Nonporous architectural	2.1	250
Porous architectural	6.5	775
Other	6.3	750

*The VOC content is determined as the weight of VOC per volume of product, less water and exempt compounds, as specified in § 130.705(j) and (k) or as the weight of VOC per volume of product, as specified in § 130.705(l).

Table II. VOC Content Limits for Adhesive or Sealant Products Applied to Particular Substrates, As Applied

<i>Adhesive or Sealant Products Applied to the Listed Substrate</i>	<i>VOC content limit (pounds VOC per gallon, less water and exempt compounds)*</i>	<i>VOC content limit (grams VOC per liter, less water and exempt compounds)*</i>
Fiberglass	1.7	200
Flexible vinyl	2.1	250
Metal	0.3	30
Porous material	1.0	120
Rubber	2.1	250
Other substrates	2.1	250

*The VOC content is determined as the weight of VOC per volume of product, less water and exempt compounds, as specified in § 130.705(j) and (k) or as the weight of VOC per volume of product, as specified in § 130.705(l).

§ 130.703. Exemptions and exceptions.

(a) This subchapter does not apply to the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of the following compounds or products:

(1) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in a research and development, quality assurance or analytical laboratory, if records are maintained as required under § 130.704 (relating to recordkeeping requirements).

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to § 129.73 (relating to aerospace manufacturing and rework) or Chapter 130, Subchapter B or C (relating to consumer products; and architectural and industrial maintenance coatings).

(3) Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied.

(4) Cyanoacrylate adhesives.

(5) Adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less, or a net weight of 1 pound or less, except plastic cement welding adhesives and contact adhesives.

(6) Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of 1 gallon or less.

(b) This subchapter does not apply to the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of adhesives, sealants, adhesive primers, sealant primers, surface preparation solvents or cleanup solvents in the following operations:

(1) Tire repair operations, if the label of the adhesive states, "For tire repair only."

(2) The assembly, repair and manufacture of aerospace components or undersea-based weapons systems.

(3) The manufacture of medical equipment.

(4) Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992. A person claiming an exemption under this paragraph shall record and maintain operational records sufficient to demonstrate compliance with this exemption, in accordance with § 130.704.

(c) This subchapter does not apply to an adhesive, sealant, adhesive primer or sealant primer product if the manufacturer or distributor of the product makes and keeps records demonstrating both of the following:

(1) The adhesive, sealant, adhesive primer or sealant primer product is intended for shipment and use outside of this Commonwealth.

(2) The manufacturer or distributor has taken reasonably prudent precautions to assure that the adhesive,

sealant, adhesive primer or sealant primer product is not distributed to or within this Commonwealth.

(d) The exemption in subsection (c) does not apply to an adhesive, sealant, adhesive primer or sealant primer product that is sold, supplied or offered for sale to a retail outlet in this Commonwealth.

(e) This subchapter does not apply to an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product that is sold or supplied for use or application as part of a manufacturing process at a facility subject to the requirements of § 129.77 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents).

(f) This subchapter does not apply to an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent used or applied in either of the following situations:

- (1) At a private residence for a noncommercial purpose.
- (2) By a person who is not seeking compensation.

§ 130.704. Recordkeeping requirements.

(a) On and after January 1, 2012, a person who sells, supplies, offers for sale or manufactures for sale for use in this Commonwealth an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter shall maintain records demonstrating compliance with this subchapter, including the following information:

(1) A data sheet or material list which provides the material name, manufacturer identification and material application for each product.

(2) The VOC content of each product, as supplied.

(3) The number of gallons of product sold in this Commonwealth.

(b) On and after January 1, 2012, a person who uses or applies an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter shall maintain records demonstrating compliance with this subchapter, including the following information:

(1) A list of each adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent product in use and in storage.

(2) A data sheet or material list which provides the product name, manufacturer identification and use or material application for each product included on the list required under paragraph (1).

(3) The VOC content of each product on the list required under paragraph (1), as supplied.

(4) Catalysts, reducers or other components used and the mix ratio.

(5) The VOC content or vapor pressure of each product on the list required under paragraph (1), as applied, if solvent or other VOC is added to the product before application.

(6) The monthly volume used of each product on the list required under paragraph (1).

(c) For an adhesive, sealant, adhesive primer and sealant primer product subject to the laboratory testing exemption of § 130.703(a)(1) (relating to exemptions and exceptions), on and after January 1, 2012, the person conducting the testing shall make and maintain records of all materials used, including the following information:

(1) The product name.

(2) The product category of the material or type of application.

(3) The VOC content of the material.

(d) Records made to determine compliance with this subchapter shall be:

(1) Maintained for 5 years from the date the record is created.

(2) Made available to the Department upon receipt of a written request.

§ 130.705. Compliance procedures and test methods.

(a) Except as otherwise provided in this section, the VOC and solids content of nonaerosol adhesives (including one-part moisture cure urethane adhesives and silicone adhesives), sealants, adhesive primers, sealant primers, surface preparation solvents and cleanup solvents shall be determined using one of the following:

(1) EPA Reference Method 24, *Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings*, found at 40 CFR 60, Subpart D, Appendix A, including updates and revisions.

(2) SCAQMD Method 304, *Determination of Volatile Organic Compounds (VOC) in Various Materials*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(b) The weight volatile matter content and weight solids content for one-part or multiple part reactive adhesives, except one-part moisture cure urethane adhesives and silicone adhesives, shall be determined using the EPA Reference Method, *Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives*, found at 40 CFR 63, Subpart PPPP, Appendix A, including updates and revisions.

(c) The identity and concentration of exempt organic compounds shall be determined using one of the following:

(1) ASTM D4457, *Standard Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph*, ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959 USA, including updates and revisions.

(2) SCAQMD Method 303, *Determination of Exempt Compounds*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(d) The VOC content of a plastic cement welding adhesive or primer shall be determined using SCAQMD Method 316A, *Determination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(e) To determine if a diluent is a reactive diluent, the percentage of the reactive organic compound that becomes an integral part of the finished material shall be determined using SCAQMD Method 316A, *Determination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings*, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(f) The composite partial vapor pressure of organic compounds in cleaning materials shall be determined by the following procedure:

(1) Quantifying the amount of each compound in the blend using gas chromatographic analysis, using the following methods:

(i) ASTM E260, *Standard Practice for Packed Column Gas Chromatography*, ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959 USA, for organic content, including updates and revisions.

(ii) ASTM D3792, *Standard Test Method for Water Content of Coatings by Direct Injection Into a Gas Chromatograph*, ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959 USA, for water content, including updates and revisions.

(2) Calculating the composite partial vapor pressure using the following equation:

$$PP_c = \frac{\sum_{i=1}^n (W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \sum_{e=1}^k W_e/MW_e + \sum_{i=1}^n W_i/MW_i}$$

Where:

PP_c = VOC composite partial vapor pressure at 20° C, in mm mercury.

W_i = Weight of the "i"th VOC compound, in grams, as determined by ASTM E260.

W_w = Weight of water, in grams, as determined by ASTM D3792.

W_e = Weight of the "e"th exempt compound, in grams, as determined by ASTM E260.

MW_i = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature.

MW_w = Molecular weight of water, in grams per g-mole (18 grams per g-mole).

MW_e = Molecular weight of the "e"th exempt compound, in grams per g-mole, as given in chemical reference literature.

VP_i = Vapor pressure of the "i"th VOC compound at 20° C, in mm mercury, as determined by subsection (f).

(g) The vapor pressure of each single component compound shall be determined from one or more of the following:

(1) ASTM D2879, *Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 USA, including updates and revisions.

(2) The most recent edition of one or more of the following sources:

(i) *Vapour Pressures of Pure Substances*, Boublik, Elsevier Scientific Publishing Company, New York.

(ii) *Perry's Chemical Engineers' Handbook*, Green and Perry, McGraw-Hill Book Company.

(iii) *CRC Handbook of Chemistry and Physics*, CRC Press.

(iv) *Lange's Handbook of Chemistry*, McGraw-Hill Book Company.

(v) Additional sources approved by the SCAQMD or other California air districts.

(h) The active and passive solvent losses from the use of an enclosed spray gun cleaning system or equivalent cleaning system, as listed in § 130.702(e)(1) (relating to emission standards), shall be determined using the SCAQMD method, *General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems*, dated October 3, 1989, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765 USA, including updates and revisions.

(1) The test solvent for this determination shall be a lacquer thinner with a minimum vapor pressure of 105 mm of mercury at 20° C.

(2) The minimum test temperature shall be 15° C.

(i) Another test method may be used to determine the VOC or solids content of a product if the request for approval of the test method meets the following requirements:

(A) The request is submitted to the Department in writing.

(B) The request demonstrates that the test method provides results that accurately determine the concentration of VOCs in the product or its emissions.

(C) The Department approves the request in writing.

(j) For adhesive, sealant or primer products that do not contain reactive diluents, grams of VOC per liter of product thinned to the manufacturer's recommendation, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of product, as applied} = \frac{W_s - W_w - W_e}{V_m - V_w - V_e}$$

Where:

W_s = weight of volatile compounds, in grams.

W_w = weight of water, in grams.

W_e = weight of exempt compounds, in grams.

V_m = volume of material, in liters.

V_w = volume of water, in liters.

V_e = volume of exempt compounds, in liters.

(k) For adhesive, sealant or primer products that contain reactive diluents, the VOC content of the product is determined after curing. The grams of VOC per liter of product thinned to the manufacturer's recommendation, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of product, as applied} = \frac{W_{rs} - W_{rw} - W_{re}}{V_{rm} - V_{rw} - V_{re}}$$

Where:

W_{rs} = weight of volatile compounds not consumed during curing, in grams.

W_{rw} = weight of water not consumed during curing, in grams.

W_{re} = weight of exempt compounds not consumed during curing, in grams.

V_{rm} = volume of material not consumed during curing, in liters.

V_{rw} = volume of water not consumed during curing, in liters.

V_{re} = volume of exempt compounds not consumed during curing, in liters.

(l) For low-solids adhesive, sealant or primer products, grams of VOC per liter of product thinned to the manufacturer's recommendation, including water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of product, as applied} = \frac{W_s - W_w - W_e}{V_m}$$

Where:

W_s = weight of volatile compounds, in grams.

W_w = weight of water, in grams.

W_e = weight of exempt compounds, in grams.

V_m = volume of material, in liters.

(m) Percent VOC by weight shall be calculated according to the following equation:

$$\% \text{ VOC by weight} = [(W_v/W)] \times 100$$

Where:

W_v = weight of VOCs in grams.

W = weight of material in grams.

(n) To convert from grams per liter (g/l) to pounds per gallon (lb/gal), multiply the result (VOC content) by 8.345 × 10⁻³ (lb/gal/g/l).

§ 130.706. Container labeling.

On and after January 1, 2012, each manufacturer of an adhesive, sealant, adhesive primer or sealant primer product subject to this subchapter shall display the following information on the product container or label:

(1) A statement of the manufacturer's recommendation regarding thinning, reducing or mixing of the product, except that:

(i) This requirement does not apply to the thinning of a product with water.

(ii) If thinning of the product prior to use is not necessary, the recommendation must specify that the product is to be applied without thinning.

(2) The maximum or the actual VOC content of the product as supplied, displayed as one of the following:

(i) Weight of VOC per volume of product, less water and exempt compounds, calculated in accordance with § 130.705(j) and (k) (relating to compliance procedures and test methods).

(ii) Weight of VOC per volume of product, calculated in accordance with § 130.705(l).

(3) The maximum or the actual VOC content of the product as applied, which includes the manufacturer's maximum recommendation for thinning, displayed as one of the following:

(i) Weight of VOC per volume of product, less water and exempt compounds, calculated in accordance with § 130.705(j) and (k).

(ii) Weight of VOC per volume of product, calculated in accordance with § 130.705(l).

§ 130.707. Product dating.

(a) *Product dating requirements.*

(1) Each manufacturer of an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent

or cleanup solvent product subject to this subchapter shall clearly display on each product container or package, the day, month and year on which the product was manufactured, or a code indicating that date.

(2) A manufacturer who uses the following code to indicate the date of manufacture will not be subject to the requirements of subsection (b)(1), if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD = Year Year Day Day Day

Where,

YY = Two digits representing the year in which the product was manufactured

DDD = Three digits representing the day of the year on which the product was manufactured, with "001" representing the first day of the year, "002" representing the second day of the year, and so forth (that is, the "Julian date").

(3) The product date or date-code required by this section must be displayed on each product container or package before the product is sold, supplied or offered for sale in this Commonwealth.

(4) The date or date-code information must be located on the container or inside the cover or cap so that it is readily observable or obtainable (by simply removing the cover or cap) without irreversibly disassembling a part of the container or packaging.

(5) For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(6) The requirements of this subsection do not apply to products containing either of the following:

(i) No VOCs.

(ii) VOCs at 0.10% by weight or less.

(b) *Additional product dating requirements.*

(1) If a manufacturer uses a code other than the code described in subsection (a)(2) indicating the date of manufacture for an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter, the manufacturer must file an explanation of the date portion of the code with the Department before the product is sold, supplied or offered for sale in this Commonwealth.

(2) If a manufacturer changes a code indicating the date of manufacture for a product subject to paragraph (1), the manufacturer must file an explanation of the modified code with the Department before products displaying the modified code are sold, supplied or offered for sale in this Commonwealth.

(3) A person may not erase, alter, deface or otherwise remove or make illegible a date or code indicating the date of manufacture from a regulated product container without the express authorization of the manufacturer.

(4) Date code explanations for codes indicating the date of manufacture are public information and may not be claimed as confidential.

§ 130.708. Sell-through of products.

(a) *Sell-through period.* An adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter and

manufactured prior to January 1, 2012, may be sold, supplied or offered for sale on or after January 1, 2012.

(b) *No date or date code.* This section does not apply to an adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent product subject to this subchapter that does not display on the product container or package the date on which the product was manufactured, or a code indicating the date, in accordance with § 130.707 (relating to product dating).

[Pa.B. Doc. No. 10-2456. Filed for public inspection December 23, 2010, 9:00 a.m.]

Title 70—WEIGHTS, MEASURES AND STANDARDS

DEPARTMENT OF GENERAL SERVICES

[70 PA. CODE CH. 110]

State Metrology Laboratory Fee Schedule

The Department of General Services (Department) amends § 110.2 (relating to State Metrology Laboratory fee schedule) of the Department of Agriculture's regulations to read as set forth in Annex A. Fees for testing services performed by the State Metrology Laboratory (Laboratory) are amended.

Statutory Authority

The final-form rulemaking is made under the authority of 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Section 4178 of the act (relating to fees) requires that the Department establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. Section 4190 of the act (relating to rules and regulations) provides the Department authority to regulate as necessary to implement the act.

Purpose of the Final-Form Rulemaking

The final-form rulemaking fulfills the statutory requirement that the Department establish, charge and collect the fees in section 4178 of the act. Currently, the Laboratory provides these services based upon a fee schedule promulgated in 2005. The final-form rulemaking is necessary to comply with the act. The final-form rulemaking ensures that taxpayer dollars are not used to pay for testing by the Laboratory when user fees are statutorily authorized and required.

Notice of proposed rulemaking was published at 39 Pa.B. 5921 (October 10, 2009). Publication was followed by a 30-day public comment period during which the Department did not receive comments. The Senate State Government Committee and the House State Government Committee did not comment. The Independent Regulatory Review Committee (IRRC) did not have any formal comments, but requested that the support for the revised fees be submitted in the form of a fee analysis form.

Comments and Responses

Other than the request to include the fee analysis form, there were no comments received regarding the proposed rulemaking. Consequently, the final-form rulemaking has not changed from the proposed rulemaking.

Fiscal Impact

Commonwealth

The estimated annual revenue to the Commonwealth from the final-form rulemaking is approximately \$125,000. The final-form rulemaking should not result in additional costs to the Commonwealth.

Public sector

No other government entity will incur costs or realize savings.

General public

The final-form rulemaking will not impose costs and have no fiscal impact upon the general public.

Affected businesses

The affected businesses, which use Laboratory services, will have to pay the fees set in the final-form rulemaking. The anticipated average fee per user is estimated to be \$302.

Paperwork Requirements

The final-form rulemaking will not result in an increase in paperwork for the Laboratory, which already is required to issue invoices, collect payments and transmit payments to the State Treasury. Similarly, under section 4193(c) of the act (relating to disposition of funds), the Treasury Department will not have increase in paperwork.

Effective Date

The final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Additional Information

Individuals who need information about the final-form rulemaking should contact Michael C. Barrett, Senior Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 346-9781.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 29, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5921, to IRRC and the Chairpersons of the House Committee on State Government and the Senate Committee on State Government for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 3, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 4, 2010, and approved the final-form rulemaking.

Findings

The Department finds that:

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

(2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under The Administrative Code of 1929.

Order

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

(a) The regulations of the Department of Agriculture, 70 Pa. Code Chapter 110, are amended by amending § 110.2 to read as set forth in Annex A.

(b) The Secretary of the Department shall 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 Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

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

JAMES P. CREEDON,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6752 (November 20, 2010).)

Fiscal Note: Fiscal Note 8-14 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART V. STATE METROLOGY LABORATORY

CHAPTER 110. GENERAL PROVISIONS

§ 110.2. State Metrology Laboratory fee schedule.

(a) *General.* The State Metrology Laboratory shall charge a fee for any testing services it provides under authority of the act. These services include actual metrology laboratory calibration, type evaluation and any other services identified in subsection (c).

(b) *Exemptions.*

(1) Agencies of the Commonwealth are exempt from having to pay any of the fees established in this section.

(2) A city or county which is required to procure standards of weights and measures and additional equipment in accordance with section 4123 of the act (relating to city and county standards and equipment) to enforce the act is exempt from having to pay fees with respect to the calibration, evaluation or other testing of those standards and that equipment.

(c) *Schedule of fees.* The State Metrology Laboratory shall charge the following fees for the indicated testing services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.	\$30 per weight
Precision mass	ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.	\$30 per weight
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.	\$6 per weight (without adjustment)
		\$10 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.	\$10 per weight (without adjustment)
		\$20 per weight (with adjustment)
Ordinary mass	NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.	\$20 per weight (without adjustment)
		\$40 per weight (with adjustment)
Ordinary mass	Weight Carts	\$210 per cart
Volume transfer	5 gallon/20 liter test measures	\$45 per measure (includes adjustment)
Volume transfer	10 gallon to 50 gallon	\$150 per prover (includes adjustment)
Volume transfer	51 to 100 gallon	\$150 per prover (includes adjustment)
Volume transfer	Greater than 100 gallon	\$150 plus \$ 1 per each additional gallon over 100 gallons
Gravimetric Calibrations	Metal Test Measures to 5 gallon or 20 liters or 1 cubic foot	\$180 per item
Length Calibrations	Metal Tapes or Rules	\$15 per point tested
Timing Devices	Stopwatches	\$30
Wheel Load Weighers		\$20 per scale
Special Tests		\$75 per man-hour

(d) *Payment of fees.* A nonrefundable deposit for the estimated fee shall be submitted when the testing request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item tested is certified or approved.

[Pa.B. Doc. No. 10-2457. Filed for public inspection December 23, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

Coal Mining Fees

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground coal mining: general) to read as set forth in Annex A. The proposed rulemaking establishes a schedule of fees for coal mining activity permit applications.

This order was adopted by the Board at its meeting of October 12, 2010.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Thomas Callaghan, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Richard S. Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5988 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection (Department) web site (<http://www.depweb.state.pa.us>).

C. *Statutory Authority*

The rulemaking is proposed under the authority of section 5 of The Clean Streams Law (35 P. S. § 691.5); sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4(a) and 1396.4b); section 3.2 of the Coal Refuse Disposal Control Act (52 P. S. § 30.53b); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

D. *Background and Purpose*

Section 4(a) of the Surface Mining Conservation and Reclamation Act states: "The department is authorized to charge and collect from persons a reasonable filing fee. Such fee shall not exceed the cost of reviewing, administering and enforcing such permit." The proposed amendments revise permit application review fees for coal mining activity permits. A schedule of fees for coal mining activity permit applications is proposed.

The coal mining regulatory program is funded, in part, through a grant from the Federal government under Title V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328). Under this grant, funds are provided to cover the costs of up to 50% of the program. The Commonwealth must provide matching funds. The Commonwealth share has been provided through the general fund appropriation to the Department. For the most recent Federal fiscal year (October 2008 through September 2009), the Title V grant provided about \$11 million towards total program costs of approximately \$22 million, with the Commonwealth share of about \$11 million coming almost entirely from general fund appropriations because the current fees generate only about \$50,000 per year in revenue. It is estimated

that the revised fees established by this proposed rulemaking will generate about \$400,000 per year in revenue.

This fee proposal is the result of a process where the Department worked with the Mining and Reclamation Advisory Board (MRAB), as described in more detail as follows. The proposed fee amounts were calculated using a workload analysis system, the primary purpose of which is to manage staffing for the mining program. The workload analysis assigns a specific number of hours to each task (that is, type of application) based on historical data recording hours spent by staff for permit reviews. Factors used for the fee calculations include the hourly wage rates for the employees who typically perform a given task, benefits and overhead. Wages are paid in accordance with a pay scale that has 20 steps for each pay range. For the purpose of the proposed fee schedule, the first step (that is, the lowest wage rate) was used. Benefits (for example, health insurance, retirement and leave/holidays) cost the Commonwealth about 41% of the wage rate. Operational costs (for example, management, rent and utilities) cost the Commonwealth about 30% of the wage rate. The 30% figure is used to represent the costs described as "indirects" under the Title V grant application. This proposal establishes fees calculated to cover only a portion of the state share of the workload cost (that is, about 37%, or 3/8 of the total cost) for the selected authorizations. The list of authorizations included in the fee schedule is not exhaustive. There are other types of applications for which fees are not being proposed (for example, minor revisions, blast plans, completion reports, preapplications and annual bond reviews).

Fee Calculation Example

A new surface mining permit takes about 200 hours to review. These applications are reviewed by staff in pay range 8 (step 1 for 2010 is \$25.64/hour). Adding 41% for benefits, 30% for overhead and multiplying by 200 hours, then multiplying by 3/8 results in \$3,288. Rounding off results in the proposed fee amount of \$3,250.

MRAB

At a meeting in October 2009, the Department presented a proposed rulemaking package to the MRAB that included a proposed permit application fee schedule. The MRAB would not endorse the proposal and requested the Department to work with an MRAB committee to develop an alternative proposal. The strongest specific objection was the amount of the fees (for example, the proposed fee for a new surface mining permit was \$11,675). The October 2009 proposal contained permit application fees designed to cover the Commonwealth share of the Department's costs to review mining permit applications. It was estimated that the October 2009 fee proposal would have generated about \$1.2 million per year in revenue.

In response to the MRAB's recommendations, the Department met several times with the MRAB's Regulatory, Legislative and Technical (RLT) Committee. During this process, various options were explored, including trying to develop a fee approach that would generate the full Commonwealth share for funding the program (that is, about \$11 million). This option was dismissed as unrealistic based on industry opposition and the fact that it would represent such a dramatic policy shift from the status quo where the fees are nominal. The approaches taken by other states and the Federal Office of Surface Mining were also reviewed. The result of this process was a

series of recommendations adopted by the MRAB at its meeting in January 2010. The recommendations are summarized as follows:

- Because permit fees have not gone up since 1982, a permit fee increase from the current amount of \$250 per application (\$500 for coal refuse disposal permit applications) is reasonable.
- Any increase in permit fees should be dedicated exclusively to finance the mining program permit review process.
- The Department should not establish fees which would discourage or provide disincentives to re-mining activities and their reclamation benefits to the Commonwealth.
- It is reasonable to ask industry to contribute to funding some part of the coal mining program.
- The MRAB would like to continue to advise the Department on appropriate permit fee assessment and allocations.

The RLT Committee met on March 15, 2010, and reviewed a proposal containing permit application fees and an annual administrative fee that would have generated about \$750,000 per year in revenue. The RLT Committee decided to report to the full MRAB its recommendation to proceed with the section of the draft regulations regarding permit application fees, but to recommend the Department not implement the annual administration fees. At the April 22, 2010, meeting, the MRAB recommended that the Department proceed with a fee approach that includes only permit application fees in a form that would generate about \$400,000 per year in revenue. This proposed rulemaking was prepared following these MRAB recommendations.

E. Summary of Regulatory Requirements

§ 86.1. Definitions

Definitions are being added for the terms “major permit revision” and “permit application fee.” These definitions are needed to implement the fee schedule.

§ 86.3. Use of Coal Refuse Disposal Control Fund

This section is being revised to add subsection (b), which necessitates the lettering of the existing text as subsection (a). Subsection (b) is intended to provide clarity regarding the use of the money collected from permit application fees that are deposited in the Coal Refuse Disposal Control Fund. This reflects the MRAB’s recommendation that the money collected from the fees should be used specifically for the Department’s cost of reviewing permits.

§ 86.17. Permit and reclamation fees

This section is being revised to include a detailed fee schedule for coal mining permit activity applications. The requirement to pay by check is being deleted from subsection (a) to allow applicants the option of paying by other methods (for example, credit card).

Subsection (b) sets forth the detailed permit application fee schedule.

Subsection (c) is being amended to specify that the money collected from permit application fees will be used by the Department to pay the costs of reviewing permit applications. This reflects the MRAB’s recommendation that the money collected from the fees should only be used for the Department’s cost of reviewing permits.

Subsection (d) establishes a framework for periodically reviewing the fee schedule and providing a report to the Environmental Quality Board regarding the Department’s costs and the necessity for changes to the permit application fees.

F. Benefits, Costs and Compliance

The proposed rulemaking will enable the Commonwealth to generate a small percentage (less than 5%) of the Commonwealth share of the funds required to operate the coal mining regulatory program.

Compliance Costs

The proposed rulemaking will impose a total additional compliance cost on the regulated community (approximately 500 mine operators) of about \$350,000 per year. Currently, permit application fees cost the operators about \$50,000 per year. The proposed fee schedule is estimated to cost operators about \$400,000 per year.

Compliance Assistance Plan

The Department will provide written notification to all coal mine operators to inform them of the final promulgation of this proposed rulemaking.

Paperwork Requirements

The amendments will require the Department to update its fact sheets explaining the law and regulations.

G. Pollution Prevention

The proposed rulemaking will not modify the pollution prevention approach by the regulated community and maintains the multi-media pollution prevention approach of existing requirements in 25 Pa. Code (relating to environmental protection).

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) and (f) of the Regulatory Review Act (71 P. S. § 745.5(a) and (f)), on December 14, 2010, the Department submitted a copy of this proposed rulemaking to Independent Regulatory Review Commission (IRRC). Under section 5(f) of the Regulatory Review Act, the Department will submit the proposed rulemaking and the required material to the Chairpersons of the House Environmental Resources and Energy Committee and the Senate Environmental Resources and Energy Committee (Committees) no later than the second Monday after the date by which both Committee designations have been published in the *Pennsylvania Bulletin*. In addition to submitting the proposed rulemaking, the Department provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

J. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 24, 2011. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by January 24, 2011. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by January 24, 2011. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,
Chairperson

Fiscal Note: 7-467. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.1. Definitions.

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

* * * * *

Major permit revision—A revision to a coal mining permit that requires public notice.

* * * * *

Permit application fee—A nonrefundable filing fee due at the time of submission of an application. The permit application fee is required in order for an application to be considered complete.

* * * * *

§ 86.3. Use of Coal Refuse Disposal Control Fund.

(a) Moneys, including permit application fees, fines, bond forfeitures and civil penalties deposited in the Coal Refuse Disposal Control Fund may be used by the Department for the elimination of pollution, the abatement of health and safety hazards and nuisances, reclamation and other related uses including conducting scientific studies and research as authorized under the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66).

(b) Permit application fees required under this chapter for permit applications submitted pursuant to the Coal Refuse Disposal Control Act will be used by the Department to cover its costs to review the applications.

Subchapter B. PERMITS

GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS

§ 86.17. Permit and reclamation fees.

(a) A permit application for coal mining activities shall be accompanied by a [**check for \$250 payable**] **payment** to the “Commonwealth of Pennsylvania[.]” for the amount of the permit application fee provided in the fee schedule in subsection (b) which corresponds to the type of application being submitted. For purposes of this subsection, permit applications include all of the applications listed in subsection (b).

(b) [A permit application for a coal preparation plant shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.”] The permit application fee schedule is as follows:

<i>(1) New permits.</i>	<i>Fee</i>
Surface Mining Permit.....	\$3,250
Coal Refuse Reprocessing Permit.....	\$1,900
Coal Refuse Disposal Permit.....	\$3,250
Coal Preparation Plant Permit	\$1,650
Anthracite Underground Mining Permit.....	\$1,650
Bituminous Underground Mining Permit....	\$5,750
Post Mining Activity Permit	\$300
Incidental Extraction Permit	\$1,650
<i>(2) Major permit revisions.</i>	<i>Fee</i>
Surface Mining Permit.....	\$300
Coal Refuse Reprocessing Permit.....	\$300
Anthracite Coal Refuse Disposal Permit.....	\$300
Bituminous Coal Refuse Disposal Permit....	\$1,250
Anthracite Coal Preparation Plant Permit	\$300
Bituminous Coal Preparation Plant Permit .	\$1,250
Anthracite Coal Underground Mining Permit .	\$300
Bituminous Coal Underground Mining Permit	\$1,250
<i>(3) Permit transfer.</i>	<i>Fee</i>
All.....	\$250
<i>(4) Permit renewal.</i>	<i>Fee</i>
All.....	\$250
<i>(5) Other actions.</i>	<i>Fee</i>
Auger Safety Permit	\$200
Bond Liability Revision.....	\$100

(c) [A renewal application, whether the site has not yet been activated or where coal is being extracted, shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.” A renewal application for reclamation activities requires no application fee.] For surface coal mine facilities, coal refuse reprocessing facilities, and coal mining activity facilities, except for bituminous underground mines, permit application fees collected will be deposited in the Surface Mining Conservation and Reclamation Fund. Permit application fees collected for bituminous underground mines will be deposited in the Bituminous Mine Subsidence and Land Reclamation Fund. For coal

refuse disposal facilities, permit application fees collected will be deposited in the Coal Refuse Disposal Control Fund. Permit application fees required under this section will be used by the Department to cover its costs to review permit applications.

(d) [A permit application for coal refuse disposal activities shall be accompanied by a check for \$500 plus \$10 per acre for acreage in excess of 50 acres payable to the "Commonwealth of Pennsylvania."] The Department will review the adequacy of the permit application fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it will contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

* * * * *

[Pa.B. Doc. No. 10-2458. Filed for public inspection December 23, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective November 29, 2010.

The organization chart at 40 Pa.B. 7373 (December 25, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

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

[Pa.B. Doc. No. 10-2459. Filed for public inspection December 23, 2010, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

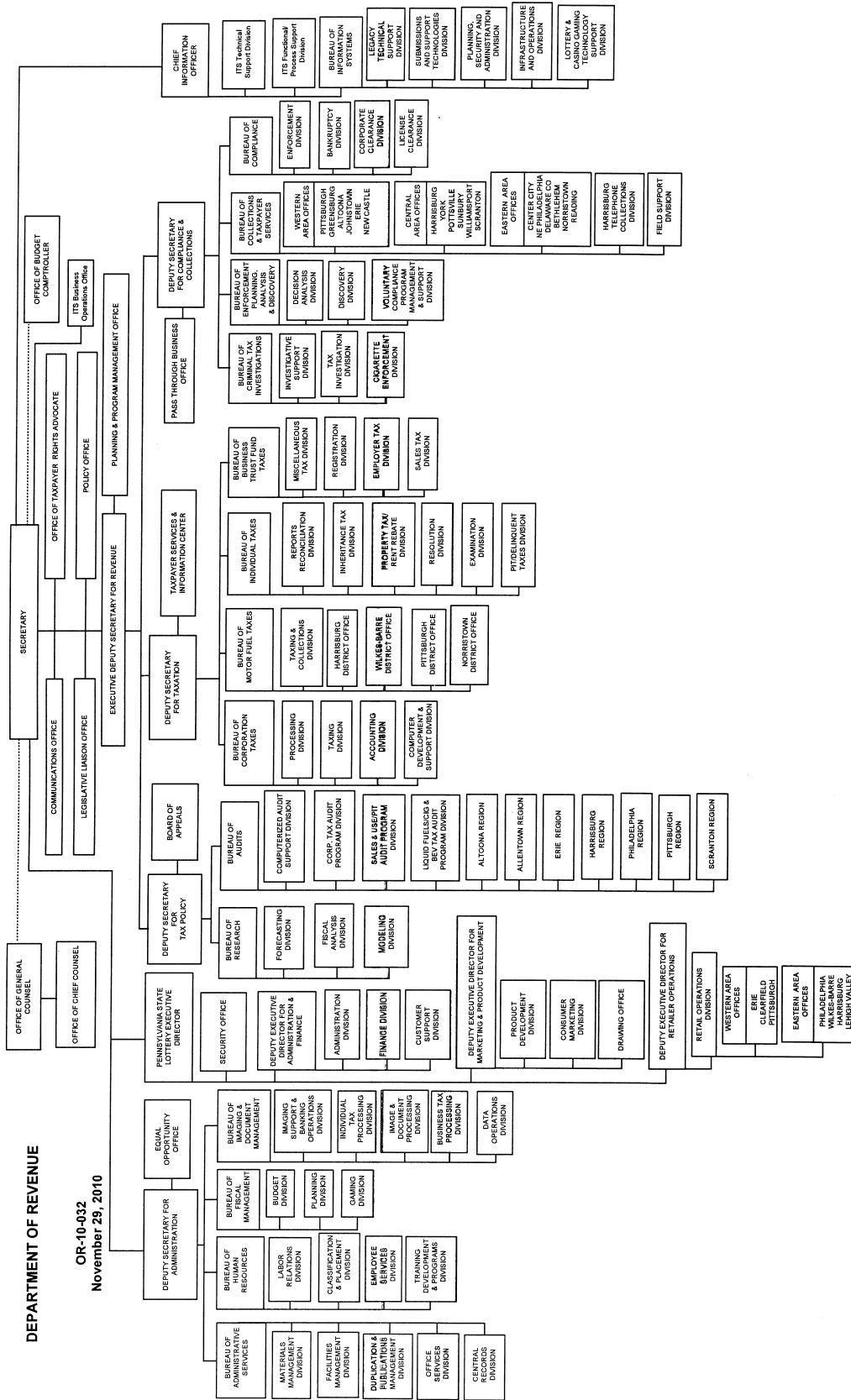
Reorganization of the State Employees' Retirement System

The Executive Board approved a reorganization of the State Employees' Retirement System effective December 6, 2010.

The organization chart at 40 Pa.B. 7374 (December 25, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

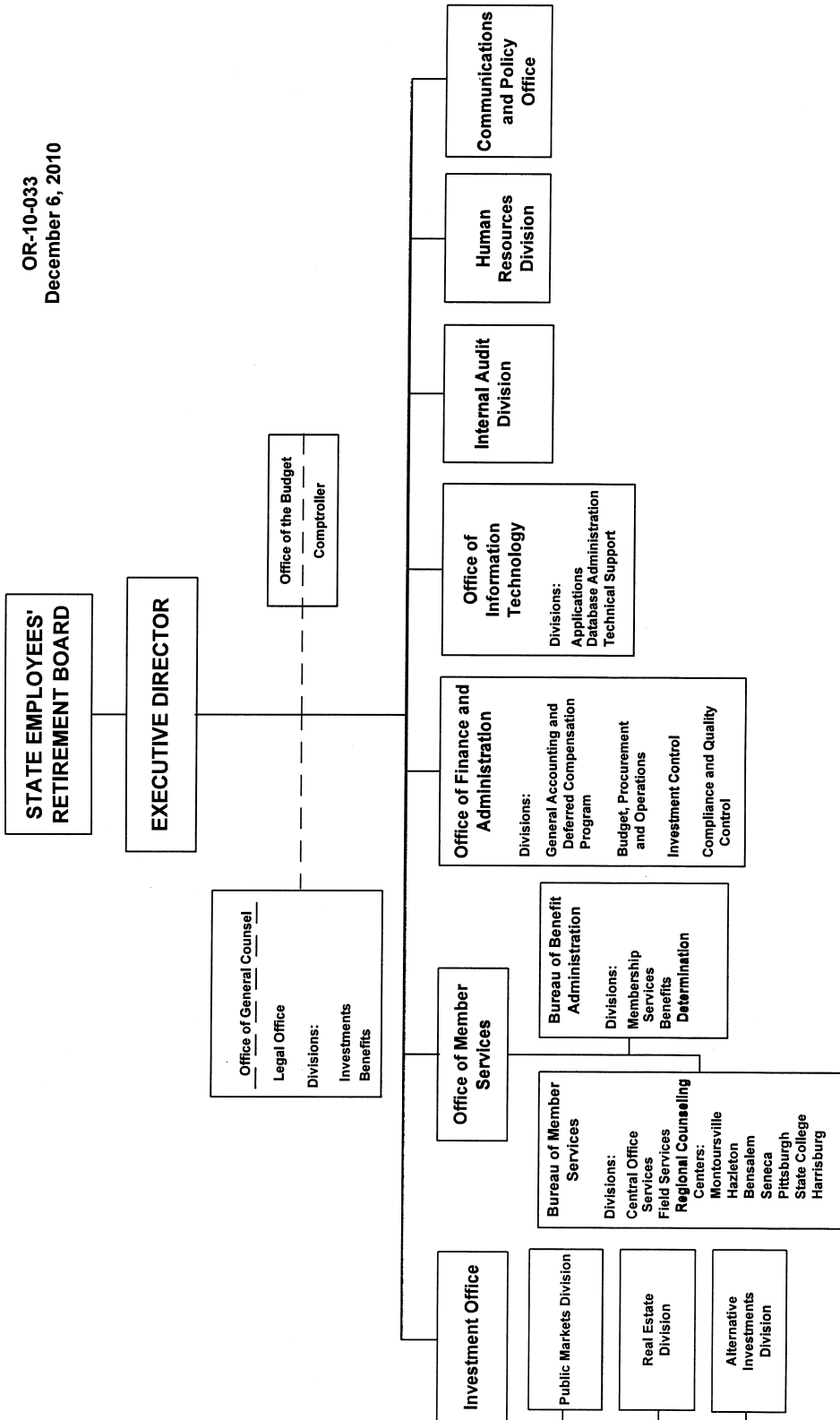
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 10-2460. Filed for public inspection December 23, 2010, 9:00 a.m.]



STATE EMPLOYEES' RETIREMENT SYSTEM

OR-10-033
December 6, 2010



NOTICES

CAPITOL PRESERVATION COMMITTEE

Requests for Proposals

CPC 10.124: Clock Conservation and Maintenance. This project involves the following cyclical maintenance: onsite oiling; studio cleaning; installation of temporary clocks; general maintenance; condition reports and documentation of historic wall and mantle clocks. A \$100 deposit is required for issuance of project documents. Issue date of the proposal will be on January 5, 2011. A mandatory preproposal conference and walk through will be held on January 12, 2011, in Room 630, Main Capitol at 10 a.m. Proposal receipt date is February 2, 2011, 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle, (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 10-2461. Filed for public inspection Decemner 23, 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 2011

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 Commonwealth'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 3 to 21 years of age, 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 "Programs S-Z," go to "Special Education," go to "Funding Sources," go to IDEA Policies and Procedures 2009).

Section 300.165 of 34 CFR (relating to public participation) requires that the State provide notice, 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 (such as, Braille, large print, cassette tape) can be made available to members of the public upon request. Moreover, public comment for the disabled is welcomed in alternative formats such as Braille, taped comments and telephone comments. Persons who are disabled and wish to submit comments by telephone, contact Beth Runkle, (717) 783-2311.

Written comments will be received until April 29, 2011. The written comments should be directed to Jean B. Inskip or Dr. Ronald Wells, Special Education Advisers, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Additionally, opportunity for verbal 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 revised policies and procedures are as follows:

February 28, 2011	PaTTAN—Pittsburgh 3190 William Pitt Way Pittsburgh, PA (4 p.m.—6 p.m.)
March 2, 2011	PaTTAN—Harrisburg 6340 Flank Drive Harrisburg, PA (4 p.m.—6 p.m.)
March 14, 2011	PaTTAN—King of Prussia 200 Anderson Road King of Prussia, PA (4 p.m.—6 p.m.)

To schedule an opportunity to present oral testimony, or persons with a disability and wish to attend the public testimony and require an accommodation to participate in the proceedings, call Beth Runkle at (717) 783-2311 no later than February 18, 2011.

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.

THOMAS E. GLUCK,
Acting Secretary

[Pa.B. Doc. No. 10-2462. Filed for public inspection December 23, 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 regarding 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 (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<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 tentative determinations 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 United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the 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. A comment submittal 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 public hearings 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>
PA0086461— (SEW)	Pinch Pond, Inc. 3075 Pinch Pond Road Manheim, PA 17545	Lancaster County/ Rapho Township	Chickies Creek—7-G	Y
PA0260169 (CAFO)	Elmer J. King Greenfield Farms 3382 B West Newport Road Ronks, PA 17572	Juniata County/ Lack Township	UNT of Dougherty Run/ 13-C	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>
PA0029238 (Sewage)	Mohawk High School 385 Mohawk School Road Bessemer, PA 16112	Lawrence County North Beaver Township	Unnamed tributary of Hickory Run 20-B	Y
PA0101826 (Sewage)	Thomas R. Barnett d/b/a Woodlands Meadows P. O. Box 29 Butler, PA 16001	Butler County Connoquenessing Township	Unnamed tributary to Little Connoquenessing Creek 20-C	Y
PA0020044 (Sewage)	Fredonia WWTP Marstellar Road Fredonia, PA 16124	Mercer County Fredonia Borough	Mill Run 20-A	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

PA0058467, Industrial Waste, **Brandywine Realty Trust**, 555 East Lancaster Ave, Suite 100, Radnor, PA 19087. This facility is located in Lower Merion Township, **Montgomery County**.

Description of Activity: Renewal of an NPDES permit for the discharge of non-contact cooling water from a building HVAC unit. Building is located at 630 Allendale Road.

The receiving stream, tributary to Trout Creek (PA Stream Code 00982), is in the State Water Plan watershed 3F and is classified for: WWF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake is for the Pennsylvania American Water Company-Norristown District located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,800 GPD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Averageq Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Temperature					110° F
Total Dissolved Solids			Report		Report
pH	Within 6.0 and 9.0 Standard Units				

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

1. Remedial Measures Required if Public Nuisance
2. Dry Stream Discharge
3. BAT/ELG Standards
4. Approved Usage Rates
5. Chemical Additives
6. Transfer of Ownership
7. Proper Disposal of Solids
8. TMDL/WLA Analysis is Necessary
9. No Discharge Reporting
10. Certified Laboratory

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

PA0064351, Industrial Waste, SIC Code 2034, **Keystone Potato Products LLC**, PO Box 27, Hegins, PA 17938-0027. Facility Name: Keystone Potato Products. This existing facility is located in Frailey Township, **Schuylkill County**.

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

The receiving stream(s), Middle Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
BOD ₅	71	142	XXX	XXX	XXX	XXX
Total Suspended Solids	228	563	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Interim)	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen (Final)	XXX	XXX	XXX	15.5	XXX	31
Total Aluminum (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Final)	XXX	XXX	XXX	0.75	1.5	XXX
Dissolved Iron (Interim)	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron (Final)	XXX	XXX	XXX	0.30	0.60	XXX
Total Iron (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Final)	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Final)	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 003 Stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Daily Maximum</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	report	XXX	XXX	report
CBOD ₅	XXX	XXX	XXX	report	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	report	XXX	XXX
Kjeldahl—N	XXX	XXX	XXX	report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	report	XXX	XXX
Total Iron	XXX	XXX	XXX	report	XXX	XXX

The proposed effluent limits for Internal monitoring point 101.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	report	XXX	XXX	report
Dissolved Oxygen	XXX	XXX	report	XXX	XXX	XXX
BOD ₅	report	report	XXX	XXX	XXX	XXX
Total Suspended Solids	report	report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	report	XXX	report
Total Aluminum	XXX	XXX	XXX	report	report	XXX
Dissolved Iron	XXX	XXX	XXX	report	report	XXX
Total Iron	XXX	XXX	XXX	report	report	XXX
Total Manganese	XXX	XXX	XXX	report	report	XXX

The proposed effluent limits for Internal monitoring point 201.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	report	XXX	XXX	report
Dissolved Oxygen	XXX	XXX	report	XXX	XXX	XXX
BOD ₅	report	report	XXX	XXX	XXX	XXX
Total Suspended Solids	report	report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	report	XXX	report
Total Aluminum	XXX	XXX	XXX	report	report	XXX
Dissolved Iron	XXX	XXX	XXX	report	report	XXX
Total Iron	XXX	XXX	XXX	report	report	XXX
Total Manganese	XXX	XXX	XXX	report	report	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 101.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 201.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	

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

- Chemical Additives
- Chesapeake Bay Strategy
- Stormwater

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

Application No. PA0260185, Concentrated Animal Feeding Operation (CAFO), Barry Farms, 259 Obie Road, Newmanstown, Pennsylvania 17074.

Barry Farms has submitted an application for an Individual NPDES permit for an existing CAFO known as Barry Farms, located at 221 Michter's Road, Schaefferstown, Pennsylvania 17088 in Heidelberg Township, **Lebanon County**.

The CAFO is situated near Hammer Creek in Watershed 7-J, which is classified for High Quality Cold Water Fishery. The CAFO is designed to maintain an animal population of approximately 955.14 animal equivalent units (AEUs) consisting of 5040 finishing swine, 150 beef cows, 125 calves, 125 finishing beef, and three horses. Manure is collected and stored in understorage concrete tanks for the swine and a circular concrete tank to collect runoff from the beef areas. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717-705-4732.

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

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

PA0263826, Sewage, NAIC Code 814000, **Denton A. & Twila J. Eby**, 17963 Highway 86, Saegertown, PA 16433-6349. Facility Name: Denton & Twila Eby SRSTP. This proposed facility is located in Woodcock Township, **Crawford County**.

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

The receiving stream(s), an unnamed tributary to Bossard Run, is located in State Water Plan watershed 16-A and is classified for High Quality Waters-Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0263796, sewage, SIC Code 4952, **Robert J Rylands, Jr.**, 4849 Middle Road, Allison Park, PA 15101. Facility Name: Robert J Rylands Properties. This facility is located in Tionesta Township, **Forest County**.

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

The receiving stream is the Allegheny River, located in State Water Plan watershed 16-E and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0085 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	Instant.
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	XXX
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0263800, Sewage, SIC Code 8811, **Billy L. Morgan**, 392 Palmer Road, Butler, PA 16001. Facility Name: Billy L. Morgan SRSTP. This proposed facility is located in Center Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary to Connoquenessing Creek, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

WQM Permit No. 3910403, Sewerage, **Coplay-Whitehall Sewer Authority**, 3213 MacArthur Road, Whitehall, PA 18052 This proposed facility is located in Whitehall Twp., **Lehigh County**, PA.

Description of Proposed Action/Activity: The project involves replacement and realignment of the Coplay Creek Interceptor. Existing 10, 12, and 18 inch diameter pipe will be replaced with approximately 22,890 LF of 18, 20 and 24 inch diameter ductile iron pipe. The interceptor discharges to the Authority's Eberhart Road Pump Station with ultimate discharge to the City of Allentown's Lehigh River Interceptor.

WQM Permit No. 4810401, Sewerage, **Bethlehem Township Municipal Authority**, 3535 Orth Street, PA 18020

This proposed facility is located in Bethlehem Twp., **Northampton County**, PA.

Description of Proposed Action/Activity: This project involves construction of a gravity sewers, a pump station and a force main for St. Luke's Hospital and Riverside Outpatient Complex. The force main will connect to the Township's Pump Station No. 1 and the sewage will be conveyed to the City of Bethlehem's sewerage system.

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

WQM Permit No. 1010405, Sewerage, **Billy L. Morgan**, 392 Palmer Road, Butler, PA 16001

This proposed facility is located in Center Township, **Butler County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091008	PECO Energy Company 2301 Market Street Philadelphia, PA 19103	Bucks	Solebury Township	Aquetong Creek and Tributaries (HQ-CWF)
PAI01 1506010A-2	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Valley Creek (EV)
PAI01 231004	Glenn M. White Builders, Inc. 4 Zachary Drive West Chester, PA 19382	Delaware	Edgmont Township	Ridley Creek (HQ-TSF)
PAI01 511010	Southeastern Pennsylvania Transportation Authority 1234 Market Street Philadelphia, PA 19107	Philadelphia	City of Philadelphia	Schuylkill River (WWF)

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

Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627, 570-674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010007	Walden Estates, Inc. Joseph Thomas 57 N. Mountain Blvd. Mountaintop, PA 18707	Luzerne	Fairview Twp.	Big Wapwallopen Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510012	CBH20 LP P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono Twp. and Jackson Twp. Coolmoor Creek, HQ-CWF	

Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025210010	Mr. Kam Shi 113 Miller Road Milford, PA 18337	Pike	Milford Twp.	Saw Kill Creek, EV, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033610005	James Landis 825 North Little Britain Road Quarryville, PA 17566	Lancaster	Little Britain Township	West Branch Octoraro Creek/HQ-CWF-MF
PAI033610006	Gregory S. Lewis 32 Stuart Run Road Quarryville, PA 17566	Lancaster	East Drumore & Colerain Townships	UNT to Stuart Run/HQ-CWF
PAI033610007	Drumore Crossings LP 120 West Germantown Pike, Suite 120 Plymouth Meeting, PA 19462	Lancaster	Drumore Township	Fishing Creek-Conowingo Creek/HQ-CWF

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>
PAS10F073R-3	Perry DeSiato Village of Nittany Glen, LP 1490 Durham Rd. New Hope, PA 18938	Centre	Benner Township	UNT to Buffalo Run HQ-CWF

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

Butler County Conservation District, 122 McCure Drive, Butler PA 16001-6501

<i>NPDES Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 10 006	Martin Herman Cranwoods-WST, Ltd 1468 West 9th Street, Ste 135 Western Reserve Bldg Cleveland OH 44113	Butler	Jefferson Township	UNT Little Buffalo Creek HQ-TSF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Kline's Hillside Poultry 167 Coble Rd. Chambersburg, PA 17202	Franklin	29	425.36	Swine/ turkey	NA	Renewal
Mike Hare—Crittter Hill Farm 224 Quaker Run Road Biglerville, PA 17307	Adams	39	318.28	Turkeys, Beef	NA	Renewal
Mountain View Farms Mark Bricker (Franklin Family Farms) Mailing: 76 Quigley Road, Newberg, PA 17240 Farm: 160 Frystown Road, Myerstown, PA 17067	Berks	358.6	1,817.86	finishing hogs & steers	none	Application renewal
Adam S. Martin Martin's Egg Ranch Mailing: 390 Midway Road, Bethel, PA 19507 Farm: 401 Midway Road, Bethel, PA 19507	Berks	84.4	267.75	layers	none	Application renewal
Lamar Zimmerman 112 Farmers Lane Myerstown Pa 17067	Lebanon	24	324.8	Poultry	NA	Renewal
John Stone 12547 Stage Road McClure, PA 17841	Snyder	53 Acres 33.7 for manure application	593.55	Swine	N/A	Application
Ridge Valley Farms II—Swine Robert Martin (Mailing Address) 4227 Ridge Road Beaver Springs, PA 17812 (Farm Address) 206 Lowell Road McClure, PA 17841	Snyder	81 Acres 29 for manure application	452.28	Swine	N/A	Application

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations

regarding an application. A comment 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. 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 determi-

nation may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0410517, Public Water Supply.

Applicant	Municipal Authority of the Borough of Midland , 946 Railroad Avenue, Midland, PA 15059
[Township or Borough]	Midland Borough
Responsible Official	Raymond Presutti, Authority Board Chairman Municipal Authority of the Borough of Midland, 946 Railroad Avenue, Midland, PA 15059
Type of Facility	Water treatment plant
Consulting Engineer	Widmer Engineering, Inc. 806 Lincoln Place Beaver Falls, PA 15010
Application Received Date	November 18, 2010
Description of Action	Filter upgrades at the water treatment plant.

Permit No. 6510504, Public Water Supply.

Applicant	Municipal Authority of the City of New Kensington PO Box 577 920 Barnes Street New Kensington, PA 15068
[Township or Borough]	City of New Kensington
Responsible Official	James Matta, General Manager Municipal Authority of the City of New Kensington PO Box 577 920 Barnes Street New Kensington, PA 15068
Type of Facility	Water treatment plant
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650

Application Received November 22, 2010
Date

Description of Action Addition of Nalclear 8181 polymer as a filter aid.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the 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. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or 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 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 following site, 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 as follows. 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 listed before the notice. 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 AT&T Relay Service at (800) 654-5984.

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

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

Racz-Muth Property, 8937 Breinig Run Circle, **Upper Macungie Township, Lehigh County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his client, Aniko Racz-Muth, 8937 Breinig Run Circle, Breinigsville, PA 18031), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of a release from a corroded, 275-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and groundwater. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The Express Times* on November 19, 2010.

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

Don Sternat Residence, Robeson Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Jill and Don Sternat, 216 Watercrest Drive, Birdsboro, PA 19508, and Federated Insurance, PO Box 328, Owatonna, MN 55060, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from a ruptured aboveground storage tank. The site will be remediated to the Residential Statewide Health standard, and will remain a residence.

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

James Sollick Property, Asylum Township, **Bradford County**. Sovereign Consulting Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 on behalf of Excalibur Energy Services, 5383 East Highway 67, Rainbow, TX 76077 has submitted a Notice of Intent to Remediate soil contaminated with brine, diesel fuel and motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will be as a residential site.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR038NWD05. Crawford Renewable Energy, LLC, Keystone Regional Industrial Park, Adamsville Road, Meadville, PA 16335, Greenwood Township, **Crawford County**. The application is a Determination of Applicability for a general permit to store, process, and beneficially use Waste Tires, Tire Derived Materials, and Tire Derived Fuel for use in boilers or other combustion units. The application was found to be administratively complete by the Northwest Regional Office on December 8, 2010. The application was received on November 22, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 400633. Wheelabrator Falls Inc, 1201 New Ford Mill Road, Morrisville PA 19067-3701, Falls Township, **Bucks County**. This minor permit modification application is seeking the approval to modify the operation at the Material Recovery Facility (MRF), located within the permitted area of Wheelabrator Falls, Inc.'s facility, by utilizing the existing MRF as a collection center for single stream recyclables prior to sending it for further processing at another Material Recovery Facility. The application was received by the Southeast Regional Office on December 10, 2010.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 301626. White Pines Corporation, 515 State Route 442, Millville, PA 17846. Pine Township, **Columbia County**. The major permit modification is for an increase in daily average volume from 800 tons to 1,100 tons, and maximum daily volume from 1,000 to 1,300 tons. The application was received by Northcentral Regional Office on December 7, 2010. A Local Municipal Involvement Process meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department 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 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 received applications for Plan Approval or Operating Permits from the following facilities.

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall 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 listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

54-399-049: SAPA Extrusions (53 Pottsville Street, Cressona, PA 17929-0187) for the case-by-case boiler MACT determination, 40 CFR 63 Subpart DDDDD, at their site in Cressona Borough, **Schuylkill County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0196F: Abington Reldan Metals, LLC (550 Old Bordertown Road, Fairless Hills, PA 19030) for construction of fourteen (14) electric melt furnaces and five (5) natural gas-fired melt furnaces exhausting to three baghouses at a new precious metal recovery facility to be in Falls Township, **Bucks County**. This facility is a non-Title V facility, and this Plan Approval is a major modification to and upon issuance will supersede the Plan Approval, No. 09-0196B. This Plan Approval will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-05140C: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) for construction of a 33.5 mmbtu/hr boiler in East Earl Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

This plan approval is for the construction of a facility boiler that will combust No. 2 and No. 6 fuel oils along with saleable fat byproduct oil. The yearly potential emissions based on permit limits will be about 39 tons for SO₂, 22 tons for NO_x, 5 tons for PM, 3 tons for CO, and less than 0.50 tons for VOCs. The company shall be subject to and comply with the relevant provisions of Title 25 of the Pa. Code including chapters 123, 127, and 129. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the

Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Tom Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

53-00017: Herbert Cooper Co., Inc. (PO Box 40, 121 Main Street, Genesee, PA 16923-8901) for modification of an oxygen tube manufacturing operation in Genesee Township, **Potter County**. The respective facility is a synthetic minor facility for which a state only operating permit has not been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Herbert Cooper Company, Inc. indicates that the air contamination source to be modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed modification.

The emissions from the oxygen tube manufacturing operation will not exceed 7.56 tons of toluene per year.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material throughput restrictions to limit the emission of toluene.

Work practice requirements to operate the source with good air pollution control practices.

Recordkeeping conditions to verify compliance with the emission and throughput limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

PA-04-00720: Lindy Paving Inc. (586 Northgate Circle, New Castle, PA 16105) to allow construction of the Big Beaver Borough Asphalt Plant in Big Beaver Borough, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval PA-04-00720 to allow the construction of the Big Beaver Borough Asphalt Plant. The hot mix asphalt plant will produce up to 400 tons per hour of hot mix asphalt paving material. The Big Beaver Borough Asphalt Plant will be located in Big Beaver Borough, Beaver County.

Potential air emissions sources at The Big Beaver Borough Asphalt Plant include a 400 tph counterflow drum asphalt mixer fitted with (1) one 135 MMBtu/hr low NOx burner capable of burning natural gas, propane, fuel oil, or waste oil; (1) one enclosed slat elevator; (4) hot mix asphalt storage silos; (3) three asphalt cement storage tanks; (1) enclosed crusher; material handling equipment and roadways. Particulate emissions from the counterflow drum mixer will be controlled by a high efficiency baghouse. Lindy Paving has elected to limit operation of the facility to 3,274 hours per year (up to 1,300,000 tons of hot mix asphalt per year) to ensure that annual emission of all NSR regulated pollutants from the proposed sources remain below emissions thresholds for a major facility as defined in 25 Pa. Code § 121.1. As such, annual potential emissions will not exceed the following: 85 tons of carbon monoxide (CO); 36 tons of nitrogen oxides (NOx); 8 tons of particulate matter (PM), including 2 tons of PM 10, and less than 1 ton of PM 2.5; less than 38 tons sulfur dioxide (SO₂); less than 50 tons of volatile organic compounds (VOCs); and less than 7 tons of combined hazardous air pollutants (HAPs). Best Available Technology (BAT) at the facility will include the use of a low-NOx burner in the drum mixer, good combustion practices, recirculation of mixer and storage silo off-gases for VOC and blue smoke emissions control, isolated asphalt mixing, a baghouse with 99.9% capture efficiency, and enclosed conveyors.

The proposed facility is subject to the applicable requirements of 25 Pa. Code §§ 121–145 and 40 CFR Part 60 Subpart I Standards of Performance for Hot Mix Asphalt Facilities. The Plan Approval will include general requirements from Title 25 of the Pennsylvania Code and special conditions relating to applicable emission and fuel usage restrictions; a restriction on hours of operation; testing, monitoring, recordkeeping, reporting and work practice standards requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to (your name), Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication. For additional information, contact Devin P. Tomko at 412-442-5231.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

*Contact: Mark Gorog, New Source Review Chief—
Telephone: 814-332-6940*

10-062F: Pa State System of Higher Education—Slippery Rock University (1 Morrow Way, Slippery Rock, PA 16057) for installation of a baghouse to control particulate emissions from their coal-fired boilers (No. 1, No. 2, & No. 4) as a result of a Consent Decree with EPA, for the modification of the coal throughput limitation for Boiler 1 & 2, and for modification of recordkeeping and emission limitation conditions for Boiler 3 in Slippery Rock Borough, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

Boiler 1:

All conditions from Title V OP issued on June 2, 2010, remain in effect except as noted below.

The permittee shall not permit the total annual fuel usage to exceed 7,000 tons of bituminous coal per year based on a consecutive 12-month period for Boiler 1 & 2 combined.

Boiler 2:

All conditions from Title V OP issued on June 2, 2010, remain in effect except as noted below.

The permittee shall not permit the total annual fuel usage to exceed 7,000 tons of bituminous coal per year based on a consecutive 12-month period for Boiler 1 & 2 combined.

Boiler 3:

All conditions from Title V OP issued on June 2, 2010, remain in effect except as noted below.

The emissions from the source shall not exceed the following:

CO—2.64 #/hr

CO—0.1 #/mmbtu

CO—11.6 tpy based on a 12-month rolling total

NO_x—0.98 #/hr

NO_x—0.036 #/mmbtu

NO_x—4.29 tpy based on a 12-month rolling total

The permittee shall monitor, on a continuous basis, the following:

The boiler outlet excess oxygen;

Natural gas consumption;

Boiler exhaust temperature;

Furnace draft;

Steam flow; and

Steam pressure

Boiler 4:

All conditions from Title V OP issued on June 2, 2010, remain in effect except as noted below.

The permittee shall monitor the following:

Coal consumption on an as loaded basis

The permittee shall monitor the opacity of the common stack at least once day during daylight hours. The person monitoring the opacity shall be a certified Method 9 observer, but may use Method 22 for the monitoring. The university shall have the option to install a Continuous Opacity Monitor, which shall be certified by the Department.

The permittee shall record the following daily:

The visible emission checks

The permittee shall record the following on an hourly basis:

Flue gas oxygen;

Natural gas consumption;

Exhaust boiler temperature;

Furnace draft;

Steam flow; and

Steam pressure

The permittee shall record the following:

Coal consumption on an as loaded basis

Boilers 1, 2, & 4:

Stack test shall be conducted for FPM (using Method 5 or another Department approved method) and for opacity (using Method 9) at the outlet of the baghouse.

Within twelve (12) to eighteen (18) months prior to the expiration of the facility operating permit, a stack test shall be conducted for FPM (using Method 5 or another Department approved method) and for opacity (using Method 9) at the outlet of the baghouse.

A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse.

A thermocouple or equivalent shall be maintained and operated to monitor the inlet temperature to the baghouse.

A Tribo guard bag failure indicator system or equivalent shall be maintained and operated to monitor bag failure.

The permittee shall maintain a record of all preventive maintenance inspections of the control device. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

Pressure differential—daily (defined as once per calendar day)

Inlet temperature to baghouse—continuously (defined as once every 15 minutes)

Tribo guard bag failure indicator system—daily that the system is operational (defined as once per calendar day)

The permittee shall record all excursions and corrective actions taken in response to an excursion and the time elapsed until the corrective actions have been taken.

The permittee shall report all excursions and corrective actions taken, the dates, times, durations and probable causes, every six (6) months.

The permittee shall report the following information to the Department every six (6) months:

Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

The permittee shall perform a daily operational inspection of the control device.

All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

The permittee shall operate the control device at all times that the source is in operation.

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

The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

Pressure drop of 0.5" to 8.0" wg as specified by the manufacturer

Inlet temperature of less than 475° F

The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range or new maximum inlet temperature.

The permittee shall develop verification procedures to confirm that the operational status of the monitoring devices is within the expected range. (Operational status pertains to the accuracy of the measured values. The permittee may compare the data with any Department approved standardized data at a specific time interval.)

For QA/QC purposes, the permittee shall calibrate and check the accuracy of the monitoring equipment, according to the manufacturer's recommended procedures. (For example, the thermocouple shall be checked for accuracy (+/- 20° F) each calendar quarter.)

The permittee shall perform monthly external inspections of the control system and annual internal inspections of the baghouse. An excursion is defined as a failure to perform and record the monthly external or annual internal inspections.

The permittee shall develop and implement a Quality Improvement Plan (QIP) as expeditiously as practicable if any of the following occur:

For properly and accurately collected data, accumulated excursions exceed two percent (2%) of the data. Six (6) excursions occur in a six (6) month reporting period.

The Department determines after review of all reported information that the permittee has not responded acceptable to an excursion.

10-346C: Scrap Salvage & Surplus, Inc. (690 Glenwood Way, Butler, PA 16001), for the construction of

a portable torch-cutting enclosure at their facility in Center Township, **Butler County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-346C to Scrap Salvage & Surplus, Inc. for the construction of a portable torch-cutting enclosure at their facility in Center Township, Butler County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-346C is for the construction of a portable torch-cutting enclosure. Emissions of particulate matter from this sources will be controlled by an associated 16,000 ACFM capacity dust collector, which will be powered by a 180 kW diesel-fired generator. Based on the information provided by the applicant and DEP's own analysis, the subject sources will have the potential to emit approximately 4.61 tons of nitrogen oxides (NOx), 3.46 tons of particulate matter, 0.90 ton of sulfur oxides (SOx), 0.48 ton of carbon monoxide, and 0.08 ton of volatile organic compounds (VOC) per year.

The Plan Approval will contain additional recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 10-346C.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

20-304A: Ernst Biomass, LLC (9006 Mercer Pike, Meadville, PA 16335), for the installation of a rotary biomass dryer and associated multi-cyclone control device at their facility in Union Township, **Crawford County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to

issue Plan Approval 20-304A to Ernst Biomass, LLC for the installation of a rotary biomass dryer and associated multi-cyclone control device at their facility in Union Township, Crawford County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 20-304A is for the installation of a 16.0 MMBtu/hr wood/switchgrass biomass-fired rotary switchgrass dryer and associated multi-cyclone control device, which will be used in the manufacture of switchgrass-based pellet fuel. Based on the information provided by the applicant and DEP's own analysis, the proposed source will emit a maximum of 42.1 tons of carbon monoxide, 31.5 tons of particulate matter, 15.4 tons of nitrogen oxides (NOx), 7.5 tons of volatile organic compounds (VOC), 1.8 tons of sulfur oxides (SOx), and 1.4 tons of formaldehyde per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 62-176A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

24-119B: Advanced Heat Treating, Inc. (1057 Trout Run Rd., St. Marys, PA 15857), for the installation of two (2) heat treating furnaces and an associated electrostatic precipitator at their facility in the City of St. Marys, **Elk County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-119B to Advanced Heat Treating, Inc. for the installation of two (2) heat treating furnaces and an associated electrostatic precipitator at their facility in the City of St. Marys, Elk County. The Plan Approval will subsequently be incorporated into the facili-

ty's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-119B is for the installation of two (2) 1.0 MMBtu/hr capacity natural gas-fired heat treating furnaces. Emissions of particulate oil mist from these sources and two (2) additional existing furnaces will be controlled by a Smog Hog electrostatic precipitator. Based on the information provided by the applicant and DEP's own analysis, the new sources will have the potential to emit approximately 0.89 ton of particulate matter, 0.12 ton of nitrogen oxides (NOx), 0.10 ton of carbon monoxide, and 0.01 ton of volatile organic compounds (VOC) per year.

The Plan Approval will contain additional monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 24-119B.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act 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

23-0038D: Delaware County Regional Water Quality Control Authority—DELCORA (P. O. Box 999, Chester, PA 19016) for replacement of the auxiliary fuel burners on each of two (2) sewage sludge incinerators in the City of Chester, **Delaware County**. DELCORA is a major facility. The new burners will be dual fuel fired, #2 fuel oil and natural gas, compared with the existing

burners which are only #2 fuel oil fired. There will be no change in number, location or capacity of the replacement burners, compared with the existing burners. No increases in emissions are requested. Emission limits for all pollutants (particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, total hydrocarbons) in the facility Operating Permit, 23-00038 will remain unchanged. No changes to the incinerators, besides the burner replacement, are authorized under this Plan Approval. The Plan Approval will include monitoring, testing and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-05008G: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557) for construction of a vegetable oil poultry fryer controlled by a wet scrubber in Earl Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 36-05008G is for the construction of a new fryer that will be used to process poultry products including breaded chicken nuggets, patties, and wings. The construction and operation of the fryer will be subject to Best Available Technology which will include the use a mist eliminator and a wet scrubber. The potential increase in air emissions expected from the proposed project is 1.9 tpy of volatile organic compounds (VOCs) and 1.2 tpy of particulate matter (PM₁₀). The plan approval and operating permit will contain additional emission restrictions, monitoring, and work practice standards designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the PA Bulletin, will exist for the submission of comments or protests.

Thomas Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for

additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)-(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Braun, Chief—Telephone: 215-685-9476

AMS 10102: Interstate Brands Corp. (9801 Blue Grass Road, Philadelphia, PA 19114) for installation of two (2) 20 MMBTU/hr boilers firing natural gas or #4 fuel oil. The project will result in the following potential annual emission increase for the facility: (1) 13.5 tons of CO, (2) 58.2 tons of SO_x (3) 6.3 tons of VOC/HC and (4) 10.3 tons of PM. NO_x emissions from the facility is limited to less than 25 tons per rolling 12 month period. The plan approval will contain operating, monitoring, testing, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

67-05024: Lehigh Cement Company LLC (200 Hokes Mill Road, York, PA 17404) for operation of a white cement plant in West Manchester Township, **York County**. This is a renewal of the facility's Title V operating permit issued in 2006 and will extend all of the previous requirements.

36-05014: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604-3167) for operation of their secondary aluminum production facility in Manheim Township, **Lancaster County**. This is a renewal of the Title V Operating Permit issued in 2005.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

47-00001: PPL Montour LLC (P. O. Box 128, Washingtonville, PA 17884-0128) for renewal of the Title V Operating Permit for their facility in Derry Township, **Montour County**. The facility is currently operating under amended Title V Operating Permit 47-00001 revised November 16, 2006. The facility's main sources include two (2) coal-fired electricity generating units (EGUs); two (2) auxiliary boilers; fly-ash handling system; coal storage pile; fly-ash disposal site; limestone/gypsum storage, handling, and processing operation; wastewater treatment lime storage silo; and five (5) diesel-fired emergency engines. The facility has the potential to emit major quantities of carbon monoxide, nitrogen oxides, sulfur oxides, particulate matter, volatile organic compound and hazardous air pollutant emissions. The proposed Title V Operating Permit for renewal has incorporated the CAM provisions applicable to the EGUs for monitoring of the performance of the electrostatic precipi-

tators (ESPs) that control particulate matter emissions. The CAM provisions included in the proposed Title V operating permit require ESP parameter monitoring using continuous systems to monitor and record the total power of each ESP box which indicates compliance within an appropriate range that will be determined by testing. Operation of scrubber recycle-pumps will also be monitored and reasonable compliance with the PM limitation will be verified by testing a minimum of two (2) of five (5) recycle-pumps in operation. Additionally, a Maximum Achievable Control Technology (MACT) Standard review was performed during the renewal Title V operating permit review. As a result of this review, the renewal Title V operating permit contains appropriate MACT standards applicable to sources at the Montour SES. The proposed Title V Operating Permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

14-00003: The Pennsylvania State University (Office of Physical Plant, University Park, PA 16802-1118) on October 6, 2010, for a revision of Title V Operating Permit 14-00003 in **Centre County**. The EPA promulgated a revision to the Emissions Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators codified in 40 CFR Part 60 Subpart Ce. This operating permit revision will incorporate the requirements of the October 6, 2010 revision for Source ID 001 (Animal Diagnostic Laboratory incinerator) and the requirements from Plan Approval 14-00003C for Source IDs P117 and P118 into the Title V operating permit. The revision of the requirements will include a decrease in the emissions limitations for particulate matter, carbon monoxide, dioxins/furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, cadmium, and mercury from Source ID 001. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Any person(s) wishing to comment on the proposed permit modification which they believe should be considered prior to issuance of the revised permit may submit comments to Muhammad Q. Zaman, Environmental Program Manager, Air Quality Program, Pennsylvania Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

47-00002: Great Dane LP (70 Strick Road, Danville, PA 17821) for renewal of the Title V Operating Permit for their truck trailer manufacturing facility in Limestone Township, **Montour County**. The facility is currently operating under Title V Operating Permit 47-00002, revised August 25, 2006. The facility's main sources of air contaminant emissions include spray booths. The facility has the potential to emit major quantities of volatile organic compound emissions. The proposed Title V operating permit contains monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

59-00003: OSRAM SYLVANIA, Inc. (One Jackson Street, Wellsboro, PA 16901) for renewal of the Title V

Operating Permit for their glass manufacturing facility in Wellsboro, **Tioga County**. The facility is currently operating under Title V Operating Permit 59-00003. The facility's main sources are an 89.5 MMBTU/hr natural gas/propane fired regenerative glass furnace, storage silos, one (1) light bulb frosting and solution reclaim system, a hydrofluoric acid recycling system and a wastewater treatment plant which have the potential to emit major quantities of sulfur oxides (SO_x), nitrogen oxides (NO_x), 10 micron or less particulate matter (PM 10) and hazardous air pollutants (specifically hydrofluoric acid HF). The facility has the potential to emit, carbon monoxide (CO), and volatile organic compounds (VOCs) below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00005: Glen Gery Corp. (PO Box 388, State Route 970, Bigler, PA 16825-0338) for renewal of the Title V Operating Permit for their facility in Bradford Township, **Clearfield County**. The facility's sources include forty-two natural gas-fired furnaces, space heaters and boilers rated less than 2.5 million btu per hour, a clay/shale crushing operation, a clay/shale grinding and screening operation, a clay/shale blending and mixing operation, two natural gas-fired brick kilns, a sawdust screen, an aluminum oxide blasting/painting operation, four natural gas-fired brick dryers, two cabinet dryers, a holding room, a chromite storage bin and a parts washer. The facility has the potential to emit sulfur oxides (SO_x) and hazardous air pollutants (HAPs) above the major emission thresholds. The potential emission of nitrogen oxides (NO_x), carbon monoxide, volatile organic compounds (VOCs) and particulate matter (PM/PM 10) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00005: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for renewal of the Title V Operating Permit for their Greenlick facility in Stewardson Township, **Potter County**. The facility's sources include twelve (12) natural gas-fired heaters and boilers, twelve (12) storage tanks, eleven (11) natural gas-fired line heaters, seven (7) natural gas-fired gas transmission engines, three (3) parts washers, two (2) natural gas-fired emergency generators, one (1) natural gas-fired air compressor and several fugitive volatile organic compound (VOC) emission sources, which have the potential to emit major quantities of nitrogen oxides (NO_x), carbon monoxide (CO), volatile hazardous air pollutants (VHAPs) and VOCs. The facility has the potential to emit sulfur oxides (SO_x) and particulate matter (PM/PM10) below the major emission thresholds. The proposed Title V Operating Permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Braun, Chief—Telephone: 215-685-9476

V10-019: Exelon Generating Co.—Southwark Station (2501 S Delaware Avenue, Philadelphia, PA 19148) to issue an operating permit under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) 233 MMBTU/hr combustion turbines

Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

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

Intent to Issue Operating Permits under the Air Pollution Control Act 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

15-00101: Kendal-Crosslands Communities (P. O. Box 100, Kennett Square, PA 19348) for a non-Title V, State-Only, Synthetic Minor Operating Permit to operate a two (2) 1,500 kW diesel fuel-fired generators, four (4) natural gas and #2 fuel oil-fired boilers and other insignificant processes and combustion sources in Kennett Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 3-3-2006. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

15-00068: Spring City Electrical Manufacturing Co. (P. O. Box 19, Spring City, PA 19475) for operation of metal product manufacturing processes at 1 South Main Street, Spring City, PA 19475, Spring City Borough, **Chester County**. This action is a renewal of the State Only Operating Permit. The facility will continue to be a synthetic minor facility. The original State Only Operating Permit was issued on August 16, 2005. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00856: Ligonier Stone & Lime Co.—Horn Mine Plant (17 Marcia Street, Latrobe, PA 15650) for a surface mining operation of shale and sandstone in Derry Township, **Westmoreland County**. The operation of the facility's air contamination source consisting 1-jaw crusher, 1-cone crusher, 1-VSI crusher, 1-double deck screens, 2-triple deck screen, 1-antiskid screen, 2-feeders, 14-stackers, and unloading/loading of trucks. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken

and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility.

04-00680: Georgetown Sand & Gravel Inc.—Georgetown Plant (PO Box 127, 3rd Street Extension, Georgetown, PA 15043) for the surface mining operation of sand and gravel in Georgetown Borough, **Beaver County**. The operation of the facility's air contamination source consisting of one (1)-primary crusher, (1)-secondary crusher, eight (8)-vibrating screens, 15 feed hopper, 14 transfer belts, 11 stockpiles, and unloading/loading of trucks. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

27-00039: Catalyst Energy, Inc.—Endeavor Plant (395 Queens Pumping Station Road, Endeavor, PA 16321) for an initial natural minor permit for a natural gas compression, refrigeration and dehydration station in Hickory Township, **Forest County**. The facility's major emission sources included Caterpillar G3306TA, 203 HP natural gas compressor, refrigeration, dehydrator with re-boiler and equipment leaks. This facility is natural minor because the emissions are less than the Title V threshold.

Intent to Issue Operating Permits under the Air Pollution Control Act 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

46-00069: Highway Materials, Inc.—Plymouth Meeting Quarry (5100 Joshua Road, Plymouth Meeting, PA 19462) for a renewal permit to operate a rock crushing plant with two (2) diesel generators at their Plymouth Meeting Quarry in Whitemarsh Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The facility caps Nitrogen Oxide (NOx) emissions to less than 25 tons per year; therefore the facility is a Synthetic Minor. Source ID 1004 Portable Crusher has been removed and replaced by Source ID 1013 Portable Crusher Engine C15 ACERT, 1014 Portable Crusher Engine 3054C, and 1015 Portable Crusher (EXTEC, Inc. Model No. 1-C13). However, GP9 (Source ID 1013 and 1014) and GP3 (Source ID 1015) will not be added to the SMOP renewal because the new sources are portable and may operate at other facilities. GP9-46-0033 and GP3-46-0078 will remain stand-alone documents in effect. Source ID 1010 Caterpillar Diesel Engine has been removed and replaced by Source ID 1012 New Caterpillar Diesel Engine. Source ID 1012 will not be added to the SMOP renewal at this time because the stacktest performed on October 15, 2010 is still being reviewed by Central Office. Source ID C01 Baghouse has been removed and replaced by Source ID C28 New Pulse Jet Baghouse—Primary Crusher. Source ID C28 will not be

added to the SMOP renewal at this time because the initial operating inspection has not been performed. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

60-00013: Moore Wallace North America (1601 Industrial Parkway, Lewisburg, PA 17837-1274) for the RR Donnelley-Lewisburg Plant in East Buffalo Township, **Union County**. The facility's main sources include twenty-one (21) printing presses, one (1) press cleaning operation, one (1) parts washing station, one (1) oil/water separator, one (1) central slit paper collection system, and one (1) emergency generator. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SOx) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

41-00041: Lonza, Inc. (3500 Trenton Avenue, Williamsport, PA 17701-7924) for issuance of a State-only (synthetic minor) operating permit for operation of their Williamsport facility in the City of Williamsport, **Lycoming County**. The facility incorporates Acrawax processing equipment and control devices under Operating Permit 41-313-003E; an Acrawax grinder and rework station and six cartridge collectors under Plan Approval 41-313-003F; a halohydantoin manufacturing and processing equipment and control devices under Operating Permit 41-313-007G; a resins and solid Glydant productions systems and control devices under Operating Permit 41-313-011B; a building 30 chemical process area and control devices under Operating Permit 41-313-014A; two E. Keeler Co. model DK-9-9 boilers under Operating Permit 41-302-027D, and other air contaminant sources exempted through the execution of various Requests for Determinations. The permittee has taken the limitations to keep the particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SOx) emissions below the major emission thresholds. The Department of Environmental Protection (Department) proposes to issue State-only (Synthetic Minor) Operating Permit 41-00041. Additionally, the Department incorporated all conditions currently contained in their existing operating permits, plan approval, and Requests for Determinations into the proposed synthetic minor operating permit. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

03-00062: Freeport Terminals, Inc. (PO Box 29, Butler, PA 16003) for operation of an intermodal terminal in Freeport Borough, **Armstrong County**. This is a State Only Operating Permit renewal submittal.

26-00057: Matt Canestrone Contracting, Inc. (PO Box 234, Belle Vernon, PA 15012) for operation of a

truck/river barge trans-loading/unloading facility at LaBelle Site in Luzerne Township, **Fayette County**. This is a State Only Operating Permit renewal submittal

03-00173: Armstrong Terminal, Inc.—Schenley Terminal (1 Railroad Street, Schenley, PA 15682) for operation of barge unloading and bulk commodity storage in Gilpin Township, **Armstrong County**. The facility consists of a single dock for unloading barges with one clam shell crane. Material is transferred via a 400 ton per hour hopper and conveyor belt into the building; to trucks; or to an outside stockpile. All trucks carrying bulk material must be tarped when leaving the terminal, drop height from front-end loaders and clam shell bucket must be kept as short as possible to minimize dust emissions, and stockpiles must be kept as compact as possible to limit exposure to the wind. The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements for the facility. This a State Only Renewal

26-00562: Coastal Lumber Co. (3302 Lobban Place, Charlottesville, VA 22903) for operation of a saw mill in South Union Township, **Fayette County**. The operation of the facility's air contamination sources consisting of 1-15.4 MMBTU/hour wood-fired boiler, 1-8.5 MMBTU/hour natural gas-fired boiler, sawdust loading operation and excess sawdust loadout operation emit 17.59 tons per year of PM 10, 36.27 tons per year of CO, 13.30 tons per year of NOx and lesser amounts of other pollutants. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Brawn, Chief—Telephone: 215-685-9476

S09-018: Jowitt & Rodgers Co. (9400 State Road, Philadelphia, PA 19114) for operation of an abrasive grinding wheel manufacturing facility located in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the solvent cleaning of tools and molds, 10 curing ovens, 16 space heaters, a gas-fired steam cleaner, and wheel and segment blow-off, cutting, and grinding.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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—1406.20a). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

The following permit applications to conduct mining activities have been received by the Department. A copy of an application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of the person submitting comments or objections, the 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.

A request 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 an 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 in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in 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 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 in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. A comment 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 contain the name, address, telephone number and the interest of the party filing the request and 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. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

04971301 and NPDES No. PA0215074, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Beaver Valley Mine in Greene and Raccoon Townships, **Beaver County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1003.7, Subsidence Control Plan Acres Proposed 1002.1. No additional discharges. The first downstream potable water supply intake from the point of discharge is Ambridge Water Authority, and intake: Service Creek Reservoir. Application received: October 19, 2010.

10743701 and NPDES No. PA0216535, ArcelorMittal Pristine Resources, Inc., (P. O. Box 36, 129 Bethlehem Road, Revloc, PA 15948), to renew the permit for the Fawn Mine No. 91 Coal Refuse Disposal Area in Clinton Township, **Butler County** and related NPDES permit. No additional discharges. Application received: September 9, 2010.

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

56080109 and NPDES No. PA0262706. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to allow mining through and relocating of a portion of Village Road, formally SR 1011, and an incidental boundary revision, in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving stream(s): unnamed tributaries to Wells Creek to Stonycreek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 23, 2010.

56100104 and NPDES No. PA0263117. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Southampton and Fairhope Townships, **Somerset County**, affecting 169.1 acres. Receiving stream(s): unnamed tributaries to Wills Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2010.

56090110 and NPDES No. PA0262862. Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface and auger mine from Godin Mining, Inc., 128 Colton Drive, Stoystown, PA 15563, located in Jenner Township, **Somerset County**, affecting 91.9 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the

point of discharge is Cambria Somerset Authority. Application received: November 18, 2010.

56920110 and NPDES No. PA0212229. Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, located in Black Township, **Somerset County**, affecting 335.4 acres. Receiving stream(s): unnamed tributaries to Wilson Creek, unnamed tributaries to Laurel Run, and unnamed tributaries to Coxes Creek all to Coxes Creek classified for the following use(s): all warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2010.

56100107 and NPDES No. PA0263117. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 193.6 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 23, 2010.

56070102 and NPDES No. PA0262307. Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Godin Brothers, Inc., P. O. Box 216, 195 E. Philadelphia Street, Armagh, PA 15920 located in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: October 21, 2010.

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

03080101 and NPDES Permit No. PA0251364. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application to add mining the Lower Kittanning coal seam and module 26 for re-mining of an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 125 acres. Receiving streams: unnamed tributaries to Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: December 8, 2010.

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

54000103R2. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine and coal refuse disposal operation in Blythe Township, **Schuylkill County** affecting 250.8 acres, receiving stream: none. Application received: December 6, 2010.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

26900306 and NPDES Permit No. PA0591483. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application for continued mining of a large noncoal surface mine, located in Connellsville Township, **Fayette County**, affecting 51.4 acres. Receiving stream: an unnamed tributary to Connell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 8, 2010.

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application for continued mining of a large noncoal surface mine, located in Unity Township, **Westmoreland County**, affecting 662.5 acres. Receiving streams: an unnamed tributaries to Nine Mile Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 8, 2010.

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

40803004C2 and NPDES Permit No. PA0123765. Gliello Topsoil. (39 Pittston Avenue, Yatesville, PA 18640), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittston City, **Luzerne County**, receiving stream: Lackawanna River, classified for the following use: cold water fishery. Application received: November 29, 2010.

58100304 and NPDES Permit No. PA0224880. Daniel S. Warner, (RR 6 Box 6580, Montrose, PA 18801), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Jessup Township, **Susquehanna County** affecting 53.4 acres, receiving stream: Elk Lake Stream, classified for the following use: cold water fishery. Application received: December 6, 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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the 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, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an 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. Each individual 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 working days at the office noted before the application.

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

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1060. Lindsay Taylor, Lower Merion Township, 75 E. Lancaster Ave, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To remove SEPTA's abandoned railway tracks and to construct and maintain, in its place, a bicycle and pedestrian path located along the floodplain of the unnamed tributary to Schuylkill River (WWF, MF) in Bala Cynwyd.

The site is located approximately 500 feet northeast of the Montgomery Avenue and Conshohocken State Road (Germantown, PA USGS Quadrangle, N: 1.5 inches; W: 15.00 inches).

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

E22-567: Ronald and Patricia Burkholder, 1403 Farmhouse Lane, Middletown, PA 17057, Swatara Township, **Dauphin County**, ACOE Baltimore District

To remove and restore an existing 21.0-foot long, 24.0-inch CPP, and two 21.0-foot long, 12.0-inch diameter CPP culvert pipes in an unnamed tributary to the Swatara Creek (WWF) (Steelton, PA Quadrangle N: 20.83 inches, W: 1.01 inches; Latitude: 40° 14' 23", Longitude: 76° 45' 26"), a 14.0-foot long, 10.0-inch diameter CMP culvert pipe in an unnamed tributary to the Swatara Creek (WWF) (Steelton, PA Quadrangle N: 21.44 inches, W: 0.85 inches; Latitude: 40° 14' 35", Longitude: 76° 45' 22"), and a 20.0-foot long, 12.0-inch diameter RCP culvert pipe in an unnamed tributary to the Swatara Creek (WWF) (Steelton, PA Quadrangle N: 12.26 inches, W: 2.95 inches; Latitude: 40° 11' 33", Longitude: 76° 46' 16").

To construct and maintain a 125.0-foot long, 8.2-foot by 5.8-foot CMP arch culvert in an unnamed tributary to the Swatara Creek (WWF) impacting 0.04-acres of PEM wetlands (Steelton, PA Quadrangle N: 21.29 inches, W: 0.54 inches; Latitude: 40° 14' 32", Longitude: 76° 45' 14"), a 4.0-inch diameter DI sanitary force main, an 8.0-inch diameter DI sanitary sewer line and an 8.0-inch diameter DI water line all in and across an unnamed tributary to the Swatara Creek (WWF) temporarily impacting 0.01-acres of PEM wetlands (Steelton, PA Quadrangle N: 21.29 inches, W: 0.27 inches; Latitude: 40° 14' 32", Longitude: 76° 45' 07"), a 42.0-foot wide, single span bridge having a normal span of 44.0 feet and an underclearance of 5.5 feet in an unnamed tributary to Swatara Creek (WWF) temporarily impacting 0.007 acres of PEM wetlands (Steelton, PA Quadrangle N: 21.24 inches, W: 0.16 inches; Latitude: 40° 14' 31", Longitude: 76° 45' 04"), and to place and maintain 0.9 acres of fill in the floodway of an unnamed tributary to Swatara Creek (WWF) (Steelton, PA Quadrangle N: 20.83 inches, W: 1.01 inches; Latitude: 40° 14' 23", Longitude: 76° 45' 26") for the purpose of creating a residential and commercial subdivision located approximately 700.0 feet east of the intersection of Longview Drive and Strites Road in Lower Swatara Township, Dauphin County. Wetland mitigation in the amount of 0.0413 acres will occur onsite.

E36-865: County of Lancaster, Charles Douts, 50 North Duke Street, Lancaster, PA 17608, West Lampeter Township and Lancaster City, Lancaster County, ACOE Baltimore District

To remove an existing 18.5-foot wide single span steel bridge having a normal span of 106.0-feet and to construct and maintain a 27.0-foot wide single span concrete bridge having a normal span of 97.0-feet and a minimum underclearance of 6.2-feet at a location 220.0-feet downstream of the structure to be removed, carrying Eshelman Mill road across Mill Creek (CWF) (Lancaster, PA Quadrangle: 1.72-inches North, 3.85-inches West; Latitude: 40° 00' 34.1"N, Longitude: 76° 16' 39"W) in West Lampeter Township and Lancaster City, Lancaster County.

E67-886: Ajesh Patel, AVA Realty York, LLC, 3737 Route 46 East at Hill Road, Parsippany, NJ 07054, Springettsbury Township, York County, ACOE Baltimore District

To construct and maintain an 8.0-foot wide, single span pedestrian bridge having a normal span of 70.0 feet and an underclearance of 12.0 feet across an unnamed tributary to Mill Creek (WWF) for the purpose of providing access to commercial properties. The project is located west of State Route 24 on the northern side of Concord Road, approximately 400.0 feet past the intersection of Concord Road and Butterfly Commons Drive. (York, PA

Quadrangle, N: 26.16 inches, W: 6.51 inches; Latitude: 39° 58' 55.9", Longitude: 76° 40' 17.9") in Springettsbury Township, York County.

E29-100: PA Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Fulton County, ACOE Baltimore District

The applicant proposes to remove the existing structure and to construct and maintain a single span, prestressed concrete spread box beam bridge having a span of 48.0 feet, a width of 33.4 feet and an underclearance of 9.1 feet across Patterson Run (CWF, MF) for the purpose of improving transportation safety and roadway standards located along SR 0030 Segment 0230 Offset 0000, approximately 43 feet downstream from the current alignment of the bridge (Meadow Grounds, PA Quadrangle N: 19.1 inches, W: 7.1 inches; Latitude: 39° 58' 49", Longitude: 78° 3' 2") in Licking Creek Township, Fulton County.

E22-570: Hershey Entertainment and Resorts, 300 Park Boulevard, Hershey, PA 17033, Derry Township, Dauphin County, ACOE Baltimore District

To remove and restore an existing 74.0-foot long by 24.0-foot wide low flow channel crossing, a 116.0-foot long by 63.0-foot wide staging area in the floodway of Spring Creek (WWF), and an existing 535.0-foot long cofferdam. To construct and maintain: (1) thirty-two 42.0-inch concrete support columns in Spring Creek (WWF); (2) fifty-seven 42.0-inch concrete support columns in the floodway of Spring Creek (WWF); (3) a 37.3-foot long by 21.7-foot wide by 12.0-foot high lift motor and MCC enclosure in Spring Creek (WWF) and its floodway; (4) an 18.0-foot long by 8.0-foot wide by 12.0-foot high GTP building in the floodway of Spring Creek (WWF); (5) a 3.0-foot high by 72.0-foot long masonry retaining wall in the floodway of Spring Creek (WWF); (6) a 33.0-foot long by 7.4-foot wide by 7.3-foot high open stairway in the floodway of Spring Creek (WWF); (7) a 74.0-foot long by 24.0-foot wide stone ramp in Spring Creek (WWF); (8) a 451.0-foot long by 20.0-foot wide AASHTO No. 1 rock maintenance path; and (9) a 507.0-foot long by 8.0-foot wide on-grade asphalt walkway in the floodway of Spring Creek (WWF). Also to place and maintain 234.0 cubic yards of fill in the floodway of Spring Creek (WWF) and repair and maintain 1115.0 feet of an existing stone retaining wall in the floodway of Spring Creek (WWF). All for the purpose of constructing a proposed amusement park attraction. The project is located 0.25 miles West of the intersection of Park Boulevard and S.R. 743 (Hershey, PA quadrangle, N: 6.72 inches, W: 4.49 inches; Latitude 40° 17' 10.25 N, Longitude 76° 39' 24.15 W) in Derry Township, Dauphin County.

E44-144: Borough of Lewistown, 2 East Third Street, Lewistown, PA 17044-1799, Wastewater Treatment Plant Improvements, Borough of Lewistown, Mifflin County, ACOE Baltimore District

To demolish the existing 32.0-foot by 72.0-foot primary clarifiers, the 19.0-foot by 24.0-foot chlorine treatment building, and the 20.0-foot by 40.0-foot chlorine storage building. To construct and maintain raised walls for flood protection on the existing aeration basins, secondary flow distribution box, final clarifiers, and the UV treatment system tank. To construct and maintain a 54.0-foot by 91.0-foot operations building, a 20.0-foot by 18.0-foot primary flow splitter box, an 82.0-foot by 120.0-foot primary clarifiers, a 24.0-foot by 39.0-foot primary sludge pump station, a 92.0-foot by 65.0-foot aeration basin, an

8.0-foot by 12.0-foot emergency generator pad, a 60.0-foot diameter final clarifier, a 25.0-foot by 25.0-foot UV system tank, a 26.0-foot by 41.0-foot UV/electrical building and to extend a shelter over the dumpster area at the headworks. All impacts are located in floodplain of the Juniata River (WWF, MF). Also to remove an existing endwall and fill and abandon, in place, a 24.0-inch outfall, construct and maintain a 48.0-inch diameter DIP pipe outfall with endwall, and R-8 riprap outlet protection discharging to the Juniata River (WWF, MF). The project is located on Washington Avenue (Lewistown, PA Quadrangle, N: 15.69 inches, W: 9.56 inches; Latitude: 40° 35' 11", Longitude: -77° 34' 8") in the Borough of Lewistown, Mifflin County. The project purpose is to increase the treatment volume capacity and to maintain the required level of treatment.

E34-128: Mifflin Borough/S.R. 0035 Section A02/ Pedestrian Bridge over the Juniata River, 106 Tuscarora Street, Mifflin, PA 17058, Mifflin Borough, Juniata County.

The applicant proposes to remove the existing structurally deficient four-span through truss bridge at S.R. 0035 Section A02, and construction and maintain a new pedestrian bridge of five-span (each span approximately 135-foot and 8-foot wide) pedestrian bridge, a pre-stressed concrete bulb tee beam bridge with new drilled shaft pier, utilizing existing abutments that span the Juniata River (WWF) between the Borough of Mifflin and Mifflintown, Juniata County. The project is located at Latitude: 40° 34' 11" N, Longitude: -77° 24' 00" on USGS PA Quadrangle Map for Mifflintown, Juniata County.

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

E02-1646. Penns Woods West Trout Unlimited, Inc., 108 Dolores Drive, Pittsburgh, PA 15068. To construct and maintain approximately 1,000 feet stream channel improvements in Shaler Township, **Allegheny County**, Pittsburgh ACOE District. (Glenshaw, PA Quadrangle: N: 4.8"; W: 13.7 Latitude 40° 31' 34"; Longitude 79° 58' 22") The applicant proposes to construct and maintain approximately 1,000' of stream channel improvements on Little Pine Creek, including 5 "Cross Rock Vanes," 1 "Rock Toe" and 1 "J-hook Log Vane.

E30-236. PA Land Holdings Company, LLC, PO Box 1020, Waynesburg, PA 15370. To improve a 0.75 mile section of T.R. 474 (aka Maple Run Road) in Center Township, **Greene County**, Pittsburgh ACOE District. (Oak Forest, PA Quadrangle: N: 16.5 inches; W: 16 inches; Latitude: 39° 50' 18"; Longitude: 80° 14' 22"). The applicant proposes to improve a 0.75 mile section of T.R. 474 (AKA Maple Run Road) to improve access to a recently constructed mine entrance. The roadway improvement project will also include the installation of a 12" waterline by others (Southwest Pennsylvania Water Authority). The project includes impacts to to approximately 140 LF of three unnamed tributaries to Maple Run (which is a tributary to Pursley Creek, which is a tributary to South Fork of Tenmile Creek, which is classified as an HQ-WWF). The development will be constructed starting at the intersection of Maple Run Road (T.R. 474) and Oak Forest Road (S.R. 3013).

E32-495. Western Pennsylvania Conservancy, 246 South Walnut Street, Blairsville, PA 15717. To rehabilitate and maintain 1400 linear feet of channel in North Mahoning Township, **Indiana County**, Pittsburgh ACOE District. (Marion Center, PA Quadrangle N: 18.8"

W: 10.2"; Latitude: 40° 51' 15"; Longitude 79° 4' 23"). The applicant proposes to rehabilitate and maintain approximately 1400 linear feet of Mudlick Run (HQ-CWF), including approximately 162' of channel relocation, 608' of bank grading, a cattle crossing, 10 j-hook log/rock vanes, 4 rock vanes and riparian plantings.

E63-630. Lower Ten Mile Joint Sewer Authority, 144 Chartiers Road, Jefferson, PA 15344. To construct and maintain 140 ft. by 300 ft. wastewater treatment lagoon in Bethlehem Township, **Washington County**, Pittsburgh ACOE District. (Mather, PA Quadrangle: N: 18.8 inches; W: 4.8 inches; Latitude: 39° 58' 46"; Longitude: 80° 02' 02"). The applicant proposes to construct and maintain a 140 ft. by 300 ft. wastewater treatment lagoon which includes an approximately 200 foot earthen embankment within the left bank floodplain of Ten Mile Creek (WWF). The construction is at the Williamstown Wastewater Treatment Plant. The embankment will be constructed along the west side of Ten Mile Creek approximately 1,100 LF east of the intersection of Main Street and Penn Avenue in East Bethlehem Township, Washington County.

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

E5729-002: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Fox and Elkland Townships, **Sullivan County**, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across Porter Creek (EV,MF). Impacted Area: 132 square feet; (Shunk Quadrangle 41° 32' 12.30" N 76° 42' 30.30" W).

(2) two 16.0 inch diameter temporary water lines and an 16ft wide equipment mat across an unnamed tributary to Elk Creek (EV,MF). Impacted Area: 131 square feet; (Shunk Quadrangle 41° 32' 54.74" N 76° 41' 11.82" W).

(3) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Elk Creek (EV,MF). Impacted Area: 88 square feet; (Shunk Quadrangle 41° 32' 54.23" N 76° 41' 12.53" W).

(4) two 16.0 inch diameter temporary water lines along an access road across an unnamed tributary to Elk Creek (EV,MF). Associated Impacts to be permitted under E5729-001; (Shunk Quadrangle 41° 33' 23.02" N 76° 40' 57.31" W).

The project will result in 22 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.008 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways.

E5729-003: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Cherry, Forks, and Overton Townships, **Sullivan and Bradford Counties**, ACOE Baltimore District.

To construct and maintain:

(5) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 53 square feet; (Dushore Quadrangle 41° 34' 19.67" N 76° 29' 27.64" W).

(6) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 0 square feet; (Dushore Quadrangle 41° 33' 37.05" N 76° 29' 13.51" W).

(7) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 125 square feet; (Dushore Quadrangle 41° 33' 12.33" N 76° 29' 3.31" W).

The project will result in 11 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.004 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways.

ENVIRONMENTAL ASSESSMENTS

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

D54-109EA. Schuylkill County Municipal Authority, 221 South Centre Street, Pottsville, PA 17901. Branch Township, **Schuylkill County**, ACOE Philadelphia District. To rehabilitate and maintain Indian Run Dam across Indian Run (HQ-CWF, Wild Trout) in order to meet current Dam Safety requirements. Modifications include replacing the existing concrete spillway with a staged labyrinth spillway; flattening the embankment slope; installation of new drain systems; refurbishing the intake tower; and slip-lining the outlet conduit. Proposed modifications will permanently impact 0.10-acre of Exceptional Value, PEM wetland associated with Indian Run. The applicant proposes 0.13-acre of on-site replacement PEM wetland. The dam is located approximately 2900 feet south of the intersection of SR 901 and T-705 (Pottsville, PA Latitude: 40° 39' 22"; Longitude: -76° 14' 07").

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

<i>Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10013	Multi-Chem Group, LLC 3401 W. Admiral Doyle Drive New Iberia, LA 70560-9796 Attn: Stacey Dunbar	Tioga	Charleston Township	3 ASTs storing hazardous substances	35,000 gallons total

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 has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<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 regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions 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 in the respective permit. The 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 that action to the Environmental Hearing Board (Board) 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 Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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>
PA0035548	Department of Transportation Bureau of Design Rest Area 15 P. O. Box 3060 Harrisburg, PA 17105	Lawrence County Plain Grove Township	Unnamed tributary to Jamison Run 20-C	Y
PA0035521	Department of Transportation Bureau of Design Rome Township Satellite Maintenance Facility P. O. Box 3060 Harrisburg, PA 17105	Crawford County Rome Township	Unnamed tributary to Oil Creek 16-E	Y
PA0100536	Pennsylvania DCNR Chapman State Park 4790 Chapman Dam Road Clarendon, PA 16313	Warren County Pleasant Township	Unnamed tributary of the West Branch Tionesta Creek 16-F	Y
PA0035556	PA DOT Rest Area 16 Safety Rest Area #16 Grove City, PA 16127	Lawrence County Plain Grove Township	Jamison Run 20-C	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. PA0053546, Sewage, **Dzedzy Frank**, 412 Lincoln Road, Phoenixville, PA 19460-2112.

This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 400 gpd of treated sewage from a facility known as Dzedzy SRSTP to Pickering Creek in Watershed 3-D.

NPDES Permit No. PA0053473, Sewage, **Thornbury Township**, 6 Thornbury Drive, Cheyney, PA 19319.

This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.18 MGD of treated sewage into Chester Creek in Watershed 3G.

NPDES Permit No. PA0103276, Sewage, **Shipperville Borough**, 106 School Street, P. O. Box 244, Shipperville, PA 16254.

This existing facility is located in Elk Township, **Clarion County**.

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

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

Amended Final Public Notice for **NPDES Permit No. PA0263516**, Industrial Waste, **Pennsylvania Brine Treatment, Inc.—Rouseville Facility**, 5148 US 322, Franklin, PA 16323.

This notice reflects changes from the notice published at 40 Pa. Bulletin 6009 (October 16, 2010).

The following revised limits were added for silver and zinc to replace the incorrect limits included in the draft permit:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Silver	0.0122	0.0318	0.0318
Zinc	0.252	0.657	0.657

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

WQM Permit No. WQG01071013, Sewage, **Jason L. Sensenig**, 1729 Kerbaugh Dam Lane, Tyrone, PA 16686.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to replace their failing on-lot system at their single family residence.

WQM Permit No. WQG01071012, Sewage, **Todd Harshbarger**, 3060 Homers Gap Road, Altoona, PA 16601.

This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single family residence.

WQM Permit No. 2810404, Sewage, **Guilford Township Authority**, 15 Spring Valley Road, Chambersburg, PA 17201.

This proposed facility is located in Palmyra Borough, **Lebanon County**.

Description of Proposed Action/Activity: Approval for the modification of sewerage facilities consisting of an upgrade of Guilford Township's Penn National Pumping Station and the redirection of the force-main discharge to Quincy Township Authority's collection, conveyance, and treatment systems.

WQM Permit No. WQG02361001, Sewage, **East Lampeter Sewer Authority**, 2250 Old Philadelphia Pike, Lancaster, PA 17602.

This proposed facility is located in East Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Replacement of a portion of existing four-inch force main with six-inch PVC force main involving Hornig Road and the Warrington Subdivision project.

WQM Permit No. WQG01311001, Sewage, **Allegrippis, LLC**, 2400 Philadelphia Pike, Chambersburg, PA 17201.

This proposed facility is located in Hopewell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve lots C-1 and C-2 of the Eagle's Roost Development located on Township Road 372 in James Creek.

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

WQM Permit No. WQG02471001, Sewerage SIC-4952, **Joel Rine-Chairman of Liberty Township Supervisors**, 197 Mooresburg Road, Danville PA.

This proposed facility is located in Liberty Township, **Montour County**.

Description of Proposed Action/Activity: New extension to the existing septic tank effluent collection system with new gravity collection piping, low pressure force main conveyance piping, and a new pump station to convey the effluent to the Village of Mooresburg's existing wastewater treatment plant (WWTP). The sewer extension will serve 11 current residences and 5 future residences located along Mooresburg Road.

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

WQM Permit No. WQG026122, Sewerage, **East Huntingdon Township**, 2494 Route 981, PO Box 9, Alverton, PA 15612

This proposed facility is located in East Huntingdon Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a Pump Station.

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

WQM Permit No. WQG018788, Sewerage, **John Koontz**, 467 Conrad Road, Mars, PA 16046

This proposed facility is located in Penn Township, **Butler County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, PO Box 8476, Harrisburg, PA 17105-8476

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI101710001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311	Clearfield County	Goshen Township	UNT to Lick Run (HQ-CWF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 151026	Sheridan Construction Co 157 McDaniel Drive West Chester, PA 19380	Chester	Penn Township	Big Elk Creek (HQ-TSF)
PAI01 151028	The Hankin Group 707 Eagleview Boulevard PO Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)
PAI01 511005	Congreso de Latinos Unidos 216 West Somerset Street Philadelphia, PA 19133	Philadelphia	City of Philadelphia	Delaware River Direct (WWF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041406011R(1) Correction from 12/04/10 Bulletin 011R(1) instead of 001R(1)	William Stranahan Mount Nittany Medical Center 1800 E Park Ave State College, PA 16803	Centre	College Township	Spring Creek HQ-CWF
PAI041410005	PA American Water Co. 800 W Hersheypark Dr Hershey, PA 17033	Centre & Clinton	Walker Township Porter Township	Fishing Creek HQ-CWF, MF Little Fishing Creek HQ-CWF, MF Roaring Run HQ-CWF, MF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 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
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	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**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>
Richland Township Bucks County	PA0G200 0908111	Schenk Enterprises, LLC 280 Rockledge Avenue Huntingdon Valley, PA 19006	Licking Run Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 091060	Moser Group 300 Brookside Court Chalfont, PA 18914	West Branch Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 091029	Waste Management of PA, Inc. 1000 New Ford Road Morrisville, PA 19067	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG0200 151031	LCM-MAR, Inc. 102 Stonepine Drive Kennett Square, PA 19348	Red Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pocopson Township Chester County	PAG0200 151014	Becker Building Enterprises 244 Harvey Road Chadds Ford, PA 19317	Main Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franklin Township Chester County	PAG0200 151042	Franklin Chase Holdings, LLC 21 Red Rock Lane Chester Springs, PA 19425	West Branch White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pocopson Township Chester County	PAG0200 151046	County of Chester 2 North High Street, Ste 167 West Chester, PA 19380	Unnamed Tributary Pocopson Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Nottingham Township Chester County	PAG0200 151027	MCM Family Partnership, LLC PO Box 296 Oxford, PA 19363	Unnamed Tributary Stone Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Delaware County	PAR10- J093-RR2	The Henderson Group 112 Chesley Drive, Ste 200 Media, PA 19063-1762	Long Hook Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4609112	Charles Gallub 204 Harding Avenue Bellamawr, NJ 08031	Stoney Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth and Whitpain Townships Montgomery County	PAG0200 4607100-3	PA Turnpike Commission 700 S. Eisenhower Boulevard Middletown, PA 17057	Plymouth Creek, Sawmill Run, Stony Creek and Zacharias Creek (TSF-WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4606043-R	Merck & Co., Inc. WP20-208 PO Box 4 West Point, PA 19486	Unnamed Tributary Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 461051	King of Prussia Assoc and Kravoc, Inc. 234 Mall Boulevard King of Prussia, PA 19406	Trout Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511029	St. Joseph's University 5600 City Line Avenue Philadelphia, PA 19131	Lower Schuylkill Watershed (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 511038	ARIA Health 10800 Knights Road Philadelphia, PA 19114-4200	Poquessing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Clarion Township Clarion County	PAG-02 101610003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Jones Run to Douglass Run & UNT to Brush Run to Piney Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311
York City Spring Garden Township York County	PAG2006709065-1	York College of Pennsylvania 441 Country Club Road York, PA 17403	Oil Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Newberry Township York County	PAG2006710032	Newberry Township Municipal Authority 1915 Old Trail Road Etters, PA 17319	Fishing Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
South Lebanon Township Lebanon County	PAG2003810019	Jacob K. Lantz 15 Iona Road Lebanon, PA 17042	Tulpehocken Creek/CWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
South Lebanon Township Lebanon County	PAG2003810027	Gary McEwen Red School, LLC 3335 Morgantown Road Mohnton, PA 19540	Quittapahilla Creek via Hazel Dyke/TSF-MF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
Germany Township Adams County	PAG2000110012	Mike Chaney Gates of Praise Worship Center 37 East Summit Drive Littlestown, PA 17340	Alloway Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Upper Leacock Township Lancaster County	PAG2003610063	Larry H. Wenger 20 Forest Hill Road Leola, PA 17540	UNT to Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
East Lampeter Township Lancaster County	PAG2003610067	Rosario Finazzo 270 Raspberry Road Leola, PA 17540	Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Manor Township Lancaster County	PAG2003610069	Mark Sigman 123 Carol Drive Washington Boro, PA 17582	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Upper Allen Township Cumberland County	PAG2002110020	Frank Koeffler American Mint 5020 Louise Drive Mechanicsburg, PA 17055	Cedar Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812

<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>
Metal Township Franklin County	PAG2002810025	Michael McCartney 17800 Dry Run Road South Dry Run, PA 17220	West Branch Conococheague/ CWF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Mercersburg Borough Franklin County	PAG2002810019	John Brooks Food Lion 21120 Executive Drive Salisbury, NC 28145	Johnston Run/MSF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Robeson Township Berks County	PAG2000604112-R	Edward Cone C.F. Farms Partnership, Ltd. 4020 West Main Street Elverson, PA 19520	UNT to Hay Creek/CWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Kutztown Borough Berks County	PAG2000610043	Matt Genesio KGH Properties LP P. O. Box 25945 Philadelphia, PA 19128	Sacony Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Ontelaunee Township Berks County	PAG2000610054	Domer Lebensperger Peach Tree Branch, LLC 65 South Fourth Street Hamburg, PA 19526	Schuylkill River/WWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Oley Township Berks County	PAG2000604084-R	Berks Career & Technology Center 1057 County Road Leesport, PA 19533	Monocacy Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Perry Township Berks County	PAG2000610055	Eugene W. Bell P. O. box 238 Shoemakersville, PA 19555	Pigeon Creek/WWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Lower Heidelberg Township Berks County	PAG2000610061	Joseph M. Eways 3344 Paper Mill Road Sinking Spring, PA 19608	Tulpehocken Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Jefferson Township Berks County	PAG2000610059	Mike Martin 138 School Road Bernville, PA 19506	UNT 33513/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Richmond Township Berks County	PAG2000605072-R	Scott B. Haines Landis C. Deck & Sons Contractors 316 New Schaefferstown Road Bernville, PA 19506	UNT to Maiden creek/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Maidencreek Township Berks County	PAG2000604033-R1	John Majewski DiGiorgio Mushroom Corporation P. O. Box 96 Temple, PA 19560	Willow Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Windsor Township Berks County	PAG2000610052	David Kauffman Furnace Stream Farms 730 Monument Road Hamburg, PA 19526	UNT to Schuylkill River/WWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Hereford Township Berks County	PAG2000610050	James H. Mack 7180 Pine Tree Road Hereford, PA 18056	Perkiomen Creek/TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Hereford Township Berks County	PAG2000610008	Edwin VanDam Edwin's Greenhouse Construction, Inc.	UNT to Perkioment Creek/TSF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Perry Township Berks County	PAG2000610099	Eugene W. Bell P. O. Box 238 Shoemakersville, PA 19555	Pigeon Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Oley Township Berks County	PAG2000605071-R	Gregory & Dwight Zook 24 Covered Bridge Road Oley, PA 19547	Manatawny Creek-Little Manatawny Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Marion Township Berks County	PAG2000509017	Dean Brubaker 50 Camp Strauss Road Bethel, PA 19507	Tulpehocken Creek/TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Tulpehocken Township Berks County	PAG2000610048	Brian Wahlberg Camp Calvary 48 New Schaefferstown Road Bernville, PA 19506	Mill Creek-UNT to Little Northkill/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Bern Township Berks County	PAG2000608059-2	Philip Yocum 50 Grandview Boulevard Reading, PA 19609	UNT to Schuylkill River/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Oley Township Berks County	PAG2000604084-R	Berks Career & Technology Center 1057 County Road Leesport, PA 19533	Monocacy Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201

<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>
Reading City Berks County	PAG2000610035	Reading Area Water Authority 815 Washington Street Reading, PA 16601	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Amity Township Berks County	PAG2000610062	Ed Glasgow, President Vanguard Development Corporation 413 Johnston Street, Suite 210 Jenkintown, PA 19046	Leaf Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Reading City Berks County	PAG2000610047	Barry Suski Reading School District 800 Washington Street Reading, PA 19601	Schuylkill River/ WWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Amity Township Berks County	PAG2000610045	Paulo Brutto 136 Park Place Sinking Spring, PA 19608	UNT to French Creek-Schuylkill River/TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Robeson Township Berks County	PAG2000609011-R1	Robert Deeds, Jr. Willow Spring Builders, Inc. 1217 White Bear Road Birdsboro, PA 19508	Seidel Creek-Schuylkill River/WWF-MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Howe Township Perry County	PAG2035010009	First National Bank of Mifflintown 2 North Main Street P. O. Box 96 Mifflintown, PA 17059	Juniata River/WWF	Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 717-582-8988 Ext 4
Athens Township Bradford County	PAG2000810018	Ron P. Reagan Athens Township 45 Herrick Ave. Sayre, PA 18840	Chemung River WWF UNT Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Ferguson Township Centre County	PAR10F139-R	Dave Palmer S&A Homes, Inc 2121 Old Gatesburg Rd, Ste 200 State College, PA 16801	Big Hollow Drainageway CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Benner Township Centre County	PAG2001410020	Ben Heim Patton Center Associates, LP 444 E College Ave, Ste 560 State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Curwensville Borough Clearfield County	PAG2001709016	Curwensville Rescue Hose & Ladder 408-410 Filbert St. Curwensville, PA 16833	Anderson Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clearfield Borough Clearfield County	PAG2001710010	J.C. Barr Development, LLC 3100 Market St. Camp Hill, PA 17011	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Wolf Township Lycoming County	PAG2004110016	Todd Ross T Ross Brothers, Inc. PO Box 70 Montandon, PA 17850	UNT to Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Adams Township & Valencia Borough Butler County	PAG02 0010 05 025R	William Day St. Barnaba Land Trust, II 5850 Meridian Road Gibsonia PA 15044	UNT Breakneck Creek WWF	Butler Conservation District 724-284-5270
<i>General Permit Type—PAG-3</i>				
<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>
Allentown City Lehigh County	PAR802255	First Student Inc 600 Vine St, Su. 1400 Cincinnati OH 45202	Trout Creek (CWF)	PA DEP Northeast Regional Office 2 Public Square Wilkes Barre, PA 18701-1915 570-826-2511
Franklin County Guilford Township	PAR703518	Allegheny Energy Supply Company, LLC— (Chambersburg Units 12 & 13) 800 Cabin Hill Drive Greensburg, PA 15601-1689	UNT to Conococheague Creek / WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Lower Swatara Township	PAR803692	Highspire Terminals Corporation PO Box 2621 Harrisburg, PA 17105	Laurel Run / WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Ephrata Borough	PAR203604	NRB (USA), Inc. (former Skyline Homes— rear of property) 440 Wenger Drive Ephrata, PA 17522	Cocalico Creek / WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Fairview Township	PAR703516	CRS Reprocessing Services, LLC— Lewisberry Facility 569 Industrial Road Lewisberry, PA 17339-9532	Fishing Creek / TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Wysox Township, Bradford County	PAR314805 (Stormwater)	Washita Valley Enterprises RR 6 PO Box 6019 Wysox, PA 18848	UNT to Susquehanna River, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*Facility Location:
Municipality &
County*Derry Township
Montour County

Permit No.

PAR704802

*Applicant Name &
Address*PPL Montour LLC
2 North Ninth Street
GENPL6
Allentown, PA
18101-1179*Receiving
Water / Use*Chillisquaque Creek and
Mud Creek-10-D*Contact Office &
Phone No.*Northcentral Regional
Office
Water Management
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
(570) 327-3666*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Huntingdon
County /
Hopewell Township

Permit No.

PAG043911

*Applicant Name &
Address*Allegrippis, LLC
(Eagle's Roost
Development Lots
C-1 and C-2)
2400 Philadelphia
Avenue
Chambersburg, PA 17201*Receiving
Water / Use*UNT of Shy Beaver
Creek / WWF*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707Penn Township
Butler County

Permit No.

PAG041018

John Koontz
467 Conrad Road
Mars, PA 16046Unnamed Tributary to
Thorn Creek 20-CDEP NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*Permit Type—PAG-5**Facility Location:
Municipality &
County*Cumberland County
Mechanicsburg
Borough

Permit No.

PAG053539

*Applicant Name &
Address*Delta Consultants
780 East Market Street
Suite 120
West Chester, PA 19382*Receiving
Water / Use*Trindle Spring Run /
CWF*Contact Office & lPhone
No.*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 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, 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>
Acorn Farms, Inc. Franklin Family Farms 14627 Lurgan Rd. Orrstown, PA 17244	Franklin	95	1340.3	swine	NA	Approved
Country View Family Farms LLC 1301 Fulling Mill Rd, Suite 300 Middletown PA 17057	Bradford	16ac	2735.95	swine	n/a	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 6710519 MA, Minor Amendment, Public Water Supply.

Applicant **3415 Rosstown Road Association, LP**
Municipality **Warrington Township**
County **York**

Responsible Official **Kim Suh**
1312 Market Street
Harrisburg, PA 17103
Type of Facility **Installation of 4-log treatment of viruses.**
Consulting Engineer **Janet R McNally, P.E.**
William F. Hill & Assoc., Inc.
207 Baltimore St.
Gettysburg, PA 17325
Permit to Construct Issued: **12/9/2010**

Operations Permit issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 12/7/2010 for the operation of facilities approved under Construction Permit No. 2210515 MA.

Operations Permit issued to: **Hyndman Borough Water Department**, 4050003, Hyndman Borough, **Bedford County** on 12/7/2010 for the operation of facilities approved under Construction Permit No. 0510504 MA.

Operations Permit issued to: **United Water Pennsylvania, Inc.**, 7220015, Susquehanna Township, **Dauphin County** on 12/10/2010 for the operation of facilities approved under Construction Permit No. 2210505 MA.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Williamsport Municipal Water Authority**
[Township or Borough] **South Williamsport Borough**
County **Lycoming**
Responsible Official **Mr. LaRue VanZile, P.E.**
Director of Engineering
Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701
Type of Facility **Public Water Supply**
Consulting Engineer **Mr. LaRue VanZile, P.E.**
Director of Engineering
Williamsport Municipal Water Authority
253 West Fourth Street
Williamsport, PA 17701

Permit Issued Date December 7, 2010
 Description of Action Sandblasting and painting of the 1.0 MG finished water storage tank known as the Hill Street Water Storage Tank.

Permit No. 4909503—Operation Public Water Supply.

Applicant **Eyers' Manor Personal Care Home**

[Township or Borough] Point Township

County **Northumberland**

Responsible Official Mrs. Beverly Cook-Trego
 Eyers' Manor Personal Care Home
 3196 Ridge Road
 Northumberland, PA 17857

Type of Facility Public Water Supply

Consulting Engineer Chris Beidler, P.E.
 Larson Design Group
 1000 Commerce Park Drive
 Williamsport, PA 17701

Permit Issued Date December 8, 2010

Description of Action Operation of the new public water supply which includes Well Nos. 1 and 2, disinfection, iron and manganese removal, detention tanks and distribution system.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Jersey Shore Area Joint Water Authority**

[Township or Borough] Pine Creek Township

County **Lycoming**

Responsible Official Mr. Michael C. Zellers
 Jersey Shore Area Joint Water Authority
 P. O. Box 5046
 1111 Bardo Avenue
 Jersey Shore, PA 17740

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued Date December 9, 2010

Description of Action Operation of 120 feet of 36-inch detention piping to provide 4-log inactivation of viruses at Entry Point 102 (Pine Creek Well).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Brady Township-Troutville Borough Association**

[Township or Borough] Brady Township

County **Clearfield**

Responsible Official Lester Wachob, President
 Brady Township-Troutville Borough Association
 3309 Shamokin Trail
 Luthersburg, PA 15848

Type of Facility Public Water Supply
 Consulting Engineer Stephen Heine, P.E.
 Stephen Heine Inc.
 P. O. Box 466
 Huntingdon, PA 16652

Permit Issued Date December 10, 2010

Description of Action 4-log inactivation of viruses at Entry Point 101 (Beatty Well No. 4 & London Well No. 5; Luthersburg-Salem area) and Entry Point 144 (Bonsall Well No. 2; Troutville area).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Houtzdale Municipal Authority**

[Township or Borough] Rush Township

County **Centre**

Responsible Official John Gallagher, Manager
 Houtzdale Municipal Authority
 561 Kirk Street
 P. O. Box 97
 Houtzdale, PA 16651

Type of Facility Public Water Supply

Consulting Engineer Jeffrey Garrigan, P.E.
 Uni-Tec Consulting Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16801

Permit Issued Date December 10, 2010

Description of Action Operation of the recently constructed intake on the Mountain Brach of Moshannon Creek.

Permit No. 1709504—Operation Public Water Supply.

Applicant **Quehanna Motivational Boot Camp**

[Township or Borough] Karthaus Township

County **Clearfield**

Responsible Official Craig Bamat, Facility Maintenance Manager
 Quehanna Motivational Boot Camp
 4395 Quehanna Highway
 Karthaus, PA 16845

Type of Facility Public Water Supply

Consulting Engineer Wilson Fisher, Jr., P.E.
 Hess & Fisher Engineers, Inc.
 36 North Second Street
 Clearfield, PA 16830

Permit Issued Date December 10, 2010

Description of Action Operation of Well TW2 and chlorine contact piping with 4-log inactivation of viruses at EP 101.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
West Brunswick Township	West Brunswick Township 95 Municipal Road Orwigsburg, PA 17961	Schuylkill
West Brunswick Township	Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901	Schuylkill

Plan Description. The approved Plan's study area consists of the Route 61 Corridor Sanitary Sewer System—North Leg, which consists of about 9,318 L.F. of an 8" PVC gravity collection system along Route 61 from north/west of Brick Hill Road to Municipal Road. It is estimated that the sanitary sewer system will serve 50 EDUs initially and another 50 EDUs in the future. The wastewater will be treated at SCMA's/Deer Lake's WWTP that discharges to Pine Creek, a tributary of the Schuylkill River and the Delaware River.

The Department's review of the Plan has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Schuylkill County Municipal Authority.

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

Plan Location:

Borough or Township	Borough or Township Address	County
Susquehanna Township	Susquehanna Township Supervisors 91 East Village Drive Williamsport, PA 17702	Lycoming

Plan Description: The approved plan proposes to start an on-lot management program and inspect every system in the Township during 2010. During 2011, an evaluation will be conducted to determine the success of this action and, in conjunction with the Department, determine if the on-lot management program will be sufficient for the long term sewage disposal needs of the Township, or if a sewage collection and treatment system will be needed.

If the on-lot management program will be sufficient, it will be continued with a three year pumping and inspection requirement for all on-lot systems in the Township. If it is determined that a centralized system will be needed, the chosen alternative is to construct a gravity collection system in the village of Nisbet with an upgrade and expansion to the existing sewage treatment plant at the Behavioral Specialist School, which discharges to Bender Run.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the 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, will 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 reuse 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 under 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Former Hank's Garage, 411 South 1st Street, Bangor Borough, **Northampton County**. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his client, Edward Wagner, 406 Nazareth Drive, Nazareth, PA 18064), concerning the remediation of soil found to have been impacted by leaded/unleaded gasoline as a result of a release in a tank field formerly containing three 3,000-gallon underground storage tanks. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express Times* on December 3, 2010.

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

Former Lehr's Exxon, Manchester Township, **York County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Carole Lehr, c/o Attorney Bob Kane, 474 West Market Street, York, PA 17401, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with unleaded and leaded gasoline from historic operations of an automotive service facility and retail sales of petroleum products. The site will be remediated to a combination of Statewide Health and Site-Specific standards.

Mount Union Creosote Site AOC-1, Mount Union Borough, **Huntingdon County**. Environmental Alliance, Inc., 3541 Limestone Road, Wilmington, DE 19808, on behalf of Mount Union Area School District, 28 West Market Street, Mount Union, PA 17066, submitted a Final Report concerning remediation of site soils contaminated with PAHs. The site will be remediated to the site-specific standard.

Milton and Nancy Kreiser Property, North Annville Township, **Lebanon County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Milton and Nancy Kreiser, 2010 Boltz Lane, Lebanon, PA 17046 and State Farm Mutual Insurance Company, PO Box 11, Concordville, PA 19331, submitted a Final Report concerning site soils contaminated with #2 fuel oil released from a sub-slab supply line. The site will be remediated to the Residential Statewide Health standard and will remain residential.

Sternat Residence, Robeson Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Jill and Don Sternat, 216 Watercrest Drive, Birdsboro, PA 19508 and Federated Insurance, PO Box 328, Owatonna, MN 55060, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from a ruptured aboveground storage tank. The site will be remediated to the Residential Statewide Health standard.

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

Wolf's Head Property South Parcel OLD (Former Wolf's Head Refinery South Parcel), Sugar Creek Township, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77022 has submitted a Cleanup Plan concerning remediation of site soil contaminated with arsenic, boron, lead, mercury, dibenzofuran, bis[2-chloroethyl]ether, isophorone; site groundwater contaminated with arsenic, barium, mercury, iron, lead, manganese, benzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, cyclohexane, benzo[a]anthracene, bis[2-ethylhexyl]phthalate, chrysene, dibenzo[a,h]anthracene, isophorone, pyrene, benzo[a]pyrene, benzo[k]fluoranthene, benzo[b]fluoranthene, benzo[g,h,i]perylene; site surface water contaminated with carbon disulfide, benzo[a]-anthracene, benzo[a]pyrene, benzo[k]fluoranthene, benzo[b]fluoranthene, chrysene, copper, iron, and mercury. The report is intended to document the remediation of the site to meet the Site-Specific Standard.

Salem Tube, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Salem Tube, Inc., 951 Fourth Street, Greenville, PA 16125 has submitted a

Risk Assessment Report concerning remediation of site soil contaminated with Tetrachloroethene (PCE) and Trichloroethene (TCE); site groundwater contaminated with Cis-1,2-dichloroethene, Trans-1,2-dichloroethene, TCE, 1,1-dichloroethene, 1,1-dichloroethane, 1,1,2-trichloroethane, PCE, and methylene chloride; site sediment contaminated with TCE and vinyl chloride; site vapor intrusion with Trans-1,2-DCE, 1,2-DCE (total), TCE, vinyl chloride, and PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Powdered Metal Products (Former Powdered Metal Products Facility), City of St. Marys, **Elk County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Metal Powder Products Company, 879 Washington Street, St. Marys, PA 15857 has submitted a Final Report concerning remediation of site soils & site groundwater contaminated with Trichloroethene, 1,1,1-Trichloroethane, Vinyl Chloride, 1,1-Dichloroethane, 1,1-Dichloroethene, Dichloromethane, trans-1,2-Dichloroethene, cis-1,2-Dichloroethene, 1,2-Dichloroethane. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Erie Golf Course Expansion Parcel 33-186-554-25, Millcreek Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of The City of Erie, 626 State Street, Erie, PA 16501 has submitted a Final Report concerning remediation of site soils contaminated with arsenic and site groundwater contaminated with Trichloroethylene and Vinyl Chloride. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

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

Penn Cambria Elementary School, 400 Main Street, Borough of Lilly, **Cambria County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Penn Cambria School District, Dave Beck, 201 Sixth Street, Cresson, PA 16630 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with hydraulic oil; benzene, naphthalene and other poly-aromatic hydrocarbons. The intended future use of the Site will continue to be utilized as an elementary school. The applicant intends to remediate the groundwater to a Residential Statewide Health Standard. The Final Report was noticed in the Mainliner, Cambria County, on September 16, 2010.

Former Pittsburgh and Lake Erie Railroad, Castriota Property, Borough of McKees Rocks, **Allegheny County**. Tetra Tech Inc., 661 Andersen Drive, Pittsburgh, PA 15220 on behalf of Castriota Metals, 1000 Railroad Street, McKees Rocks, PA 15136 and the North Side Industrial Development Company, 700 River Avenue, Pittsburgh, PA has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with heavy metals, VOC's, SVOC's and petroleum constituents. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

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—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its 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 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 reuse 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 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 under 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Thomson Industries Site, City of Lancaster, Lancaster County. ARCADIS-US, Inc., 500 North Gulph Road, King of Prussia, PA 19406, on behalf of Thomson Industries, 1500 Mittel Boulevard, Wood Dale, IL 60191; Ace Rents, 1103 Ranck Mill Road, Lancaster, PA 17602;

and PPK, LLC, 1270 Grofftown Road, Lancaster, PA 17602, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with VOCs, chlorinated solvents and inorganics. The combined report demonstrated attainment of the Site-Specific standard, and was approved by the Department on September 9, 2010.

Matthew Gartside Property, Rapho Township, Lancaster County. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Matthew Gartside, 238 Fairview Road, Manheim, PA 17545, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank during a fire. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 10, 2010.

Columbia Reduction Company / Colonial Metals, Borough of Columbia and West Hempfield Township, Lancaster County. Herbert, Rowland, & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Colonial Metals Company, 217 Linden Street, P. O. Box 311, Columbia, PA 17512, submitted a Final Report concerning remediation of site soils and groundwater contaminated with inorganics. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on September 13, 2010.

Standard Steel, LLC, Machine Shop #1, Burnham Borough and Derry Township, Mifflin County. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Final Report concerning remediation of site soils contaminated with petroleum products and PAHs. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 6, 2010. Groundwater will be addressed in a separate report.

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

Cocolamus Creek Disposal. Franklin Township, Snyder County. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cocolamus Creek Disposal, 31109 State Route 35N, McAllisterville, PA 17049 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 7, 2010.

Hanley Trucking Accident. Franklin Township, Snyder County. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Hanley Trucking, 1191 McGill Hollow Road, Linden, PA 17744 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 7, 2010.

Bucknell University Dewitt Building, Lewisburg Borough, Union County. JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Nazareth, PA 18064 on behalf of Bucknell University, Facilities Management Office, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2010.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Number WMGR125. Hazleton Creek Properties, LLC, Route 924 Mined Lands, City Of Hazleton, PA 18201. General Permit Number WMGR125 authorizes processing and beneficial use of dry flue gas desulfurization waste (FGD waste) and coal ash from coal-fired power plants for reclamation of coal mine sites. The coal ash includes freshly produced coal ash and coal ash removed from storage piles, surface impoundments and monofills. Processing is limited to conditioning of FGD waste with water and blending with coal ash. The permit was issued by Central Office on December 10, 2010.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101397. Veolia ES Greentree Landfill, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. A major permit modification was requested to convert two previously approved municipal waste disposal cells into dedicated residual waste disposal cells. The permit was issued by the Northwest Regional Office on December 14, 2010.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit Application No. 300583. ArcelorMittal Steelton, Inc located in Steelton Borough, **Dauphin County**. The Department has reviewed the application for permit modification in order to determine whether it contains the information, maps, fees, and other documents necessary to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, 717-705-4706. TDD users may contact the Department through

the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

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

GP3-46-0090: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on December 10, 2010, to operate a portable crusher in Norristown Borough, **Montgomery County**.

GP9-46-0045: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on December 10, 2010, to operate diesel-fired internal combustion engine in Norristown Borough, **Montgomery County**.

GP9-09-0028: B. Blair Corporation (95 Louise Drive, Ivyland, PA 18974) on December 14, 2010, to operate (2) two diesel-fired internal combustion engines and screener in Northampton Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

GP1-06-03033: Reading Housing Authority (400 Hancock Boulevard, Reading, Pennsylvania 19611) on December 3, 2010, for three (3) natural gas/#2 oil-fired boilers at Glenside Homes in Reading City, **Berks County**. The general permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-08-297A: Appalachia Midstream Services, L.L.C. (P. O. Box 54382, Oklahoma City, OK 73154) on November 30, 2010, to increase the permitted capacity of its 50 MMscf/day Exterran/Hanover glycol dehydration unit (DEHY1) to 70 MMscf/day under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Granville Station in Granville Township, **Bradford County**.

GP5-08-299E: Appalachia Midstream Services, L.L.C. (P. O. Box 54368, Oklahoma City, OK 73154) on December 1, 2010, to increase the natural gas throughput of one glycol dehydrator (DEHY2) from 70 million standard cubic feet per day to 120 standard cubic feet per day and another glycol dehydrator (DEHY3) from 1000 million standard cubic feet per day to 120 standard cubic feet per day under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Evanchick Station in Asylum Township, **Bradford County**.

GP3-53-111: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2010, to construct and operate a portable non-metallic mineral jaw crusher and two portable conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Roulette facility in Roulette Township, **Potter County**.

GP11-53-111: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2010, to construct and operate one Caterpillar model C-9 DITA diesel-fired engine with a rating of 300 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Roulette facility in Roulette Township, **Potter County**.

GP3-53-111A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2010, to construct and operate a portable non-metallic mineral screen with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Roulette facility in Roulette Township, **Potter County**.

GP11-53-111A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 1, 2010, to construct and operate one Deutz model TCD2013L04 diesel-fired engine with a rating of 174 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Roulette facility in Roulette Township, **Potter County**.

GP5-59-214: Ultra Resources, Inc. (304 Inverness Way South, Suite 295, CO 80112) on December 1, 2010, to construct and operate one 1340 bhp natural gas-fired compressor engine, one 40 MMscf/day glycol dehydration unit, one natural gas-fired line heater rated at 2.0 MMBtu/hr, two natural gas-fired line heaters each rated at 0.75 MMBtu/hr, one natural gas-fired glycol reboiler rated at 0.65 MMBtu/hr, and one glycol still vent combustor rated at 3.03 MMBtu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Thomas 808 Compressor Station in Gaines Township, **Tioga County**.

GP11-18-00009: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748) on November 22, 2010, to construct and operate a 1,050 brake horsepower Caterpillar model C27 diesel-fired engine to power a tub grinder pursuant to the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) in Wayne Township, **Clinton County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP5-27-040A: Pennsylvania General Energy Co., LLC—5106 Shanty Town Generator Site (North Forest Road to Route 127, Allegheny National Forest, Marienville, PA 16239) on December 1, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Howe Township, **Forest County**.

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

54-310-054GP3: Haines & Kibblehouse—Montrose Materials (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on November 18, 2010, to construct and operate a Portable Crushing Operation with watersprays at their Wegmans site in Cass Township, **Schuylkill County**.

54-329-011GP9: Haines & Kibblehouse (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on November 18, 2010, to install and operate a Diesel I/C engine at their Wegmans Site in Cass Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

GP10-06-03145A: IWCO Direct Twin, LLC (7951 Powers Boulevard, Chanhassen, Minnesota 55317-9502) on November 22, 2010, for seven (7) non-heatset web offset printing presses at their printing facility in Tilden Township, **Berks County**. This action reflects a change of ownership of the facility.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-59-212: Ultra Resources, Inc. (304 Inverness Way South, Suite 295, CO 80112) on November 8, 2010, to construct and operate one 1340 bhp natural gas-fired compressor engine, one 40 MMscf/day glycol dehydration unit, one natural gas-fired line heater rated at 2.0 MMBtu/hr, two natural gas-fired line heaters each rated at 0.75 MMBtu/hr, one natural gas-fired glycol reboiler rated at 0.65 MMBtu/hr, and one glycol still vent combustor rated at 3.03 MMBtu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the State 815 Compressor Station in Gaines Township, **Tioga County**.

GP5-17-496: EOG Resources, Inc. (400 Southpointe Boulevard, Canonsburg, PA 15317) on November 22, 2010, to construct and operate two (2) 1340 bhp Caterpillar model G3516LE natural gas-fired compressor engines and one 15 MMscf/day glycol dehydrator with a 0.375 MMBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their S.B. Elliot Compressor Station in Lawrence Township, **Clearfield County**.

GP3-08-326A: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on November 23, 2010, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Min-

eral Processing Plants (BAQ-PGPA/GP-3) at their Newton facility in Terry Township, **Bradford County**.

GP9-08-326A: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on November 23, 2010, to construct and operate one Caterpillar Model C-9 diesel-fired engine with a rating of 350 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their Newton facility in Terry Township, **Bradford County**.

GP3-08-326: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on November 24, 2010, to construct and operate a portable non-metallic mineral vibratory screen with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Newton facility in Terry Township, **Bradford County**.

GP11-08-326: Siri Sand & Stone, LLC (P. O. Box 169, Watkins Glenn, NY 14870) on November 24, 2010, to construct and operate one Caterpillar Model C4.4 diesel-fired engine with a rating of 129.4 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-11: Nonroad Engines, at their facility in Orwell, Rome, and Windham Townships, **Bradford 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

GP5-03-00249A: EXCO Resources (PA), Inc. (3000 Ericson Drive, Suite 200, Warrendale, PA 15086) on November 24, 2010, to allow the installation and operation of a new glycol dehydrator (which will replace the existing dehydrator) at their Dickey Compressor Station, located in Cowanshannock Township, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP5-42-200B: Belden & Blake Corp.—Westline Station (State Route 3006, Lafayette Township, PA 16738) on November 16, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**.

GP3-42-205A: Duffy, Inc.—D & D Stone—Port Allegany Mine (Route 6 East, Port Allegany, PA 16743) on November 15, 2010, to operate a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) in Liberty Township, **McKean County**.

GP9-42-205B: Duffy, Inc.—D & D Stone—Port Allegany Mine (Route 6 East, Port Allegany, PA 16743) on November 15, 2010, to operate a diesel or #2 fuel fired internal combustion engines (BAQ-GPA/GP-3) in Liberty Township, **McKean County**.

GP5-42-226B: SM Energy Co.—Potato Creek 2H Compressor Station (Sackett Hollow Road, Smethport, PA 16749) on November 23, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Norwich Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

66-315-056: Procter & Gamble Paper Products (PO Box 32, Mehoopnay, PA 18629) on November 22, 2010, to modify paper machine No. 7 at their facility in Washington Township, **Wyoming County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

67-05092F: Starbucks Coffee Co.—York Roasting Plant (3000 Espresso Way, York, Pennsylvania 17402-8035) on December 8, 2010, to replace the existing cartridge filter which controls emissions from the Source 151 green coffee bean cleaning system at the coffee manufacturing facility in East Manchester Township, **York County**.

22-03004A: HB Reese Candy Co.—Hershey Company (925 Reese Avenue, Hershey, Pennsylvania 17033-2271) on December 7, 2010, to install two (2) new bin vent filters on two non-fat dry milk powder storage bins in Derry Township, **Dauphin County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

62-163B: IA Construction-Garland Mine (P. O. Box 290, Homer City, PA 15748) on December 10, 2010, for modification of Plan Approval 62-163A for the Garland Aggregate Plant, along Route 27 in Pittsfield Township, **Warren County**. This modification includes the addition of a cone crusher, screen and conveyor extension and modifying the language used in Plan Approval 62-163A, Section D, Source ID: 301, condition No. 002(1).

24-169A: Modern Industries, Inc.—US Heat Treaters Division (135 Green Road, Kersey, PA 15846) on November 16, 2010, to install five (5) tempering furnaces and four (4) electrostatic precipitators at their facility in Fox Township, **Elk County**.

24-165B: Elkhorn Gas Processing, LLC—Whitetail Gas Processing Plant (5422 Highland Road, Lamont, PA 16365) on November 22, 2010, to modify the CO emission limit established in plan approval 24-165A in Jones Township, **Elk County**. This is a State Only facility.

62-032G: Ellwood National Forge Co. (One Front Street, Irvine, PA 16329) on November 22, 2010, to modify ammonia limits established in plan approval 62-032F in Brokenstraw Township, **Warren County**. This is a Title V facility.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-00354B: Sunoco Partners Marketing & Terminals L.P. (525 Fritztown Road, Sinking Spring, PA, 19608) on November 23, 2010, to install one new vapor recovery unit at their Delmont Terminal, at 1734 Old Route 66 in Salem Township, **Westmoreland County**. The facility currently operates under a Title V Operating Permit, No. TV-65-00354. No throughputs or allowable emission rates are being increased as part of this authorization. Annual emissions from the facility will not exceed 49.31 tons VOC and 0.96 tons of all HAPs combined under the normal operation scenario with the new vapor recovery unit in operation. The existing vapor combustion unit will remain in place as a backup emission control device. Annual emissions under the alternate operation scenario with the backup emission control device in operation are not being increased and will not exceed 99.72 tons of VOC and emissions of 1.76 tons of all HAPs combined. Gasoline throughput at the facility shall not exceed 483,296,354 gallons in any consecutive 12-month period. Emissions from the vapor recovery unit shall not exceed 0.000083 lbs (10 mg/per liter) of TOC to the atmosphere for every gallon of gasoline loaded from the vapor recovery unit under the normal operation scenario. The proposed process units are subject to the applicable requirements of 25 PA Code, Chapter 127, related to construction, modification, reactivation and operation of sources, 40 CFR 60 Subpart XX, related to standards of performance for bulk gasoline terminals, and 40 CFR 63 Subpart BBBBBB related to national emission standards for hazardous air pollutants for source category: gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The Plan Approval contains appropriate emission limitations, testing, monitoring, recordkeeping, reporting requirements, and work practice standards.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-03067A: Covance Research Products, Inc. (310 Swamp Bridge Road, Denver, PA 17517) on December 8, 2010, for their animal incinerator in West Cocalico Township, **Lancaster County**. The 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

24-166A: National Fuel Gas-Bowen Compressor Station (1.33 miles north of Highland Corners directly east of SR 4009, Highland Township, PA 16365) on December 1, 2010, to construct a new gas compressor station in Highland Township, **Elk County**. This is a State Only facility.

25-069N: BASF Corp.—Erie Plant (1729 East Avenue Erie, PA 16503) on November 30, 2010, to operate a fluidized bed reactor, loading hopper and two dust collection systems to capture particulate matter at their facility in the City of Erie, **Erie County**. This is a State Only facility.

37-023E: Orion Power Midwest, LP—New Castle (2189 Street, Route 168 South, West Pittsburg, PA 16160-

0325) on November 30, 2010, to install mercury control equipment from the three (3) main power boilers (Units 3, 4, & 5) in Taylor Township, **Lawrence County**. This is a Title V facility.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

15-0027I: Johnson Matthey, Inc. (P. O. Box 221, Kennett Square, PA 19348) on November 29, 2010, to operate (2) two diesel catalyst production lines and pollution control equipment in Treddyfrin Township, **Chester County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-313-042D: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on November 16, 2010, to extend the authorization to temporarily operate a new Progressive Technologies model HE-100 plasma gun (PMI gun #1, Source ID P227) for their facility in North Towanda Township, **Bradford County** until May 18, 2011. The particulate matter and hazardous air pollutant emissions from the PMI gun will be controlled by a Farr-Tenkay fabric collector and final filter. The plan approval has been extended.

17-00001D: RRI Energy Mid—Atlantic Power Holdings, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on November 24, 2010, to extend the authorization to temporarily operate a carbon injection system on Units 3 & 4 at their Shawville station in Bradford Township, **Clearfield County**. The extension authorization is for an additional 180 days from December 3, 2009 to June 1, 2011.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

48-00044: Just Born, Inc. (1300 Stefko Boulevard, Bethlehem, PA 18017-6620) on December 8, 2010, to renew the State-Only Operating Permit for operation of candy and confectionery products manufacturing facility consisting of four (4) boilers, eight (8) candy manufacturing processes, and six (6) filter fabric control devices at their facility in the City of Bethlehem, **Northampton County**.

48-00088: Greenstar, LLC (799 Smith Lane, Northampton, PA 18067) on November 4, 2010, for an initial issuance of a State-Only Operating Permit for the operation of a glass recycling and processing facility in Northampton Borough, **Northampton County**.

48-00092: Assa Abloy Service Center Co., Inc. (P. O. Box 1648, Mason City, IA 50401) on November 24, 2010, to issue a state only (synthetic minor) operating permit for a door frame manufacturing / painting plant in the Forks Township, **Northampton County**.

54-00049: US DOJ—Federal Corrections Institute (P. O. Box 700, Minersville, PA 17954-0700) on November

18, 2010, to renew the State-Only Operating Permit to operate three (3) boilers at their facility in Butler Township, **Schuylkill County**.

54-00077: Northeast Prestressed Products, LLC (121 River Street, Cressona, PA 17972) on December 8, 2010, for the initial issuance of a State-Only Operating Permit for the operation of a concrete block and brick manufacturing facility in Cressona Borough, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

07-05024: Gulf Oil Ltd. Partnership (100 Crossing Boulevard, Framingham, MA 01702-5401) on December 6, 2010, for the bulk petroleum product terminal, in Allegheny Township, **Blair County**. This is a renewal of the State Only Operating permit.

06-05104: HB Mellott Co. (100 Mellott Drive, Suite 100, Warfordsburg, Pennsylvania 17267-8555) on November 19, 2010, for their mineral crushing plant in Evansville, in Maiden creek Township, **Berks County**. This is a renewal of the State Only Operating permit.

22-05056: The Hershey Co. (19 East Chocolate Avenue, PO Box 819, Hershey, Pennsylvania 17033-0819) on November 19, 2010, for their East Plant chocolate manufacturing facility, in Derry Township, **Dauphin County**. This is a renewal of the State Only Operating permit.

67-05003: Mastercraft Specialties, Inc. (800 Maple Street, Red Lion, PA 17356-1544) on November 19, 2010, for the institutional furniture manufacturing facility, in Red Lion Borough, **York County**. This is a renewal of the State Only Operating permit.

67-05134: Krosaki Magnesita Refractories, LLC (320 North Baker Road, York, PA 17408-5802) on November 16, 2010, for their refractories manufacturing operation, in West Manchester Township, **York County**.

07-05043: Altoona Regional Health System (620 Howard Avenue, Altoona, PA 16601-4899) on November 19, 2010, for the Bon Secours Hospital, in Altoona City, **Blair County**. This is a renewal of the State Only Operating permit.

36-03075: City of Lancaster (120 North Duke Street, PO Box 1599, Lancaster, Pennsylvania 17608) on November 18, 2010, for the City of Lancaster Advanced Wastewater Treatment Plant, in Lancaster Township, **Lancaster County**. This is a renewal of the State Only Operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

24-00123: Veolia ES Greentree Landfill LLC (635 Toby Road, Kersey, PA 15846-1033) on December 13, 2010, for the reissuance of Title V Operating Permit for their facility in Fox Township, **Elk County**. Veolia is an active Municipal waste landfill company. Veolia is subject

to Title V operating permit requirement because the design capacity is greater than or equal to 2.5 million megagrams and 2.5 million cubic meters as per 40 CFR § 60.752(b). Municipal waste landfill source is subject to § 40 CFR Part 60, Subpart WWS and § 40 CFR Part 63, Subpart AAAA.

33-00178: Triangle Suspension System, Inc.—Punxsutawney Plant (1 Meter Street, Punxsutawney, PA 15767) on December 13, 2010, for a Synthetic Minor Permit to operate a leaf spring manufacturing plant in Punxsutawney Borough, **Jefferson County**. The emitting sources are Amber & Black Dip-Coat Process (2 Dip tanks) and miscellaneous natural gas usage. The facility has taken a facility-wide VOC restriction of 12.21 Tons per year and become a synthetic minor facility.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00041: Eastern Shore Natural Gas Company—Daleville Compressor Station (609 Street Road, Cochranville, PA 19330) on November 30, 2010, for a non-Title V facility, State-Only, Synthetic Minor Operating Permit in Londonderry Township, **Chester County**. The permit is for the operation of five (5) natural gas-fired internal combustion compressor engines and one (1) natural gas-fired internal combustion emergency generator. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 12-9-2005. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00026: RR Donnelley and Sons Co.—formerly Haddon Craftsmen, Inc. (4411 Old Berwick Road, Bloomsburg, PA 17815) on November 17, 2010, for their RR Donnelley Bloomsburg Plant facility in South Centre Township, **Columbia County**. The facility's main sources include five book binding lines, nine offset web printing presses, one cold cleaning parts washer, one emergency fire pump, one emergency generator, and 12 combustion units. The facility has the potential to emit SO_x, NO_x, CO, PM (PM₁₀), and HAPs below the major emission thresholds. The facility has taken an elective yearly restriction not to exceed the major threshold for VOC emissions. The proposed State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00018: Hanson Aggregates (PA) Inc. (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040) on November 17, 2010, to issue a state only operating permit for their Blossburg Quarry in Liberty Township, **Tioga County**. The facility's main sources include two crushers and associated various material sizing and conveying equipment and three diesel engines. The facility has the potential to emit CO, VOCs, and HAPs below the major emission thresholds. The facility has taken a synthetic minor restriction to limit the NO_x and particulate matter

(PM10) emissions below the major thresholds. The operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

30-00148: Dana Mining Company of Pennsylvania, LLC—4-West Deep Mine (625 Bald Hill Road, Dilliner, PA 15327) on November 16, 2010, to issue a State Only Operating Permit to operate a coal preparation plant in Dunkard Township, **Greene County**. The operation of the facility's air contamination source consisting of 2-1,200 ton per hour screens, 6 transfer points, stockpile/wind erosion, and truck traffic. The facility is limited to a production rate of 1,980,000 tons per year, coal moisture content of 5 percent or greater at all times, and maximum opacity from any processing equipment of 20 percent. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility. This is a State Only Operating Permit Renewal.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Braun, Chief—Telephone: 215-685-9476

S09-020: PECO Oregon Shop (2610 Columbus Boulevard, Philadelphia, PA 19148) on November 30, 2010, to operate a maintenance facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include twelve (12) natural gas combustion units each rated at less than 5.0 MMBTU/hr, one 765 Hp emergency generator, two paint shop spray booths with dry panel filters, one transformer shop paint spray booth with dry panel filters, and a gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act 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

46-00147: Chemalloy Company, Inc. (1301 Conshohocken Road, Conshohocken, PA 19428) on December 10, 2010, located in Plymouth Township, **Montgomery County**. The operating permit was amended to incorporate the sources and requirements of Plan Approval 46-0147C. 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.

09-00122: Arkema, Inc. (100 Route 413, Bristol, PA 19007) on November 19, 2010, has been amended to incorporate plan approval No. 09-0122C requirements in accordance with 25 Pa. Code 127.450. The amended Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits in Bristol Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

67-03115: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, Pennsylvania 17402-8059) on December 9, 2010, to operate a hard chrome electroplating system in East Manchester Township, **York County**. This State Only Operating permit was administratively amended to incorporate the conditions of Plan Approval No. 67-03115A. This is Revision 1 of the permit.

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

48-00092: Assa Abloy Service Center Co., Inc. (P. O. Box 1648, Mason City, IA 50401) an administrative amendment was issued for a company name change from Essex Northeast Services Center, Co. Inc. on November 24, 2010.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-399-023E: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on November 19, 2010, to issue a minor modification operating permit for their facility in North Towanda Township, **Bradford County** to construct and operate two (2) new Wisconsin ovens (IDs 047-013 & 047-014) in the cobalt powder department (047). The new units are replacement units for the two existing Gruenberg ovens. GTP proposes to control the air contaminant emissions from the new equipment with an existing Flex Kleen model 84-WRS-84 fabric collector followed by an existing absolute filter. The emissions from these sources are considered insignificant. The operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

16-00136: Glenn O. Hawbaker, Inc.—Plant 17 (363 Seneca Street, Oil City, PA 16301) for their facility located in Beaver Township, **Clarion County**. The De minimis emission increase is for the construction and temporary operation of the Warrior 1800 portable screening unit and Cat 3052 diesel engine. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on July 5, 2006.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12/8/10	Warrior 1800 portable screening unit and Cat 3052 diesel engine	0.087	0.07	0.18	0.005	0.02
Total Reported Increases		0.087	0.07	0.18	0.005	0.02
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

42-00174: McKean County Landfill (PO Box 448, Mt. Jewett, PA 16740) for their facility located in Sergeant Township, **McKean County**. The de minimis increase is a result of the removal of an existing carbon adsorption system (Source ID C102) associatee with the leachate treatment process. The Department has started a list of de minimis increases as prescribed in 25 PA Code 127.449(i).

Since the October 10, 2007 Title V Operating Permit issuance date, McKean County Landfill has notified the Department of the following de minimis emission increases:

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12/07/2010	Leachate treatment system	0	0	0	0.1	0
Total Reported Increases		0	0	0	0.1	0

61-00200: Webco Industries Inc—Oil City Tube Division (363 Seneca Street, Oil City, PA 16301) for their facility located in City of Oil City, **Venango County**. The De minimis emission increase is for the construction of a 45 gallon parts washer. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on November 13, 2007.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12/8/10	45 gallon parts washer				0.2	
Total Reported Increases					0.2	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

PA 40-310-085: Cedar Rock Materials Corp (7612 Columbia Blvd, Berwick, PA 18603) for operation of a new crushing plant with water sprays for their facility in Salem Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Cedar Rock Materials Corp. (7612 Columbia Boulevard, Berwick, PA 18603) for their facility in Salem Township, Luzerne County. This Plan Approval No. 40-310-085 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-310-085 is for operation of a new crushing plant with water sprays. The crushing operation is subject to NSPS Subpart OOO requirements. The company shall be subject to and comply with 25 PA Code 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No.: 40-310-085.

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

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

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00222: Bostik, Inc. (1740 County Line Road, Huntingdon Valley, PA 19006) on December 10, 2010, for revocation of their non-Title V operating permit for the operation of their adhesive and caustic manufacturing facility in Upper Moreland Township, **Montgomery County**. This operating permit was revoked because of closure of business and shutdown of operations at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, Greene County and East Finley Township, **Washington County** to add acres for development mining at a new underground training center. Underground Acres Proposed 87.78, Subsidence Control Plan Acres Proposed 87.78. No additional discharges. Application received: May 19, 2010. Permit issued: December 9, 2010.

30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for

the Bailey Mine and Prep Plant in Richhill and Morris Townships, **Greene County** to add acreage for development mining. Underground Acres Proposed 2538.59, Subsidence Control Plan Acres Proposed 2538.59. No additional discharges. Application received: March 18, 2010. Permit issued: December 9, 2010.

32951301 and NPDES Permit # PA0215821, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Toms Run Mine in Burrell Township and Blairsville Borough, **Indiana County** and related NPDES permit to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1893.1, Subsidence Control Plan Acres Proposed 1893.1. No additional discharges. Application received: November 13, 2009. Permit issued December 10, 2010.

30080701 and NPDES Permit # PA0235806, Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15243), to revise the permit for the Bailey Mine Central Complex Coal Refuse Disposal Area No. 5 in Richhill Township, **Greene County** to add acreage for construction of a coal refuse slurry impoundment to an in-process new coal refuse disposal permit application. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301-303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Coal Refuse Disposal Support Acres Proposed 39.8, Coal Refuse Disposal Acres Proposed 375.0. No additional discharges. Application received: January 16, 2009. Permit issued: December 10, 2010

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

56980103 and NPDES No. PA0234699. Godin Brothers, Inc., 195 E. Philadelphia Street, P. O. Box 216, Armagh, PA 15920, revision of an existing surface and auger mine to add 4.5 acres to the surface mine permit boundary changing the total SMP acres from 133.5 to 138.0 in Jenner and Lincoln Townships, **Somerset County**, affecting 133.5 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 24, 2009. Permit issued: December 9, 2010.

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

65000102 and NPDES Permit No. PA0202797. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 73.4 acres. Receiving streams: unnamed tributaries to McGee Run to McGee Run to Conemaugh River. Renewal application received: July 29, 2010. Permit renewal issued: December 6, 2010.

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

10840116 and NPDES Permit No. PA0602531. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Concord & Oakland Townships, **Butler County**

affecting 224.8 acres. Receiving streams: Two unnamed tributaries to Connoquenessing Creek. This renewal is issued for reclamation only. Application received: October 12, 2010. Permit Issued: December 8, 2010.

10040104 and NPDES Permit No. PA0242594. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Concord Township, **Butler County** affecting 160.0 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek. This renewal is issued for reclamation only. Application received: October 12, 2010. Permit Issued: December 8, 2010.

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

14090102 and NPDES No. PA0257117. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15656). Commencement, operation and restoration of a bituminous surface mine located in Rush Township, **Centre County** affecting 234.4 acres. Receiving streams: Trout Run and unnamed tributary to Trout Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 6, 2009. Permit issued: November 29, 2010.

17793123 and NPDES No. PA0089603. Strishock, LLC (220 Hillcrest Drive, DuBois, PA 15801). Transfer of an existing bituminous surface mine from Strishock Coal Co. located in Union and Brady Townships, **Clearfield County** affecting 102.8 acres. Receiving streams: Sugar Camp Run to Luthersburg Branch classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 10, 2010. Transfer permit issued: December 6, 2010.

17814000 and NPDES No. PA0608769. TDK Coal Sales, Inc. (279 Shannon Road, Monongahela, PA 15063). Permit revision to an existing bituminous surface mine located in Penn Township, **Clearfield County** affecting 204.2 acres. The purpose of this revision is to add auger mining to the existing permit. Receiving streams: Irish Run and unnamed tributaries to Irish Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 20, 2010. Permit issued: December 1, 2010.

17860135 and NPDES No. PA0115622. Strishock, LLC (220 Hillcrest Drive, DuBois, PA 15801). Transfer of an existing bituminous surface mine from Strishock Coal Co. located in Union, Brady and Sandy Townships, **Clearfield County** affecting 367.6 acres. Receiving streams: Laborde Branch; Sugar Camp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run to Laborde Branch to Sandy Lick Creek to Red Bank Creek to Allegheny River classified for the following uses: cold water fishery-warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 10, 2010. Transfer permit issued: December 6, 2010.

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

54090101 and NPDES Permit No. PA0224740. Premium Fine Coal, Inc., (P. O. Box 2043, Hazleton, PA 18201), commencement, operation and restoration of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Blythe Township, **Schuylkill**

County affecting 429.2 acres, receiving stream: Silver Creek. Application received: February 12, 2009. Permit issued: December 8, 2010.

54793009R5. Coal Contractors (1991), Inc., (P. O. Box 39, Hazleton, PA 18201), renewal for reclamation activities only of an anthracite surface mine operation in North Union, Beaver and Black Creek Townships, Schuylkill, Luzerne and **Carbon Counties** affecting 991.3 acres, receiving stream: none. Application received: July 22, 2009. Renewal issued: December 8, 2010.

54070202C2. Coaldale Energy, LLC, (P. O. Box 502, Tamaqua, PA 18252), boundary correction to an existing anthracite coal refuse reprocessing operation in Coaldale and Tamaqua Boroughs, **Schuylkill County** affecting 195.0 acres, receiving stream: none. Application received: April 28, 2010. Correction issued: December 10, 2010.

Noncoal Permits Actions

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

43070303. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Transfer of an existing sand & gravel operation from Ennstone, Inc. d/b/a Three Rivers Aggregates in Springfield & Wilmington Townships, **Mercer County** affecting 114.0 acres. Receiving streams: Unnamed tributary to Indian Run and Indian Run. Application received: June 28, 2010. Permit Issued: December 8, 2010.

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

7776SM1A3C6 and NPDES Permit No. PA0611883. Martin Stone Quarries, Inc., (P. O. Box 297, Bechtelsville, PA 19505), correction to an existing quarry to add acres, increase depth of mining, revise NPDES Permit and update wetlands mitigation plan in Colebrookdale Township, **Berks County** affecting 349.35 acres, receiving stream: unnamed tributary to Swamp Creek. Application received: May 7, 2009. Correction issued: December 10, 2010.

66100801. Thomas C. Cramer, Jr. & Donald A. O'Dell, (102 Lake Boulevard, Clifford Township, PA 18470), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received: March 1, 2010. Permit issued: December 13, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

56104003. Mostoller Landfill, Inc., 7095 Glades Pike, Somerset, PA 15501, blasting activity permit issued for landfill expansion in Brothersvalley Township, **Somerset County**. Blasting activity permit end date is the end of project. Permit issued: December 9, 2010.

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

03104003. Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201). Blasting activity permit for the construction of a borrow pit, located in Bethel Township, **Armstrong County**. The duration of blasting is expected to last one year. Blasting permit issued: December 7, 2010.

30104005. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Blasting activity permit for rock removal to construct the Kovach ESOGP-1 gas/oil well sites, located in Monongahela Township, **Greene County**. The duration of blasting is expected to last nine months. Blasting permit issued: December 7, 2010.

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

08104025. John Brainard (3978 SR 2023, Kingsley, PA 18826). Blasting for a well pad located in Wysox Township, **Bradford County**. Permit issued: November 23, 2010. Permit expires: June 30, 2011.

08104026. John Brainard (3978 SR 2023, Kingsley, PA 18826). Blasting for a well pad located in Leroy Township, **Bradford County**. Permit issued: November 23, 2010. Permit expires: June 30, 2011.

08104027. Doug Wathen, LLC (16208 State Highway 13, Suite 100, Branson West, MO 65616). Blasting for a well pad located in Asylum Township, **Bradford County**. Permit issued: December 2, 2010. Permit expires: June 1, 2011.

08104028. Mike Kipar (6005 State Route 267, Meshoppen, PA 15630). Blasting for a well pad located in Rome Township, **Bradford County**. Permit issued: December 2, 2010. Permit expires: December 1, 2011.

08104130. Meshoppen Blasting, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well pad located in Tuscarora Township, **Bradford County**. Permit issued: December 1, 2010. Permit expires: December 31, 2010.

08104131. Maine Drilling & Blasting, Inc. (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a well pad located in Overton Township, **Bradford County**. Permit issued: November 24, 2010. Permit expires: November 22, 2011.

08104132. Maine Drilling & Blasting, Inc. (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a well pad located in Wyalusing Township, **Bradford County**. Permit issued: November 24, 2010. Permit expires: November 22, 2011.

08104133. Austin Powder Northeast LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a well pad located in Wyalusing Township, **Bradford County**. Permit issued: December 1, 2010. Permit expires: November 30, 2011.

08104134. Austin Powder Northeast LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a well pad located in Asylum Township, **Bradford County**. Permit issued: December 9, 2010. Permit expires: December 7, 2011.

17104013. Wampum Hardware Co. (175 Prugh Road, Shelocta, PA 15774). Blasting for a trench located in Bradford Township, **Clearfield County**. Permit issued: December 8, 2010. Permit expires: July 1, 2011.

18104004. CGG Veritas Land (US) Inc. (10300 Town Park Drive, Houston, TX 77072). Seismic exploration blasting in Wayne, Castanea, Dunnstable, Pine Creek,

Woodward, and Gallagher Townships, **Clinton County**. Permit issued: November 24, 2010. Permit expires: December 31, 2012.

41104010. CGG Veritas Land (US) Inc. (10300 Town Park Drive, Houston, TX 77072). Seismic exploration blasting in Nippenose, Susquehanna, Bastress, Porter, Platt, Woodward, Lycoming, Old Lycoming, Watson, Mifflin-Salladasburg, Anthony, Cummings, Cogan House, Pine, Jackson and Lewis Townships, **Lycoming County**. Permit issued: November 24, 2010. Permit expires: December 31, 2012.

41104115. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Blasting for a pipeline located in McNett Township, **Lycoming County**. Permit issued: December 9, 2010. Permit expires: November 30, 2011.

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

15104112. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Greystone South Subdivision in West Goshen Township, **Chester County** with an expiration date of December 31, 2011. Permit issued: December 6, 2010.

38104120. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Automatic Farm Systems in South Lebanon Township, **Lebanon County** with an expiration date of April 30, 2011. Permit issued: December 6, 2010.

46104120. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Ringing Rock Elementary School in Lower Pottsgrove Township, **Montgomery County** with an expiration date of February 28, 2011. Permit issued: December 6, 2010.

45104126. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Wigwam Park Road Lot 4 in Stroud Township, **Monroe County** with an expiration date of December 3, 2010. Permit issued: December 9, 2010.

40104005. Franzosa Trucking, (1037 Peace Street, Hazleton, PA 18201) and Bernard J. Hasara Drilling & Blasting Service, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for the Citirio Corporation Pump Station in Foster Township/Freeland Borough, **Luzerne County** with an expiration date of March 31, 2011. Permit issued: December 10, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The 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 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 free 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

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Beginning Project Station</i>	<i>Ending Project Station</i>
Wetland A	PL 118 Pipeline Crossing	Wetland	EV	12+00	14+00
Wetland A	Two Waterline Crossings	Wetland	EV	12+00	14+00
Stream	Pipeline PL-118 Crossing	South Branch, Pine Creek	HQ-CWF	70+88	72+15
Stream	Two Waterline Crossings	South Branch, Pine Creek	HQ-CWF	70+88	72+15
Wetland B1	PL 118 Pipeline Crossing	Wetland	EV	72+15	73+65
Wetland B1	Two Waterline Crossings	Wetland	EV	72+15	73+65
Stream	Pipeline PL-135 Crossing	Birch Still Hollow	HQ-CWF	20+40	20+70
Stream	Two Waterline Crossings	Birch Still Hollow	HQ-CWF	20+40	20+70

Since the South Branch, Pine Creek is wild trout and stock trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 or March 1 and June 15 without prior written approval from the Pennsylvania Fish and Boat Commission. Installation of the gas pipeline shall be accomplished by directional drilling beneath the above listed wetlands and streams. The project is located along the eastern right-of-way of SR 0144 approximately 2509-feet south of Paul Hollow Road and SR 0144 intersection. If upon investigation the Department determines the activities authorized by this permit are serving to degrade or impair the designated water quality of the above listed wetlands or streams, the permittee shall develop the necessary corrective action plan to mitigate the degradation or impairment. The permittee shall submit any corrective action plan to the Northcentral Region

Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

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

Ultra Resources, Inc. proposes to construct, operate and maintain its 8-inch diameter PL-118 natural gas pipeline with two 6-inch diameter raw water lines and 8-inch diameter PL-135 natural gas pipeline with two 6-inch diameter raw water lines for the Marshland Play Area gas well development requiring encroachment of the following of wetlands and streams:

Oil and Gas Program for review and approval prior to implementing any corrective action measure.

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

E04-332. Township of Darlington, 3590 Darlington Road, Darlington, PA 16115. To relocate a channel of Madden Run in Darlington Township, **Beaver County**, Pittsburgh ACOE District. (New Galilee, PA Quadrangle: N: 16.4 inches; W: 7.7 inches; Latitude: 40° 50' 25"; Longitude: 80° 25' 50".) To construct and maintain a concrete weir 12 feet wide with a 6 foot wide and .53 feet deep low flow notch with a 30 foot long energy dissipater, located along the right bank side of Madden Run (WWF); to operate and maintain approximately 410.0 foot long

overflow channel below the concrete weir that was constructed for the purpose of relieving flooding to Madden Run Road. The project is located along the north side of Madden Run Road, approximately 0.7 mile east from the intersection of Madden Run Road and Echo Valley Road

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX10-105-0031
Applicant Name Triana Energy, LLC
Contact Person Rachelle King
Address 900 Virginia Street East, Suite 400
City, State, Zip Charleston, WV 25301
County Potter
Township(s) Hebron Twp.
Receiving Stream(s) and Classification(s) UNT of Fishing Creek and East Branch Fishing Creek, Fishing Creek

ESCGP-1 # ESX10-037-0004
Applicant Name Chief Oil & Gas LLC
Contact Person Michael Hritz
Address 6051 Wallace Road Ext., Ste 210
City, State, Zip Wexford, PA 15090
County Columbia
Township(s) Jackson Twp.
Receiving Stream(s) and Classification(s) Spencer's Run, West Creek, UNTs to West Creek and Fishing Creek, Fishing Creek

ESCGP-1 # ESX10-131-0038
Applicant Name Citrus Energy Corporation
Contact Person Kyle Johns
Address 2600 Network Blvd, Ste 400
City, State, Zip Frisco, TX 75034
County Wyoming
Township(s) Washington Twp.
Receiving Stream(s) and Classification(s) UNTs to Susquehanna River

ESCGP-1 # ESX10-015-0335
Applicant Name Stone Energy Corporation
Contact Person Richard Toothman
Address 6000 Hampton Center, Ste B
City, State, Zip Morgantown, WV 26505
County Susquehanna
Township(s) Rush Twp.
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek, Wyalusing Creek, Susquehanna River

ESCGP-1 # ESG10-117-0226
Applicant Name Ultra Resources, Inc.
Contact Person Erika Tokarz
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Tioga
Township(s) Elk Twps.
Receiving Stream(s) and Classification(s) Schoonover Hollow and Dead Horse Hollow, Elk Run

ESCGP-1 # ESX10-117-0234
Applicant Name Mainesburg GS, LP
Contact Person Ralph Neumann
Address 500 N. Capital of Texas Hwy, Bldg 3, Ste 100
City, State, Zip Austin, TX 78746
County Tioga
Township(s) Sullivan and Covington Twps.
Receiving Stream(s) and Classification(s) UNTs to Canoe Camp Cr and Canoe Camp Cr, Tioga River

ESCGP-1 # ESX10-115-0065
Applicant Name Williams Production Appalachia, LLC
Contact Person David Freudenrich
Address 1000 Town Center Ste 130
City, State, Zip Canonsburg, PA 15317
County Susquehanna
Township(s) Bridgewater Twp.
Receiving Stream(s) and Classification(s) UNT to Fall Brook, Silver Creek

ESCGP-1 # ESX10-105-0030
Applicant Name Seneca Resources Corp.
Contact Person Mike Clinger
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Potter
Township(s) Sweden Twp.
Receiving Stream(s) and Classification(s) Big Fill Hollow, Ninemile Run/Dry Run

ESCGP-1 # ESG10-117-0194(01)
Applicant Name Ultra Resources Inc.
Contact Person Erica Tokarz
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Tioga
Township(s) Gaines and Elk Twp.
Receiving Stream(s) and Classification(s) Thompson Hollow, O'Connor Branch, Left Branch

ESCGP-1 # ESG10-117-0240
Applicant Name Ultra Resources Inc.
Contact Person Erica Tokarz
Address 5 East Avenue, #108
City, State, Zip Wellsboro, PA 16901-1613
County Tioga
Township(s) Elk Twp.
Receiving Stream(s) and Classification(s) Schoonver Hollow, Elk Run

ESCGP-1 # ESX10-105-0026(01)
Applicant Name Seneca Resources Corporation
Contact Person Mike Clinger
Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825
 County Potter
 Township(s) Sweden Twp.
 Receiving Stream(s) and Classification(s) Pine & Upper Alleghany Watersheds; Big Fill Hollow & Commissioner's Run and their tribs.; Lower W Br Susq.

ESCGP-1 # ESX10-131-0036
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming
 Township(s) North Branch Twp.
 Receiving Stream(s) and Classification(s) UNT to Mehoopany Creek, Susquehanna River

ESCGP-1 # ESX10-115-0068
 Applicant Name Cabot Oil & Gas Corp.
 Contact Person Jeffrey Keim
 Address 5 Penn Center West, Ste 401
 City, State, Zip Pittsburgh, 15276
 County Susquehanna
 Township(s) Lenox Twp.
 Receiving Stream(s) and Classification(s) Tower Branch, Tunkhannock Creek

ESCGP-1 # ESX10-027-0022
 Applicant Name Range Resources—Appalachia LLC
 Contact Person Carla Suszkowski
 Address 380 Southpointe Blvd
 City, State, Zip Canonsburg, PA 15317
 County Centre
 Township(s) Snow Shoe Twp.
 Receiving Stream(s) and Classification(s) UNTs 22783 & 22784 to North Fork Beech Creek and North Fork Beech Creek

ESCGP-1 # ESX10-127-0013
 Applicant Name Hess Corporation
 Contact Person Eugene Linscomb
 Address 910 Church Street
 City, State, Zip Honesdale, PA 18439
 County Wayne
 Township(s) Starrucca Borough
 Receiving Stream(s) and Classification(s) UNT to Shadigee Cr, Starrucca Creek

ESCGP-1 # ESX10-015-0340
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) North Towanda Twp.
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX10-015-0330
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Orwell Twp.
 Receiving Stream(s) and Classification(s) UNT of South Creek, South Creek, Johnson Creek

ESCGP-1 # ESX10-033-0010
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Dr, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Clearfield

Township(s) Graham Twp.
 Receiving Stream(s) and Classification(s) Alder Run/Hubler Run/Moravian Run

ESCGP-1 # ESX10-015-0352
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford
 Township(s) Sheshequin Twp.
 Receiving Stream(s) and Classification(s) (2) UNT to Bullard Creek, Bullard Creek

ESCGP-1 # ESX10-015-0350
 Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Windham Twp.
 Receiving Stream(s) and Classification(s) UNT to Russell Run, Russell Run

ESCGP-1 # ESX10-015-0349
 Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Orwell and Warren Twps.
 Receiving Stream(s) and Classification(s) Pendleton Creek

ESCGP-1 # ESX10-015-0351
 Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Windham Twp.
 Receiving Stream(s) and Classification(s) Wappasening Cr

ESCGP-1 # ESX10-015-0347
 Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells Twp.
 Receiving Stream(s) and Classification(s) UNT to Seeley Creek, Seeley Creek

ESCGP-1 # ESX10-015-0348
 Applicant Name Talisman Energy USA, Inc
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells Twp.
 Receiving Stream(s) and Classification(s) UNT to Beckwith Cr, Beckwith Creek

ESCGP-1 # ESX10-033-0007
 Applicant Name Northeast Natural Energy, LLC
 Contact Person Brett Loflin
 Address 707 Virginia Street, Ste 1400
 City, State, Zip Charleston, WV 25301
 County Clearfield
 Township(s) Graham Twp.
 Receiving Stream(s) and Classification(s) Moravian Run, W. Br. Susquehanna River

ESCGP-1 # ESX10-131-0034
 Applicant Name Williams Field Services Company, LLC
 Contact Person Lisa Reaves

Address 2800 Post Oak Blvd
City, State, Zip Houston, TX 77056
County Wyoming
Township(s) Tunkhannock Twp.
Receiving Stream(s) and Classification(s) UNT to
Tunkhannock Cr/Tunkhannock Cr Watershed

ESCGP-1 # ESX10-015-0356
Applicant Name Tracy Gregory
Contact Person Talisman Energy USA, Inc.
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Windham and Warren Twps
Receiving Stream(s) and Classification(s) Wappasening Cr

ESCGP-1 # ESX10-015-0358
Applicant Name Tracy Gregory
Contact Person Talisman Energy USA, Inc.
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Wells Twp.
Receiving Stream(s) and Classification(s) UNT to
Beckwith Creek

ESCGP-1 # ESX10-015-0345
Applicant Name Southwestern Energy Production
Company
Contact Person Dave Sweeley
Address 181 W. Tioga Street, Suite 2
City, State, Zip Tunkhannock, PA 18657
County Bradford
Township(s) Herrick Twp.
Receiving Stream(s) and Classification(s) UNT to Rum-
merfield Creek, Camp Creek, Susquehanna River,
Wyalusing Creek

ESCGP-1 # ESX10-069-0001
Applicant Name Southwestern Energy Production
Company
Contact Person Dave Sweeley
Address 181 W. Tioga Street, Suite 2
City, State, Zip Tunkhannock, PA 18657
County Lackawanna
Township(s) Benton Twp.
Receiving Stream(s) and Classification(s) UNT, South
Branch Tunkhannock Creek

ESCGP-1 # 17 09 801 (01) PHASE 8A
Applicant Name EOG Resources, Inc.
Contact Person Bill Burket
Address 400 Southpointe Blvd, STE 300
City, State, Zip Canonsburg, PA 15317-8548
County Clearfield
Township(s) Lawrence Twp.
Receiving Stream(s) and Classification(s) Coldstream,
Stone Run

ESCGP-1 # 0810802
Applicant Name Central New York Oil & Gas Co.
Contact Person Mike Armstrong
Address 800 Robinson Rd.
City, State, Zip Owego, NY 13827
County Bradford
Township(s) Wyalusing
Receiving Stream(s) and Classification(s) Wyalusing
Creek-WWF

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 ESX10-121-0001
Applicant Range Resources—Carter 1H Well Site
Contact Ms. Carla Suszkowski

Address 380 Southpoint Boulevard
City Canonsburg State PA Zip Code 15317
County Venango Township(s) Oakland
Receiving Stream(s) and Classification(s) UNT 54114 to
Twomile Run

ESCGP-1 #ESX10-047-009B
Applicant Seneca Resources—Wolfinger Pad A & B
Contact Mr. Mike Clinger
Address 51 Zents Blvd
City Brookville State PA Zip Code 15825
County Elk & Cameron Township(s) City of St. Mary's &
Shippen Township
Receiving Stream(s) and Classification(s) Warner Hollow/
Reed Hollow

ESCGP-1 #ESX10-019-0041
Applicant PHILLIPS EXPLORATION—Nicklas Pipeline
Contact Mr. Gary Clark
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Forward
Receiving Stream(s) and Classification(s) Connoqueness-
ing Creek & UNTs, Glade Run & UNTs, UNT of
Breakneck Creek (WWF)

ESCGP-1 #ESX10-10-053-0010
Applicant Catalyst Energy—Warrant 5211
Contact Mr. Douglas Jones
Address 800 Cranberry Woods Drive, Suite 290
City Cranberry Township State PA Zip Code 16066
County Forest Township(s) Hickory
Receiving Stream(s) and Classification(s) Beaver Run/
Wolf Run/Lick Run

ESCGP-1 #ESX10-019-0049
Applicant Phillips Exploration, Inc.—Estate of Frank
Palko, Et. Al. 2H
Contact Gary Clark
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Buffalo
Receiving Stream(s) and Classification(s) Little Bull
Creek—TSF, UNT of Little Bull Creek—TSF

ESCGP-1 #ESX10-083-0033
Applicant U.S. Energy Development Corp.—Warrant 4871
Contact Doug Walsh
Address 2350 North Forest Road
City Getzville State NY Zip Code 14068
County McKean Township(s) Corydon
Receiving Stream(s) and Classification(s) Yeager Brook,
Coon Run, Chandler Run—HQ

ESCGP-1 #ESX10-047-0013
Applicant Seneca Resources—Production Well Pad G
Contact Mike Clinger
Address 51 Zents Boulevard
City Brookville State PA Zip Code 15825
Counties Elk & McKean Township(s) Wetmore & Jones
Receiving Stream(s) and Classification(s)

[Pa.B. Doc. No. 10-2463. Filed for public inspection December 23, 2010, 9:00 a.m.]

Availability of Technical Guidance

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

bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Interim Final Technical Guidance

DEP ID: 270-0810-006. Title: Interim Guidance for Performing Single Stationary Source Determinations for the Oil and Gas Industries. Description: The purpose of this notice is to inform the general public and regulated industry of single source determinations issued by the United States Environmental Protection Agency (EPA) on a fact specific and case-by-case basis for major stationary source permitting actions. The compilation of single source determinations recently provided to the Department's Air Quality Permitting staff include recent single source determinations issued by EPA for the oil and gas industries on October 18, 2010. Currently, there are significant gas exploration and extraction activities occurring in this Commonwealth. As a result, there are permitting issues related to whether the air emissions from exploration, extraction or production activities should be aggregated to determine whether the emissions from these sources constitute a single "major stationary source" or "major facility" for purposes of New Source Review, Title V permitting programs and Prevention of Significant Deterioration. In addition to this summary, the Department intends to develop technical guidance for public review and comment. The Draft Technical Guidance Document is expected to be published during the Summer of 2011. Contact: Questions regarding the interim guidance and suggestions for the draft technical guidance document can be directed to Krishnan Ramamurthy, Chief of the Division of Permits, Bureau of Air Quality at kramamurth@state.pa.us or (717) 787-4325.

Effective Date: December 25, 2010.

Draft Technical Guidance—Substantive Revision

DEP ID: 012-0900-001. Title: Policy for Development and Publication of Technical Guidance. Description: The Department is updating its policy for the publication of nonregulatory guidance documents to reflect changes in procedures and technology since the last revision. Contact: Questions regarding the draft technical guidance document should be directed to Robert Altenburg at (717) 783-8727 or raltenburg@state.pa.us. Written Comments: Interested persons may submit written comments on this proposed technical guidance document by January 24, 2010. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be

accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Robert Altenburg, Department of Environmental Protection Policy Office, Rachel Carson State Office Building, 16th Floor, Harrisburg, PA 17105 or by e-mail to raltenburg@state.pa.us.

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

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2464. Filed for public inspection December 23, 2010, 9:00 a.m.]

Board and Committee Meeting Schedules for 2011

The following is a list of 2011 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: Public Participation, Participate). Prior to each meeting, the Department encourages individuals to visit the Department's web site to confirm the meeting date, time and location.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the individual listed for each board or committee or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Agricultural Advisory Board

The Agricultural Advisory Board will hold bimonthly meetings on the following dates. The meetings will begin at 10 a.m. in Susquehanna Room A, the Department's South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA, unless otherwise noted.

February 16, 2011

April 20, 2011

June 15, 2011

August 17, 2011 8 a.m. start
Department of Agriculture
Samuel E. Hayes, Jr.
Livestock Evaluation Center
1494 West Pine Grove Road
Pennsylvania Furnace, PA 16865

October 19, 2011

December 21, 2011

Contact: Frank Schneider, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5972, fschneider@state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Frank Schneider at (717) 772-5972 or fschneider@state.pa.us or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 17, 2011
 April 21, 2011
 June 23, 2011
 August 4, 2011
 October 20, 2011
 December 15, 2011

Contact: Arleen Shulman, Bureau of Air Quality, Division of Air Resources Management, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436, ashulman@state.pa.us.

Board of Coal Mine Safety

The 2011 meetings of the Board of Coal Mine Safety will begin at 10 a.m. in the Department's training room in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA. The meeting dates are as follows:

March 1, 2011
 June 7, 2011 (Marion Center, 21 Griffith Drive, Home, PA 15747)
 September 13, 2011
 December 13, 2011

Contact: Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or agaida@state.pa.us.

Certification Program Advisory Committee (for Water and Wastewater System Operators)

The 2011 meeting of the Certification Program Advisory Committee will be held January 11, 2011, at 10 a.m. in Conference Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Contact: Cheri Sansoni, Bureau of Water Standards and Facility Regulation, Certification and Licensing, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

Chesapeake Bay Advisory Committee

The Chesapeake Bay Advisory Committee will hold quarterly meetings on the dates as follows. Meetings will be held starting at 10 a.m. in the Susquehanna Room, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, unless otherwise noted.

March 4, 2011—Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA
 May 3, 2011
 July 7, 2011
 October 4, 2011

Contact: Dave Reed, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5649, davreed@state.pa.us.

Citizens Advisory Council

Meetings of the Citizens Advisory Council (CAC) meetings are held the third Tuesday of the month in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, except where noted. The meetings typically begin at 11 a.m. Prior to the meeting, it is recommended individuals check the meeting information

on the CAC's web site at <http://www.depweb.state.pa.us/cac/> under "Meeting Information" to confirm meeting date, time and location.

January 19, 2011
 February 15, 2011
 March 15, 2011
 April 19, 2011
 May 18, 2011
 June 21, 2011
 July 19, 2011
 September 20, 2011
 October 18, 2011
 November 15, 2011

Contact: Sue Wilson, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527, suswilson@state.pa.us.

Cleanup Standards Scientific Advisory Board

Meetings of the Cleanup Standards Scientific Advisory Board will be held in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9 a.m. The meeting dates and meeting rooms are as follows:

April 28, 2011—10th Floor Conference Room
 October 28, 2011—Room 105

Contact: Marilyn Wooding, P. O. Box 8471, Harrisburg, PA 17105-8471, 717-783-7816, mwooding@state.pa.us.

Climate Change Advisory Committee

Meetings are held in the Rachel Carson Office Building, 400 Market Street, Harrisburg, PA, in Room 105 from 10 a.m. to 3 p.m.

January 20, 2011
 March 17, 2011
 May 19, 2011
 July 21, 2011
 September 15, 2011
 November 17, 2011

As the need arises, additional meetings may be added. Meetings may be moved to the Delaware Room, 16th Floor, for informational WebEx meetings. This meeting schedule as well as all changes to the schedule and meeting materials will be posted to the Climate Change Advisory Committee web site, at the following URL: http://www.depweb.state.pa.us/portal/server.pt/community/climate_change_advisory_committee/10412.

Contact: Kim Hoover, Climate Change Program, Office of Energy and Technology Deployment, (717) 783-8411, khoover@state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kim Hoover at (717) 772-5161, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Coal and Clay Mine Subsidence Insurance Fund Board

The Coal and Clay Mine Subsidence Insurance Fund Board will hold meetings in 2011 as follows. The meetings will begin at 10 a.m. and will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, it is recommended that individuals visit the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate") to confirm meeting date, time and location.

December 14, 2011

Contact: Lawrence Ruane, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 783-9590, lruane@state.pa.us.

Coastal Zone Advisory Committee

Meetings of the Coastal Zone Advisory Committee will be held as indicated. The meetings will begin at 9:30 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, it is recommended that individuals visit the Department's web site at <http://www.depweb.state.pa.us> (DEP keywords: "Public Participation, Participate") to confirm meeting date, time and location.

January 12, 2011

June 8, 2011

Contact: Karen Price, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-4499, kprice@state.pa.us.

Environmental Justice Advisory Board

The Environmental Justice Advisory Board will hold its 2011 meetings as indicated. The meetings are expected to begin at 8:30 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 8, 2011

May 3, 2011

August 2, 2011

November 15, 2011

Contact: Tammey Adams, Office of Environmental Advocate, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1856, taadams@state.pa.us.

Environmental Quality Board

Meetings of the Environmental Quality Board will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 19, 2011 (note, Wednesday, due to Gubernatorial Inaugural)

February 15, 2011

March 15, 2011

April 19, 2011

May 18, 2011 (note, Wednesday due to Pennsylvania Primary Election)

June 21, 2011

July 19, 2011

August 16, 2011

September 20, 2011

October 18, 2011

November 15, 2011

December 20, 2011

Contact: Michele Tate, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 783-8727, mtate@state.pa.us.

Laboratory Accreditation Advisory Committee

The Laboratory Accreditation Advisory Committee will hold meetings in 2011 as indicated. The meetings will be held from 10 a.m. until 3 p.m. in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17110. Prior to the meeting, it is recommended individuals check the meeting information on the Depart-

ment's web site at <http://www.depweb.state.pa.us> (choose "Calendar of Events") to confirm meeting date, time and location.

April 14, 2011

July 21, 2011

October 20, 2011

Contact: Aaren Shaffer Alger, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-7200, aalger@state.pa.us.

Low-Level Waste Advisory Committee

The Low-Level Waste Advisory Committee will meet on October 6, 2011, from 10 a.m. to 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Contact: Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2147, rjanati@state.pa.us.

Mine Families First Response & Communications Advisory Council

The Mine Families First Response & Communications Advisory Council is scheduled to hold its annual meeting on April 28, 2011, at the Marion Center, 21 Griffith Drive, Home, PA 15747.

Contact: Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or agaida@state.pa.us.

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board will hold quarterly meetings in 2011 as indicated. Meetings will begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 6, 2011—16th Floor Delaware Room

April 28, 2011

July 14, 2011—TBA (this date is subject to change)

October 27, 2011

Contact: James Charowsky, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-7007, jcharowsky@state.pa.us.

Oil and Gas Technical Advisory Board

The Oil and Gas Management Technical Advisory Board will hold meetings in 2011 as indicated. The meetings will be held from 10 a.m. to 1 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted.

January 21, 2011

March 18, 2011

June 10, 2011

September 16, 2011

Contact: Carol Daniels, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2100, cardaniels@state.pa.us.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee will hold two meetings in 2011 as indicated. The meetings will be held from 9 a.m. to 3 p.m. in the 14th Floor Large Conference Room in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

April 7, 2011
October 13, 2011

Contact: Joseph Melnic, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720, jmelnic@state.pa.us.

Recycling Fund Advisory Committee

The Recycling Fund Advisory Committee will meet on the date listed. The meeting is expected to begin at 10 a.m. and will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

September 15, 2011

Contact: Patricia Stape, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, pstape@state.pa.us.

Sewage Advisory Committee

The Sewage Advisory Committee will meet on the dates listed. All meetings will begin at 10:30 a.m. and will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 9, 2011
June 8, 2011
September 14, 2011
November 9, 2011

Contact: John McHale, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2290, jomchale@state.pa.us.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee will hold quarterly meetings as indicated. The meetings will begin at 10 a.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to the meeting, it is recommended that individuals visit the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Small Business, Small Business Help"), to confirm meeting date, time and location.

January 26, 2011
April 27, 2011
July 27, 2011
October 26, 2011

Contact: Susan Foster, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-7019, sufoster@state.pa.us.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee will meet on the following dates. All meetings are expected to begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

January 13, 2011
May 12, 2011
September 15, 2011 (joint meeting with Recycling Fund Advisory Committee)

Contact: Patricia Stape, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, pstape@state.pa.us.

State Board for Certification of Sewage Enforcement Officers

The 2011 meetings of the State Board for Certification of Water and Wastewater Systems Operators will begin at 10 a.m. in the 10th Floor Conference Room, Rachel

Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8454. The meeting dates are as follows:

February 18, 2011
April 29, 2011
August 19, 2011
December 2, 2011

Questions concerning the meetings can be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

Statewide Water Resources Committee

The Statewide Water Resources Committee will meet on April 7, 2011, from 9:30 a.m. until approximately 2 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Contact: Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Storage Tank Advisory Committee

Meetings of the Storage Tank Advisory Committee will be held in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

March 8, 2011
June 7, 2011
September 13, 2011
December 6, 2011

Contact: Charles M. Swokel, Chief, Division of Storage Tanks, Bureau of Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5806, (800) 42-TANKS (within this Commonwealth), cswokel@state.pa.us.

Technical Advisory Committee on Diesel-Powered Equipment

The Technical Advisory Committee on Diesel-Powered Equipment announces its schedule of 2011 meetings. All meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA. The meeting dates are:

January 12, 2011
April 13, 2011
July 13, 2011
October 12, 2011

Contact: Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469 or agaida@state.pa.us.

Water Resources Advisory Committee

The Water Resources Advisory Committee meetings for 2011 will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 9, 2011
 April 13, 2011
 July 13, 2011
 October 12, 2011

Contact: Marcus Kohl, Office of Water Management,
 P. O. Box 2063, Harrisburg, PA 17105-8467, (717) 783-
 7404, mkohl@state.pa.us.

JOHN HANGER,
 Secretary

[Pa.B. Doc. No. 10-2465. Filed for public inspection December 23, 2010, 9:00 a.m.]

Draft NPDES Pesticides General Permit (PAG-15)

In the past, Pesticides discharges were administered by the United States Environmental Protection Agency (EPA) through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y). On November 27, 2006, the EPA issued a final rule clarifying that “the application of pesticides directly to water to control pests,” and “the application of pesticides to control pests that are present over, including near, water where a portion of the pesticides will unavoidably be deposited to the water to target the pests” provided that the application is consistent with relevant FIFRA requirements an National Pollution Discharge Elimination System (NPDES) permit was not required. On January 9, 2009, the Sixth Circuit court vacated the EPA’s rule under a plain language reading of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1387). *National Cotton Council of America v. EPA*, 553 F.3d 927 (6th Cir., 2009).

The Court held that the CWA includes “biological pesticides” and “chemical pesticides” with residuals within its definition of “pollutant.” Therefore, an application of chemical pesticides that leaves no residual is not a discharge of a pollutant, and the applicator need not obtain an NPDES permit. However, chemical pesticide residuals are pollutants as applied if they are discharged from a point source for which NPDES permits are required. Biological pesticides, on the other hand, are always considered a pollutant under the CWA regardless of whether the application results in residuals or not, and require an NPDES permit for all discharges from a point source.

In response to the Court’s decision, the EPA proposed a General Permit to cover certain discharges resulting from pesticide applications. Also, states that are authorized to issue NPDES permits will be required to develop their NPDES permits to cover these discharges.

This Pesticides General Permit is available to operators who discharge to waters of this Commonwealth from the application of biological pesticides or chemical pesticides that leave a residue for one of the following use patterns: mosquito and other flying insect pest control; aquatic weeds and algae control; aquatic nuisance animal control; or forest canopy pest control. A Notice of Intent (NOI) is required if an operator’s annual treatment area thresholds exceed 640 acres for mosquitoes and other flying insect pest control and forest canopy control and 100 acres for treatment in waters or 20 linear miles of treatment area at water’s edge for aquatic weed and algae control and aquatic nuisance animal control. The General Permit establishes effluent limitations in the form of continued implementation of technology based and water quality based effluent limitations along with

site specific control measures that minimize discharge of pesticides to water of this Commonwealth. The proposed NOI fee for coverage under this Pesticides General Permit is \$250.

This draft permit is being proposed to authorize point source discharges to waters of this Commonwealth from the application of pesticides for specific pesticide use patterns, as defined in the NOI Instructions, Draft Permit, and Fact Sheet of the permit. The Department of Environmental Protection (Department) is soliciting comment on this permit.

Written Comments: The Department is seeking comments on draft Pesticides General Permit Document Nos. 3800-PM-WSFR0345a-g. Interested persons may submit written comments on these draft Pesticides General Permit documents by January 24, 2011. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission.

Written comments should be submitted to Dharmendra Kumar, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Planning and Permit, Rachel Carson State Office Building—11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8774 or dkumar@state.pa.us.

Contact: Questions regarding the draft Pesticides General Permit document should be directed to Dharmendra Kumar at (717) 783-2288 or dkumar@state.pa.us.

JOHN HANGER,
 Secretary

[Pa.B. Doc. No. 10-2466. Filed for public inspection December 23, 2010, 9:00 a.m.]

Notice of Listing on the Pennsylvania Priority List of Hazardous Sites for Remedial Response; Hazardous Sites Cleanup Act

*Baghurst Alley Site, Upper Salford Township,
 Montgomery County*

1. Background

The Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of sites in this Commonwealth that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA (35 P.S. § 6020.502) requires that the Department of Environmental Protection (Department) publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants, which present a substantial threat to the public health, safety and environment. Under section 502(a) of HSCA, the Hazard Ranking System (HRS) (40 CFR Part 300, Appendix A), established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C.A. §§ 9601—9675), is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative

importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under HSCA.

The HRS was developed by the United States Environmental Protection Agency (EPA) as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological, or environmental damage. It is the principal mechanism for placing a site on the National Priorities List, the list of priority releases for long-term remedial evaluation and response under CERCLA. The HRS is calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater; surface water; air; and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

- (1) Factors that indicate the presence or likelihood of a release to the environment.
- (2) Factors that indicate the nature and quantity of the substances presenting the potential threat.
- (3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites that need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

3. Technical Evaluation Grants under HSCA

Under section 510 of HSCA (35 P. S. § 6020.510), the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the

proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department's regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

Pennsylvania Priority List of Hazardous Sites for Remedial Response

A. Effective Date

The following site is being placed on the PAPL effective upon publication of this announcement in the *Pennsylvania Bulletin*.

B. Contact Persons

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

C. Statutory Authority

The PAPL is published under the authority of section 502(a) of HSCA. Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and Chapters 5A and 7A or section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), nor shall it confer a right or duty upon the Department or any person.

D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the 30-day comment period for the site being added with this publication. Comments concerning the placement of the Baghurst Alley Site (Site) on the PAPL should be directed to Dustin Armstrong, Environmental Cleanup Program, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, darmstrong@state.pa.us. Comments received by facsimile will not be accepted. Public comments must be received by the Department by January 24, 2011.

The regional office Site file contains all information considered by the Department in placing the Baghurst Alley Site on the PAPL. Persons interested in reviewing the Site file should contact the Southeast Regional Office at (484) 250-5900. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

All written comments and the Department's responses will be placed into the Site file and will later be incorporated into the Administrative Record.

E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice, its HRS score, municipality, county and Department region. Table 2 lists the ten sites currently on the PAPL, including the site added by this notice. The HRS score, municipality, county and Department region for each site are contained in this table. The sites are listed in decreasing order of HRS score.

F. Site Listing Summary

Baghurst Alley Site

The Site is located in Upper Salford Township, Montgomery County in the vicinity of Hendricks and Old Church Roads and Baghurst Drive. The source area is within a 51.91-acre farm property, currently known as the Miller Farm, located at 1926 Hendricks Road.

Residential well contamination at the Site was first reported in 1999 by the Montgomery County Health Department (MCHD). Follow-up sampling in the areas of Baghurst Alley and Hendricks Road revealed additional contaminated wells. Contaminants detected by MCHD and the Department included 1,1,1-trichloroethane (1,1,1-TCA), trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), 1,1-dichloroethane (1,1-DCA), 1,2-dichloroethene (1,2-DCE) and vinyl chloride. At least one of these compounds was detected at levels exceeding the Federal Maximum Contaminant Level (MCL) in several homes.

A Response Justification Document was issued on November 23, 1999, for further investigation and response action. The Department installed point-of-entry treatment (POET) systems on 16 private wells and 1 common well that serves 11 additional homes. The Department maintains these POET systems as an Interim Response Action. In 2004 the Department initiated bottled water delivery to affected residents after the discovery of 1,4-dioxane in residential water supplies. 1,4-dioxane is not effectively removed by the POET systems installed by the Department. Concentrations of 1,4-dioxane in treated residential water supplies have exceeded 350 ug/l. No Federal MCL has been established for 1,4-dioxane, but the Commonwealth residential groundwater Statewide Health Standard established under the Land Recycling and Environmental Remediation Standards Act is 5.6 ug/l.

Further site characterization revealed concentrations of volatile organic compounds in groundwater that exceed the Statewide Health Standards and MCLs, or both.

1,1,1-TCA, TCE and 1,1-DCE were detected at concentrations as high as 190,000, 45 and 6,100 ug/l, respectively. MCLs for these compounds are 200, 5 and 7 ug/l, respectively. The Department has also investigated soils and groundwater within the source area and groundwater in areas downgradient from the source to determine the extent and migration of contamination at the site.

The results of the site investigation were used to calculate a HRS score for the Site. The overall HRS score for the Site is 50. The Department does not have a cut-off score for listing sites on the PAPL. For comparison purposes only, the EPA requires an HRS score of 28.50 or more for a site to be listed on the Federal National Priorities List.

The Department has surveyed potential locations for water supply wells to serve homes affected by contamination. Investigations at four locations have highlighted potential difficulties with aquifer yield and the presence of naturally occurring arsenic. During the course of the investigation, the Department has continued to maintain the POET systems and to provide bottled water to residences affected by 1,4-dioxane contamination.

With the exception of the Miller Farm property owner, the Department has not identified any other potentially responsible parties. Releases of hazardous substances and contaminants from the Site continue to pose a substantial danger to the public health or safety and the environment. Additional remedial actions are required to permanently address contamination of domestic water supplies and continued offsite migration of contaminants in groundwater. For the Department to carry out a remedial response, the Site must be listed on the PAPL.

G. Additional Information

The Department of Environmental Protection, Southeast Regional Office, Stephan Sinding, Environmental Cleanup Program Manager; Ragesh Patel, Chief, Hazardous Sites Cleanup Program; Dustin Armstrong, Project Manger, 2 East Main Street, Norristown, PA 19401.

Table 1
Sites Being Added by this Notice

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Baghurst Alley	50	Upper Salford Township	Montgomery	Southeast

Table 2
Pennsylvania Priority List for Remedial Response

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
Baghurst Alley	50	Upper Salford Township	Montgomery	Southeast
Intercourse TCE	50	Leacock Township	Lancaster	Southcentral
Tomstown TCE	50	Quincy Township	Franklin	Southcentral
Bishop Tube	40.79	East Whiteland Township	Chester	Southeast
Chem Fab HSCA Site	39	Doylestown Borough and Township	Bucks	Southeast
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Bear Creek Area Chemical	28.46	Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Butler, Armstrong	Northwest
Schiller	24.65	Richmond Township	Crawford	Northwest
Mun. and Ind. Disp.	19.58	Elizabeth Township	Allegheny	Southwest

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-2467. Filed for public inspection December 23, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Infant Hearing Screening Advisory Committee Meetings

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold the following public meetings in 2011:

(1) Thursday, March 3, 2011, from 9:30 a.m. to 3 p.m. in the Lancaster/Lebanon Rooms at the Harrisburg PaTTAN Office, 6340 Flank Drive, Harrisburg, PA 17112.

(2) Thursday, June 2, 2011, from 10 a.m. to 3 p.m. at Dixon University Center, Conference Rooms A/B, Administration Building, 2986 North 2nd Street, Harrisburg, PA 17110.

(3) Thursday, September 8, 2011, from 10 a.m. to 3 p.m. at Dixon University Center, Conference Rooms A/B, Administration Building, 2986 North 2nd Street, Harrisburg, PA 17110.

(4) Thursday, December 8, 2011, from 10 a.m. to 3 p.m. at Dixon University Center, Conference Rooms A/B, Administration Building, 2986 North 2nd Street, Harrisburg, PA 17110.

Driving directions to the Dixon University Center can be found on the Dixon University web site: www.dixonuniversitycenter.org.

For additional information, or persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2468. Filed for public inspection December 23, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Liquefied Petroleum Gas Facility; Notice of Application

The Department of Labor and Industry (Department) publishes this notice of application under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P. S. § 1329.10). The Department received an application for plan approval and permit from the following liquefied petroleum gas (LPG) facility: Dominion Transmission, Inc., 1875 Grange Road, Fallowfield Township, PA 15022.

The application is for the installation of a new truck shipping terminal which will receive LPG by pipeline from the existing Dominion pipeline and will include six 90,000-gallon mounded storage tanks used to store 459,000 net gallons of LPG.

The due date for protests or comments concerning this application is 45 days after the date of publication of this notice. A party that fails to file a timely protest will be barred from any participation in the application process. However, a municipality or county may submit written comments on the application within 45 days after the date of publication of this notice. If a municipality or county fails to file a protest or comments on a timely basis, the municipality or county will be deemed to have waived its status as a party in any subsequent administrative processing or appeal.

Written protests or written comments may be sent to Edward L. Leister, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-2469. Filed for public inspection December 23, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; 2010 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and prior authorization requirements. These changes are effective for dates of service on and after January 3, 2011.

Fee Schedule Revisions

The Department is adding and end-dating procedure codes as a result of implementing the 2010 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also end-dating other procedure codes, and procedure code and modifier combinations, including some codes previously end-dated by CMS. Additionally, the Department is adding procedure codes, and procedure code and modifier combinations, to the MA Program Fee Schedule as a result of significant program exception requests. Finally, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Fees for the new procedure codes will be published in a Medical Assistance Bulletin that will be issued to all providers.

The following procedure codes are being added to the MA Program Fee Schedule as a result of the 2010 HCPCS updates:

<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>
14301	14301 (80)	14301 (SG)	14302	14302 (80)
21011	21012	21012 (SG)	21013	21013 (80)
21013 (SG)	21014	21014 (80)	21014 (SG)	21016
21016 (80)	21016 (SG)	21552	21552 (SG)	21554
21554 (SG)	21558	21558 (80)	21558 (SG)	21931
21931 (SG)	21932	21932 (SG)	21933	21933 (SG)
21936	21936 (SG)	22901	22901 (80)	22901 (SG)
22902	22902 (SG)	22903	22903 (SG)	22904
22904 (80)	22904 (SG)	22905	22905 (80)	22905 (SG)
23071	23071 (SG)	23073	23073 (SG)	23078
23078 (80)	23078 (SG)	24071	24071 (SG)	24073
24073 (SG)	24079	24079 (SG)	25071	25071 (SG)
25073	25073 (SG)	25078	25078 (80)	25078 (SG)
26111	26111 (SG)	26113	26113 (SG)	26118
26118 (SG)	27043	27043 (SG)	27045	27045 (80)
27045 (SG)	27059	27059 (80)	27059 (SG)	27337
27337 (SG)	27339	27339 (SG)	27364	27364 (80)
27364 (SG)	27616	27616 (80)	27616 (SG)	27632
27632 (SG)	27634	27634 (SG)	28039	28041
28041 (SG)	28047	28047 (SG)	29581	31626
31626 (SG)	32552	32552 (SG)	32553	32553 (SG)
32561	32562	33782	33782 (80)	33783
33783 (80)	33981	33981 (80)	33982	33982 (80)
33983	33983 (80)	36147	36147 (SG)	36148
37761	37761 (SG)	43281	43281 (80)	43282
43282 (80)	43775	43775 (80)	45171	45171 (80)
45171 (SG)	45172	45172 (80)	45172 (SG)	46707
46707 (SG)	49411	49411 (SG)	51727	51727 (TC)
51727 (26)	51728	51728 (TC)	51728 (26)	51729
51729 (TC)	51729 (26)	57426	57426 (80)	57426 (SG)
63661	63661 (80)	63661 (SG)	63662	63662 (80)
63662 (SG)	63663	63663 (80)	63663 (SG)	63664

<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>
63664 (80)	63664 (SG)	64490	64490 (SG)	64491
64492	64493	64493 (SG)	64494	64495
75571	75571 (TC)	75571 (26)	75572	75572 (TC)
75572 (26)	75573	75573 (TC)	75573 (26)	75574
75574 (TC)	75574 (26)	75791	75791 (TC)	75791 (26)
78451	78451 (TC)	78451 (26)	78452	78452 (TC)
78452 (26)	78453	78453 (TC)	78453 (26)	78454
78454 (TC)	78454 (26)	83987	84145	84431
86305	86352	86780	86780 (FP)	86825
86826	87150	87153	87493	88387
88387 (TC)	88387 (26)	88388	88388 (TC)	88388 (26)
92540	92540 (TC)	92540 (26)	92550	92570
93750	95905	95905 (TC)	95905 (26)	A4264
A4456	E0433 (RR)	G0430	G0431	K0739
L8031	L8032	L8627	L8628	L8629

The following procedure codes are being added to the MA Program Fee Schedule as a result of significant program exception requests:

<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>	<i>Procedure Codes and Modifiers</i>
20690	20690 (SG)	36475	36475 (SG)	36476
36478	36478 (SG)	36479	37722	37722 (SG)
49061	49061 (SG)	61533	61533 (80)	92526
93290	93290 (TC)	93290 (26)	93291	93291 (TC)
93291 (26)	93297	93298	93299	99464
G0328				

The following procedure codes are being end-dated from the MA Program Fee Schedule either as a result of the 2010 HCPCS updates or because they were previously end-dated by CMS:

<i>Procedure Codes</i>					
01632	14300	23221	23222	24151	24153
26255	26261	27079	29220	36145	36834
45170	46210	46211	46937	46938	51795
63660	64470	64472	64475	64476	75790
78460	78461	78464	78465	78478	78480
82307	86781	90185	90379	92569	A4365
A6200	A6201	A6202	A6543	E1340	E2223
E2393	G0392	G0393	K0157	L0210	L0332
L1800	L1815	L1825	L1901	L2770	L3651
L3652	L3700	L3701	L3909	L3911	L6639

The Department is end-dating the following procedure code from the MA Program Fee Schedule because it is a service related to infertility treatment. Section 443.6(f) of the Public Welfare Code (code) (62 P. S. § 443.6), regarding reimbursement for certain medical assistance items and services), prohibits the Department from paying a provider for any medical services, procedures or drugs related to infertility therapy:

<i>Procedure Code</i>	<i>Procedure Description</i>
58760	Fimbrioplasty

The Department is end-dating the rental modifier for the following procedure code based on the United States Food and Drug Administration recommendation that a breast pump should only be used by one woman. The Department is opening the purchase modifier (NU) for the following procedure code:

<i>Procedure Code</i>	<i>Procedure Description</i>
E0603	Breast pump, electric (AC and/or DC), any type

Fee Adjustment

The Department is increasing the MA Program fee for the following procedure code when billed with modifier SG:

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>MA Fee Effective January 3, 2011</i>
66982 (SG)	Extracapsular cataract removal with insertion of intraocular lens prosthesis (1-stage procedure), manual or mechanical technique (for example, irrigation and aspiration or phacoemulsification), complex, requiring devices or techniques not generally used in routine cataract surgery (for example, iris expansion device, suture support for intraocular lens, or primary posterior capsulorrhexis) or performed on patients in the amblyogenic developmental stage.	\$776.00	\$1,654.00

Prior Authorization Requirements

The following procedure codes that are being added to the MA Program Fee Schedule are prostheses and orthoses that require prior authorization under section 443.6(b)(1) of the code, as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42):

<i>Procedure Code</i>	<i>Procedure Description</i>
L8031	Breast prosthesis, silicone or equal, with integral adhesive
L8032	Nipple prosthesis, reusable, any type, each
L8627	Cochlear implant, external speech processor, component, replacement
L8628	Cochlear implant, external controller component, replacement
L8629	Transmitting coil and cable, integrated, for use with cochlear implant device, replacement

The following procedure code being added to the MA Program Fee Schedule is durable medical equipment (DME) and will require prior authorization, as authorized under section 443.6(b)(2) of the code, as amended by Act 42:

<i>Procedure Code</i>	<i>Procedure Description</i>
E0603 (NU)	Breast pump, electric (AC and/or DC), any type

The following procedure codes being added to the MA Program Fee Schedule will require prior authorization, as authorized under section 443.6(b)(7) of the code, as amended by Act 42:

<i>Procedure Code</i>	<i>Procedure Description</i>
75571	Computed tomography, heart, without contrast material, with quantitative evaluation of coronary calcium
75572	Computed tomography, heart, with contrast material, for evaluation of cardiac structure and morphology (including 3D image postprocessing, assessment of cardiac function, and evaluation of venous structures, if performed)
75573	Computed tomography, heart, with contrast material, for evaluation of cardiac structure and morphology in the setting of congenital heart disease (including 3D image postprocessing, assessment of LV cardiac function, RV structure and function and evaluation of venous structures, if performed)
75574	Computed tomographic angiography, heart, coronary arteries and bypass grafts (when present), with contrast material, including 3D image post processing (including evaluation of cardiac structure and morphology, assessment of cardiac function, and evaluation of venous structures, if performed)
78451	Myocardial perfusion imaging, tomographic (SPECT) (including attenuation correction, qualitative or quantitative wall motion, ejection fraction by first pass or gated technique, additional quantification, when performed); single study, at rest or stress (exercise or pharmacologic)
78452	Myocardial perfusion imaging, tomographic (SPECT) (including attenuation correction, qualitative or quantitative wall motion, ejection fraction by first pass or gated technique, additional quantification, when performed); multiple studies, at rest or stress (exercise or pharmacologic) and/or rest reinjection

<i>Procedure Code</i>	<i>Procedure Description</i>
78453	Myocardial perfusion imaging, planar (including qualitative or quantitative wall motion, ejection fraction by first pass or gated technique, additional quantification, when performed); single study at rest or stress (exercise or pharmacologic)
78454	Myocardial perfusion imaging, planar (including qualitative or quantitative wall motion, ejection fraction by first pass or gated technique, additional quantification, when performed); multiple studies, at rest and/or stress (exercise or pharmacologic) and/or redistribution and/or rest reinjection
A4264	Permanent implantable contraceptive intratubal occlusion device(s) and delivery system

Fiscal Impact

The estimated cost for Fiscal Year (FY) 2010-2011 is \$1.512 million (\$0.563 million in State funds). The annualized cost for FY 2011-2012 is \$3.628 million (\$1.680 million in State funds). These State fund estimates are based on the increased Federal Medical Assistance Percentages as determined under the American Recovery and Reinvestment Act of 2009.

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 Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL P. NARDONE,
Acting Secretary

Fiscal Note: 14-NOT-675. (1) General Fund; (2) Implementing Year 2010-11 is \$563,000; (3) 1st Succeeding Year 2011-12 is \$1,680,000; 2nd Succeeding Year 2012-13 is \$1,685,000; 3rd Succeeding Year 2013-14 is \$1,685,000; 4th Succeeding Year 2014-15 is \$1,685,000; 5th Succeeding Year 2015-16 is \$1,685,000; (4) 2009-10 Program—\$435,939,000; 2008-09 Program—\$555,085,000; 2007-08 Program—\$593,922,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 10-2470. Filed for public inspection December 23, 2010, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities; Change in Methods and Standards of Setting Payment Rates

This announcement provides notice that the Department of Public Welfare (Department) is considering amending its regulations and the Commonwealth's Title XIX State Plan to change its methods and standards for payment of Medical Assistance (MA) nursing facility services provided by Special Rehabilitation Nursing Facilities (SRF) beginning January 1, 2011.

Background

Currently, the MA Program pays for nursing facility services provided to MA eligible recipients in SRFs at per diem rates that are computed using the case-mix payment system set forth in the Department's regulations at 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting). The case-mix rates for SRFs are calculated using the same methodology as all other nonpublic nursing facilities except that, for the purposes of establishing peer group medians and prices, SRFs are classified in a Statewide peer group without regard to their size or geographic location.¹ For a nursing facility to be classified in the SRF peer group, more than 70% of the nursing facility's residents must have a neurological/neuromuscular diagnosis and severe functional limitations.²

When the case-mix system was implemented on January 1, 1996, three nursing facilities were approved as SRFs. The residents of these SRFs were, and continue to

be, fairly homogeneous in their diagnosis and care needs—they are individuals with severe chronic impairments, often present since birth, who require ongoing rehabilitation to live as independently as possible.

Over the years, five additional SRFs were approved by the Department. The majority of these additional SRFs tend to specialize in the care of ventilator dependent residents. Given the differences in the types of services that may be provided in the SRFs, the Department is considering replacing the existing SRF definition and peer group with a new definition of "Exceptional Nursing Facility (ENF)" and different categories of ENFs to recognize the unique specialty areas of care provided by these nursing facilities. In addition, the Department is considering adopting a payment methodology to provide different ENF prices for each of the ENF categories.

Proposed Changes

1. Definitions of "ENF" and "Exceptional Residents"

The Department is considering defining an "ENF" as a nursing facility that: (1) serves a disproportionate number of residents who are not commonly congregated in any one general nursing facility and who require specialized staffing and extraordinary staffing levels or staff training to attain and maintain their highest functional level; (2) requests recognition from the Department for and is approved by the Department as meeting ENF status; and (3) qualifies under one of the ENF payment categories designated by the Department as of March 31 of each rate year.

The Department is considering defining an "exceptional resident" as an MA resident of an ENF who has one or

¹ Hospital-based nursing facilities are also classified in a state-wide peer group. See 55 Pa. Code § 1187.94 (relating to peer grouping for price setting).

² See 55 Pa. Code § 1187.2 (relating to definitions).

more qualifying service needs or diagnoses of an ENF Category designated by the Department. Beginning January 1, 2011, exceptional residents will be those residents of ENFs that have one or more qualifying service needs or diagnoses as identified in ENF Categories A and B as follows.

2. ENF Categories

Beginning January 1, 2011, the Department is proposing two categories of ENFs:

ENF Category A—Nursing facilities having 70% or more of their total resident population meeting one or more of the following qualifiers based on the February 1 Picture Date Minimum Data Set (MDS) records or the latest comprehensive MDS record when the qualifier is not available on the latest MDS record.

- Comatose.
- Paraplegia.
- Quadriplegia.
- Traumatic Brain Injury.
- Ventilator/Respirator.
- Tracheotomy care with suctioning.

AND a score of 3 (Extensive Assistance) or more in any two of the following activities of daily living or continence items:

- Bed Mobility Self-Performance.
- Transfer Self-Performance.
- Eating Self-Performance.
- Toilet Use Self-Performance.
- Bowel Continence (at least frequently incontinent).
- Bladder Continence (at least frequently incontinent).

ENF Category B—Nursing facilities having 70% or more of their total resident population meeting one or more of the following qualifiers, based on the February 1 Picture Date MDS records or the latest comprehensive MDS record when the qualifier is not available on the latest MDS record.

- Comatose.
- Cerebral palsy.
- Multiple sclerosis.
- Paraplegia.
- Quadriplegia.
- Traumatic Brain Injury.
- ICD-9 Diseases and Codes:³
- Batten's Disease 330.1
- Cerebral Degeneration 331.7
- Huntington's Chorea 333.4
- Genetic torsion dystonia 333.6
- Friedreich's Ataxia 334.0
- Cerebellar Ataxia 334.3
- Amyotrophic Sclerosis 335.2
- Primary Lateral Sclerosis 335.24
- Anoxic Brain Damage 348.1

³ The *International Classification of Diseases, Ninth Revision (ICD-9)*, published by the World Health Organization, provides codes to classify diseases. Under this system, every health condition can be assigned to a unique category and given a code, up to six characters long. These codes are in the public domain.

- Encephalopathy NOS 348.30
- Metabolic Encephalopathy 348.31
- Toxic Encephalopathy 349.82
- Charcot Marie-Tooth Disease 356.1
- Congenital Hereditary Muscular Dystrophy 359.0
- Hereditary Progressive Muscular Dystrophy 359.1
- Late Effect Cerebral Aneurysm 438.20
- Myositis Ossificans Progressive 728.11
- Curvature of spine associated with other conditions 737.43 Scoliosis
- Spina Bifida with Hydrocephalus—Unspecified Region or Cervical Region or Dorsal Region or Lumbar Region Spina Bifida without Hydrocephalus—Unspecified Region or Cervical Region or Dorsal Region or Lumbar Region 741.00, 741.01, 741.02, 741.03, 741.90, 741.91, 741.92, 741.93
- Spina Bifida Occulta 756.17
- Spinal Cord Injury at Birth 767.4
- Spinal Cord Injury NOS 952.9

AND a score of 3 (Extensive Assistance) or more in any two of the following activities of daily living or incontinence items:

- Bed Mobility Self-Performance.
- Transfer Self-Performance.
- Eating Self-Performance.
- Toilet Use Self-Performance.
- Bowel Continence (at least frequently incontinent).
- Bladder Continence (at least frequently incontinent).

For rate years after Fiscal Year (FY) 2011-2012, the Department is proposing to annually designate the ENF categories, qualifying resident criteria and ENF qualification percentage threshold by notice in the *Pennsylvania Bulletin*. This annual notification will enable the Department to expand or modify the resident qualifiers for existing ENF categories and to add new categories of ENFs if the Department identifies a need for additional categories to help assure access and promote specialization.

3. Annual evaluation and redetermination of ENF status

The Department is considering requiring nursing facilities, not previously approved by the Department for recognition as an ENF, to apply each year by March 31 to be designated an ENF for the following July through June rate year. The Department will evaluate each nursing facility's ENF request to determine whether it qualifies as an ENF in one of the ENF categories designated for the rate year. The Department will use MDS records submitted by the facility for the February 1 Picture Date to make this evaluation. If upon review of the February 1 Picture Date data, the Department determines that a facility meets the ENF qualifications, the Department will approve the facility's request for ENF designation for the following July through June rate year.

For rate quarters January 1, 2011, through June 30, 2011, the Department does not intend to require existing SRFs to request ENF status, but will require existing SRFs to meet the ENF qualifying criteria for payment.

4. *Payment rates for ENF facilities*

The Department is considering establishing a blended net operating payment rate for all categories of ENFs, with the ENF price varying between categories.

The first portion of the blended rate will be the case-mix net operating (CMNO) rate. The CMNO rate will be calculated by placing the ENF in Peer Group 1 through 12 as set forth in 55 Pa. Code § 1187.94 based on the ENF's geographical location and bed size⁴ and calculating the Facility MA CMI⁵ using MDS data only for the ENF's nonexceptional MA residents. The CMNO rate will be adjusted quarterly based on the Facility MA CMI of the nonexceptional MA residents for the picture date. The results of this net operating calculation will be multiplied by the percentage of nonexceptional MA residents to total MA residents for the picture date (Nonexceptional MA%).

The second portion of the blended rate will be the predetermined ENF Price for the ENF Category. For the period January 1, 2011, through June 30, 2011, the ENF Price for Category A will be \$540.81 and the ENF Price for Category B will be \$430.17. The ENF Price will be multiplied by the percentage of ENF MA residents to the facility's total MA residents.

The ENF's quarterly rate will be the total of both portions of the blended net operating rate plus the facility's capital rate calculated in accordance with § 1187.96 (relating to price- and rate-setting computations). Each facility's blended net operating rate plus the capital rate will be multiplied by the Budget Adjustment Factor (BAF) for each year that the BAF is applied under 55 Pa. Code § 1187.96 or to any statutory requirements.

5. *Phase In 3-year, Stop-Gain Provision*

As with any major change in rate setting methodology, large variances in reimbursement rates may occur upon initial full implementation. To mitigate these circumstances, the Department is proposing a 3-year Stop-Gain provision to the ENF blended rate beginning January 1, 2011, and ending June 30, 2013. The stop-gain provision will be applicable only for those facilities that meet the ENF qualifications on January 1, 2011. For the initial phase in period of January 1, 2011, through June 30, 2011, for Category A facilities, the ENFs quarterly rate can be no more than the nursing facility's comparison rate (July 1, 2009, 5.01⁶ rate with the BAF calculated as if all nonpublic nursing facilities had 5.01 rates) plus \$14.50 (Stop-Gain amount). For Category B facilities, the ENFs quarterly rate can be no more than the nursing facility's comparison rate (July 1, 2009, 5.12⁷ rate with the BAF calculated as if all nonpublic nursing facilities had 5.12 rates) plus \$14.50 (Stop-Gain amount).

6. *Annual updates to rate components and phase in components*

For the second and third year of implementation, the facility-specific comparison rate will be inflated by the Centers for Medicare and Medicaid Services (CMS) Nursing Home without Capital Market Basket Index from the end point of the prior rate year to the midpoint of the rate year.

⁴ Although ENFs will be classified into Peer Groups 1 through 12 for purposes of determining their CMNO rates, their audited allowable costs will not be used to determine the medians or prices for these Peer Groups.

⁵ For each Picture Date, only the Case Mix Indices (CMIs) associated with those MA residents that do not qualify as an exceptional resident will be used in the determination of the Facility MA CMI as set forth in 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

⁶ MDS RUG-III v. 5.01 referenced in the proposed regulations published at 40 Pa.B. 6525 (November 13, 2010).

⁷ MDS RUG-III v. 5.12 referenced in the proposed regulations published at 40 Pa.B. 6525.

During the second and third years of phase in, the Stop-Gain amount will be inflated by the CMS Nursing Home without Capital Market Basket Index from the end point of the prior rate year to the mid point of the current rate year.

Starting the second rate year after implementation, and each year thereafter, the ENF price will be inflated by the CMS Nursing Home without Capital Market Basket Index from the end point of the prior rate year to the mid-point of the current rate year.

Fiscal Impact

There is no fiscal impact for FY 2010-2011. The fiscal impact will remain budget neutral as long as the BAF is reauthorized. The fiscal impact after 2010-2011 makes the assumption that the BAF is not reauthorized beyond June 30, 2011. The estimated fiscal impact for FY 2011-2012 is \$0.637 million.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Public Welfare, Office of Long-Term Living, Attention: Yvette Sanchez-Roberts, Department of Public Welfare/Department of Aging, Office of Long-Term Living, Policy and Strategic Planning, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL P. NARDONE,
Acting Secretary

Fiscal Note: 14-NOT-676. (1) General Fund; (2) Implementing Year 2010-11 is \$0; (3) 1st Succeeding Year 2011-12 is \$637,000; 2nd Succeeding Year 2012-13 is \$624,000; 3rd Succeeding Year 2013-14 is \$4,655,000; 4th Succeeding Year 2014-15 is \$4,709,000; 5th Succeeding Year 2015-16 is \$4,768,000; The fiscal impact for 2011-12 and beyond assumes that the budget adjustment factor provided for in section 443.1 of the Public Welfare Code, which expires June 30, 2011, is not reauthorized beyond that date; (4) 2009-10 Program—\$540,266,000; 2008-09 Program—\$672,597,000; 2007-08 Program—\$692,585,000; (7) MA—Long-Term Care; (8) recommends adoption. The 2010-11 enacted budget assumes no fiscal impact as a result of this notice.

[Pa.B. Doc. No. 10-2471. Filed for public inspection December 23, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under sections 806 and 806.1 of The Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year beginning January 1, 2011, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361),

which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 1% per annum. These rates will remain constant until December 31, 2011. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2011.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-2472. Filed for public inspection December 23, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed-timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(2) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut, P. O. Box 947, Chanute, KS 66720.

(8) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(9) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(11) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(12) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(13) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(14) Stalker Dual DSR, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(15) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(16) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Bureau.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

YIS, Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Maruti Auto Service Inc, 4030 New Falls Road, Bristol, Bucks County, PA 19007 (Appointed November 4, 2008 Station S11).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Cannonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 315 Allegheny Street, Holidaysburg, Blair County, PA 16648 (Appointed: 09/02/77, Station W14).

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205 (Appointed 12/22/07, Station W70).

Department of General Services, Bureau of Procurement, 2221 Forster Street, Harrisburg, Dauphin County, PA 17125 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Mountz Jewelers, 1160 Walnut Bottom Road, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656 (Appointed 6/16/04 Station W10).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing

Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or (717) 783-7016.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-2473. Filed for public inspection December 23, 2010, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Amendment to 58 Pa. Code § 51.92

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 51.92 (relating to royalty rates) to impose new royalty rates for sand and gravel extracted from Commonwealth waters, effective January 1, 2011. Specifically, persons holding permits that grant them nonexclusive rights and privileges to dredge, excavate, remove and carry away merchantable sand and gravel under agreements with the Department of Environmental Protection (Department) shall pay royalties in accordance with the following schedule:

(1) During the period of January 1, through December 31, 2011, the greater of \$1,000 or \$0.48 per dry ton.

(2) During the period of January 1, 2012, through December 31, 2015, the greater of \$1,000 or 6.75% of the immediately preceding year's published price, average value, dollars per metric ton (converted to United States ton) for the commodity sand and gravel in the U.S.

Geological Survey, Mineral Commodity Summary per dry ton, provided that the rate per dry ton is not less than \$0.48.

(3) During the period of January 1, 2016, through December 31, 2020, the greater of \$1,000 or 7.0% of the immediately preceding year's published price, average value, dollars per metric ton (converted to United States ton) for the commodity sand and gravel in the *U.S. Geological Survey, Mineral Commodity Summary* per dry ton, provided that the rate per dry ton is not less than \$0.48.

There are five companies that currently dredge material from the navigable waters of this Commonwealth and pay royalties to the Commission. Royalties from sand and gravel extracted from Commonwealth waters are paid to the Fish Fund, which is administered under 30 Pa.C.S. Chapter 5 (relating to fiscal affairs).

Under section 503(c) of the Conservation and Natural Resources Act (71 P.S. § 1340.503(c)), the Commission, with the Department's concurrence, is authorized to adjust the amount of royalty payments per ton or cubic yard of usable or merchantable, or both, sand or gravel, or both, extracted from Commonwealth waters. The current royalty rate schedule, which was adopted in 1997 and is set forth in 58 Pa. Code § 51.92, will expire on December 31, 2010. At its meeting on July 13, 2010, the Commission approved the publication of proposed rulemaking containing the proposed amendments to 58 Pa. Code § 51.92. The proposed rulemaking was published at 40 Pa.B. 6151 (October 23, 2010), and the Commission will consider final adoption of the proposed amendments at its January 2011 meeting. The Department concurs with the Commission's proposed royalty rates as published in the *Pennsylvania Bulletin*, and upon the Commission's adoption of the proposed rates, the Department will concur with the final rates.

The Commission will notify the parties that are affected by this temporary modification to fishing regulations, and the modified regulation will be fully effective and enforceable. The Executive Director has found that this action is necessary and appropriate for the management of fish and fish habitat. The temporary modification will go into effect on January 1, 2011, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 51.92.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 10-2474. Filed for public inspection December 23, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Allstate Fire and Casualty Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On December 10, 2010, the Insurance Department (Department) received from Allstate Fire and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 2.0% increase amounting to \$6.697 million annually, to be effective February 14, 2011, for new business and March 17, 2011, for renewals.

Unless formal administrative action is taken prior to February 8, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2475. Filed for public inspection December 23, 2010, 9:00 a.m.]

IMS Overseas, LLC; Hearing

Appeal of IMS Overseas, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2009-0101(S); Doc. No. UT10-12-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on February 15, 2011, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before January 31, 2011. Answers to petitions to intervene, if any, shall be filed on or before February 14, 2011.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2476. Filed for public inspection December 23, 2010, 9:00 a.m.]

Morry Hoffman Agency, Inc.; Prehearing

Morry Hoffman Agency, Inc.; Order to Show Cause; Doc. No. SC10-11-012

A prehearing telephone conference initiated by this office is scheduled for December 21, 2010, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 17, 2010. A hearing shall occur on January 27, 2011, at 10 a.m. in the Administrative

Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 10, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Prehearing statements are due January 19, 2011. Answers to petitions to intervene, if any, shall be filed on or before January 20, 2011.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2477. Filed for public inspection December 23, 2010, 9:00 a.m.]

Progressive Specialty Insurance Company and Progressive Preferred Insurance Company; Private Passenger Automobile; Usage Based Insurance Program; Rate and Rule Filing

On December 8, 2010, the Insurance Department (Department) received from Progressive Specialty Insurance Company and Progressive Preferred Insurance Company a private passenger automobile rate and rule filing to introduce their Usage Based Insurance Program.

At the insured's request, the companies will provide a device that plugs into the on-board diagnostic port found on all vehicles sold in the United States since model year 1996. The device records vehicle information including, but not limited to, the date and time of installation and disconnection, and the time of day and speed at which the vehicle is operated. A usage factor is derived from the vehicle information data recorded by the device and applied to the policy's premium. Usage factors will result in discounts ranging from 0% to 30%. Effective dates of April 1, 2011, for new business and May 4, 2011, for renewal business are requested. This voluntary program has been approved for use by Progressive Advanced Insurance Company.

Unless formal administrative action is taken prior to February 6, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2478. Filed for public inspection December 23, 2010, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Spring Garden Hearing Room #4031, 801 Market Street, Philadelphia, PA 19107.

Appeal of Kathleen and Iraj Ardekani; file no. 10-214-95017; Geico General Insurance Company; Doc. No. PH10-12-006; January 20, 2011, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2479. Filed for public inspection December 23, 2010, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Juanita Cochran-Boone; file no. 10-216-92282; State Farm Fire and Casualty Insurance Company; Doc. No. PH10-09-009; January 20, 2011, 2 p.m.

Appeal of Lynn Costello; file no. 10-216-95384; Nationwide Mutual Fire Insurance Company; Doc. No. PH10-12-012; January 20, 2011, 11 a.m.

Appeal of Walter Groch; file no. 10-216-94121; State Farm Fire and Casualty Insurance Company; Doc. No. PH10-11-008; January 20, 2011, 1 p.m.

Appeal of Elizabeth and Kevin Souder; file no. 10-214-94217; Erie Insurance Exchange; Doc. No. PH10-11-009; January 20, 2011, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2480. Filed for public inspection December 23, 2010, 9:00 a.m.]

Union Security Insurance Company Requested Rate Increase Filing for Several Long-Term Care Policies

Union Security Insurance Company (formerly Fortis Benefits Insurance Company) is requesting an average increase of 45.3% on the following forms: 6034-PA, 6035-PA, 6060-PA, 6062-PA, 6063-PA, 6072-PA and 6073-PA. The company is requesting an average increase of 70.6% on the following forms: 7060-PA and 7062-PA.

This increase will impact 4,614 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to March 10, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2481. Filed for public inspection December 23, 2010, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act (act), the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 17, 2010, that the salaries covered by that law shall be increased by 1.7% effective January 1, 2011. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

**Cola Adjustment for Elected and
Appointed Officials
Receiving Salaries Contained in Act 1995-51**

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING OCTOBER 2010

<i>Position</i>	<i>Salary Prior to 1/1/2011</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2011</i>
Governor	\$174,914	1.7%	\$177,888
Lieutenant Governor	\$146,926	1.7%	\$149,424
State Treasurer	\$145,529	1.7%	\$148,003
Auditor General	\$145,529	1.7%	\$148,003
Attorney General	\$145,529	1.7%	\$148,003
Large Agency Head	\$139,931	1.7%	\$142,310
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$132,934	1.7%	\$135,194
Secretary of Aging			
Secretary of Community and Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation and Natural Resources			
Small Agency Head	\$125,939	1.7%	\$128,080
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairperson	\$71,084	1.7%	\$72,292
Member	\$68,284	1.7%	\$69,445
Civil Service Commission****			
Chairperson	\$79,987	1.7%	\$81,347
Member	\$76,910	1.7%	\$78,217
State Tax Equalization Board			
Chairperson	\$24,489	1.7%	\$24,905
Member	\$22,738	1.7%	\$23,125
Milk Marketing Board			
Chairperson	\$22,738	1.7%	\$23,125
Member	\$21,864	1.7%	\$22,236
Securities Commission***			
Chairperson	\$38,259	1.7%	\$38,909
Member	\$34,905	1.7%	\$35,498
Athletic Commission			
Chairperson	\$18,369	1.7%	\$18,681
Member	\$17,490	1.7%	\$17,787
Board of Pardons			
Member	\$16,091	1.7%	\$16,365
Public Utility Commission			
Chairperson	\$135,434	**	\$137,694
Member	\$132,934	1.7%	\$135,194
Environmental Hearing Board*			
Chairperson	\$135,434	*	\$137,694
Member	\$132,934	*	\$135,194

<i>Position</i>	<i>Salary Prior to 1/1/2011</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2011</i>
Board of Claims*****			
Chairperson	\$129,190	1.7%	\$131,386
Member	\$122,389	1.7%	\$124,470

* The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

** Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

*** Per Act 1998-51.

**** Per Act 2002-140 effective November 27, 2002.

***** Per Act 2002-118, effective October 2, 2002.

MARY A. SODERBERG,
Secretary

[Pa.B. Doc. No. 10-2482. Filed for public inspection December 23, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 10, 2011. 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.

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-2010-2215339. Richard Devere Fye, t/a Richard Fye Transportation (15039 Route 36, Punxsutawney, Jefferson County, PA 15767), for the discontinuance of service, and cancellation of his Certificate of Public Convenience, as a common carrier, by motor vehicle, at A-6410935, authorizing the transportation of persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Jefferson County, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Ikale Nine, Inc.;
Doc. No. C-2010-2202491*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ikale Nine, Inc., Respondent, maintains a principal place of business at 311 Baily Road, Yeadon, PA 19050.

2. That Respondent was issued a certificate of public convenience by this Commission on December 17, 1996, at Docket No. A-00113441, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Ikale Nine, Inc., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. A. D. Cab Co.;*
Doc. No. C-2010-2202385

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That A. D. Cab Co., Respondent, maintains a principal place of business at 5803 North 13th Street, Philadelphia, PA 19141.

2. That Respondent was issued a certificate of public convenience by this Commission on September 12, 1996, at Docket No. A-00113233, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine A. D. Cab Co., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Time Taxi, Inc.;*
Doc. No. C-2010-2202384

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Time Taxi, Inc., Respondent, maintains a principal place of business at 49 Bruce Drive, Holland, PA 18966.

2. That Respondent was issued a certificate of public convenience by this Commission on August 28, 1996, at Docket No. A-00113120, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Time Taxi, Inc., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
 Motor Carrier Services and Enforcement
 Division
 Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. I & S Magassa, Inc.;*
Doc. No. C-2010-2202497

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That I & S Magassa, Inc., Respondent, maintains a principal place of business at P. O. Box 14498, Philadelphia, PA 19115.

2. That Respondent was issued a certificate of public convenience by this Commission on September 26, 1997, at Docket No. A-00114211, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and

registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine I & S Magassa, Inc., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your

certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Carilla Cab Co.;*
Doc. No. C-2010-2196903

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Carilla Cab Co., Respondent, maintains a principal place of business at 739 Herkness Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on March 1, 1999, at Docket No. A-00110961, F. 2, for call or demand authority.

3. That, between December 1 and December 31 of 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Carilla Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this

complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Para-

graph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. H & F Cab Co.;*
Doc. No. C-2010-2202493

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That H & F Cab Co., Respondent, maintains a principal place of business at 7 Golgate Drive, Cherry Hill, NJ 08034.

2. That Respondent was issued a certificate of public convenience by this Commission on February 2, 1997, at Docket No. A-00113658, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine H & F Cab Co., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
 Motor Carrier Services and Enforcement
 Division
 Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Okey Cab Co.;
Doc. No. C-2010-2202386*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Okey Cab Co., Respondent, maintains a principal place of business at 27005 70th Street, Philadelphia, PA 19142.

2. That Respondent was issued a certificate of public convenience by this Commission on October 15, 1997, at Docket No. A-00113277, F.2, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Okey Cab Co., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Gursharan Cab Co.;
Doc. No. C-2010-2202945*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Gursharan Cab Co., Respondent, maintains a principal place of business at 205 Hampden Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on March 12, 1999, at Docket No. A-00115592, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Gursharan Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Eben Ezer Cab Co.;*
Doc. No. C-2010-2202942

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Eben-Ezer Cab Co., Respondent, maintains a principal place of business at 847 North 66th Street, Philadelphia, PA 19151.

2. That Respondent was issued certificates of public convenience by this Commission on December 29, 1998, at Docket No. A-00115389, F.1 and February 2, 1999, at Docket No. A-00115389, F.2, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must

contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Eben-Ezer Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your

certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Karam Cab Co.;*
Doc. No. C-2010-2202921

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Karam Cab Co., Respondent, maintains a principal place of business at 7112 Seaford Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 30, 1998, at Docket No. A-00115341, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Karam Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this

complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Para-

graph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Destination Cab Co.;*
Doc. No. C-2010-2202495

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Destination Cab Co., Respondent, maintains a principal place of business at 6243 Throtter Street, Philadelphia, PA 19111.

2. That Respondent was issued a certificate of public convenience by this Commission on July 2, 1997, at Docket No. A-00114007, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Destination Cab Co., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2483. Filed for public inspection December 23, 2010, 9:00 a.m.]

Sewer Service

A-2010-2214488. Joel K. Hart Sewer Company. Application of Joel K. Hart Sewer Company for approval of the abandonment of its certificate of public convenience as a provider of sewer service to the public in the Commonwealth of Pennsylvania.

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 January 10, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Joel K. Hart Sewer Company

Through and By Counsel: Joel K. Hart, 2152 Heim Hill Road, Montoursville, PA 17754

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2484. Filed for public inspection December 23, 2010, 9:00 a.m.]

Telecommunications

A-2010-2214951. Verizon North Retain Co. and Consolidated Communications Enterprise Services, Inc. Joint petition of Verizon North Retain Co. and Consolidated Communications Enterprise Services, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252 of the Telecommunications Act of 1996.

Verizon North Retain Co. and Consolidated Communications Enterprise Services, Inc., by its counsel, filed on December 10, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Retain Co. and Consolidated Communications Enterprise Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2485. Filed for public inspection December 23, 2010, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Mark Doran Anderson, MD; Doc. No. 2330-49-09

On November 22, 2010, Mark Doran Anderson, license no. MD032750E, of Riverside, CT, had his Pennsylvania license revoked based on disciplinary action taken against his license to practice medicine by the proper licensing authority of another state on two separate occasions and Dr. Anderson's having failed to report information regarding this disciplinary action within 60 days after its occurrence.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine'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 appeal is the previously-named Board counsel.

CAROL E. ROSE, MD,
Chairperson

[Pa.B. Doc. No. 10-2486. Filed for public inspection December 23, 2010, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Brenda Fineburg, RN; Doc. No. 0580-51-10

On November 1, 2010, Brenda Fineburg, RN, license no. RN199306L, of Mechanicsburg, Cumberland County, had her license indefinitely suspended, based on findings that she has been convicted of a misdemeanor which relates to the profession, is unable to practice professional nursing with reasonable skill and safety to patients, and committed fraud or deceit in the practice of nursing, misappropriated equipment, materials, property, drugs or money from an employer or patient.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 10-2487. Filed for public inspection December 23, 2010, 9:00 a.m.]