

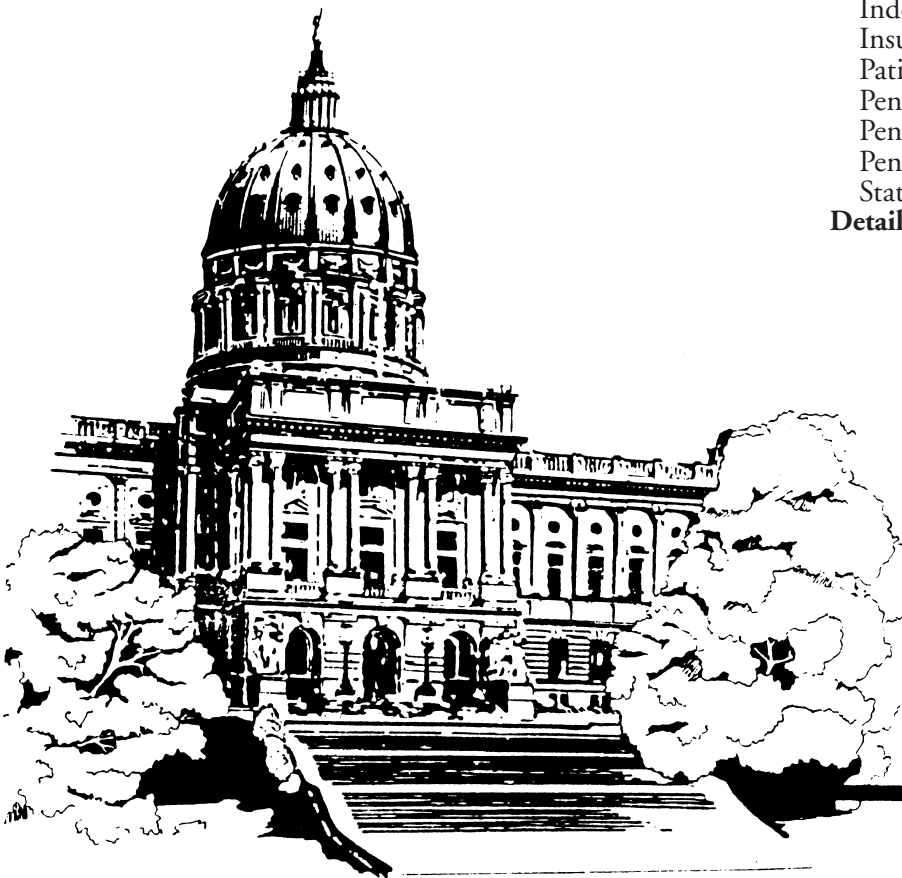
# PENNSYLVANIA BULLETIN

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The Courts  
Department of Banking  
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Independent Regulatory Review Commission  
Insurance Department  
Patient Safety Authority  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Pennsylvania Stimulus Oversight Commission  
State Board of Dentistry

**Detailed list of contents appears inside.**



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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.

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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***

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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*.

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[ 204 PA. CODE CH. 83 ]

### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Attorneys Convicted of Crimes; Notice of Proposed Rule-making

The Disciplinary Board of the Supreme Court of Pennsylvania (Board) is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A.

Rule 214 establishes the disciplinary procedure when an attorney has been convicted of a crime. Under Pennsylvania law, a “conviction” does not occur until sentencing. *Commonwealth ex rel. McClenachan v. Reading*, 336 Pa. 165, 168-169, 6 A.2d 776, 778 (1939). The addition of subsection (j) to Rule 214 redefines the term “conviction” to mean any guilty verdict after trial by judge or jury, or any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.

The effect of proposed subsection (j) is to accelerate the point in time at which the Office of Disciplinary Counsel may initiate disciplinary proceedings under Rule 214 in those instances where there has been a determination of criminal liability but the criminal court has not yet imposed the sentence. This procedural effect applies with equal force to a “serious crime,” as defined by subsection (i), and to a crime other than a serious crime, which is controlled by subsection (g).

The Board has determined that there is no legal reason to wait until the criminal court imposes sentence before initiating an attorney disciplinary proceeding. In the case of a guilty plea, the plea is an acknowledgement by the defendant-attorney that he participated in the commission of certain acts with a criminal intent, *Commonwealth v. Anthony*, 504 Pa. 551, 558, 475 A.2d 1303, 1307 (1984), and entry of the plea constitutes a waiver of all defects and defenses except lack of jurisdiction, invalidity of the plea, and illegality of the sentence. *Commonwealth v. Tareila*, 895 A.2d 1266, 1267 (Pa. Super. 2006). A plea of *nolo contendere* is treated the same as a guilty plea, *Commonwealth v. Hayes*, 245 Pa. Super. 521, 523, 369 A.2d 750, 751 (1976), and their effect is equivalent, *Commonwealth v. Warner*, 228 Pa. Super. 31, 32, 324 A.2d 362, 363 (1974), in that the defendant-attorney does not expressly admit his guilt but authorizes the court for purposes of the case to treat him as if he were guilty. *North Carolina v. Alford*, 400 U.S. 25, 36 (1970). At the point at which a defendant-attorney is found guilty after trial by judge or jury, the criminal court has already afforded the defendant-attorney his due process right to a hearing in the form of a trial at which the government’s burden of proof is beyond a reasonable doubt. The defendant-attorney has also had an opportunity to present a defense to the criminal charges.

Proposed subsection (j) does not affect the procedural due process protections that are currently contained in

Rule 214. Upon receipt of notice that an attorney has been convicted of a crime, Disciplinary Counsel continues to be charged with the duty under subsection (c) of securing and filing a certificate of the conviction with the Supreme Court. If the conviction is for a “serious crime” as defined in subsection (i), the Supreme Court continues to have the discretion under subsection (d)(1) to enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension. If the Supreme Court enters an order placing the respondent-attorney on temporary suspension prior to the criminal sentencing, and thereafter the criminal trial court, either prior to or at sentencing, grants some form of relief that provides a basis for reconsideration of the Supreme Court’s order to temporarily suspend, the respondent-attorney continues to have the right under subsection (d)(4) to petition the Supreme Court for dissolution or amendment of the order of temporary suspension. If the criminal trial court enters an order reversing the conviction, subsection (h) gives the Supreme Court the discretion to immediately reinstate the respondent-attorney.

Unless a respondent-attorney who has been temporarily suspended under the rule requests an accelerated disposition of the charges under subsection (f)(2), the amendment to subsection (f)(1) clarifies that Disciplinary Counsel will not file a petition for discipline or proceed to a hearing before a hearing committee prior to sentencing. If the respondent-attorney files a post-sentence appeal, Disciplinary Counsel will not proceed to a hearing until all direct appeals from the conviction are concluded, as required by subsection (f)(1) and consistent with current practice.

As a corollary to the acceleration effect of proposed subsection (j), the Pennsylvania Supreme Court will not have to wait until sentencing to temporarily suspend an attorney who has engaged in egregious criminal conduct. Thus, the new rule recognizes that some crimes are so offensive to the public and contrary to the ethical principles of the profession that swift action to suspend the attorney’s law license is necessary if for no reason other than to preserve the integrity and standing of the Court and the profession. In some instances, the nature of the crime will be such that prompt action to temporarily suspend the attorney is necessary to protect the public, including the attorney’s clients. In other instances, the attorney may already be incarcerated at the time of the guilty plea or guilty verdict, or have his or her bail revoked pending sentencing. An attorney who remains free on bail at the time of the guilty plea or guilty verdict may have already begun to wind up his or her law practice in anticipation of a term of incarceration or temporary suspension following sentencing. For reasons beyond the disciplinary system’s control, a sentencing proceeding may be postponed or delayed for months or longer after the attorney has admitted to or been found guilty of a serious crime.

Finally, the proposed amendment to subsection (a) changes the point in time at which an attorney must make a report to the Secretary of the Board. Under the new rule, an attorney will be required to report within 20 days of the attorney’s guilty or no contest plea, or verdict of guilt by judge or jury.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office



of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P. O. Box 62625, Harrisburg, PA 17106-2625 on or before April 1, 2010.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter B. MISCONDUCT

#### Rule 214. Attorneys convicted of crimes.

(a) An attorney convicted of a serious crime shall report the fact of such conviction **within 20 days** to the Secretary of the Board [ **within 20 days after the date of sentencing** ]. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b).

(b) The clerk of any court within the Commonwealth in which an attorney is convicted of any crime, or in which any such conviction is reversed, shall within 20 days after such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court.

(c) Upon being advised that an attorney has been convicted of a crime within this Commonwealth, Disciplinary Counsel shall secure and file a certificate in accordance with the provisions of subdivision (b). If the conviction occurred in another jurisdiction, it shall be the responsibility of Disciplinary Counsel to secure and file a certificate of such conviction.

(d) (1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney has been convicted of a serious crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

(2) If a rule to show cause has been issued under paragraph (1), and the period for response has passed without a response having been filed, or after consideration of any response, the Court may enter an order requiring temporary suspension of the practice of law by the respondent-attorney pending further definitive action under these rules.

(3) Any order of temporary suspension issued under this rule shall preclude the respondent-attorney from accepting any new cases or other client matters, but shall not preclude the respondent-attorney from continuing to represent existing clients or existing matters during the 30 days following entry of the order of temporary suspension.

(4) The respondent-attorney may at any time petition the Court for dissolution or amendment of an order of temporary suspension. A copy of the petition shall be served upon Disciplinary Counsel and the Secretary of

the Board. A hearing on the petition before a member of the Board designated by the Chair of the Board shall be held within ten business days after service of the petition on the Secretary of the Board. The designated Board member shall hear the petition and submit a transcript of the hearing and a recommendation to the Court within five business days after the conclusion of the hearing. Upon receipt of the recommendation of the designated Board member and the record relating thereto, the Court shall dissolve or modify its order, if appropriate.

(5) At any time before a plea or verdict or after a guilty plea or verdict of guilt in the criminal proceeding, Disciplinary Counsel and the respondent-attorney may file with the Court a joint petition for temporary suspension of the respondent-attorney on the ground that the respondent-attorney's temporary suspension is in the best interest of the respondent and the legal system.

**Official Note:** The subject of the summary proceedings authorized by subdivision (d) is limited to whether the conditions triggering the application of subdivision (d) exist, i.e., proof that the respondent-attorney is the same person as the individual convicted of the offense charged and that the offense is a serious crime, and will not include such subjects as mitigating or aggravating circumstances. The provision of subdivision (d)(3) permitting the respondent-attorney to continue representing existing clients for 30 days is intended to avoid undue hardship to clients and to permit a winding down of matters being handled by the respondent-attorney, and the permissible activities of the respondent-attorney are intended to be limited to only those necessary to accomplish those purposes.

(e) A certificate of conviction of an attorney for a crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction.

(f)(1) Upon the receipt of a certificate of conviction of an attorney for a serious crime, the Court shall, in addition to any order of suspension it may enter in accordance with the provisions of subdivision (d), also refer the matter to the Board for the institution of a formal proceeding before a hearing committee in the appropriate disciplinary district in which the sole issue to be determined shall be the extent of the final discipline to be imposed, except that a disciplinary proceeding so instituted shall not be brought to hearing until **sentencing and** all appeals from the conviction are concluded.

(2) Notwithstanding the provision of paragraph (1) that a hearing shall not be held until all appeals from a conviction have been concluded, a respondent-attorney who has been temporarily suspended pursuant to this rule shall have the right to request an accelerated disposition of the charges which form the basis for the temporary suspension by filing a notice with the Secretary of the Board and Disciplinary Counsel requesting accelerated disposition. Within 30 days after filing of such a notice, Disciplinary Counsel shall file a petition for discipline, if such a petition has not already been filed, and the matter shall be assigned to a hearing committee for accelerated disposition. The assignment to a hearing committee shall take place within seven (7) days after the filing of such a notice or the filing of a petition for discipline, whichever occurs later. Thereafter the matter shall proceed and be concluded by the hearing committee, the Board and the Court without appreciable delay. If a petition for discipline is not timely filed or assigned to a hearing committee for accelerated disposition under this

paragraph, the order of temporary suspension shall be automatically dissolved, but without prejudice to any pending or further proceedings under this rule.

**Official Note:** The “without appreciable delay” standard of subdivision (f)(2) of the rule is derived from *Barry v. Barchi*, 443 U.S. 55, 66 (1979). Appropriate steps should be taken to satisfy this requirement, such as continuous hearing sessions, procurement of daily transcript, fixing of truncated briefing schedules, conducting special sessions of the Board, etc.

(g) Upon receipt of a certificate of conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted. The Court may in its discretion take no action with respect to convictions for minor offenses.

**Official Note:** The actions the Court may take under subdivision (g) include reference of the matter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

(h) An attorney suspended under the provisions of subdivision (d) may be reinstated immediately upon the filing by the Board with the Court of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any formal proceeding then pending against the attorney.

(i) As used in this rule, the term “serious crime” means a crime that is punishable by imprisonment for one year or upward in this or any other jurisdiction.

**(j) For the purposes of this rule and Rule 203(b)(1), “conviction” means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.**

[Pa.B. Doc. No. 10-351. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 5 AND 10 ]

In Re: Amendment of Rules 515, 541, 543, 561, 589 and 1010, and Approval of the Revision of the Comment to Rule 1002; Criminal Procedural Rules; No. 385

### Order

*Per Curiam:*

And Now, this 12th day of February, 2010, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 38 Pa.B. 865 (February 16, 2008), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 939), 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:

(1) Rules of Criminal Procedure 515, 541, 543, 561, 589 and 1010 are amended; and

(2) the revision of the Comment to Rule of Criminal Procedure 1002 is approved, all as follows.

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

JOHN A. VASKOV,  
*Deputy Prothonotary*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

##### PART I. GENERAL

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

##### PART B(3). Arrest Procedures in Court Cases

##### (a) Arrest Warrants

##### Rule 515. Execution of Arrest Warrant.

\* \* \* \* \*

**(C) When the warrant has been issued by a magisterial district judge, and the defendant cannot be found, the case shall remain in the magisterial district, and shall not be forwarded to the court of common pleas for further proceedings.**

##### Comment

No substantive change in the law is intended by paragraph (A) of this rule; rather, it was adopted to carry on those provisions of the now repealed Criminal Procedure Act of 1860 that had extended the legal efficacy of an arrest warrant beyond the jurisdictional limits of the issuing authority. The Judicial Code now provides that the territorial scope of process shall be prescribed by the Supreme Court’s procedural rules. 42 Pa.C.S. §§ 931(d), 1105(b), 1123(c), 1143(b), 1302(c), 1515(b).

For the definition of police officer, see Rule [ 3 ] 103.

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer’s primary jurisdiction. *See also Commonwealth v. Mason*, 507 Pa. 396, 490 A.2d 421 ([ Pa. ] 1985).

Pursuant to Rule 540, the defendant is to receive a copy of the warrant and the supporting affidavit at the time of the preliminary arraignment.

For purposes of executing an arrest warrant under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as an original arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant. Nothing in this rule, however, is intended to curtail the Rule 540(C) requirement that the issuing authority provide the defendant with an exact copy of the warrant. *See* Rule 513 (Requirements for Issuance).

**Paragraph (C) abolishes the traditional practice known as “NEI” or “no est inventus” as being no longer necessary.**

**Official Note:** Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; **amended February 12, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6, 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4325, 4342 (August 27, 1994).

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

Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2582, 2591 (May 25, 2002).

**Final Report explaining the February 12, 2010 changes adding new paragraph (C) and the Comment revision published with the Court's Order at 40 Pa. B. 1068, 1071 (February 27, 2010).**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 541. Waiver of Preliminary Hearings.**

\* \* \* \* \*

**(D) Once a preliminary hearing is waived and the case bound over to the court of common pleas, if the right to a preliminary hearing is subsequently reinstated, the preliminary hearing shall be held at the court of common pleas unless the parties agree, with the consent of the common pleas judge, that the preliminary hearing be held before the issuing authority.**

\* \* \* \* \*

**Official Note:** Rule 140A adopted April 26, 1979, effective July 1, 1979; amended November 9, 1984, effective January 2, 1985; renumbered Rule 541 and amended March 1, 2000, effective April 1, 2001; **amended February 12, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

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

**Final Report explaining the February 12, 2010 amendments adding new paragraph (D) concerning reinstatement of a waived preliminary hearing published with the Court's Order at 40 Pa.B. 1068, 1071 (February 27, 2010).**

**Rule 543. Disposition of Case at Preliminary Hearing.**

\* \* \* \* \*

**(G) Except as provided in Rule 541(D), once a case is bound over to the court of common pleas, the case shall not be remanded to the issuing authority.**

**Comment**

\* \* \* \* \*

In those cases in which a *prima facie* case is not established at the preliminary hearing, and the Commonwealth does not request that the issuing authority proceed on the summary offenses, the issuing authority should dismiss the complaint, and discharge the defendant unless there are outstanding detainers against the defendant that would prevent the defendant's release.

**Paragraph (G) emphasizes the general rule that once a case has been bound over to the court of common pleas, it shall not be remanded to the**

**issuing authority. There is a limited exception to the general rule in the situation in which the right to a previously waived preliminary hearing is reinstated and the parties agree, with the consent of the common pleas judge, that the preliminary hearing be held before the issuing authority. See Rule 541(D).**

\* \* \* \* \*

**Official Note:** Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; **amended February 12, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6, 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4325, 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with the Court's Order at 25 Pa.B. 4100, 4116 (September 30, 1995).

Final Report explaining the October 8, 1999 renumbering of Rule 143 published with the Court's Order at 29 Pa.B. 5505, 5509 (October 23, 1999).

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

Final Report explaining the August 24, 2004 changes concerning the procedures when a defendant fails to appear published with the Court's Order at 34 Pa.B. 5016, 5025 (September 11, 2004).

Final Report explaining the December 30, 2005 changes adding references to bench warrants published with the Court's Order at 36 Pa.B. 181, 184 (January 14, 2006).

Final Report explaining the March 9, 2006 amendments adding new paragraphs (E) and (F) published with the Court's Order at 36 Pa.B. 1385, 1392 (March 25, 2006).

Final Report explaining the May 19, 2006 amendments correcting cross-references to Rule 529 published with the Court's Order at 36 Pa.B. 2631, 2633 (June 3, 2006).

Final Report explaining the May 1, 2007 changes clarifying the procedures when a defendant fails to appear published with the Court's Order at 37 Pa.B. 2496, 2503 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraphs (C) and (D)(2)(c) concerning administrative processing and identification procedures published with the Court's Order at 38 Pa.B. 3971, 3975 (July 26, 2008).

Final Report explaining the February 12, 2010 amendments adding new paragraph (G) prohibiting remands to the issuing authority published with the Court's Order at 40 Pa.B. 1068, 1071 (February 27, 2010).

**PART E. Procedures Following a Case Held for Court**

**Rule 561. Withdrawal of Charges by Attorney for the Commonwealth.**

\* \* \* \* \*

(C) In any case in which all the misdemeanor, felony, and murder charges are withdrawn pursuant to this rule, any remaining summary offenses shall be disposed of in the court of common pleas.

**Comment**

Court approval is not required for the withdrawal of charges prior to the filing of an information. Cf. 42 Pa.C.S. § 8932 and Rule 585 (*Nolle Prosequi*).

**Official Note:** Former Rule 224 adopted November 22, 1971, effective immediately; amended February 15, 1974, effective immediately; amended April 26, 1979, effective July 1, 1979; rescinded August 12, 1993, effective September 1, 1993. New Rule 224 adopted August 14, 1995, effective January 1, 1996; renumbered Rule 561 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2010, effective April 1, 2010.

*Committee Explanatory Reports:*

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

Final Report explaining the August 14, 1995 amendments published with the Court's Order at 25 Pa.B. 3468, 3471 (August 26, 1995).

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

**Final Report explaining the February 12, 2010 amendments adding new paragraph (C) concerning disposition of summary offenses at the court of common pleas published at 40 Pa.B. 1068, 1071 (February 27, 2010).**

**PART F(1). Motion Procedures**

**Rule 589. Pretrial Disposition of Summary Offenses Joined with Misdemeanor, Felony, or Murder Charges.**

\* \* \* \* \*

(B) [ In no event shall the trial judge remand the summary offense to the issuing authority for disposition ] In any case in which all the misdemeanor, felony, and murder charges are withdrawn pursuant to Rule 561, any remaining summary offenses shall be disposed of in the court of common pleas.

\* \* \* \* \*

**Official Note:** Adopted March 9, 2006, effective September 1, 2006; amended February 12, 2010, effective April 1, 2010.

*Committee Explanatory Reports:*

Final Report explaining the new rule published with the Court's Order at 36 Pa.B. 1385, 1392 (March 25, 2006).

Final Report explaining the February 12, 2010 amendments to paragraph (B) concerning the dis-

position of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. 1068, 1071 (February 27, 2010).

**CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT**

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1002. Procedure in Summary Cases.**

\* \* \* \* \*

**Comment**

This rule, which replaced former Rule 1002 in 2005, was developed to accommodate the procedures Philadelphia Municipal Court has implemented to address the issues in non-traffic summary cases unique to Philadelphia to more efficiently handle the vast number of non-traffic summary cases, to protect the defendants' rights to a fair and prompt disposition of their cases, and, when appropriate, to provide the necessary rehabilitations or social services. Municipal Court is required to implement local rules pursuant to Rule 105 (Local Rules) enumerating the details of the summary proceedings following the issuance of a citation or a summons. For purposes of this rule, "local rule" includes all memoranda of understanding and administrative orders that affect non-traffic summary case procedures.

**Once a summary case is appealed to the Court of Common Pleas for trial de novo, the case shall remain in the Court of Common Pleas. See also Rule 462 and its Comment.**

\* \* \* \* \*

**Official Note:** Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002; amended May 12, 2009, effective February 1, 2010; **Comment revised February 12, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6, 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4325, 4342 (August 27, 1994).

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

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 4914, 4918 (September 3, 2005).

Final Report explaining the May 12, 2009 changes to paragraph (B) concerning issuing citations and arrest without warrants in summary cases published at 39 Pa.B. 2568, 2569 (May 23, 2009).

**Final Report explaining the February 12, 2010 Comment revision concerning the disposition of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. 1068, 1071 (February 27, 2010).**

**Rule 1010. Procedure on Appeal.**

(A) The attorney for the Commonwealth, upon receiving the notice of appeal, shall prepare an information and the matter shall thereafter be treated in the same manner as any other court case.

(B) **If the defendant fails to appear for the trial *de novo*, the Common Pleas Court judge may dismiss the appeal and enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.**

(C) **If the defendant withdraws the appeal, the Common Pleas Court judge shall enter judgment in the Court of Common Pleas on the judgment of the Municipal Court judge.**

**Comment**

In any case in which there are summary offenses joined with the misdemeanor charges that are the subject of the appeal, the attorney for the Commonwealth must include the summary offenses in the information. *See Commonwealth v. Speller*, 311 Pa. Super. 569, 458 A.2d 198 (1983).

**Official Note:** Rule 6010 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended August 28, 1998, effective immediately; renumbered Rule 1010 March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; **amended February 12, 2010, effective April 1, 2010.**

*Committee Explanatory Reports:*

Final Report explaining the August 28, 1998 amendment published with the Court's Order at 28 Pa.B. 4625, 4627 (September 12, 1998).

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

Final Report explaining the March 3, 2006 Comment revision concerning joinder of summary offenses with misdemeanor charges published with the Court's Order at 36 Pa.B. 1385, 1392 (March 25, 2006).

**Final Report explaining the February 12, 2010 amendments to paragraph (B) concerning the disposition of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. 1068, 1071 (February 27, 2010).**

**FINAL REPORT<sup>1</sup>**

*Amendments to Pa.Rs.Crim.P. 515, 541, 543, 561, 589, 1002 and 1010*

**REMANDS OF CASES FROM THE COURT OF COMMON PLEAS**

On February 12, 2010, effective April 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 515 (Execution of Arrest Warrant), 541 (Waiver of Preliminary Hearing), 543 (Disposition of Case at Preliminary Hearing), 561 (Withdrawal of Charges By Attorney for the Commonwealth), 589 (Pretrial Disposition of Summary Offenses Joined With Misdemeanor, Felony, or Murder Charges), and 1010 (Procedure on Appeal) and approved the revisions to the *Comment* to Rule of Criminal Procedure 1002 (Procedure in Summary Cases) to preclude the practice of remanding cases from the court of common pleas to the magisterial district judge or the

<sup>1</sup> 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*.

Philadelphia Municipal Court in several situations. The amendments address three areas in which remands from the court of common pleas to the issuing authority still are occurring despite the Court's policy that prohibits such remands: (1) the practice of remanding cases for a preliminary hearing where a defendant who was designated as "NEI" is apprehended; (2) use of remands as remedies for a waived preliminary hearing; and (3) the practice of remanding cases without court involvement when the district attorney withdraws felony/misdemeanor prior to the filing of the information.

**I. Introduction**

It has been a long-standing general requirement reflected in the Rules of Criminal Procedure that once a summary case moves to the court of common pleas, the case must stay in the court of common pleas and may not be remanded to the issuing authority.<sup>2</sup> This requirement applies both to summary cases on appeal for a trial *de novo*, Rule 462, and in cases in which the summary offenses have been joined with misdemeanor or felony charges, even when only summary charges remain. *See*, for example, Rules 313, 585, 589 and 622.

As a result of reports of several counties violating these requirements, on September 28, 2006, then-Chief Justice Cappy sent a letter to all President Judges emphasizing this point. After the Chief Justice's letter went out, the Committee received several inquiries from different judicial districts seeking clarification on whether certain remand practices violated the prohibition. Several counties raised scenarios in which cases are being remanded in circumstances that potentially were in contravention of Rules 589 and 622.

The Committee reviewed these scenarios and determined that rules changes were needed to make it clear in the rules that remands are improper in the following three situations:

1) The case is forwarded to the court of common pleas under the "NEI" practice. In these cases, the defendant has not been apprehended when the case is forwarded, nor has the defendant had a preliminary hearing. The defendant subsequently is apprehended before the filing of the criminal information occurs pursuant to Rule 565(A). In these situations, in some judicial districts, the case is remanded to the issuing authority for a preliminary hearing.

2) An originally unrepresented defendant initially waives the right to preliminary hearing and later, presumably after representation is obtained, requests such a hearing. It appears that these cases are being remanded to the issuing authority to hold the preliminary hearing as a matter of course.

3) In cases in which summary offenses are joined with misdemeanor and felony charges, and, pursuant to Rule 561, the district attorney withdraws all the misdemeanor and/or felony charges prior to the filing of the information, leaving only summary offenses, the district attorney remands the case, without any court involvement, to the issuing authority for disposition of the summary offenses.

While the specifics of each of the rules changes for these scenarios are addressed separately below, the gen-

<sup>2</sup> This policy has been set forth specifically in several of the Committee's Recommendations adopted by the Court. For example, it may be found in the *Final Reports* to Recommendation 3 of 2003 (292 Criminal Procedural Rules Doc. 2, February 28, 2003, see 33 Pa.B. 1324), and Recommendation 5 of 2006, (342 Criminal Procedural Rules Doc. 2, see 36 Pa.B. 1385). There is also the above-mentioned then-Chief Justice Cappy's letter of September 28, 2006 to all President Judges emphasizing this policy. Despite these clear statements, the Committee continued to receive reports from Clerks of Courts and the AOPC automation staff that common pleas judges still are remanding in many cases which clearly should remain in the court of common pleas.

eral concept of the changes is that, once a case has been transferred from the issuing authority to the court of common pleas, the cases must remain at the court of common pleas for further proceedings.

There are several reasons for the strong policy against remanding cases. First, there is the question of jurisdiction; once a case has moved from the issuing authority, the power of the issuing authority to hear the case comes into question. Second, any time a case moves from one level of court to another, there will be delays and complications that result from the physical requirements of the transfer.

## II. Discussion of Proposed Amendments

### 1. NEI

The first remand situation occurs in cases declared "NEI," where the defendant never had a preliminary hearing, and is then apprehended before the filing of the information occurs pursuant to Rule 565(A).

"NEI," an abbreviation for the phrase "*non est inventus*," is the procedure used in some counties when a warrant has been issued for the defendant's arrest, the defendant cannot be found, and the case is transferred to the common pleas court for further proceedings. While the terminology is traditional, there is no written authority in the rules or statutes for the practice.

Presently, the practice is used in a limited number of counties to ensure that warrants initially issued by magisterial district judges are placed on law enforcement computer systems such as National Criminal Information Center (NCIC) system and the Commonwealth Law Enforcement Assistance Network (CLEAN). Another reason for its use is to transfer the warrant to a central fugitive unit at the county level.

The Court has approved the abolition of the practice of NEI, believing that there is no justification for the transfer of jurisdiction at this stage in the proceedings for essentially administrative law enforcement purposes. Currently, there is nothing to prevent the entry of issuing authority warrants on law enforcement systems such as CLEAN and NCIC except limited manpower. Additionally, with advances in systems technology, issuing authority warrant information will soon be routinely added to these systems via Magisterial District Justice System feeds to law enforcement networks. Furthermore, there is nothing to prevent a county from adopting a policy of providing all issuing authority warrants to a centralized fugitive unit upon their issuance.

Therefore, a new paragraph (C) is added to Rule 515 that abolishes the practice of transferring "NEI" cases to the court of common pleas solely on the basis of the defendant being a fugitive. Since these types of cases will no longer be transferred to the court of common pleas, upon apprehension, the case still will be within the jurisdiction of the issuing authority and will not need to be remanded.

### 2. Remand as Remedy for Waived Preliminary Hearing

The second remand scenario arises when an originally unrepresented defendant initially waives the right to have a preliminary hearing and later, presumably after representation is obtained, requests such a hearing. The Committee received reports that these requests are being granted as a matter of course despite appropriate waiver colloquies having been conducted.

The Court has concluded that, ordinarily, there is no need to remand for a preliminary hearing in these

situations; rather, if it is determined that the defendant should be granted a preliminary hearing, the preliminary hearing should be held in the court of common pleas. The one exception to this "no remands" policy is when all the parties, with the consent of the court, agree to a return of the case to the magisterial district judge. The Committee had received several publication responses arguing for this exception. The majority of the Committee members, after an extensive debate, ultimately concluded that it makes sense to carve out this limited exception. The Committee considered the suggestion that such an exception would emasculate the provision since the parties will always agree and the court will always consent to have the case returned to the issuing authority. The Court has concluded that this dire prediction is unlikely, believing that the requirement that all parties and the court must agree to the remand would limit its use to appropriate cases.

Accordingly, Rule 541(D) is amended to provide that, after the defendant has waived the preliminary hearing and the case is held for court, there are no remands from common pleas court to the magisterial district judge for a preliminary hearing absent an agreement of the parties with the consent of the common pleas judge. Also, a new paragraph is added to Rule 543 to emphasize further the "no remands" policy.

### 3. Withdrawal of felony/misdemeanor prior to information.

The third circumstance in which cases are being remanded from common pleas to the issuing authority is cases in which the summary offense has been joined with misdemeanor or felony charges, and, pursuant to Rule 561, the Commonwealth withdraws all the misdemeanor and/or felony charges, leaving only summary offenses. In some instances, the district attorney "remands" the case, without any court involvement, to the issuing authority for disposition of the summary offenses. Similarly, pursuant to Rule 589, when the misdemeanor and felony charges are dismissed and the Commonwealth does not appeal the dismissal, in some instances, the court will remand the summary offenses to the magisterial district judge for disposition.

The Court has concluded that there is no reason why these types of cases should be remanded. Since the case has gone up as a court case, the case remains a court case, and should be disposed of in common pleas court. Therefore, Rules 561 and 589 have been amended to provide that summary charges must be handled in common pleas court when the attorney for the Commonwealth decides to withdraw all non-summary charges and not to file an information.

Several publication comments were received that suggested that a complete ban on remands in this situation when only the summary offenses remain creates a problem in cases in which the defendant is on state parole and charged with a summary offense. The Pennsylvania Board of Probation and Parole (PBPP) interpreted the Parole Act, 61 P. S. § 331.1 *et seq.*, as differentiating between convictions in a court of record and those in a magistrate's court, with the former resulting in a revocation of a defendant's street time. On the other hand, the Board would not count a summary conviction at common pleas as a conviction by a court of record if the common pleas judge were declared to have been sitting as a magistrate but only when that declaration is made by the president judge. The Committee considered adding a provision to the *Comments* to Rules 561 and 589 explaining that for purposes of 61 P. S. § 331.21a(a), the common

pleas court is not a court of record when disposing of summary offenses and 3rd degree misdemeanors. However, the Committee ultimately rejected this suggestion, believing that the relative rarity of this problem should not be the basis for such a broad interpretation to be added to the rules. Subsequently, the case of *Jackson v. Pennsylvania Bd. of Probation and Parole*, 951 A.2d 1238 (Pa.Cmwlth. 2008), which determined that the Parole Board's interpretation is incorrect, appears to have addressed this concern.

#### 4. Applicability to the Philadelphia Municipal Court

Following the publication of the proposed rule changes, the Committee considered in detail whether the proposal should be made specifically applicable to the Philadelphia Special Courts. Rule 1000 provides that, absent a specific rule applicable to practice in the Special Courts or local rule, the general rules of procedure would apply. The Committee was concerned that the unique requirements of the Philadelphia Special Court would be adversely impacted by a casual application of these changes. The Committee therefore discussed this matter with representatives of the Municipal Court and the Traffic Court and reviewed their procedures regarding the practice of having cases remanded from the Philadelphia Court of Common Pleas.

In the case of the Municipal Court, it was determined that there are no reasons why this clarification of the "no-remands" policy should not be stated to be applicable to appeals from the Municipal Court. Therefore, the Rule 1002 *Comment* is revised to state that summary appeals shall not be remanded to the Municipal Court.

Additionally, Rule 1010 is amended to clarify that the procedures in an appeal from the Municipal Court where the defendant subsequently fails to appear for the trial *de novo* or withdraws the appeal are consistent with the procedures contained in Rule 462 and that the judgment of the Municipal Court may be entered in the Court of Common Pleas.

The Committee's examination of appeal practice from the Traffic Court raised additional issues that were addressed in a separate proposal that was developed in conjunction with representatives of the Traffic Court and the First Judicial District. This proposal was adopted by the Court on October 16, 2009.<sup>3</sup>

[Pa.B. Doc. No. 10-352. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Title 237—JUVENILE RULES

[ 237 PA. CODE CHS. 3 AND 8 ]

In Re: Amendment of Rules 312 and 800 of the Rules of Juvenile Court Procedure; Supreme Court Rules; Doc. No. 492

### Order

*Per Curiam:*

And Now, this 12th day of February, 2010, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 39 Pa.B. 3319 (July 4, 2009),

<sup>3</sup> See 39 Pa.B. 6327 (October 31, 2009).

in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 971, No. 1, June 26, 2009), and on the Supreme Court's web page, and an *Explanatory Report* to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 312 and 800 of the Rules of Juvenile Court Procedure are approved as follows.

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

### Annex A

#### TITLE 237. JUVENILE RULES

##### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

##### PART B. INTAKE AND INFORMAL ADJUSTMENT

#### Rule 312. Informal Adjustment.

A. *Participation.* At any time prior to the filing of a petition, the juvenile probation officer may informally adjust the allegation(s) if it appears:

- 1) an adjudication would not be in the best interest of the public and the juvenile;
- 2) the juvenile and the juvenile's guardian consent to informal adjustment with knowledge that consent is not obligatory; and
- 3) the admitted facts bring the case within the jurisdiction of the court.

#### B. *Completion.*

- 1) If the juvenile successfully completes the informal adjustment, the case shall be dismissed and prosecution is barred.
- 2) If the juvenile does not successfully complete the informal adjustment, a petition shall be filed.

#### Comment

[ **Informal** ] Pursuant to paragraph (A), informal adjustments may not occur after the filing of a petition. See Rule 800(12), which suspends 42 Pa.C.S. § 6323(a) only to the extent that it conflicts with this rule. See also *Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000). [ See 42 Pa.C.S. § 6323(a). ]

The juvenile probation officer or other agencies may give "counsel and advice" as to the informal adjustment. See 42 Pa.C.S. § 6323(b). "Counsel and advice" may include referral to a social service agency or other conditions as agreed to by the juvenile probation officer and the juvenile.

A juvenile's participation in an informal adjustment may not exceed six months, unless extended by order of the court for an additional period not to exceed three months. See 42 Pa.C.S. § 6323(c). Any incriminating statements made by the juvenile to the juvenile probation officer and in the discussions or conferences incident thereto are not to be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act. See 42 Pa.C.S. § 6323(e).

Prior to informally adjusting the written allegation, the juvenile probation officer is to give the victim an opportunity to comment. In addition, the victim is to be notified of the final outcome of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

If a petition is filed because the juvenile has not successfully completed the requirements of an informal adjustment, the procedures of Rule 330 are to be followed.

**Official Note:** Rule 312 adopted April 1, 2005, effective October 1, 2005. **Amended February 12, 2010, effective immediately.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 312 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 312 published with the Court's Order at 40 Pa.B. 1073, 1075 (February 27, 2010).**

## CHAPTER 8. SUSPENSIONS

### Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

1) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Pa.R.Crim.P. Rule 211, through Pa.R.J.C.P. Rule 105, is suspended only insofar as the Act is inconsistent with Pa.R.Crim.P. Rules 205, 206, and 211.

2) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the juvenile may abscond or may not attend or be brought to a hearing, is suspended only insofar as the Act is inconsistent with Rules 124, 140, and 364, which require a summoned person to fail to appear and the court to find that sufficient notice was given.

3) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336(c), which provides that if a proceeding is not recorded, full minutes shall be kept by the court, is suspended only insofar as the Act is inconsistent with Rule 127(A), which requires all proceedings to be recorded, except for detention hearings.

4) The Public Defender Act, Act of December 2, 1968, P. L. 1144, No. 358, § 1 *et seq.* as amended through Act of December 10, 1974, P. L. 830, No. 277, § 1, 16 P. S. 9960.1 *et seq.*, which requires the Public Defender to represent all juveniles who for lack of sufficient funds are unable to employ counsel is suspended only insofar as the Act is inconsistent with Rules 150 and 151, which requires separate counsel if there is a conflict of interest.

5) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the juvenile, is suspended only insofar as the Act is inconsistent with Rule 152, which does not allow a guardian to waive the juvenile's right to counsel.

6) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or class or cases be conducted by the master, is suspended only insofar as the Act is inconsistent with Rule 187, which allows masters to hear only specific classes of cases.

7) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6321, which provides for commencement of a proceeding by the filing of a petition, is suspended only insofar as the Act is inconsistent with Rule 200, which provides the submission of a written allegation shall commence a proceeding.

8) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6303(b), which provides that a district judge or judge of the minor judiciary may not detain a juvenile, is suspended only insofar as the Act is inconsistent with Rule 210, which allows Magisterial District Judges to issue an arrest warrant, which may lead to detention in limited circumstances.

9) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6334, which provides that any person may bring a petition, is suspended only insofar as the Act is inconsistent with Rules 231, 233, and 330, which provide for a person other than a law enforcement officer to submit a private written allegation to the juvenile probation office or an attorney for the Commonwealth, if elected for approval; and that only a juvenile probation officer or attorney for the Commonwealth may file a petition.

10) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6304(a)(2), which provides that probation officers may receive and examine complaints for the purposes of commencing proceedings, is suspended only insofar as the Act is inconsistent with Rules 231 and 330, which provide that the District Attorney may file a certification that requires an attorney for the Commonwealth to initially receive and approve written allegations and petitions.

11) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6331, which provides for the filing of a petition with the court within twenty four hours or the next business day of the admission of the juvenile to detention or shelter care, is suspended only insofar as the Act is inconsistent with the filing of a petition within twenty-four hours or the next business day from the detention hearing if the juvenile is detained under Rule 242.

**12) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6323(a)(2), which provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer, is suspended only insofar as the Act is inconsistent with Rule 312, which provides that only an alleged delinquent child may be referred for an informal adjustment because the filing of informal adjustment shall occur prior to the filing of a petition.**

13) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P. L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 340 only insofar as the section may delay disclosure to a juvenile seeking discovery under Rule 340(B)(6); and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 347 and 350.

[ 13 ] 14) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6340(c), which provides consent decree shall remain in force for six months unless the child is discharged sooner by probation services with the approval of the court, is suspended only insofar as the Act is inconsistent with the requirement of Rule 373 that a motion for early discharge is to be made to the court.

[ 14 ] 15) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides for a hearing within ten days of the juvenile's detention unless the exceptions of (a)(1) & (2) or (f) are met, is suspended only insofar as the Act is inconsistent with Rule 391, which provides for an additional ten days of detention if a notice of intent for transfer to criminal proceedings has been filed.



[ 15 ] 16) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months when a juvenile is removed from the home.

#### Comment

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. *See also* Rule 102.

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended March 19, 2009, effective June 1, 2009, 39 Pa.B. 1614. **Amended February 12, 2010, effective immediately.**

#### Committee Explanatory Reports:

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. **186**, 187 (January 14, 2006).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. **1483**, 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1142, **1145** (March 8, 2008).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 39 Pa.B. **1614**, 1619 (April 4, 2009).

**Final Report explaining the amendments to Rule 800 published with the Court's Order at 40 Pa.B. 1073, 1075 (February 27, 2010).**

#### INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 312 and 800 with this Recommendation. The changes are effective immediately.

#### EXPLANATORY REPORT FEBRUARY 2010

The additions to the *Comment* of Rule 312 and Rule 800 (12) clarify that an informal adjustment may only occur prior to the filing of a petition. An informal adjustment is a diversionary process used to dispose of cases that should not come before the court. If a case should go to court, a petition is filed and the normal procedures of a case will follow.

As drafted, the Juvenile Act provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer. 42 Pa.C.S. § 6323(a)(2). A child is not delinquent until there has been an adjudication of delinquency. If a child is not delinquent until after the adjudication of delinquency, then an informal adjustment would occur after that determination. However, this is not the intent of the diversionary process or an informal adjustment.

The Juvenile Act at 42 Pa.C.S. § 6323(a)(2) is suspended to clarify that **alleged** delinquents may be referred for an informal adjustment. Once a petition is filed, informal adjustment is precluded as provided in Rule 312. *See* Rule 800(12).

[Pa.B. Doc. No. 10-353. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### In Re: Objections to Nomination Petitions— Primary Election, May 18, 2010; President Judge Administrative Order; No. 2010-01

#### Order

*And Now*, this 12th day of February 2010, *It Is Hereby Ordered, Adjudged and Decreed* that as required by 25 P. S. § 2937, any petition raising objections to Nomination Petitions (“petition”) of candidates for the May 18, 2010 Primary Election shall be filed, scheduled and disposed as follows:

(1) the petition and Exhibits shall be electronically filed with the Court, pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule \*205.4, no later than 5:00 PM on March 16, 2010. The petition shall be in the format attached as “Exhibit 1;”

(2) a copy of the petition shall be served on the Philadelphia County Board of Elections and on the candidate-nominee-respondent. A copy of the petition may be served on the Philadelphia County Board of Elections before or after the petition is filed with the Court, at their office, Room 142 City Hall, Philadelphia, PA; and, on March 16, 2010 may also be served on their representative, who has agreed to be available in the Prothonotary's Office, Room 280 City Hall, Philadelphia, PA from 3:00 PM to 5:00 PM;

(3) On March 16, 2010, the Office of the Prothonotary, Room 280 City Hall, will be open from 8:30 AM to 5:00 PM. Prothonotary staff will assist any party who wishes to electronically file petitions utilizing public access computers located in the Prothonotary's office. At precisely 5:00 PM, the Prothonotary shall close the office but shall continue to assist any party or counsel who was in line in the Prothonotary's office before 5:00 PM. Consistent with prior practice, any petition filed by these parties and/or counsel shall be deemed timely filed even if filed after 5:00 PM on March 16, 2010;

(4) Any petition filed electronically by any party after 5:00 PM on March 16, 2010 will be date and time stamped to reflect the actual time of receipt;

(5) Once the petition has been filed with the Prothonotary, an Order to Show Cause shall be issued scheduling a hearing date for March 19, 2010. The Order must be served by the petitioner before the hearing date as provided in the Order. The Order to Show Cause shall be in the format attached as “Exhibit 2;”

(6) The petitioner shall bring at the hearing, or file before the hearing, an Affidavit of Service indicating the date and time of service of the petition and of the Order to Show Cause. The Affidavit of Service shall be in the format attached as “Exhibit 3;” and

(7) The Court may reschedule the hearing for good cause, including inability to serve the petition or Order to Show Cause. The hearing must be concluded and a final order issued no later than March 24, 2010. The final order shall be in the format attached as “Exhibit 4.”

This Administrative Order shall become effective immediately. 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, and to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order will be provided to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for 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*  
*Court of Common Pleas*

**EXHIBIT 1**

IN RE : COURT OF COMMON PLEAS  
NOMINATION PETITION OF : PHILADELPHIA COUNTY  
:  
AS \_\_\_\_\_ CANDIDATE FOR OFFICE OF : ELECTION MATTER  
MEMBER OF WARD EXECUTIVE COMMITTEE : \_\_\_\_\_ TERM,  
FOR THE \_\_\_\_\_ WARD, \_\_\_\_\_ DIVISION : NO. \_\_\_\_\_

PETITION TO SET ASIDE NOMINATION PETITION

The Petitioner, by and through counsel, respectfully avers that:

1. The Petitioner, \_\_\_\_\_, is a duly qualified elector, lives at \_\_\_\_\_ Philadelphia, PA \_\_\_\_\_, and is a registered in the above Ward and Division.
2. The Respondent is the above referenced Candidate for the stated position in the identified Ward and Division.
3. On or before \_\_\_\_\_, 20\_\_\_\_, above captioned Candidate filed a Nomination Petition for the Office of Member of the Executive Committee for the \_\_\_\_\_ Party, in the above-captioned Ward and Division. A copy of the Nominating Petition is attached as Exhibit "A".
4. For the reasons set forth in greater detail in the attached Exhibit "B", the Candidate's Nominating Petition is improperly drawn, fails to contain the required number of properly ascribed signatures, and/or was improperly or untimely filed.
5. The Nomination Petition therefore fails to conform to the requirements of the Election Code, 25 Pa.C.S.A. § 2867, et seq., and must be set aside and the Candidate's name not be placed on the ballot.
6. Petitioner respectfully reserves the right to add such additional objections as are appropriate at the time of hearing.

WHEREFORE, Petitioner prays this Honorable Court to issue a Rule upon the Candidate and upon the Philadelphia County Board of Elections to show cause why the Nomination Petition should not be set aside and the Candidate's name not be placed on the ballot.

\_\_\_\_\_  
Petitioner/Attorney for Petitioner

VERIFICATION

I, \_\_\_\_\_, hereby verify that the facts contained in the within Petition are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER/COUNSEL

**EXHIBIT "B"**

IN RE \_\_\_\_\_ : COURT OF COMMON PLEAS  
NOMINATION PETITION OF \_\_\_\_\_ : PHILADELPHIA COUNTY  
:  
AS \_\_\_\_\_ CANDIDATE FOR OFFICE OF : ELECTION MATTER  
MEMBER OF WARD EXECUTIVE COMMITTEE : \_\_\_\_\_ TERM,  
FOR THE \_\_\_\_\_ WARD, \_\_\_\_\_ DIVISION : NO. \_\_\_\_\_

LINE NO.	NAME	REASON

LINE NO.	NAME	REASON

SCHEDULE OF OBJECTION

- NR Not Registered
- REP Registered Republican
- N-P Registered Non-Partisan
- OD Out of District
- BA Bad Address
- PS Printed name on petition. Signed name on registration record
- S Signature on petition is not the signature of voter on record
- IL Name or address illegible

**EXHIBIT 2**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
Court of Common Pleas of Philadelphia County**

**In Re** \_\_\_\_\_ : Election Matter  
**Nomination Petition of** \_\_\_\_\_ :  
: **MARCH TERM, 2010**  
:  
:  
**As** \_\_\_\_\_ **Candidate for Office of** :  
**Member of Ward Executive Committee** :  
**For the** \_\_\_\_\_ **WARD** \_\_\_\_\_ **DIVISION** : **NO.** \_\_\_\_\_

ORDER TO SHOW CAUSE

**AND NOW**, this \_\_\_\_\_ day of March, 2010, upon consideration of the *Petition to Set Aside Nomination Petition* filed on \_\_\_\_\_, it is hereby ordered that:

(1) a rule is issued upon the Philadelphia County Board of Elections and the Respondent-Nominee, \_\_\_\_\_, to show cause why the above-referenced Nomination Petition should not be set aside and/or why the name of the Respondent-Nominee should not be removed from the ballot as a candidate for the \_\_\_\_\_  
(Democratic/Republican/Other)  
Party Nomination for \_\_\_\_\_, in the City of Philadelphia;  
(Office sought by Nominee)

(2) a hearing shall be held the \_\_\_\_\_ day of March, 2010, at \_\_\_\_\_ AM/PM at the Riverview Place, 520 North Delaware Avenue, 6th Floor, City Commissioner’s Hearing Room, Philadelphia, Pennsylvania;

(3) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the County Board of Elections by personal service on an employee in charge, in Room 142 City Hall, Philadelphia, Pennsylvania, on or before the \_\_\_\_\_ day of March, 2010, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date; and

(4) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the Respondent-Nominee, \_\_\_\_\_, personally or upon an adult at his/her residence, or upon the person in charge of his/her place of business, on or before the \_\_\_\_ day of March, 2010, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date.

**BY THE COURT:  
PAMELA PRYOR DEMBE,  
P. J.**

**EXHIBIT 3**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
Court of Common Pleas of Philadelphia County**

**In Re** \_\_\_\_\_ : Election Matter  
**Nomination Petition of** \_\_\_\_\_ :  
: **MARCH TERM, 2010**  
:  
**As** \_\_\_\_\_ **Candidate for Office of** :  
**Member of Ward Executive Committee** :  
**For the** \_\_\_\_\_ **WARD** \_\_\_\_\_ **DIVISION** : **NO.** \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, hereby certify that I have served a copy of the pleadings as follows:

**Petition to Set Aside Nomination Petition** on \_\_\_\_\_, an employee of the County Board of Elections on March \_\_\_\_\_, 2010 at \_\_\_\_\_ AM/PM at the following location:

\_\_\_\_\_  
**Order to Show Cause** on \_\_\_\_\_, an employee of the County Board of Elections on March \_\_\_\_\_, 2010 at \_\_\_\_\_ AM/PM at the following location:

**and**

**Petition to Set Aside Nomination Petition** on Respondent, \_\_\_\_\_ on March \_\_\_\_\_, 2010 at \_\_\_\_\_ AM/PM at the following location: Name

**Order to Show Cause** on Respondent, \_\_\_\_\_, on March \_\_\_\_\_, 2010 at \_\_\_\_\_ AM/PM at the following location:

I verify that the facts contained herein are true and correct to the best of my knowledge or information and belief.  
I understand that the statements made herein are made subject to the provisions of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

**EXHIBIT 4**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
Court of Common Pleas of Philadelphia County**

**In Re** \_\_\_\_\_ : Election Matter  
**Nomination Petition of** \_\_\_\_\_ :  
: **MARCH TERM, 2010**  
:  
**As** \_\_\_\_\_ **Candidate for Office of** :  
**Member of Ward Executive Committee** :  
**For the** \_\_\_\_\_ **WARD** \_\_\_\_\_ **DIVISION** : **NO.** \_\_\_\_\_

**FINAL ORDER**

**AND NOW**, this \_\_\_\_ day of March, 2010, upon consideration of the *Petition to Set Aside Nomination Petition* filed on March \_\_\_\_, 2010, after a hearing held thereon, and upon consideration of the evidence and/or legal arguments presented, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that:

- The Court finds that:
- the Nomination Petition is defective; and/or
- the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign; and/or
- the Nomination Petition was not filed by persons entitled to file the same

the objections to the Nominating Petition of Respondent-Nominee \_\_\_\_\_, are granted, and the Nomination Petition is set aside, and/or the name of the Respondent-Nominee should be removed from the ballot as a candidate for the above-referenced position.

- The Objections to the Nomination Petition of Respondent-Nominee \_\_\_\_\_, are denied, and the Nomination Petition shall be accepted by the County Board of Elections.

**BY THE COURT:**

**J.**

[Pa.B. Doc. No. 10-354. Filed for public inspection February 26, 2010, 9:00 a.m.]

## **Title 255—LOCAL COURT RULES**

### **CUMBERLAND COUNTY**

**In Re: Local Rule 212-4; Civil Term; Civil 96-1335**

#### **Order of Court**

*And Now*, this 5th day of February, 2010, and effective July 1, 2010, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rule of Court 212-4 is amended to read as follows:

**Rule 212-4.** Each party to a civil action shall submit a pretrial memorandum to the Court Administrator and serve a copy on all other parties, no later than Friday prior to the pretrial conference. The memorandum shall set forth in the following order:

- 1) A statement of the basic facts as to liability.
- 2) A statement of the basic facts as to damages.
- 3) A statement as to the principal issues of liability and damages.
- 4) A summary of legal issues regarding admissibility of testimony, exhibits or any other matter, and legal authorities relied on.
- 5) The identity of witnesses to be called.
- 6) A list of exhibits with brief identification of each.
- 7) The current status of settlement negotiations including a statement as to whether an Alternative Dispute Resolution option has been utilized.

Adopted and effective August 28, 1981.

Amended December 1, 1991, effective December 1, 1991.

Amended February 5, 2010, effective July 1, 2010.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two

(2) certified copies to the Legislative Reference Bureau, for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, on (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal.

*By the Court*

KEVIN A. HESS,  
*President Judge*

[Pa.B. Doc. No. 10-355. Filed for public inspection February 26, 2010, 9:00 a.m.]

### **CUMBERLAND COUNTY**

**In Re: Local Rule 213-2; Civil Term; Civil 96-1335**

#### **Order of Court**

*And Now*, this 5th day of February, 2010, and effective July 1, 2010, or thirty (30) days after publication in the *Pennsylvania Bulletin*, Cumberland County Local Rule of Court 213-2 is amended to read as follows:

**Rule 213-2.** At the call of the trial list, counsel for all parties shall indicate that discovery has been completed, that Alternative Dispute Resolution options have been considered and, if agreed to, have been completed or will be completed so as not to delay trial, and that the case is otherwise ready for trial in all respects. Any case not ready for trial in all respects shall, at the option of the court, be placed at the foot of the list or stricken from it.

Adopted August 21, 1980, effective August 21, 1980.

Amended April 1, 1995, effective April 30, 1995.

Amended February 5, 2010, effective July 1, 2010.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau,

for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, on (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal

*By the Court*

KEVIN A. HESS,  
*President Judge*

[Pa.B. Doc. No. 10-356. Filed for public inspection February 26, 2010, 9:00 a.m.]

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**JEFFERSON COUNTY**

**In Re: Administrative Order Designating the Secretary of the Juvenile Probation Department Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 3-2010 O.C.**

**Order**

*And Now*, this 8th day of February, 2010, *It Is Ordered That* the Secretary of the Juvenile Probation Department of Jefferson County be and hereby is named as the designee to receive reports regarding a child's adjustment, progress, and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 63316.1(b).

The Law Clerk shall: (1) submit two certified copies of the Order, along with one copy of the same on a computer diskette, CD-ROM, or an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; (2) forward one copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that this Order is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, to the Legislative Reference Bureau; and (3) contemporaneously with the publishing of this Order in the *Pennsylvania Bulletin*, file one certified copy of the Order with the Administrative Office of Pennsylvania Courts.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN HENRY FORADORA,  
*President Judge*

[Pa.B. Doc. No. 10-357. Filed for public inspection February 26, 2010, 9:00 a.m.]

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**MERCER COUNTY**

**Administrative Order; 3 A.D. 2010**

**Administrative Order**

*And Now*, February 10, 2010, pursuant to newly enacted Rule 1604B of the Rules of Juvenile Court Procedure, the President Judge hereby appoints the Mercer County Court Administrator as designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding the child's adjustment progress and condition for view by the Court in dependency hearings.

The report to the herein appointed designee shall be submitted at least seven days prior to the hearing. The Court Administrator, upon receipt, shall promptly distribute the report to the Judge before whom the hearing will be held, but no later than within one (1) business day of receiving the report. The Court Administrator shall further file a copy of the report with the Clerk of Courts and distribute copies to the attorneys, parties and, if one is appointed, to the Court Appointed Special Advocate. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

FRANCIS J. FORNELLI,  
*President Judge*

[Pa.B. Doc. No. 10-358. Filed for public inspection February 26, 2010, 9:00 a.m.]

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**MONROE COUNTY**

**Re: Administrative Order 2010; No. AD 21; 5-CU-2010**

**Order**

*And Now*, this 4th day of February, 2010, in accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), *It Is Ordered* that the following procedures shall be utilized to ensure a policy is in place to govern public access to the paper records of the Magisterial District Courts within the Forty-Third Judicial District. This policy supplants the existing *Public Access Policy of the Unified Judicial System of Pennsylvania: Magisterial District Courts*, found at 204 Pa. Code §§ 213.1 and 213.11.

*It Is Further Ordered* that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Prothonotary—Civil—of the Court of Common Pleas of Monroe County.

**1. Public Request Access**

(a) Verbal requests for records are to be filled within 48 hours.

(b) Information subject to a sealing order, restricted by law or court rule, and the court's work product is not accessible to the public.

(c) Magisterial district courts have the discretion to require that a 'complex or voluminous' request be submitted in writing on a form supplied by AOPC. Exactly what is 'complex or voluminous' may vary from court to court depending on factors such as court resources and caseload.

(d) All denials for record requests must be issued in writing and the requestor, within 10 business days of notification of the decision, can appeal such a denial to the Deputy Administrator Special Courts.

**2. Fee Schedule**

- (a) Copying per page—\$.25
- (b) Preparing, copying and refileing requested court documents—\$8 per 1/4 hour
- (c) Estimated costs are to be prepaid
- (d) Fees paid for services rendered are nonrefundable

**5. The effective date of this Order shall be July 1, 2010.**

*By the Court*

RONALD E. VICAN,  
*President Judge*

[Pa.B. Doc. No. 10-359. Filed for public inspection February 26, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY  
[ 49 PA. CODE CH. 33 ]

### Corrective Amendment to 49 Pa. Code § 33.205(d)(2)(ii)

The State Board of Dentistry has discovered a discrepancy between the agency text of 49 Pa. Code § 33.205(d)(2)(ii) (relating to practice as a dental hygienist), as deposited with the Legislative Reference Bureau, and the official text published at 39 Pa.B. 6982, 6992 (December 12, 2009) and codified in the February, 2010 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 423), and as currently appearing in the *Pennsylvania Code*. The professional services in subsection (d)(2)(ii) should have referred to subsection (a)(2)—(6).

Therefore, under 45 Pa.C.S. § 901: The State Board of Dentistry has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 33.205(d)(2)(ii). The corrective amendment to 49 Pa. Code § 33.205(d)(2)(ii) is effective December 12, 2009, the date the defective official text appeared in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 33.205(d)(2)(ii) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 33. STATE BOARD OF DENTISTRY

#### Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

### § 33.205. Practice as a dental hygienist.

\* \* \* \* \*

#### (d) *Supervision.*

\* \* \* \* \*

(2) In subsection (c)(2) and (3) practice sites (public and private institutions and institutions under the jurisdiction of Federal, State or local health agencies), a dental hygienist shall provide professional services as follows:

\* \* \* \* \*

(ii) A dental hygienist may provide the professional services identified in subsection (a)(2)—(6) under the general supervision of a dentist. For the purposes of this paragraph, general supervision is defined as supervision by a dentist who authorizes and takes full professional responsibility for the provision of the services. A single authorization may, when appropriate, apply to one or more classes or categories of students/patients.

\* \* \* \* \*

[Pa.B. Doc. No. 10-360. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD  
[ 58 PA. CODE CHS. 435a, 461a, 463a, 465a AND 501a ]

### Employees; Slot Machines; Accounting and Internal Controls; and Compulsive and Problem Gambling

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and specific authority in 4 Pa.C.S. §§ 1207(3), (5) and (7), 1321 and 1322 (relating to regulatory authority of board; additional licenses and permits and approval of agreements; and slot machine accounting controls and audits), amends Chapters 435a, 461a, 463a, 465a and 501a to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

This final-form rulemaking contains a number of amendments that are designed to clarify various reporting requirements, add some additional flexibility and conform the Board's regulations to industry practice.

#### *Explanation of Amendments to Chapters 435a, 461a, 463a, 465a and 501a*

In § 435a.1 (relating to general provisions), subsection (i) has been amended by adding the phrase "of a slot machine licensee" after "employee" to clarify that the bar on wagering at a licensed facility does not apply to employees of vendors who work at the licensed facility if the employees are not required to obtain a gaming permit or nongaming registration.

Section 461a.4(m) (relating to submission for testing and approval) has been amended to require that the notification of any known or suspected defect or malfunction in any slot machine or associated equipment be made to the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility instead of to the "Board." Similarly, the Bureau of Gaming Laboratory Operations, not the Board, will provide the direction to the slot machine licensee regarding the continued operation of the slot machine or associated equipment.

A similar amendment has been made in § 461a.8(o) (relating to gaming vouchers) which will require that the notification of any malfunction in a gaming voucher system be provided to the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility within 24 hours of the malfunction instead of being provided to the Board.

Sections 461a.7(y), 461a.10(b) and 461a.22(b) (relating to slot machine minimum design standards; automated gaming voucher and coupon redemption machines; and automated jackpot payout machines) have been amended to allow the Bureau of Gaming Operations to approve alternate sizes for the signs that are required on the top and front of these machines. This will allow slot machine licensees some additional flexibility concerning the signs to accommodate the particular location or design of these machines.

In § 461a.25 (relating to disputes), the phrase "concerning the payment of alleged winnings" has been deleted to



broaden the application of this provision to any dispute between a patron and a slot machine licensee. This change recognizes the fact that the Board's casino compliance representatives work with patrons and the slot machine licensees to resolve a wide range of potential disputes.

Section 463a.5(a) (relating to slot machine master lists), has been amended to replace "Office" with "Bureau" to reflect the name change from the Office of Gaming Operations to the Bureau of Gaming Operations.

In § 465a.2 (relating to internal control systems and audit protocols), a new subsection (a)(9) has been added which requires slot machine licensees to include procedures to ensure that their employees comply with Chapter 435a (relating to employees) in their internal controls. This provision has been added to clarify that the slot machine licensees are expected to be proactive about having their employees comply with the various reporting requirements.

Section 465a.8(c) (relating to licensed facility) has been amended allow the Bureau of Gaming Operations to designate addition doors which must be alarmed instead of just the emergency exits from the gaming floor. Because the design of each licensed facility is unique, this is needed to ensure both patron safety and for security reasons.

In § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restriction), subsection (c)(5)(iv) has been amended to require slot machine licensees to include photographs of individuals who are on the self-exclusion list in surveillance system's photo libraries. Most, if not all, of the slot machine licensees already do this so that their employees will be able to identify self-excluded individuals and prevent them from engaging in any gaming activities. Additionally, subsection (e)(7) has been amended to require that surveillance recordings be made of the entrances and exits to the main bank, vault and satellite cages in addition to the gaming floor, cashiers' cage and count room to monitor access to these sensitive areas.

Section 465a.15(c) (relating to cashiers' cage) has been revised to incorporate provisions for the use of computerized access systems for the double entry and exit system. As this technology has improved, more slot machine licensees are shifting away from keys and implementing electronic access systems.

In § 465a.16 (relating to accounting controls for the cashiers' cage), three changes have been made. First, the term "slot cashier" has been replaced with "cage cashier" in various subsections, since cage cashier is the more generally used term. Next, the issuance of gaming vouchers has been added as a function of cage cashiers. At some of the licensed facilities, patrons may request the cage cashier to issue a gaming voucher instead of cash as a matter of convenience. Lastly, the responsibility for the issuance, receipt and reconciliation of cash and gaming vouchers to and from automated bill breaker, automated gaming voucher and coupon redemption and automated jackpot payout machines, and preparation of related documentation has been moved from the list of responsibilities of cage cashiers to the list of responsibilities of main bank cashiers. This reflects current practice in the licensed facilities.

In § 465a.31 (relating to gaming day), the general language stating that the gaming day will be uniform and determined by the Board has been replaced with the actual time being used, which is 6 a.m. to 5:59.59 a.m.

Section 501a.5(a)(2) (relating to signage requirements) has been amended by replacing the requirement that the gambling problem toll free assistance message be posted within 50 feet of each ATM, cash dispensing or change machine in each facility with the requirement that the message be above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines and any other machine that dispenses cash to patrons in the licensed facility. Having the information posted within 50 feet was not an effective way to provide this information to patrons.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 39 Pa.B. 5018 (August 22, 2009).

The Board received comments from International Game Technology and Downs Racing, L.P. (Downs) during the public comment period. On October 21, 2009, the Independent Regulatory Review Commission (IRRC) also filed comments on the proposed rulemaking. All of these comments were reviewed by the Board and are discussed in detail in the following paragraphs.

Concerning the amendment to § 461a.7(y), IRRC stated that it is unclear how the approval of other sizes of the labels for slot machines would be obtained from the Bureau of Gaming Operations and asked if the slot machine licensee would have to seek a waiver under § 461a.24 (relating to waivers). IRRC had the same questions related to the amendments to §§ 461a.10(b) and 461a.22(b).

The placement of the labels on slot machines and other equipment is done as part of the opening process for a licensed facility or when a major reconfiguration of the licensed facility occurs. The Bureau of Gaming Operations will verify that the labels are positioned so that they can be read by the surveillance department. In some cases however, because of the particular placement or the design of a slot machine, it is not possible to use labels that meet the minimum size requirements specified in the regulations. In these situations, the Bureau of Gaming Operations will work with the slot machine licensee to use a smaller label as long as the label is clearly visible to the surveillance department. The slot machine licensee is not required to file a waiver request under § 461a.24 or any other paperwork; verbal approval is given by the Board personnel who are onsite working with the slot machine licensee. Because this informal process has worked well, the Board does not see a need to add additional procedural language to these sections.

In § 465a.2, IRRC and Downs questioned the need for and reasonableness of the new requirement in subsection (a)(9). Additionally, Downs stated that the new requirement in subsection (a)(9) represents a shifting of the Board's responsibility to oversee employee reporting to the slot machine licensee and will create additional paperwork.

Under Chapter 435a, employees have a continuing responsibility to report any event that might have an impact on their suitability to hold a permit or registration. This amendment does not alter that requirement or shift that responsibility to the slot machine licensees. However, slot machine licensees are expected to have procedures in place (that is, internal controls) to ensure that their employees are in compliance with all of the Board's regulations. For example, most slot machine licensees include materials relating to employee's responsibilities in their employee orientation and training pro-

grams, employee handbooks, and the like. Similarly, slot machine licensees are already required to inform the Board about inappropriate behavior by their employees. All this amendment does is require slot machine licensees to tell the Board what they are doing, as part of their internal controls, to ensure that their employees are complying with Chapter 435a.

In § 465a.8, IRRC stated that it is unclear how the designation of additional doors that will be required to be alarmed will occur.

As part of the opening process, personnel from the Bureau of Gaming Operations review all aspects of the licensed facility to ensure patron safety and the integrity of gaming operations. It is during this inspection process that the Bureau of Gaming Operations may identify additional doors that should be alarmed. The Bureau of Gaming Operations will then work directly with the slot machine licensee to make the necessary change prior to opening, or it will be included on the written deficiency list that is given to the slot machine licensee at the opening. The slot machine licensee will then have to cure the deficiency within a specified time period. Again, because issues are resolved as part of the opening process, the Board does not believe additional procedural requirements are needed in the regulation.

In § 465a.9, IRRC and Downs stated that subsection (c)(5)(iv) is not clear as to whether or not the photos of individuals who are on the self-exclusion list should be included in the same photo library as all current employees of the slot machine licensee, or if they should be in a separate photo library. Downs suggested that the photos of self-excluded individuals should be kept in a separate photo library from the current employee photo library. Additionally, Downs asked if the additional entrances listed in subsection (e)(7) must be covered by dedicated fixed cameras.

The staff agrees with Downs' suggestion that the photos of self-excluded individuals should be in a separate database and has amended the final-form regulation to reflect this change. This will make it easier for slot machine licensees' personnel to review or search for photos of self-excluded individuals.

Concerning the question of what type of camera should be used for surveillance of the main bank, vault and satellite cages, the Board's sole concern is that continuous coverage of these areas be provided. If the slot machine licensee can use one camera to cover two entrances or exits, that will be sufficient to meet the Board's continuous coverage requirement.

#### *Additional Revisions*

In § 465a.15, the Board has made additional revisions to subsection (c). More specifically, subsection (c)(2)(ii) has been amended to allow the security or surveillance departments to have control of the second door of a mantrap, so long as whoever controls the access to the first door does not control the access to the second door. This will give slot machine licensees some additional flexibility, while maintaining the required segregation of duties. Subsection (c)(3) has been revised to recognize the fact that more licensed facilities are using computerized access systems instead of keyed locks. Additionally, the existing and proposed language pertaining to computerized access systems has been deleted and replaced by new provisions in paragraph (4). This will consolidate the provisions related to computerized access systems and provide slot machine licensees some additional flexibility to tailor their systems to their unique physical layout.

#### *Affected Parties*

Slot machine licensees will be required to comply with the revised requirements contained in this rulemaking.

#### *Fiscal Impact*

##### *Commonwealth*

This final-form rulemaking will have no fiscal impact on the Board or other Commonwealth agencies.

##### *Political Subdivisions*

This final-form rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

##### *Private Sector*

Slot machine licensees may incur some slight costs to comply with the revised requirements. However, because most of these revisions simply clarify existing requirements or reflect current practices, the Board does not anticipate that slot machine licensees will experience any significant expense.

##### *General Public*

This final-form rulemaking will have no fiscal impact on the general public.

##### *Paperwork Requirements*

This final-form rulemaking will not create or eliminate any paperwork requirements for slot machine licensees or the Board.

##### *Effective Date*

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

##### *Contact Person*

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review, (717) 214-8111.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 2009, the Board submitted a copy of the proposed rulemaking, published at 39 Pa.B. 5018 (August 22, 2009) and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the 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 Board has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on January 20, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 21, 2010, and approved the final-form rulemaking.

##### *Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments 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 the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 435a, 461a, 463a, 465a and 501a, are amended by amending §§ 435a.1, 461a.4, 461a.7, 461a.8, 461a.10, 461a.22, 461a.25, 463a.5, 465a.2, 465a.8, 465a.16, 465a.31 and 501a.5 to read as set forth at 39 Pa.B. 5018; and by amending §§ 465a.9 and 465a.15 to read as set forth in Annex A, with ellipses referring to the text of the existing regulation.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 5018 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 816 (February 6, 2010).)

Fiscal Note: Fiscal Note 125-103 remains valid for the final adoption of the subject regulations.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.9. Surveillance system; surveillance department control; surveillance department restriction.

\* \* \* \* \*

(c) The surveillance system required in this section must include the following:

\* \* \* \* \*

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1). Each monitoring room shall be equipped with or serviced by:

\* \* \* \* \*

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the slot machine licensee and a separate

photo library that contains the photographs of individuals who are on the Board's self-exclusion list. These photo libraries shall be available to the Board and the State Police.

\* \* \* \* \*

(e) A slot machine licensee's surveillance system must continuously record, during the times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

\* \* \* \* \*

(7) The entrances and exits to the licensed facility, the gaming floor, the main bank, the vault, the cashiers' cage and any satellite cages and the count room.

\* \* \* \* \*

§ 465a.15. Cashiers' cage.

\* \* \* \* \*

(c) The cashiers' cage shall be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein. Its design and construction must include:

\* \* \* \* \*

(2) A double door entry and exit system that will not permit a person to pass through the second door until the first door is securely locked. In addition, the following apply:

(i) The first door leading from the gaming floor of the double door entry and exit system must be controlled by the security department or the surveillance department.

(ii) The second door of the double door entry and exit system must be controlled by the cashiers' cage, security department or the surveillance department, provided that the first and second door may not be controlled by the same department.

\* \* \* \* \*

(3) If manual locks are used to secure each door of the double door entry and exit system, the keys to each door must be different from each other.

(4) A slot machine licensee may use a Board-approved computerized access system to meet the double door entry system requirements in paragraph (2) if:

(i) The computerized access system provides a functionally equivalent level of security.

(ii) The slot machine licensee includes provisions in the slot machine licensee's internal controls which will provide a functionally equivalent level of security when the computerized access system is not functioning.

\* \* \* \* \*

[Pa.B. Doc. No. 10-361. Filed for public inspection February 26, 2010, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 9, 2010.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-1-2010	Quaint Oak Bank Southampton Bucks County	1710 Union Boulevard Allentown Lehigh County	Opened
2-1-2010	Somerset Trust Company Somerset Somerset County	2690 William Penn Avenue Suite 5 Johnstown Cambria County	Opened
2-9-2010	PeoplesBank, A Codorus Valley Company York York County	Autumn House East 2618 East Market Street York York County (Limited Service Facility)	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-4-2010	Northwest Savings Bank Warren Warren County	<i>To:</i> 841 West Erie Plaza Erie Erie County	Filed
		<i>From:</i> 2256 West 8th Street Erie Erie County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-9-2010	S&T Bank Indiana Indiana County	2000 Penny Lane Jeannette Westmoreland	Filed
2-9-2010	S&T Bank Indiana Indiana County	2001 Lincoln Way White Oak Allegheny County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
2-8-2010	Susquehanna Bank Lititz Lancaster County	Filed

Amendment to the Fifth Article of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock.

## SAVINGS INSTITUTIONS

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-9-2010	ESSA Bank & Trust Stroudsburg Monroe County	5580 Crawford Drive Bethlehem Northampton County	Approved
2-9-2010	ESSA Bank & Trust Stroudsburg Monroe County	5020 PA Route 873 Schnecksville Lehigh County	Approved

## CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-362. Filed for public inspection February 26, 2010, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086142 (Sew)	Washington Township Municipal Authority 120 Barto Road Barto, PA 19504-0052	Berks County Washington Township	West Branch Perkiomen Creek 3E	Y
PA0247359 (IW)	Key Plastics, LLC 12367 Mt. Olivet Road Felton, PA 17322-8449	York County Winterstown Borough	UNT East Branch Codorus Creek 7H	Y
PA0083488 (Sew)	Stonebridge Health and Rehab 102 Chandra Drive Duncannon, PA 17020	Perry County Penn Township	UNT Little Juniata Creek 7A	Y
PA0081957 (IW)	CBS Corporation (former Westinghouse Elevator Plant) 20 Stanwix Street Pittsburgh, PA 15222	Adams County Cumberland Township	UNT Rock Creek 13D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0111945 (Sewage)	Ward Manufacturing, Inc. P. O. Box 9 Blossburg, PA 16912	Blossburg Borough Tioga County	Johnson Creek Tioga River 4A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0025551	USDA Forest Service Dewdrop Campground STP 222 Liberty Street Warren, PA 16365-2304	Mead Township Warren County	Allegheny Reservoir 16-B	Y
PA0210081	John J. Stino 16675 Stuart Road Corry, PA 16407	Wayne Township Erie County	Unnamed tributary to Hubbel Run 16-A	Y

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

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

**Application No. PA 0021237**, Sewage, **Newport Borough Municipal Authority**, 231 Market Street, Newport, PA 17074-1590. This facility is located in Newport Borough, **Perry County**.

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

The receiving stream, Juniata River, is in Watershed 12-B, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 12 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.4 MGD are:

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	Report		
Total Residual Chlorine	1.5		2.5
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

The proposed final effluent limits for Outfall 001 for a design flow of 0.4 MGD are:

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	Report		
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

Chesapeake Bay Requirements

	Concentration (mg/L)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia—N	Report	Report	Report	Report
Kjeldahl—N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	7,309
Net Total Phosphorus	XXX	Report	Report	974

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

The EPA waiver is not in effect.

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

**PA0020583**, Sewerage, SIC 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842. This existing facility is located in Middleburg Borough, **Snyder County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater. The receiving stream, Middle Creek, is in the State Water Plan watershed 6A and classified for: Trout Stocking, Migratory Fishes (TSF, MF). The nearest downstream public water supply intake for United Water Pennsylvania, located on the Susquehanna River is 55 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.45 MGD.

Parameter	Concentration (mg/L)			Mass (lbs)		
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
CBOD <sub>5</sub>	25	40		50		
TSS	30	45		60		
% UV Intensity	Report Minimum					
Fecal Coliforms	200/100 mL as a geometric mean					
(5-1 to 9-30)	2,000/100 mL as a geometric mean					
(10-1 to 4-30)	Within the range of 6.0 to 9.0					
pH						

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/L)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	8,219*
Net Total Phosphorus		Report	1,096*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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

**PA0024571**, Sewage, **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066-6499. This existing facility is located in Cranberry Township, **Butler County**.

Description of Proposed Activity: renewal of an existing NPDES permit to discharge treated sewage.

The receiving streams, Brush Creek (Outfalls 001 and 005) and an unnamed tributary to Brush Creek Outfalls 002—004), are in watershed 20-C and classified for: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.5 MGD.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
CBOD <sub>5</sub>					
(5/01 to 10/31)	375	563	10	15	20
(11/1 to 4/30)	751	1,126	20	30	40
Total Suspended Solids	1,126	1,689	30	45	60
NH <sub>3</sub> -N					
(5/1 to 10/31)	75.1		2		4
(11/1 to 4/30)	188		5		10
Phosphorus as "P"	75.1		2		4
Total Dissolved Solids	XX		XX		
Fecal Coliform					
(5/1 to 9/30)		200/100 ml as a geometric average			
(10/1 to 4/30)		2,000/100 ml as a geometric average			
Dissolved Oxygen		minimum of 5 mg/l at all times			
Total Residual Chlorine			0.18		0.59
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfalls 002—004 are based on a design flow of n/a MGD.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)

The discharge shall comply with the effluent limitations as required for Outfall 001.

Outfalls 002—004 are discharges of treated wastewater for the purpose of irrigating a public golf course.



The proposed effluent limits for Outfall 005 are based on a design flow of n/a MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

This discharge shall consist of uncontaminated stormwater runoff from the treatment plant site.

XX—Monitor and Report on monthly DMRs.

Special Conditions:

1. Total Residual Chlorine Minimization.
2. Stormwater Best Management Practices.
3. Whole Effluent toxicity (WET) testing for the renewal permit.

The EPA waiver is not in effect.

**PA0263656**, Sewage, **Daniel H. Preston SFTF**, 100 3rd Lane, Kane, PA 16735. This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Activity: discharge of treated sewage from a small flow treatment facility.

The receiving water is the Sevenmile Run. The receiving stream is in State Water Plan 17-A and is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation.

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

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and Report.

The EPA waiver is in effect.

**PA0100277**, Sewage, SIC Code 4952, **North and South Shenango Township Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134-4403. Facility Name: North and South Shenango Joint STP. This existing facility is located in South Shenango Township, **Crawford County**.

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

The receiving stream(s), the Shenango River, is located in State Water Plan watershed 20-A 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 1.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Total Residual Chlorine				0.41		1.35
CBOD <sub>5</sub>						
(5/1 to 10/31)	162	238		15	22	30
(11/1 to 4/30)	271	433		25	40	50
Total Suspended Solids	325	487		30	45	60
Fecal Coliform (CFU/100 ml)				200 Geometric Mean		
(5/1 to 9/30)				2,000 Geometric Mean		
(10/1 to 4/30)						
Ammonia-Nitrogen						
(5/1 to 10/31)	48			4.5		9
(11/1 to 4/30)	108			10		20
Total Phosphorus	7.9			1		2

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

\* Requirements Applicable to Stormwater Outfalls.

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

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


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

**WQM Permit No. WQG02461004**, Sewerage, **Whitemarsh Township Sewer Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

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

**WQM Permit No. 4209404**, Sewerage, **Daniel Preston**, 100 3rd Lane, Kane, PA 16001. This proposed facility is located in Sergeant Township, **McKean County**.

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

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


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


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


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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 511001	PECO Energy Company 2301 Market Street, S18-1 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF

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


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

## STATE CONSERVATION COMMISSION

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

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Lance Heberlig 24 Shuman Road Newburg, PA 17240	Cumberland	68.73	498.71	Swine & Veal	NA	New
Mercer Vu Farms, Inc. 12275 Mt. Pleasant Road Mercersburg, PA 17236	Franklin	1,527	2,101.88	Dairy	NA	Renewal
Abram Barley Star Rock Services, Inc. 37 Chestnut Grove Road Conestoga, PA 17516	Lancaster	1,200	2.59	Dairy Beef	HQ	Renewal
Marvin Long 4251 Fletcher Drive Greencastle, PA 17225	Franklin	318	402	Poultry	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

**MINOR AMENDMENT**

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

**Application No. 3704501-MA1, Minor Amendment.**

Applicant	<b>New Wilmington Borough Municipal Authority</b>
Township or Borough	<b>New Wilmington Borough Lawrence County</b>
Responsible Official	Fred Garrett Borough Superintendent
Type of Facility	Public Water System
Application Received Date	02/10/2010
Description of Action	Add solar powered water mixers to existing potable water tanks to help eliminate thermal stratification and nitrification problems.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial

area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Silberline Manufacturing Company, Inc.**, 201 East Dock Street, Lansford Borough, **Carbon County**. Eric T. Schleicher and Michael S. Kozar, O'Brien & Gere Engineers, Inc., 512 East Township Line Road, Two Valley Square, Suite 120, Blue Bell, PA 19422 have submitted a Notice of Intent to Remediate (on behalf of their client, Silberline Manufacturing Company, Inc., P. O. Box B, 130 Lincoln Drive, Tamaqua, PA 18252-0420), concerning the remediation of soil and groundwater found to have been impacted by TCE, Vinyl Chloride (VC), and cis-1, 2-dichloroethene (cDCE) and the remediation of groundwater found to have been impacted by No. 6 fuel oil (naphthalene) as a result of historical operations at the site. The applicant proposes to remediate the site to meet a combination of the Statewide Health Standard and the Site-Specific Standard. The intended future use of the property is continued commercial/industrial use. A summary of the Notice of Intent to Remediate was published in the *Times News* on February 1, 2010.

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

**William and Rae Marie Sauerhoufer Residence**, West Cocalico Township, **Lancaster County**. GemChem Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of William and Rae Marie Sauerhoufer, 315 South Ridge Road, Reinholds, PA 17569, submitted a Notice of Intent to Remediate site soils and groundwater contaminated

with No. 2 fuel oil from a ruptured fill line. The site will be remediated to the Statewide Health Standard and will remain residential.

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

**Department of Transportation District 2-0 Clinton County Maintenance Facility**, City of Lock Haven, **Clinton County**. APEX Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355 (on behalf of the Department of Transportation, District 2-0, 1924 Daisy Street, Clearfield, PA 16830), has submitted a Notice of Intent to Remediate groundwater contaminated with nickel. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property is likely to remain nonresidential for commercial and/or industrial use.

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

**Marino Brothers Scrap Yard**, Borough of Rochester, **Beaver County**. Atwell-Hicks, LLC, 30575 Bainbridge Road, Suite 180, Solon, OH 44139 on behalf of Castlebrook Development Group, 2593 Wexford Bayne Road, Building 1, Sewickley, PA 15143 has submitted a Notice of Intent to Remediate. The site occupies approximately 3 acres adjacent to the Ohio River. Contamination at the site is from historical industrial use. The soil is contaminated with polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), and metals. The groundwater is contaminated with polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), metals, and volatile organic compounds. The intended use of the site is mixed commercial and residential.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first.

Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

*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 No. 58-329-008: Tennessee Gas Pipeline Co.** (1001 Louisiana Street, Houston, TX 77002) for construction and operation of three (3) natural gas fired simple cycle combustion turbines and an emergency generator at their facility in Clifford Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 58-329-008 to Tennessee Gas Pipeline Company, 1001 Louisiana Street, Houston, TX 77002, for their facility located in Clifford Township, Susquehanna County. The facility currently has Title V Permit No. 58-00001. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 58-329-008 is for the construction and operation of three (3) natural gas fired simple cycle combustion turbines and an emergency generator at the facility located in Clifford Township, Susquehanna County. These new turbines and generator will replace existing three recuperated turbines and generator operating at the facility under Title V operating permit No. 58-00001. These three combustion turbines will be used to move gas through the pipeline system. Natural gas will be used as a fuel for the turbines and generator.

The proposed sources are subject to the various state and federal New Source Performance Standard (NSPS) requirements.

A review of the information submitted by the Tennessee Gas Pipeline Co. indicates that the proposed project will meet all applicable State and Federal NSPS air quality

requirements. Based upon these findings, the Department plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions from maximum operation of the turbines and generator according to the application submitted and the Department's own analysis:

<i>Pollutant</i>	<i>Total Project (TPY)</i>
NOx	54.45
CO	71.60
VOC	19.21
SO <sub>2</sub>	2.00
PM/PM <sub>10</sub>	3.90
Formaldehyde	0.89
Total HAPs	1.01

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

To assure compliance with the applicable standards, the Department will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No. 58-329-008.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

### OPERATING PERMITS

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

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

**06-05069: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for operation of a lead-acid storage battery manufacturing facility in Richmond Township, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (MACT) and 25 Pa. Code § 129.91, Control of Major Sources of NOx and VOC, Reasonably Available Control Technology (RACT). This permit will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air requirements.

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

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

**40-00119: First Quality Nonwovens** (101 Green Mountain Road, Hazleton, PA 18202) for a State-only operating permit for a fabric manufacturing facility in Hazle Township, **Luzerne County**. The State-only operating permit includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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

**63-00948: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe, Tower 2, Suite 700, Denver, CO 80202) to place elective restrictions on total site emissions for engines at Tupta Day Compressor Station in Amwell Township, **Washington County**.

**63-00954: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe, Tower 2, Suite 700, Denver, CO 80202) to place elective restrictions on total site emissions for engines at Brighc Compressor Station in Chartiers Township, **Washington County**.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401

Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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

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

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

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

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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the

request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

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

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

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

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

**32991301 and NPDES Permit # PA0215228, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Nolo Deep Mine in Buffington Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: December 1, 2009.

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

**37030101 and NPDES Permit No. PA0242314, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Wayne Township, **Lawrence County** affecting 132.0 acres. This renewal is for reclamation only. Receiving stream: Unnamed tributary to Slippery Rock Creek, classified for the following state-wide uses: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received: February 5, 2010.

**61100101 and NPDES Permit No. PA0258814, K & A Mining** (P. O. Box 288, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 68.6 acres. Receiving streams: Unnamed tributary to Williams Run, unnamed tributary to Scrubgrass Creek, and unnamed tributary to East Branch Wolf Creek, all classified for the following state-wide uses:

CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 8, 2010.

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

**17020107 and NPDES No. PA0243281, AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 112.0 acres. Receiving stream(s): unnamed tributaries to the West Branch of the Susquehanna River classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2010.

**17990120 and NPDES No. PA0242756, AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal of an existing bituminous surface and auger mine located in Penn Township, **Clearfield County** affecting 37.5 acres. Receiving stream(s): unnamed tributaries to Bell Run, Bell Run to the West Branch of the Susquehanna River classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2010.

**17990121 and NPDES No. PA0242764, Lee Coal Contracting, Inc.** (1395 German Road, Drifting, PA 16834). Permit renewal for reclamation only of an existing bituminous surface mine located in Cooper Township, **Clearfield County** affecting 23.9 acres. Receiving stream: Sulphur Run to Moshannon Creek to the West Branch Susquehanna River classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 25, 2010.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**37990302. Cemex, Inc.** (920 Memorial City Way, Suite 100, Houston, TX 77024) Renewal of the existing NPDES Permit No. PA0241547 in Shenango and Wayne Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to Snake Run and unnamed tributaries to the Beaver River, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 8, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E63-621. Department of General Services**, Bureau of Engineering and Architecture, Room 201, 18th and Herr Streets, Harrisburg, PA 17125. To place and maintain fill in wetlands in North Bethlehem Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 2.3 inches; W: 0.75 inch, Latitude: 40° 8' 15"; Longitude: 80° 7' 49"). The applicant proposes to place and maintain fill in 0.087 acre of wetlands and in approximately 240 linear feet of unnamed tributaries to Little Chartiers Creek (HQ-WWF) for the purpose of construction of the Department of Transportation maintenance facility and the State Police Barracks located along SR 519.

## ACTIONS

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

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

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



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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209261 (Sewerage)	Mooreburg WWTP 197 Mooreburg Road Danville, PA 17821	Liberty Township Montour County	Mauses Creek 5E	Y

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

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

**PA0233650**, Industrial Waste, SIC 1389, **TerrAqua Resource Management, LLC**, 1000 Commerce Park Drive, P. O. Box 487, Williamsport, PA 17703-0487. This proposed facility will be located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: Permit issued authorizing the discharge from a proposed 0.4 MGD Water Tower Square Gas Well Wastewater Processing Facility. This facility proposes to process wastewater generated from the drilling, development and use of natural gas wells in north central Pennsylvania and discharge the treated effluent.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 10B and is classified for Warm Water Fishes and Migratory Fishes. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located on the West Branch Susquehanna River and is 28.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	177	544	53	163	204
Total Suspended Solids	100	150	30	45	60
Oil and Grease			15		30
pH (standard units)				6.0 to 9.0 at all times	

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia-N	83	167	25	50	63
Aluminum, Total	7	13	2.0	4.0	5.0
Acetone	26.6	100.7	7.97	30.2	37.8
Acetophenone	0.187	0.380	0.056	0.114	0.140
2-Butanone	6.17	16.05	1.85	4.81	6.0
o-Cresol	1.87	6.41	0.561	1.92	2.4
p-Cresol	0.684	2.239	0.205	0.698	0.873
Phenol	3.6	12.2	1.08	3.65	4.56
Pyridine	0.61	1.23	0.182	0.370	0.455
2,4,6-Trichlorophenol	0.35	0.52	0.106	0.155	0.265
Copper, Total	1.07	1.67	0.321	0.501	0.803
Zinc, Total	1.40	1.66	0.420	0.497	1.05
Barium, Total	33	67	10	20	25
Strontium, Total	33	67	10	20	25
Iron, Total	10	20	3.0	6.0	7.5
Manganese, Total	7	13	2.0	4.0	5.0
Iron, Dissolved	Monitor	Monitor	Monitor	Monitor	7.0
Silver, Total	0.310	0.484	0.093	0.145	0.233
Boron, Total	Monitor	Monitor	Monitor	Monitor	
Cobalt, Total	Monitor	Monitor	Monitor	Monitor	
Arsenic, Total	Monitor	Monitor	Monitor	Monitor	
Cadmium, Total	Monitor	Monitor	Monitor	Monitor	
Lead, Total	Monitor	Monitor	Monitor	Monitor	
Mercury, Total	Monitor	Monitor	Monitor	Monitor	
Nickel, Total	Monitor	Monitor	Monitor	Monitor	
Selenium, Total	Monitor	Monitor	Monitor	Monitor	
Benzene	Monitor	Monitor	Monitor	Monitor	
Toluene	Monitor	Monitor	Monitor	Monitor	
Alkalinity, Total as CaCO <sub>3</sub>	Monitor	Monitor	Monitor	Monitor	
Beryllium	Monitor	Monitor	Monitor	Monitor	
Bromide	Monitor	Monitor	Monitor	Monitor	
Calcium	Monitor	Monitor	Monitor	Monitor	
Chemical Oxygen Demand	Monitor	Monitor	Monitor	Monitor	
Chromium, Total	Monitor	Monitor	Monitor	Monitor	
Ethylene Glycol	Monitor	Monitor	Monitor	Monitor	
Hardness, Total as CaCO <sub>3</sub>	Monitor	Monitor	Monitor	Monitor	
Lithium	Monitor	Monitor	Monitor	Monitor	
Magnesium	Monitor	Monitor	Monitor	Monitor	
MBAS (Surfactants)	Monitor	Monitor	Monitor	Monitor	
Molybdenum	Monitor	Monitor	Monitor	Monitor	
Osmotic Pressure (mosm/kg)			Monitor	Monitor	
Sodium	Monitor	Monitor	Monitor	Monitor	
Specific Conductance (umho/cm)			Monitor	Monitor	
Total Dissolved Solids	1,668	3,336	500	1,000	1,250
Chlorides	834	1,668	250	500	625
Sulfates	834	1,668	250	500	625
Radium 226/228 (pCi/L)			Monitor	Monitor	
Gross Alpha (pCi/L)			Monitor	Monitor	
Acidity			< than Alkalinity		

The following limits will also be in effect from Permit Effective Date until Permit Expiration Date:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Ammonia-N	Report	Report	Report	
Kjeldahl-N	Report		Report	
Nitrate-Nitrite as N	Report		Report	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Net Total Nitrogen	Report	0.00		
Net Total Phosphorus	Report	0.00		

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

1. Chesapeake Bay Nutrient Requirements.
2. Residual Waste Supplemental Discharge Monitoring Report.

3. Chemical Additives.
4. Stormwater No Exposure Certification.

**PA0228451**, CAFO, SIC 213, **Adam Meily**, P. O. Box 607, Millerstown, PA 17062. This proposed facility is located in West Beaver Township, **Snyder County**.

Description of Proposed Activity: An existing hog finishing operation that was previously operating under a General Permit.

The receiving stream, Jacks Creek, is in the State Water Plan watershed 12A and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

In addition to the effluent limits, the permit contains the following major special conditions. None

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

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

**WQM Permit No. 1596405**, Sewerage, Renewal, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Renewal of the existing sewage treatment plant and spray irrigation disposal system.

**WQM Permit No. 0907406**, Sewerage, Amendment, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Increased the flow from 20,000 gpd to 50,000 gpd.

**WQM Permit No. 0998419**, Sewerage, Renewal, **Haycock Camping Ministries**, 3100 School Road, Kintnersville, PA 18930. This proposed facility is located in Springfield Township, **Bucks County**.

Description of Action/Activity: Renewal of the existing sewage treatment plant with spray irrigation.

**WQM Permit No. 1504412**, Sewerage, Amendment, **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. This proposed facility is located in Oxford Borough, **Chester County**.

Description of Action/Activity: Solar powered long distance circulators in the storage lagoon to control algae growth and prevent the effluent freezing in water.

**WQM Permit No. 4609410**, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Replacement of 3,400 lineal feet of existing 10" asbestos-concrete gravity sewer with 15" PVC pipe.

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

**WQM Permit No. WQG02181001**, Sewerage, 4952, **Western Clinton County Municipal Authority**, 365 Huron Avenue, P. O. Box 363, Renovo, PA 17764. This proposed facility is located in Chapman Township, **Clinton County**.

Description of Proposed Action/Activity: Replacement of Western Clinton County Municipal Authority's Pump Station No. 4. The existing pump station will remain in use while the proposed one is being constructed.

**WQM Permit No. WQG02080902**, Sewerage, SIC 4952, **Athens Township Authority**, 2523 Pennsylvania Avenue, Sayre, PA 18840. This proposed facility is located in Athens Township, **Bradford County**.

Description of Proposed Action/Activity: A sewer extension and pump station are being constructed in New York. The associated force main will enter into Pennsylvania to connect to an existing sanitary sewer system. The permit authorizes the construction and operation of approximately 1,056 L.F. of 4" PVC piping in Pennsylvania.

**WQM Permit No. 1409403**, Sewerage, SIC 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. This proposed facility is located in College and Benner Townships, **Centre County**.

Description of Proposed Action/Activity: This project includes the construction of a wastewater relief pump station and bypass force main along the Big Hollow Interceptor, the replacement of a gravity sewer line along the Puddintown Road Interceptor and the replacement of a gravity sewer line along the Slab Cabin Interceptor.

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

**WQM Permit No. 6304406-A1**, Sewerage, **Center-West Joint Sewer Authority**, P. O. Box 542, Brownsville, PA 15417. This existing facility is located in Centerville Borough, **Washington County**.

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 5609408**, Sewerage, **Somerset County General Authority**, 146 West Main Street, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

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

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

**WQM Permit No. 6209401**, Sewerage, **Don Thompson**, 605 Old Farm Lane, State College, PA 16803-1224. This proposed facility is located in Conewango Township, **Warren County**.

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

**WQM Permit No. WQG018734**, Sewerage, **Northwest Savings Bank**, 4002 Main Street, Erie, PA 16511. This proposed facility is located in Greene Township, **Erie County**.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509032	Downing Hills Christian Fellowship 107 Garriss Road Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909017	Lower Macungie Township 3400 Brookside Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609007-1	Nancy Evans PPL Holtwood, LLC Two North 9th Street Allentown, PA 18101	Lancaster	Martic Township	Susquehanna River WWF
PAI032805005-R	John T. Hoover Spring Valley Estates, LLC 2000 Powell Drive Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056309002	Department of Transportation District 12-0 825 N. Gallatin Avenue Ext. Uniontown, PA 15401	Washington	Somerset and South Strabane Townships	Little Chartiers Creek HQ-WWF

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601. (724-837-5271).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509006	Greater Johnstown Water Authority 640 Franklin Street Johnstown, PA 15907	Westmoreland	Ligonier and Fairfield Townships Ligonier Borough	Mill Creek, Hess Run, Tubmill Creek, Alwine Creek, Dalton Run EV HQ-CWF CWF

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


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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


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

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hilltown Township Bucks County	PAG200 0904097-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	North Branch Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG200 0909106	Central Bucks School District 320 West Swamp Road Doylestown, PA 19801	Unnamed Tributary Mill Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG200 0909085	Rul Pereira 3 Daffodil Place Newtown, PA 18940	Newtown Creek WWF-MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG200 0904081-R-1	Warrington Township 852 Easton Road Warrington, PA 18976	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Telford Borough Bucks County	PAG200 0908104	Lutheran Community at Telford 235 North Washington Avenue Telford, PA 18956	Mill Creek East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG200 1509047	Valley Township P. O. Box 467 Coatesville, PA 19320	Unnamed Tributary Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Chichester Township Delaware County	PAG0200 2309015	Farmstead Builders 1244 West Chester Pike Suite 406 West Chester, PA 19382	Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Nether Providence Township Delaware County	PAG200 2309024	James Bajorek 617 South Providence Road Wallingford, PA 19086	Ridley Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109039	CSX Transportation 2000 West Cabot Boulevard Suite 130 Langhorne, PA 19407	Byberry and Poquessing Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5108031	Settlement Music School 416 Queen Street P. O. Box 63966 Philadelphia, PA 19147-3966	Philadelphia Combined Sewers	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 5109040	Waste Management of Pennsylvania, Inc. 448 Lincoln Highway Fairless Hills, PA 19030	Delaware Direct Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pine Grove Township Schuylkill County	PAG2005404037R	Newstead Development, LLC P. O. Box 163 Pine Grove, PA 17963	Unnamed Tributary to the Upper Little Swatara Creek CWF MF	DEP—ERO 2 Public Square Wilkes-Barre, PA 18711-0790 570-826-2511
Conewago Township Dauphin County	PAG2002209038	Joel C. McNaughton Deodate Associates, LP 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Brills Run—Lynch Run TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Derry Township Dauphin County	PAG2002209029	James Negley Derry Township 600 Clearwater Road Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Derry Township Dauphin County	PAG2002204054-1	Kent Bachmann HERCO 300 Park Boulevard Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Paxton Township Dauphin County	PAG2002210002	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Monaghan Township York County	PAG2006707064-1	Creedin S. Paulus 41 Fisher's Run Road Dillsburg, PA 17019	UNT to Fisher's Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Bedford Township Bedford County	PAG2000509010	Walter Miles Crossroads Bible Church 1532 Quaker Valley Road New Paris, PA 15554	Dunning Creek WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 814-623-7900, Ext. 3

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Wysox Township Bradford County	PAG2000810003	Robert Reeves R. R. 2 Box 109A Milan, PA 18831	Laning Creek WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
West Burlington Township Bradford County	PAG2000810004	Scott D. Warner Warner Development R. R. 3 Box 455 Troy, PA 16947	Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Clearfield and Elk Counties Huston and Fox Townships	PAG2091709008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Mill Run to Bennett Branch Sinnemahoning Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tamaqua Borough Schuylkill County	PAR202240	Hart Metals, Inc. 1415 East Broad Street Tamaqua, PA 18252	Panther Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Adams County Conewago Township	PAR233501	Miller Chemical and Fertilizer Corporation 120 Radio Road Hanover, PA 17331	UNT South Branch Conewago Creek WWF 7F	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Mifflin County Union Township	PAR203546	Donsco, Inc. P. O. Box 2001 Wrightsville, PA 17368	Kishacoquillas Creek CWF 12A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bradford Township Clearfield County	PAR604827	Ogden's Auto Wrecking 6982 Shiloh Road Woodland, PA 16881	Unnamed Tributary to Valley Fork Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Rose Township Jefferson County	PAR118335	Miller Welding and Machine Company P. O. Box G Brookville, PA 15825	Clement Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Greene Township Erie County	PAG049559	Northwest Savings Bank 4002 Main Street Erie, PA 16511	Unnamed tributary to Mill Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Delaware Township Mercer County	PAG049557	Bradley W. Stull 252 Hamburg Road Transfer, PA 16154-9311	Unnamed tributary to Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Mahanoy City Schuylkill County	PAG08-2211	Mahanoy City Sewer Authority 130 East Center Street Mahanoy City, PA 17948	Mahanoy City Wastewater Treatment Plant 10 Golden Bear Drive Mahanoy City, PA 17948	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 570-826-2511

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jay Hess Bacon Acres 151 Pequea Creek Road Conestoga, PA 17516	Lancaster	180	495.5	Hogs Beef Broilers	NA	Approved

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the

Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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



**SAFE DRINKING WATER**

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

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

**Operations Permit** issued to **Shippensburg Borough Authority**, 7210043, Southampton Township, **Franklin County** on 2/11/2010 for the operation of facilities approved under Construction Permit No. 2808507.

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

**Permit No. 4186560EP101—Operation**, Public Water Supply.

Applicant	<b>First Quality Water &amp; Beverage, LLC</b>
Township or Borough	Castanea Township
County	<b>Clinton</b>
Responsible Official	James Vaiana Environmental Manager First Quality Water & Beverage, LLC 904 Woods Avenue Lock Haven, PA 17745
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Gary Toplak, P. E. Toplak & Associates, PC 112 Pineview Road Baden, PA 15005
Permit Issued Date	February 9, 2010
Description of Action	Operation related to the upgrade of Bald Eagle Creek Reservoir, Norit X-Flow Ultrafiltration, Carbon filtration, GE Osmonics RO, UV, Hypochlorite, and Ozone.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Findlay Township	P. O. Box W 1271 Route 30 Clinton, PA 15026	Allegheny

*Plan Description:* The approved plan provides for the construction of a trunk line from the Potato Garden Run Interceptor along Strauss Road to service areas along Route 30 near this intersection with Potato Garden Run and Cork-Bocktown Road. The length of the trunk line required is approximately 6,950 feet. The Collection System will extend approximately 6,450 feet and will serve forty-one (41) existing homes and businesses. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant envi-

ronmental impacts resulting from this proposal. The WQM Permit must be obtained in the name of the Authority.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Pawelski Residence**, Alsace Township, **Berks County**. Crawford Environmental Services, LLC, 195 Proudfoot Drive, Birdsboro, PA 19508 on behalf of Frank Pawelski, 109 Skyline Drive, Reading, PA 19606 and Pipeline Petroleum, Inc., P. O. Box 159, Shippers Road, Macungie, PA 18062, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**SAV Transportation Group/Diesel Spill**, Bethel Township, **Berks County**. Taylor GeoServices, Inc., 38

Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of SAV Transportation Group, Inc., P. O. Box 480050, Coon Rapids, MN 55448-0550; Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101; and Bruce A. Light, 791 Greble Road, Lebanon, PA 17046, submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with diesel fuel from a ruptured saddle tank. The release occurred along a highway, and future use of the area will remain the same. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Driscoll Residence**, Dickinson Township, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Heather Yates, 1265 Goodyear Road, Gardners, PA 17324, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The report, which was submitted within 90 days of the release, is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Handelman Residence**, Lower Paxton Township, **Dauphin County**. Marshall Miller and Associates, Inc., 3913 Hartzdale Drive, Camp Hill, PA 17011, on behalf of Jarad Handelman, 5340 Windsor Road, Harrisburg, PA 17112; Nationwide Agribusiness Insurance, 1100 Locust Street, Dept. 3010, Des Moines, IA 50391-3010; and ABC Fuel Oil Company, 25 North Lockwillow Avenue, Harrisburg, PA 17112, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

Borough of Emporium, **Former Waste Disposal Area**, Emporium Borough, **Cameron County**. Malcolm Pirnie, 855 Route 145, Suite 210, Clifton Park, NY 12065 on behalf of GTE Operations Support Incorporate, One Verizon Way, VC 34W414, Basking Ridge, NJ 07920 and the Borough of Emporium, 421 North Broad Street, Emporium, PA 15834 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOC's and organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

**Marino Brothers Scrap Yard**, Borough of Rochester, **Beaver County**. Atwell-Hicks, LLC, 30575 Bainbridge Road, Suite 180, Solon, OH 44139 on behalf of Castlebrook Development Group, 2593 Wexford Bayne Road, Building 1, Sewickley, PA 15143 has submitted a Remedial Investigation Report and Risk Assessment Report concerning the soil and groundwater contamination at the site. The reports are intended to delineate the extent of contamination in each media using the Site-Specific Standard.

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

**Allegheny County Field Sports Complex**, State Route 51 and Montour Run Road, Borough of Coraopolis, Robinson Township, Township of Moon, **Allegheny County**. Chester Engineers, Airside Business Park, 260 Airside Drive, Moon Township, PA 15108 on behalf of James R. Wilharm, Trustee for Sports Legacy Foundation, Alliance Reality Management, 121 Towne Square Way, Pittsburgh, PA 15227 has submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and

Final Report concerning remediation of site soil and groundwater contaminated with lead, arsenic and other inorganic constituents. The report is intended to document remediation of the site to meet a Site-Specific Residential Standard. Notification of this combined report was published in the *Pittsburgh Tribune Review* on February 3, 2010.

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

**Lebanon Plaza Mall Dry Cleaners Site**, North Cornwall Township, **Lebanon County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Prestige Properties & Development Company, Inc., 546 Fifth Avenue, 15th Floor, New York, NY 10036, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCE and TCE. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on February 11, 2010.

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

**UGI, Muncy Manufactured Gas Holder/Regulator Station**, Muncy Borough, **Lycoming County**. EPSY, 1414 N. Cameron Street, Harrisburg, PA 17103 on behalf of UGI Utilities Inc., 2525 N. 12th Street, Suite 360, Reading, PA 16912 has submitted a Final Report concerning remediation of site soil contaminated with Lead. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on February 12, 2010.

## AIR QUALITY

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

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

**GP14-46-0273: West Laurel Hill Cemetery Co.** (225 Belmont Avenue, Bala Cynwyd, PA 19004) on February 11, 2010, to operate a human crematory in Lower Merion Upper Township, **Montgomery County**.

**GP1-09-0096: PPB Energy Partners, LLC** (5429 Harding Highway-Building 500, Mays Landing, NJ 08330) on February 11, 2010, to operate a small gas and No. 2 oil fired combustion units in Bensalem Township, **Bucks County**.

**GP2-23-0225: Sunoco Partners Marketing & Terminals, LP** (1818 Market Street, Suite 1500, Philadelphia, PA 19103) on February 11, 2010, to operate a storage tank for volatile organic liquids in Darby Township, **Delaware County**.

**GP11-46-0040: Allied Recycling Co.** (1715 Limekiln Pike, Suite 3A, Dresher, PA 19025) on February 11, 2010, to operate a non-road engine in Plymouth Township, **Montgomery County**.

**GP3-46-0084: Allied Recycling Co.** (1715 Limekiln Pike, Suite 3A, Dresher, PA 19025) on February 11, 2010, to operate a portable nonmetallic mineral processing plant in Plymouth Township, **Montgomery County**.

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

**GP3-32-00403: Charles J. Merlo, Inc.** (234 Merlo Road, Mineral Point, PA 15942) on February 5, 2010, to allow installation and operation of one Portable Nonmetallic Mineral Processing Plant, rated at 180 tons per hour, at the Wheatfield Properties, Inc., 234 Merlo Road, in East Wheatfield Township, **Indiana County**.

**GP9-32-00403: Charles J. Merlo, Inc.** (234 Merlo Road, Mineral Point, PA 15942) on February 5, 2010, to allow the installation and operation of two (2) Diesel or No. 2 fuel-fired Internal Combustion Engines, one Deutz model BF4M2012, rated at 96 bhp and one Caterpillar model C13 DITA, rated at 415 bhp, to provide mechanical power to equipment authorized under General Permit GP9-32-00403, at the Wheatfield Properties, Inc., 234 Merlo Road, in East Wheatfield Township, **Indiana County**.

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

**GP5-27-039A: Catalyst Energy, Inc., Endeavor Compressor Station** (Queen Storage Field Road, Queen, PA 16321) on February 4, 2010, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Hickory Township, **Forest County**.

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

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

**46-0020F: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on February 11, 2010, for modification to increase allowable VOC emission limits for vapor degreaser No. 661 and coil degreaser No. 6836 in Lower Providence Township, **Montgomery County**. This modification will result in a net increase in potential VOC emissions of 9.1 tons per year. This facility is a Title V facility. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0090A: Praxair Distribution Mid-Atlantic, LLC, d/b/a GTS, WELCO** (1 Steel Road East, Morrisville, PA 19067) on February 16, 2010, for an increase in volatile organic compound emissions from an existing gas cylinder spray coating operation at their facility in Falls Township, **Bucks County**. The potential volatile organic compound emissions from this facility are expected to increase from 2.75 tons per year to 7.02 tons per year on a 12-month rolling basis from the proposed increase in activity for this project. The facility is now subject to the coating restrictions, testing, monitoring and recordkeeping requirements from 25 Pa. Code § 129.52 that were not applicable when this source emitted less than 3 pounds per hour, 15 pounds per day, and 2.75 tons per year on a 12-month rolling basis.

**23-0113: AT&T Communications of Pennsylvania, LLC** (60 West Avenue, Wayne, PA 19087) on February 16, 2010, for operation of two (2) combustion turbine electric generators at an existing facility in Wayne, **Delaware County**. These kerosene-fired turbine generator sets are being permitted for operation to provide emergency and demand response power generation for the facility. The primary pollutant of concern is Nitrogen Oxides (NO<sub>x</sub>) as a result of the combustion process. The operation of these sources do not cause any major thresholds to be exceeded. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**03-00027B: RRI Energy Northeast Management Co.** (121 Champion Way, Canonsburg, PA 15317) on February 1, 2010, to extend the period of temporary operation of the flue gas desulfurization system under plan approval PA-03-00027B until August 9, 2010, at the Keystone Power Plant, in Plumcreek Township, **Armstrong County**. The Plan Approval has been extended.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief—Telephone: 717-705-4702.*

**06-05065: Glen-Gery Corp.** (423 Pottsville Pike, Shoemakersville, PA 19555-9742) on February 1, 2010, to install two (2) Dry Limestone Adsorption (DLA) units in Perry Township, **Berks County**. This Title V operating permit was administratively amended to incorporate Plan Approval 06-05065B. This is Revision No. 1.

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

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

**39-00023: Pittsburgh Terminals Corp.** (P. O. Box 2621, Harrisburg, PA 17105-2621) on February 11, 2010, to modify the State-only Permit to install, operate and maintain required slotted guidepole controls on Tank 23 at their facility in the City of Allentown, **Lehigh County**.

**35-00039: Community Medical Center—Scranton Facility** (1800 Mulberry Street, Scranton, PA 18510) on February 4, 2010, to operate their Medical/Trauma Center in the City of Scranton, **Lackawanna County**. This is a renewal of the State-only Synthetic Minor Operating

Permit. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**48-00026: Pan-Glo** (417 East Water Street, Urbana, OH 43078) on February 9, 2010, to operate Pan Cleaning, Glazing and Curing Services, in Bethlehem City, **Northampton County**. This is a renewal of the State-only Synthetic Minor Operating Permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03029: Yuasa Battery, Inc.** (2901 Montrose Avenue, Laureldale, PA 19605) on February 5, 2010, for their lead-acid battery manufacturing facility in Laureldale Borough, **Berks County**. This is a renewal of the State-only operating permit.

**06-03048: Fusion Coatings, Inc.** (P. O. Box 224, 932 West Penn Avenue, Robeson, PA 19551) on February 3, 2010, for their metal coating plant in Heidelberg Township, **Berks 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.*

**24-00119: Advanced Heat Treating, Inc.** (1057 Trout Run Road, Saint Marys, PA 15857-3124) on February 12, 2010, for an initial Natural Minor Permit to operate a metal heat treating facility in the City of Saint Marys, **Elk County**. The significant sources included, tempering furnaces (DF-2, DF-3 and DF-4), heat treating furnaces (DF-8, DF-9 and DF-10) and miscellaneous natural gas usage. The emissions of pollutants from the facility are less than the Title V emission threshold and the facility had one previous plan approval. Therefore, the facility is a natural minor.

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

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

**01-05017: World Color Printing USA II Corp., d/b/a Worldcolor Fairfield, WCP** (100 North Miller Street, Fairfield, PA 17320) on February 2, 2010, for their printing facility in Fairfield Borough, **Adams County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 2.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Applications Returned*

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

**49090101. Fox Coal Company, Inc.**, (1380 Tioga Street, Coal Township, PA 17866), commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 1,298.0 acres, receiving stream: Zerbe Run. Application received: August 31, 2009. Application returned: February 9, 2010.

### *Coal Permits Actions*

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

**56071301 and GP12-56071301-R1, RoxCOAL, Inc.**, (P. O. Box 149, 1576 Stoystown Road, Friedens, PA 15541), to revise the permit for the Horning Deep Mine in Stonycreek Township, **Somerset County** to establish an emission inventory for a coal processing facility receiving raw coal from the mine based on peak production of 500,000 tons of raw coal per year. Emission sources include coal transfers, screening, conveyors, storage piles development and wind erosion, truck loading, and travel on paved and unpaved haulroads. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms and conditions of Authorization GP12-56071301-R1. No additional discharges. Application received: July 16, 2009. Permit issued: February 9, 2010.

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

**05090101 and NPDES No. PA0262781. Robindale Energy Services, Inc.**, 224 Grange Hall Road, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Broad Top Township, **Bedford County**, affecting 159.0 acres. Receiving stream(s): Longs Run and Sandy Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream.

Application received: April 9, 2009. Permit issued: February 9, 2010.

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

**17714022 and NPDES No. PA0611034. A. W. Long Coal Co.** (1203 E. Presqueisle Street, Philipsburg, PA 16866). Permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County** affecting 149.6 acres. Receiving streams: Hawk Run and Moshannon Creek, classified for the following use: Cold Water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 9, 2009. Permit issued: February 4, 2010.

**17080108 and NPDES No. PA0256820. RES Coal Co., LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface and auger mine in Beccaria Township and Glen Hope Borough, **Clearfield County** affecting 77.6 acres. Receiving streams: Clearfield Creek and Cofinan Run, classified for the following uses: Warm Water Fisheries (Clearfield Creek) and Cold Water Fisheries (Cofinan Run). There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2008. Permit issued: February 4, 2010.

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

**54900101R3 and NPDES Permit No. PA0594725. Blackwood, Inc.**, (P. O. Box 639, Wind Gap, PA 18091), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and prep plant operation in Branch, Reilly and Tremont Townships, **Schuylkill County** affecting 1,847.6 acres, receiving stream: Panther and Swatara Creeks. Application received: January 26, 2009. Renewal issued: February 8, 2010.

**54040101R and NPDES Permit No. PA0224375. Char-Pac Coal Company**, (P. O. Box 81, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 200.5 acres, receiving stream: Hans Yost Creek or West Branch Schuylkill River. Application received: March 4, 2009. Renewal issued: February 12, 2010.

### *Noncoal Permits Actions*

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

**28092801. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Antrim Township, **Franklin County**, affecting 5.8 acres, receiving stream: unnamed tributary to the Conococheague Creek. Permit received: July 16, 2009. Permit issued: February 8, 2010.

**28092802. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**, affecting 5.6 acres, receiving stream(s): unnamed tributary to Conococheague Creek. Permit received: July 13, 2009. Permit issued: February 8, 2010.

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

**54090301C. Pottsville Materials, Inc.** (P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation to include a wet processing system in New Castle Township, **Schuylkill County** affecting 179.0 acres, receiving stream: none. Application received: December 4, 2009. Correction issued: February 9, 2010.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### *Blasting Permits Actions*

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

**36104103. Warren's Excavating & Drilling, Inc.** (P. O. Box 214, Myerstown, PA 17067), construction blasting for The Lakes in Mt. Joy Borough, **Lancaster County** with an expiration date of February 2, 2011. Permit issued: February 5, 2010.

**38104101. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Fallen Oaks in Jackson Township, **Lebanon County** with an expiration date of June 30, 2010. Permit issued: February 5, 2010.

**45104101. Warren's Excavating & Drilling, Inc.** (P. O. Box 214, Myerstown, PA 17067), construction blasting for Twin Lake Estates in Smithfield Township, **Monroe County** with an expiration date of February 2, 2011. Permit issued: February 8, 2010.

**48104101. Austin Powder Northeast, LLC** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Parkview Estates in Palmer Township, **Northampton County** with an expiration date of February 10, 2011. Permit issued: February 8, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-784. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Kennet, East Marlborough and Pennsbury Townships, **Chester County**, ACOE Philadelphia District.

To: relocate, construct, and maintain the proposed approximately 1-mile segment of the existing Lenape Road (SR 0052). The limit for the entire project is between Baltimore Pike (SR 0001) in Kennett Township and Street Road (SR 0926) in Pennsbury Township. The project traverses through Kennett, East Marlborough and Pennsbury Townships in Chester County. The construction work will include the following activities associated with the proposed relocation:

To: perform the following activities located in, along, or across, or projecting into the Unnamed Tributary to Pocopson Creek (TSF, MF):

1. To remove a 295-foot long enclosure, and to construct and maintain, in its place, an approximately 400-foot long, 103-inch wide, and 71-inch rise enclosure impacting 0.04 acre of watercourse (Unionville, PA United State Geological Survey (USGS) Quadrangle N: 1.1 inches; W: 5.8 inches).

2. To place fill in 0.09 acre of wetland (PEM) (Unionville, PA USGS Quadrangle N: 1.0 inch; W: 5.8 inches).

3. To place fill in 0.04 acre of wetland (PEM) (Unionville, PA USGS Quadrangle N: 1.1 inches; W: 5.7 inches).

4. To place fill in 0.03 acre of wetland (PFO) (Unionville, PA USGS Quadrangle N: 1.2 inches; W: 5.6 inches).

5. To remove an approximately 40-foot long culvert, and to construct and maintain, in its place, an approximately 60-foot long, 45-inch wide and 29-inch rise culvert impacting 0.01 acre of a watercourse (Unionville, PA USGS Quadrangle N: 1.1 inches; W: 5.1 inches).

6. To place fill in 0.09 acre of watercourse (Unionville, PA USGS Quadrangle N: 1.2 inches; W: 5.6 inches).

7. To construct a temporary sandbag cofferdam. Temporary watercourse impact is 0.01 acre (Unionville, PA USGS Quadrangle N: 0.25 inch; W: 6.25 inches).

8. To construct a temporary sediment trap outlet and rock barrier in a wetland (PEM). Temporary wetland impact is 0.02 acre (Unionville, PA USGS Quadrangle N: 0.25 inch; W: 6.25 inches).

9. To construct a temporary rock barrier. Temporary watercourse impact is 0.01 acre (Unionville, PA USGS Quadrangle N: 0.75 inch; W: 6.0 inches).

10. To construct a temporary sandbag cofferdam in a wetland. Temporary wetland impact is 0.01 acre (Unionville, PA USGS Quadrangle N: 0.75 inch; W: 6.0 inches).

11. To construct a temporary rock barrier. Temporary watercourse impact is 0.01 acre (Unionville, PA USGS Quadrangle N: 0.9 inch; W: 6.0 inches).

Also, to perform the following activities located in, along, or across, or projecting into the Bennett's Run (WWF, MF):

1. To construct and maintain a pier (Pier No. 3) temporarily impacting 0.01 acre of wetland (PEM) (Unionville, PA USGS Quadrangle N: 0.1 inch; W: 5.2 inches).

2. To construct and maintain a pier (Pier 3) impacting 0.01 acre of a pond (POW) (Unionville, PA, USGS Quadrangle N: 0.1 inch; W: 5.1 inches).

3. To construct and maintain a pier (Pier No. 2) impacting 0.01 acre of a pond (POW) (Unionville, PA USGS Quadrangle N: 0.1 inch; W: 5.1 inches).

4. To construct and maintain a pier (Pier No. 2) impacting 0.01 acre of wetland (PSS/PEM) (Kennett Square, PA USGS Quadrangle N: 22.6 inches; W: 5.2 inches).

Also, to perform the following activities located in, along, or across, or projecting into the Unnamed Tributary to Bennett's Run (WWF, MF):

1. To place fill in 0.02 acre of watercourse (Kennett Square, PA USGS Quadrangle N: 21.9 inches; W: 5.3 inches).

2. To place fill in 0.05 acre of watercourse (Kennett Square, PA USGS Quadrangle N: 21.8 inches; W: 5.2 inches).

3. To construct and maintain a stormwater management facility impacting approximately 0.01 acre of wetlands (PEM) (Kennett Square, PA USGS Quadrangle N: 21.5 inches; W: 4.9 inches).

The permittee proposes approximately 531 feet of stream restoration to compensate for approximately 444 feet of perennial stream impact. The permittee also proposes 0.39 acre of emergent wetland creation to compensate for approximately 0.16 acre of permanent wetland impact.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (22 U.S.C.A. § 1341 (a)).

**E46-1043. Abington Township**, 1176 Old York Road, Abington, PA 19001, Abington Township, **Montgomery County**, ACOE Philadelphia District.

The applicant requests a permit to construct and maintain a 60-foot long, 20-foot wide and 4-foot, 10 inches rise box culvert for flood relief purposes adjacent to the existing Susquehanna Road Bridge across Sandy Run (TSF, MF). The project includes associated utility relocations. The site is located on SR 1017, Susquehanna Road, between Hall and Maple Avenues (Ambler, PA USGS Quadrangle W: 0.75 inch; N: 3.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (22 U.S.C.A. § 1341 (a)).

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

**E35-413. Lackawanna County, Lackawanna County Courthouse**, 200 Adams Avenue, Scranton, PA 18503. Jefferson Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To: remove the existing structure and to construct and maintain a reinforced concrete box culvert having a width of 18 feet and a height of 10 feet, depressed 1 foot below streambed elevation with fish baffles to carry Stevens Road (T-412) over West Branch Wallenpaupack Creek (HQ-CWF, MF). The site is located 0.5 mile north of the intersection with Hitchcock Road (T-410) and SR 348 in Jefferson Township, Lackawanna County (Lake Ariel, PA Quadrangle Latitude: 41° 25' 09"; Longitude: -75° 27' 51").

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

**E67-869: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Hanover Borough and Penn Township, **York County**, ACOE Baltimore District.

To: (1) raze an existing single span concrete slab bridge having a clear span of 16.0 feet, a width of 52.0 feet, a skew of 86.0° and a minimum underclearance of 5.4 feet; (2) construct and maintain a single span pre-stressed concrete box beam bridge having a clear span of 26.6 feet, a width of 74.0 feet, a skew of 86.0° and a minimum underclearance of 6.4 feet carrying SR 94 over Slagle Run (WWF); (3) construct and maintain a 36.0-inch diameter concrete outfall structure discharging to Slagle Run (WWF); and (4) construct and maintain a 18.0-inch diameter corrugated metal outfall structure discharging to Slagle Run (WWF) in Hanover Borough and Penn Township, York County (Hanover, PA Quadrangle N: 13.8 inches; W: 17.4 inches, Latitude: 39° 49' 33"; Longitude: 76° 59' 56") all for the purpose of reconstructing an widening SR 94 for as part of a safety improvements project.

**E01-288: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, U.S. Army Corps of Engineers Baltimore District.

To: reconstruct and widen SR 0094 as part of a safety improvement project involving the following regulated activities in Berwick, Oxford and Conewago Townships, Adams County:

1. To construct and maintain a 30-inch diameter by 23-foot long RCP culvert extension of an existing 30-inch diameter by 37-foot long RCP culvert in an unnamed tributary (UNT) to South Branch Conewago Creek (WWF) identified at channel 2 (McSherrystown, PA Quadrangle Latitude: 39° 50' 26"; Longitude: 77° 0' 24", N: 16.4 inches; W: 1.0 inch);

2. To construct and maintain an 11-foot by 5-foot by 80-foot long concrete box culvert depressed 1-foot with alternating baffles in a UNT to South Branch Conewago Creek (WWF) identified as waters 2 (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

3. To construct and maintain a 202 linear foot stream relocation of a UNT to South Branch Conewago Creek (WWF) identified as waters 2 (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

4. To remove a 30-inch diameter by 40-foot long RCP culvert and construct and maintain an 11-foot by 5-foot by 80-foot long concrete box culvert depressed 1-foot with alternating baffles in a UNT to South Branch Conewago Creek (WWF) identified as waters 3 (McSherrystown, PA Quadrangle Latitude: 39° 49' 54"; Longitude: 77° 0' 6", N: 14.6 inches; W: 0.3 inch);

5. To construct and maintain a 30-inch diameter by 56-foot long RCP culvert extension of an existing 30-inch diameter by 35-foot long RCP culvert in an unnamed tributary (UNT) to South Branch Conewago Creek (WWF) identified as waters 4 (McSherrystown, PA Quadrangle Latitude: 39° 50' 19"; Longitude: 77° 0' 20", N: 15.8 inches; W: 0.8 inch);

6. To construct and maintain three 18-inch stormwater outfall structures to a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

7. To place and maintain 153 cubic yards of fill within the floodplain of a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch).

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

**E18-448. John R. Sensenig**, 10465 SR 44, Watsonstown, PA 17777-8488. Mill Hall School Floodway Renovations, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle 41° 06' 16.1" N; -77° 29' 9.9" W).

To: 1) remove a 10-foot by 19-foot enclosed stairwell; 2) construct, operate and maintain a vented 18-foot by 16-foot vented enclosed elevator shaft attached to an existing school building; and 3) install 17 flood vents on the existing buildings lowest floor, while in the process of renovating and operating an old public school into a new private school in the right 100-year floodway of Fishing Creek. This permit was issued under section 105.13(e) "Small Projects."

**E41-601. Anadarko Petroleum Corp.** P. O. Box 1330, Houston, TX 77251-1330. Water Obstruction and Encroachment Joint Permit, in the Nippenose Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5").

To: construct and maintain a surface water withdrawal intake in the floodway of the West Branch of the Susquehanna River. The project will include upgrades to the main access off of SR 44, construction of a stone parking area, two dry hydrants, a subsurface pump house, and a 12" flexible water line connecting the pump house to the riverbank. Minor grading and filling to construct a safe entrance to SR 44 will be balanced by some minor cutting elsewhere on the site. There will be approximately 0.69 acre of earth disturbance. The project area is situated near a small corn field adjacent to upland, floodplain woods along the West Branch of the Susquehanna River. There will be no fill added to the floodway. All excavation material will be removed from the site and disposed of outside of the 100-year floodplain. This project is located 4,200-feet east of the intersection of Main Street and SR 44 (Linden, PA Quadrangle N: 41° 12' 01.4"; W: 77° 14' 24.5") in Nippenose Township, Lycoming County. This project proposes to have a minimal impact to the West Branch of Susquehanna River, which is designated a Warm Water Fishery, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E63-618. Department of Transportation, District 12-0**, 825 North Gallatin Avenue Extension, Uniontown, PA 15401. Giving its consent to construct and maintain:

1. a 174 ft. long extension of an existing 168 ft. long, 21 ft. span, 21 ft. underclearance arch culvert with a drainage area of 6 square miles under the to be widened SR 70 and reconstructed SR 519 access ramps in Little Chartiers Creek (HQ-WWF, Washington East, PA Quadrangle North 5.6 inches; West 1.25 inches, Latitude: 40° 9' 22.8"; Longitude: 80° 8' 2.1");

2. a 5 ft. span and 7 ft. underclearance with baffles, 30 ft. long box culvert with an approximately 20 ft. rip rap energy dissipator, extension of an existing 183.5 ft. long, 5 ft. span, 6 ft. clearance box culvert under the to be widened SR 70 in an unnamed tributary of Opossum Run (HQ-WWF, Hackett PA Quadrangle North 5.9 inches; West 17.0 inches, Latitude: 40° 9' 27"; Longitude: 80° 7' 16.3");

3. a 22 ft. span, 51.9 ft. wide with a 3.5 ft. clearance box culvert depressed an additional 1 ft. with a drainage area of 1.3 square miles replacing the existing bridge under the to be widened SR 519 and in Opossum Run (HQ-WWF, Washington East, PA Quadrangle North 5.0 inches; West 0.75 inch, Latitude: 40° 9' 11"; Longitude: 80° 7' 49.8");

4. Road construction associated temporary encroachments and stormwater outfalls;

5. In addition a total of 0.095 acre of permanent fill and maintenance of PEM/PSS wetlands;



To: compensate for the wetland impacts 0.96 acre of replacement wetlands will be built on site. To compensate for the stream impacts the applicant shall reestablish approximately 1,270 ft. of an unnamed tributary to Chartiers Creek, along Route 79 near the Meadowlands, Washington County. This project is associated with SR 70 and SR 519 interchange improvements starting approximately 4.5 miles east of Washington, PA and extending east approximately 1.5 miles and is located in South Strabane and Somerset Townships (Washington East, PA Quadrangle North 5.6 inches; West 1.25 inches, Latitude: 40° 9' 22.8"; Longitude: 80° 8' 2.1" and extending east to Hackett, PA Quadrangle North 5 inches; West 17.0 inches, Latitude: 40° 9' 27"; Longitude: 80° 7' 16.3") Washington County.

**E65-934. Greater Johnstown Water Authority**, 640 Franklin Street, P. O. Box 1407, Johnstown, PA 15901-1407. To: construct and maintain 21 waterline stream crossings in Ligonier Borough, Ligonier and Fairfield Townships in **Westmoreland County**, Westmont Borough and Upper Yoder Township in Cambria County and Conemaugh Township in Somerset County, Pittsburgh ACOE District. (Starts on Ligonier, PA Quadrangle N: 22.2 inches; W: 14.8 inches, Latitude: 40° 14' 50"; Longitude: 79° 13' 52" and ends on Johnstown, PA Quadrangle N: 12 inches; W: 13.5 inches, Latitude: 40° 18' 58"; Longitude: 78° 58' 19".) To: construct and maintain 21 waterline stream crossings as follows: 1 crossing on Mill Creek, upstream of 271 Bridge (EV); 2 unnamed tributaries to Mill Creek, upstream of 271 Bridge (EV); 1 crossing on an unnamed tributary to Dalton Run (HQ-CWF); 1 crossing on O'Connor Run (HQ-CWF); 1 crossing on an unnamed tributary to O'Connor Run (HQ-CWF); 11 crossing on an unnamed tributary to Tubmill Creek (EV); 2 crossings on an unnamed tributary to Allwine Creek (EV), 1 crossing on Hess Run (HQ-CWF); 8 crossings on Mill Creek (HQ-CWF); and 2 unnamed tributaries to Mill Creek (HW-CWF) and to temporarily impact 0.49 acre of wetlands. This is for the purpose of constructing an interconnection between the Municipal Authority of Westmoreland County (Ligonier Borough) and the Greater Johnstown Water Authority's water distribution systems.

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

**E33-237, PC Exploration Inc.**, 502 Keystone Drive, Warrendale, PA 15086. Shaffer Pipeline Stream Crossing in Porter Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (Sheffield, PA Quadrangle N: 47.70571°; W: 79.01974°).

The applicant proposes to install and maintain a permanent access road and 2" natural gas gathering line to include three culvert crossings: 1) one arch type having a span of 4.8 feet and a rise of 3.2 feet; and 2) two 3-foot diameter with riprap protection of the Nye Branch of Pine Run approximately 1,000' south of the intersection of Marsh Hollow Road and West Market Street on the south side of Marsh Hollow Road. The Nye Branch of Pine Run is classified as a WWF.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

1/14/10

ESCGP-1 No.: ESX09-129-0033

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Westmoreland Township(s): Upper Burrell

Receiving Stream(s) and Classifications: UNT To Pucketa Creek, Other

1/14/10

ESCGP-1 No.: ESX09-125-0077

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA 15317

County: Washington Township(s): Chartiers

Receiving Stream(s) and Classifications: UNT To Chartiers Creek, other

1/15/10

ESCGP-1 No.: ESX09-125-0078

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Hopewell

Receiving Stream(s) and Classifications: UNT To Brush Run, HQ

1/22/10  
 ESCGP-1 No.: ESX10-059-0004  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT To  
 McCourtney Run To Hargus Creek To South Fork Ten  
 Mile Creek (TSF) To Ten Mile Creek (TSF-WWF) To  
 Monongahela River (WWF), Other

1/21/10  
 ESCGP-1 No.: ESX10-059-0003  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA 15478  
 County Greene Township(s): Monongahela  
 Receiving Stream(s) and Classifications: Monongahela  
 River-WWF and Whiteley Creek-TSF, Other

1/15/10  
 ESCGP-1 No.: ESX10-051-0001  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT To Dunlap  
 Creek, Other

1/19/10  
 ESCGP-1 No.: ESX10-125-0001  
 Applicant Name: Markwest Liberty Midstream &  
 Resources, LLC  
 Contact Person: Robert Mchale  
 Address: 100 Plaza Drive, Suite 102  
 City: Atlasburg State: PA Zip Code: 15004  
 County: Washington Township(s): Hopwell/Cross  
 Creek/Mt Pleasant  
 Receiving Stream(s) and Classifications: UNT's To Cross  
 Creek, Cross Creek, South Fork Cross Creek And UNT  
 To Brush Run, HQ

1/19/10  
 ESCGP-1 No.: ESX10-059-0001  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: Little Whiteley  
 Creek, Other

1/5/10-2/2/10  
 ESCGP-1 No.: ESX09-125-0075  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: David McDougal  
 Address: 179 Chesapeake Drive  
 City: Jane Lew State: WV Zip Code: 26378  
 County: Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: Pigeon Creek/  
 Middle Monongahela River Watershed, Other

1/22/10  
 ESCGP-1 No.: ESX10-125-0003  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Washington Township(s): Union  
 Receiving Stream(s) and Classifications: UNT (WWF)  
 To Hoston Run (WWF) To Monongahela River (WWF),  
 Other

1/20/10  
 ESCGP-1 No.: ESX10-051-0003  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT To Colvin  
 Run, Other

2/2/10  
 ESCGP-1 No.: ESX09-005-0008  
 Applicant Name: Exco Resources (PA), Inc.  
 Contact Person: Joel Heiser  
 Address: 3000 Ericsson Drive, Suite 200  
 City: Warrendale State: PA Zip Code: 15086  
 County: Armstrong Township(s): Manor  
 Receiving Stream(s) and Classifications: Campbell Run  
 (WWF), Tub Mill Run (WWF), other

1/22/10  
 ESCGP-1 No.: ESX10-059-0005  
 Applicant Name: EQT Production  
 Contact Person: Todd Klaner  
 Address: 455 Racetrack Road, Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: Grimes Run—  
 WWF, Poverty Run—WWF, Ruff Creek—WWF, Other

1/20/10  
 ESCGP-1 No.: ESX10/051-0002  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15401  
 County: Fayette Township(s): Dunbar  
 Receiving Stream(s) and Classifications: UNT To  
 Opossum Run, Other

1/21/10  
 ESCGP-1 No.: ESX10-125-0002  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154  
 County: Washington Township(s): Cross Creek  
 Receiving Stream(s) and Classifications: Cross Creek  
 (North Fork) (HQ) (WWF) To Cross Creek (WWF) To  
 West Virginia Border To Ohio River, HQ

*Northcentral Region: Oil and Gas Management Pro-  
 gram Manager, 208 West Third Street, Williamsport, PA  
 17701.*

ESCGP-1 # ESX10-015-0009  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Terry and Albany Townships  
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX10-015-0015  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Terry Township  
 Receiving Stream(s) and Classification(s) UNT  
 Secondary—Sugar Run

ESCGP-1 # ESX10-115-0005  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Meshoppen Creek Secondary—Little Meshoppen Creek

ESCGP-1 # ESX09-027-0004  
 Applicant Name EXCO—North Coast Energy  
 Contact Person Joel Heiser  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Centre  
 Township(s) Burnside Township  
 Receiving Stream(s) and Classification(s) Spruce Run,  
 West Branch Spruce Run Secondary—West Branch  
 Susquehanna River

ESCGP-1 # ESX10-015-0013  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) West Burlington Township  
 Receiving Stream(s) and Classification(s) Sugar Creek  
 Secondary—Susquehanna River

ESCGP-1 # ESX10-105-0001  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Potter  
 Township(s) Allegany Township  
 Receiving Stream(s) and Classification(s) UNT to Peet  
 Book and UNT to Dwight Creek/Allegheny River

ESCGP-1 # ESX10-117-0015  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Rutland Township  
 Receiving Stream(s) and Classification(s) Tributary to  
 Mill Creek Secondary—Mill Creek

ESCGP-1 # ESX10-115-0003  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) Benninger  
 Creek and Transue Creek

ESCGP-1 # ESX10-015-0021  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Troy Township  
 Receiving Stream(s) and Classification(s) Fall Brook

ESCGP-1 # ESX10-015-0022  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT to North  
 Br Towanda Creek

ESCGP-1 # ESG09-117-0055  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) Alder Run  
 Secondary—Hammond Creek, Tioga River

ESCGP-1 # ESG09-117-0066  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Fall Brook, UNT to Morris Run Secondary—Fall  
 Brook, Morris Run

ESCGP-1 # ESX09-015-0075  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Tuscarora Township  
 Receiving Stream(s) and Classification(s) UNT  
 Secondary—Mill Creek

ESCGP-1 # ESX10-015-0020  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Brian Billelo  
 Address 2350 N Sam Houston Parkway East, Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford  
 Township(s) Herrick  
 Receiving Stream(s) and Classification(s) Cold Creek

ESCGP-1 # ESG 41-09-802(01) Major Revision  
 Applicant Name Chief Gathering, LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road Ext.  
 City, State, Zip Wexford, PA 15090  
 County Lycoming  
 Township(s) Mifflin and Watson Townships  
 Receiving Stream(s) and Classification(s) North Fork  
 Tombs Run, Tombs Run, Mud Run

ESCGP-1 # ESG09-117-0078  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) UNT to Fall  
 Brook Secondary—Fall Brook

ESCGP-1 # ESG09-117-0073  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) UNT to Fall  
 Brook, Fall Brook Secondary—Fall Brook

ESCGP-1 # ESX10-015-0008  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) West Burlington Township  
 Receiving Stream(s) and Classification(s) Tomjack  
 Creek and West Branch Tomjack Creek  
 Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0007  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Asylum Township  
 Receiving Stream(s) and Classification(s) Susquehanna  
 River Secondary—UNT of Susquehanna River

ESCGP-1 # ESX10-117-0012  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Jackson  
 Receiving Stream(s) and Classification(s) Alder Run to  
 Hammond Creek to Seeley Creek, Susquehanna River  
 Basin in PA—Susquehanna River in NY

ESCGP-1 # ESX09-117-0079  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Charleston Township  
 Receiving Stream(s) and Classification(s) UNT to Catlin  
 Hollow/Susquehanna River Basin in PA Secondary—  
 Crooked Creek, Tioga River, Susquehanna River

ESCGP-1 # ESX09-117-0076  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Delmar Township  
 Receiving Stream(s) and Classification(s) UNT to Dantz  
 Run/Susquehanna River Basin in PA Secondary—  
 Marsh Creek, Pine Creek, West Branch Susquehanna

ESCGP-1 # ESX10-015-0018  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) UNT to Browns  
 Creek Secondary—Browns Creek

ESCGP-1 # ESX10-015-0010  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Ulster Township  
 Receiving Stream(s) and Classification(s) Sugar Creek  
 Secondary—North Branch Susquehanna River

ESCGP-1 # ESX10-015-0017  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wyalusing Township  
 Receiving Stream(s) and Classification(s) UNT  
 Secondary—Brewer Creek

ESCGP-1 # ESX10-115-0004  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) UNT to Riley  
 Creek Secondary—Riley Creek

ESCGP-1 # ESX10-117-0020  
 Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Richmond  
 Receiving Stream(s) and Classification(s) Corey Creek  
 Secondary—Tioga River

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

*Greene County Conservation District: 93 East High  
 Street, Room 215, Waynesburg, PA 15370. (724-852-5278).*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG3009031	Dominion Transmission, Inc. Attn: Douglas Speerstra Oakford Station 466 E. Pittsburgh Street Greensburg, PA 15601	Greene	Gilmore Township	Tributaries to Blockhouse Run WWF
OG3009033	Texas Eastern Transmission, LP Attn: Mr. William Brett 890 Winter Street Suite 300 Waltham, MA 02451	Greene	Center, Franklin, Richhill, Cumberland, Jefferson and Morgan Townships	Whitethorn Run TSF Unnamed tributaries to Jacobs Run HQ-WWF Naranda Run HQ-WWF Grays Fork HQ-WWF Morris Run HQ-WWF Scott Run HQ-WWF West Run HQ-WWF Lightner Run HQ-WWF Rush Run HQ-WWF Clear Run HQ-WWF Throckmorton Run HQ-WWF Browns Creek HQ-WWF South Fork Ten Mile Creek WWF Muddy Creek WWF Pumpkin Run WWF Unnamed Ponds WWF Coal Run WWF North Fork Dunkard Fork TSF

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

ESCGP-1 #ESX09-031-0001 Phase 2

Applicant Name EQT Production

Contact Person Todd Klaner

Address 225 North Shore Drive

City Pittsburgh State PA Zip Code 15212

County Clarion Township(s) Porter

Receiving Stream(s) and Classification(s) Rock Run, CWF; UNT to Redbank Creek, CWF

ESCGP-1 #ESG09-083-0006

Applicant US Energy Development Corp.

Contact Todd Witmer

Address 2350 North Forest Road

Getzville NY 14068

County McKean Township(s) Foster

Receiving Stream(s) and Classification(s) Willow Creek (HQ); North Branch Willow Creek (HQ)

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-63-004	Multi-Chem Group, LLC 3401 West Admiral Doyle Drive New Iberia, LA 70560 Attn: Mr. Gerrod Brasseur	Washington	City of Washington	6 ASTs storing Hazardous Substances	70,000 gallons total

[Pa.B. Doc. No. 10-363. Filed for public inspection February 26, 2010, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection’s (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: “eLibrary”). The “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 “Draft Technical Guidance” heading is the link to the Department’s draft technical guidance documents.

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

*Ordering Paper Copies of Department Technical Guidance*

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

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

*Changes to Technical Guidance Documents*

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

*Draft Technical Guidance—Substantive Revision:*

DEP ID: 563-2000-610. Title: Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars. Description: This guidance is being revised to include updated references to the Bituminous Coal Mine Safety Act of 2009, changes in the definitions of various terms, and the removal of obsolete application forms that are included as appendices in the existing document. The revisions are primarily administrative in nature and do not substantially affect the procedures and requirements outlined in the existing guidance. Written Comments: Interested persons may submit written comments on the proposed changes to this technical guidance. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written and electronic comments should be

submitted to Gregory Shuler, P. G., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, or by e-mail at [gshuler@state.pa.us](mailto:gshuler@state.pa.us). Comments submitted by facsimile will not be accepted. Comments must be received by the Department by March 29, 2010. Contact: Questions regarding the draft technical guidance document should be directed to Gregory Shuler, P. G. at (717) 783-1199 or [gshuler@state.pa.us](mailto:gshuler@state.pa.us).

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

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-364. Filed for public inspection February 26, 2010, 9:00 a.m.]

**Interstate Pollution Transport Reduction; Final 2009 Ozone Season NOx Emission Limits for Nonelectric Generating Units**

The Department of Environmental Protection (Department) is providing notice for the final nonelectric generating unit (non-EGU) 2009 ozone season NOx emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to the Clean Air Interstate Rule (CAIR) NOx trading programs).

A public comment period was held from October 10 through October 26, 2009, on these proposed limits. The public comment period offered the public an opportunity to review the information and data as a way to ensure that the information was correct. One comment was received. No changes to the emission limitations were made.

The commentator commented on the current Pennsylvania CAIR and on future rules that might replace CAIR. The commentator suggested that the Department reconsider the implementation of the non-EGU budget program by including non-EGUs in the CAIR trading program, and revisit the issue during development of EPA’s CAIR replacement rule. The comment is beyond the scope of the proposed non-EGU 2009 ozone season NOx emission limitations. The Department addressed the issue in the preamble of Pennsylvania’s 2008 CAIR rulemaking. The Department will review EPA’s CAIR replacement rule when it is promulgated and will address policy issues at that time.

In this notice, the NOx emissions cap provides 181 tons of NOx emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NOx Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NOx allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NOx emissions, if necessary, to address mistakes or miscalculations. This year, the Department is using 121 tons of the 181 tons of NOx for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

As proposed, the Department made accounting adjustments for the following facilities:

**Retired Units:** Naval Surface Warfare Division Unit 98; Shenango Unit Nos. 6 and 9 (the generation of emission offsets for small non-NOx Budget Trading Program units resulted in a permanent NOx accounting adjustment of 45 tons).

**Exempt Units:** Each of the following units has a 25-ton NOx permit limit: Armagh Compressor Station (Unit 31301); Entriken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton NOx permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NOx emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's CAIR, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NOx ozone season sources; and CAIR NOx ozone season allowance tracking system). The "Non-EGU 2009 Ozone Season NOx Limits" table that follows lists the following: facility name, ORIS code, unit ID for each

non-EGU unit, operating year, heat input for 2008 ozone season, calculated 2009 rate and 2009 ozone season limit. A copy of this table can also be found at the Department's Air Quality web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP keyword "Air Quality").

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

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

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

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality to [ranbordner@state.pa.us](mailto:ranbordner@state.pa.us) or at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

**Table: Final Non-EGU 2009 Ozone Season NOx Emission Limits**

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>OP Year</i>	<i>Heat Input mmBtu</i>	<i>2009 Rate</i>	<i>2009 Ozone Season Limit</i>
Armagh Compressor Station	880071	31301	2008	25-ton exemption (limit 25 tons)		
Bernville Station	880049	32001	2008	0	0.258	0.0
ConocoPhillips Co., Trainer Refinery	880025	32	2008	685,280	0.258	88.4
ConocoPhillips Co., Trainer Refinery	880025	33	2008	553,623	0.258	71.4
ConocoPhillips Co., Trainer Refinery	880025	34	2008	0	0.258	0
ConocoPhillips Co., Trainer Refinery	880025	35	2008	0	0.258	0
Domtar Paper Company, LLC	54638	40	2008	1,000,410	0.258	129.1

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>OP Year</i>	<i>Heat Input mmBtu</i>	<i>2009 Rate</i>	<i>2009 Ozone Season Limit</i>
Domtar Paper Company, LLC	54638	41	2008	1,030,163	0.258	132.9
Entriken Compressor Station	880072	31601	2008	25-ton exemption (limit 25 tons)		
FPL Energy Marcus Hook, LP	55801	AB01	2008	856,595	0.258	110.5
FPL Energy Marcus Hook, LP	55801	AB02	2008	939,371	0.258	121.2
FPL Energy Marcus Hook, LP	55801	AB03	2008	896,611	0.258	115.7
FPL Energy Marcus Hook, LP	55801	AB04	2008	932,286	0.258	120.3
Kimberly-Clark Tissue Company	50410	34	2008	20,368	0.258	2.6
Kimberly-Clark Tissue Company	50410	35	2008	2,873,599	0.258	370.7
Merck & Company—West Point	52149	39	2008	402,431	0.258	51.9
Merck & Company—West Point	52149	40	2008	825,786	0.258	106.5
P H Glatfelter Company	50397	34	2008	1,267,278	0.258	163.5
P H Glatfelter Company	50397	35	2008	1,006,598	0.258	129.9
P H Glatfelter Company	50397	36	2008	1,969,448	0.258	254.1
Philadelphia Refinery	52106	150137	2008	754,723	0.258	97.4
Philadelphia Refinery	52106	150138	2008	482,398	0.258	62.2
Philadelphia Refinery	52106	150139	2008	593,390	0.258	76.6
Philadelphia Refinery	52106	150140	2008	828,686	0.258	106.9
Procter & Gamble Paper Products	50463	328001	2008	1,296,577	0.258	167.3
Shenango Incorporated	54532	6	2008	Retired/ERC (23 tons)		
Shenango Incorporated	54532	9	2008	Retired/ERC (22 tons)		
Shermans Dale Station	880050	31801	2008	0	0.258	0.0
Sunoco Chemicals Frankford Plant	880007	52	2008	576,614	0.258	74.4
US Steel (Clariton Coke)	50729	CLBLR1	2008	1,133,284	0.258	146.2
US Steel (Clariton Coke)	50729	CLBLR2	2008	909,795	0.258	117.4
US Steel (Edgar Thompson)	50732	ETBLR1	2008	1,413,650	0.258	182.4
US Steel (Edgar Thompson)	50732	ETBLR2	2008	1,590,868	0.258	205.2
US Steel (Edgar Thompson)	50732	ETBLR3	2008	1,556,617	0.258	200.8



<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>OP Year</i>	<i>Heat Input mmBtu</i>	<i>2009 Rate</i>	<i>2009 Ozone Season Limit</i>
Naval Surface Warfare Division	880009	98	2008	Retired		
Naval Surface Warfare Division	880009	99	2008	25-ton exemption (limit 1 ton)		
Naval Surface Warfare Division	880009	100	2008	25-ton exemption (limit 25 tons)		
United Refining	880099	01	2008	252,889	0.258	32.6
<b>Totals:</b>				<b>26,649,338</b>	<b>0.258</b>	<b>3,438</b>

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-365. Filed for public inspection February 26, 2010, 9:00 a.m.]

### Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) hereby provides notice of the following actions under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001). The Policy calls for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these certifications or the Trading Program, contact Ann Smith, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following proposals have been certified by the Department. These certifications are considered final actions of the Department.

**EnergyWorks BioPower, LLC** (370 Spicer Road, Gettysburg, PA 17325). This certification is applicable to the operation of the Gettysburg Energy and Nutrient Recovery Facility that, as described, will process poultry manure from a farm in Adams County in an enclosed facility to generate renewable energy, nutrient reductions and an ash by-product that can be used for fertilizer or for a feed supplement. This certification includes a verification plan and authorizes the generation of nitrogen and phosphorous credits. Notice of the proposal for this certification was published for comment in the *Pennsylvania Bulletin* at 39 Pa.B. 2749 (May 30, 2009).

**Lycoming County Conservation District** (542 County Farm Road, Suite 202, Montoursville, PA 17754). This certification is applicable to the export of poultry litter from the Chesapeake Bay Watershed for Client WhCWaT0001. This certification includes a verification plan and authorizes the generation of nitrogen and phosphorous credits. Notice of the proposal for this certification was published for comment in the *Pennsylvania Bulletin* at 39 Pa.B. 4177 (July 18, 2009).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-366. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Nutrient and Sediment Reduction Credit Trading Program; Notice of Proposals

The Department of Environmental Protection (Department) hereby provides notice of the following proposals that have been submitted under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These proposals were submitted under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001). The Policy calls for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The proposals described in this notice relates to the submitted proposals through February 12, 2010.

### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the credit or offset proposal must be approved; (2) it must be verified; and (3) it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called “offsets”). Certifications are based on at least: (1) a credit or offset proposal describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. The proposals described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certification, as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used to meet effluent limits in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 87 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 57

have been approved, one has been withdrawn and the remaining need additional clarification prior to qualifying for certification.

### New Proposals Under Review

The following new proposals are being reviewed by the Department. The Department will accept written comments on these proposed projects for 30 days.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
Lycoming County Conservation District	Nitrogen credits to be generated by the implementation of best management practices with six landowners located in Lycoming County.

For further information about this proposal or the Trading Program, or to submit comments, contact Ann Smith, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: “Nutrient Trading”).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-367. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Small Water Systems Technical Assistance Center Advisory Board Meeting

The Small Water Systems Technical Assistance Center Advisory Board will hold a meeting on Tuesday, March 9, 2010, from 10 a.m. to 1 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Veronica Kasi at (717) 787-0122 or at [vbkasi@state.pa.us](mailto:vbkasi@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department through Meghan Helzlsouer at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-368. Filed for public inspection February 26, 2010, 9:00 a.m.]

## Storage Tank Advisory Committee Meeting Cancellation

The March 9, 2010, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for June 8, 2010, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Charles M. Swokel at (717)

772-5806 or [cswokel@state.pa.us](mailto:cswokel@state.pa.us). The agenda and meeting materials for the June 8, 2010, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-369. Filed for public inspection February 26, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 28 Pa. Code 211.7(c)(d) (relating to physician assistants and certified registered nurse practitioners).

Golden Living Center-Tunkhannock  
30 Virginia Drive  
Tunkhannock, PA 18657

Manorcare Health Services-Allentown  
1265 South Cedar Crest Boulevard  
Allentown, PA 18103

Wayne Center  
30 West Avenue  
Wayne, PA 19087  
FAC ID 750102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-370. Filed for public inspection February 26, 2010, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 24, 2010, from 9 a.m. to 11 a.m. A teleconference call will be held at the Department of Health, Bureau of Health Promotion and Risk Reduction, Bureau Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA at (717) 787-5251.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so, should contact Kathleen A. Zitka at (717) 787-5251, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-371. Filed for public inspection February 26, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Public Comment on the Proposed Federal Fiscal Year 2011 Combined Agency State Plan Attachments; Times Announced for Public Comment

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in the Workforce Investment Act of 1998, announces a period of public comment on its proposed Federal Fiscal Year (FFY) 2011 Combined Agency State Plan Attachments. The FFY 2011 begins on October 1, 2010, and ends on September 30, 2011.

The purpose of this period of comment is to provide individuals, advocates and other interested parties and/or organizations opportunities to present their views and recommendations regarding Vocational Rehabilitation (VR) services for persons with disabilities. In this Commonwealth, these services are provided by OVR through a network of 21 District Offices and the Hiram G. Andrews Center (HGAC).

OVR is required, under law, to develop and implement a Combined Agency State Plan, which must be reviewed and, as necessary, revised annually when there are changes to its VR program. These revisions take the form of updates to existing Attachments. The Plan currently in effect is for FFY 2010 and is a compliance document now on file with the Commissioner, Rehabilitation Services Administration and United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities living in this Commonwealth.

This period of public comment allows interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Specifically, comment is being solicited regarding the following State Plan Attachments: input and recommendations of the Pennsylvania Rehabilitation Council; comprehensive system of personnel development; annual estimate of individuals to be served and costs of services; OVR's goals and priorities; order of selection; distribution of Supported Employment Funds; and innovation and expansion activities. In addition to the Vocational Rehabilitation State Plan, the agency's Bureau of Blindness and Visual Services will accept public comment on the Business Enterprise Program, Specialized Services for Children and Adults and Independent Living Services for older persons who are blind, which are unique to their funding.

Following is the pertinent information for the upcoming public meetings. Meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, call the OVR District Office conducting the public meeting they wish to attend. If an individual or organization's representative is unable to attend a public meeting, but wishes to provide testimony, written comments may be mailed to the appropriate OVR District Office serving the area in which the individual/organization member resides. Written comments must be received by 5 p.m., Wednesday, April 14, 2010.

Individuals/organizations wishing to obtain a copy of the proposed FFY 2011 Combined Agency State Plan Attachments or other information should call the contact person listed for the appropriate OVR District Office serving their county's geographical area.

Copies of the approved FFY 2010 Combined Agency State Plan Attachments and the proposed FFY 2011 Combined Agency State Plan Attachments, will be available on the OVR web site, [www.dli.state.pa.us](http://www.dli.state.pa.us), by using "Disability Services" as the Keyword.

**Office of Vocational Rehabilitation District Office  
State Plan Meeting Information**

*Allentown BVRs District Office*  
(Carbon, Lehigh, Monroe and Northampton Counties)  
45 North Fourth Street  
Allentown, PA 18102  
(800) 922-9536 (Voice), (888) 377-9207 (TTY)  
Date: April 7, 2010, Time: 4 p.m.—6 p.m.  
Contact Person: Rick Walters

*Altoona BBVS District Office*  
(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)  
1130 12th Avenue, Fourth Floor Conference Room  
Altoona, PA 16601  
(866) 695-7673 (Voice), (866) 320-7956 (TTY)  
Date: April 6, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Anne Strollo or Jerry Maringione

*Altoona BVRs District Office*  
(Bedford, Blair, Centre, Fulton, and Huntingdon Counties)  
1130 12th Avenue, Fourth Floor Conference Room  
Altoona, PA 16601  
(800) 442-6343 (Voice), (866) 320-7955 (TTY)  
Date: April 6, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Pamela Montgomery

*DuBois BVRs District Office*  
(Cameron, Clearfield, Elk, Jefferson and McKean Counties)  
199 Beaver Drive  
DuBois, PA 15801  
(800) 922-4017 (Voice/TTY)  
Date: March 31, 2010, Time: 11 a.m.—12 p.m.  
and 5 p.m.—6 p.m.  
Contact Person: Catherine Farr or Ralph Serafini

*Erie BBVS District Office*  
(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)  
Date: March 23, 2010, Time: 10:30 a.m.—12 p.m.  
Perkins Family Restaurant  
18276 Conneaut Lake Road  
Meadville, PA 16335

and  
Office of Vocational Rehabilitation Conference Room  
3100 Lovell Place  
Erie, PA 16503  
(866) 521-5073 (Voice), (888) 884-5513 (TTY)  
Date: March 25, 2010, Time: 5 p.m.—6:30 p.m.  
Contact Person: Dawn Sokol

*Erie BVRs District Office*  
(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)  
Erie District Office Conference Room  
3200 Lovell Place  
Erie, PA 16503  
(800) 541-0721 (Voice), (888) 217-1710 (TTY)  
Date: March 25, 2010, Time: 1 p.m.—3 p.m.  
and 5 p.m.—7 p.m.  
Contact Person: Jack Hewitt or Kim Garnon

*Harrisburg BBVS District Office*  
(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)  
(866) 375-8264 (Voice), (888) 575-9420 (TTY)  
Forum Place, 8th Floor Conference Room  
555 Walnut Street  
Harrisburg, PA 17101  
Date: March 25, 2010, Time: 11 a.m.—2 p.m.  
and 4 p.m.—6 p.m.  
Contact Person: Karen Knaub

and  
For Sight Vision Center, Conference Room  
1380 Spahn Avenue  
York, PA 17403  
Date: March 23, 2010, Time: 10 a.m.—12 p.m.  
Contact Person: Jennifer Zack (717) 848-1690, Ext. 105

*Harrisburg BVRs District Office*  
(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)  
Forum Place, 8th Floor Conference Room  
555 Walnut Street  
Harrisburg, PA 17101  
(800) 442-6352 (Voice), (877) 497-6545 (TTY)  
Date: April 7, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Belinda Crobak

*Johnstown BVRs District Office*  
(Cambria, Indiana, Somerset and Westmoreland Counties)  
HGAC Seminar Theater  
727 Goucher Street  
Section 10  
Johnstown, PA 15905

(800) 762-4223 (Voice), (866) 862-6891 (TTY)  
Date: March 31, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: John Brown

*New Castle BVRIS District Office*  
(Armstrong, Beaver, Butler and Lawrence Counties)  
Conference Room  
100 Margaret Street  
New Castle, PA 16101  
(800) 442-6379 (Voice), (888) 870-4476 (TTY)  
Date: March 30, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Gary Gay

*Norristown BVRIS District Office*  
(Bucks, Chester, Delaware and Montgomery Counties)  
1875 New Hope Street  
Norristown, PA 19401  
(800) 221-1042 (Voice), (888) 616-0470 (TTY)  
Date: April 6, 2010, Time: 3:30 p.m.—6 p.m.  
Contact Person: Michael Wakefield or Cheryl Calabrese

*Philadelphia BBVS District Office*  
(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Meeting Held At:  
Philadelphia BBVS District Office Conference Room  
5th Floor Conference Room  
444 North Third Street  
Philadelphia, PA 19123  
(866) 631-3892 (Voice), (888) 870-4473 (TTY)  
Date: April 8, 2010, Time: 4 p.m.—6 p.m.  
and

Associated Services for the Blind  
919 Walnut Street  
10th Floor  
Philadelphia, PA 19107  
(866) 631-3892 (Voice), (888) 870-4473 (TTY)  
Date: April 6, 2010, Time: 2 p.m.—4 p.m.  
Contact Person: Roland Gensel

*Philadelphia BVRIS District Office*  
(Philadelphia County)  
5th Floor Conference Room  
444 North Third Street  
Philadelphia, PA 19123  
(800) 442-6381 (Voice), (800) 772-9031 (TTY)  
Date: March 23, 2010, Time: 2 p.m.—4 p.m.  
and 5 p.m.—6 p.m.  
Contact Person: Tony Ippolito

*Pittsburgh BBVS District Office*  
(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)  
Pittsburgh District Office Conference Room  
531 Penn Avenue  
Pittsburgh, PA 15222  
(866) 412-4072 (Voice), (877) 255-5082 (TTY)  
Date: April 7, 2010, Time: 4 p.m.—6 p.m.  
Contact Person: Stephanie McNeill

*Pittsburgh BVRIS District Office*  
(Allegheny County)  
The Human Services Building  
The Liberty Room  
1 Smithfield Street  
Pittsburgh, PA 15222  
(800) 442-6371 (Voice), (888) 870-4474 (TTY)  
Date: March 24, 2010, Time: 5:30 p.m.—7 p.m.  
Contact Person: Gary Donatelli

*Reading BVRIS District Office*  
(Berks and Schuylkill Counties)  
3602 Kutztown Road  
Suite 200  
Reading, PA 19605  
(800) 442-0949 (Voice), (877) 475-7326 or  
(610) 621-5820 (TTY)  
Date: March 31, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Janell Shaffer-Yoder

*Washington BVRIS District Office*  
(Fayette, Greene and Washington Counties)  
Fayette Community Action Building  
Conference Room  
137 North Beeson Boulevard  
Uniontown, PA 15401  
Date: April 7, 2010, Time: 11:30 a.m.—12:30 p.m.  
(800) 442-6367 (Voice), (866) 752-6163 (TTY)  
Contact Person: Lori Kaczmarek  
and

Washington District Office Conference Room  
201 West Wheeling Street  
Washington, PA 15301  
(800) 442-6367 (Voice), (866) 752-6163 (TTY)  
Date: April 6, 2010, Time: 4 p.m.—6 p.m.  
Contact Person: Lori Kaczmarek

*Wilkes-Barre BBVS District Office*  
(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)  
Center for Vision Loss  
845 Wyoming Street  
Allentown, PA 18103  
(610) 821-6441, (888) 377-9207 (TTY)  
Date: April 1, 2010, Time: 4 p.m.—6 p.m.  
Contact Person: Karen Walsh-Emma (570) 826-2361,  
Ext. 211  
and

Wilkes-Barre District Office BBVS  
Wilkes-Barre District Office Conference Room  
300G Laird Street  
Wilkes-Barre, PA 18702  
(866) 227-4163 (Voice), or (570) 826-2361,  
(888) 651-6117 (TTY)  
Date: April 8, 2010, Time: 4 p.m.—6 p.m.  
Contact Person: Stan Swaintek

*Wilkes-Barre BVRIS District Office*  
(Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)  
Wilkes-Barre OVR  
300G Laird Street  
Wilkes-Barre, PA 18702  
(800) 634-2060 (Voice), (888) 651-6117 (TTY)  
Date: April 7, 2010, Time: 1 p.m.—2 p.m.  
and 5 p.m.—6 p.m.  
Contact Person: Peggy Doyle

*Williamsport BVRIS District Office*  
(Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)  
Conference Room, The Grit Building  
Suite 102  
208 West Third Street  
Williamsport, PA 17701  
(800) 442-6359 (Voice), (800) 706-0884 (TTY)  
Date: March 29, 2010, Time: 3 p.m.—6 p.m.  
Contact Person: Susan Swartz

York BVRIS District Office  
 (Adams, Franklin, Lancaster and York Counties)  
 2550 Kingston Road  
 Suite 207  
 York, PA 17402  
 (800) 762-6306 (Voice), (866) 466-1404 (TTY)  
 Date: April 7, 2010, Time: 2 p.m.—6 p.m.  
 Contact Person: Barry Brandt or Bonnie Bluett (717)  
 771-4407, Ext. 204

SANDI VITO,  
 Secretary

[Pa.B. Doc. No. 10-372. Filed for public inspection February 26, 2010, 9:00 a.m.]

## DEPARTMENT OF STATE

### Official Forms

The Department of State (Department), Corporation Bureau (Bureau) proposes to amend 19 Pa. Code Appendix B (relating to official forms), to read as set forth in Annex A.

#### A. Effective Date

The proposed amendment will be effective upon publication of the final-form in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

The Department has the authority to promulgate Bureau sample forms and instructions under 15 Pa.C.S. § 133 (relating to powers of Department of State) (Associations Code). Section 133(a)(1) of the Associations Code, 15 Pa.C.S. § 133(a)(1), specifies that sample filing forms shall not be agency regulations and are therefore explicitly excluded from the requirements of section 612 of The Administrative Code of 1929 (71 P. S. § 232), and review under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506) and the Regulatory Review Act (71 P. S. §§ 745.1—745.15). Section 133(a)(1) of the Associations Code does, however, require that the forms and instructions be subject to the opportunity for public comments under section 201 of the July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201) Commonwealth Documents Law.

#### C. Description of Proposed Revisions

*Fictitious Name Amendment, Withdrawal, Cancellation*  
 (DSCB: 54-312-313)

This proposal revises one of the existing forms and instructions currently published in the *Pennsylvania Code*. The form (DSCB: 54-312-313) relates to Fictitious Name Amendment, Withdrawal or Cancellation. The Department has updated the form so that it better comports with 54 Pa.C.S. § 312 (relating to amendment). In light of the statement that the amendment, “without reference to any other filing, sets forth all information with respect to the fictitious name which would be required in an original filing under the Fictitious Names Act,” the second part box 6 of the previous form is unnecessary and has been omitted.

The Fictitious Name Amendment, Withdrawal, Cancellation form and instructions currently published in 19 Pa. Code is being deleted and replaced with the revised form set forth in Annex A. Even though Rule 2.10(a) of the *Pennsylvania Code* and *Bulletin Style Manual* recommends that forms be referenced in regulations rather than adopted in regulations, section 133 of the Associations Code (15 Pa.C.S. § 133) requires that the forms and instructions be published in the *Pennsylvania Code*.

*Procedure for Continuation of Business Domestic Limited Partnership and Domestic Limited Liability Company*  
 (DSCB: 15-8103A/8103B)

This form is eliminated in its entirety. Section 8103 of the Associations Code (15 Pa.C.S. § 8103), to which the form relates, was repealed by act 34 of 2001 (P. L. 418). This section had permitted a limited partnership or limited liability company upon certain circumstances to reduce the vote of the limited partners and members to a majority in interest, but required that those entities wishing to take advantage of the section make a special filing with the Department. The General Association Act Amendments Act of 2001 repealed section 8103 because that act transferred the substance of the section to 15 Pa.C.S. §§ 8571 and 8971. The provisions in 15 Pa.C.S. §§ 8571 and 8971 that replaced section 8103 do not require a filing and instead provide that the default rule will be a vote by a majority in interest. Therefore, this form is eliminated.

#### D. Fiscal Impact

Although this proposal would have no measurable fiscal impact upon the Commonwealth, its political subdivisions, or the private sector, a formal fiscal analysis was not conducted because these forms are exempt from the requirements of section 612 of The Administrative Code of 1929.

#### E. Paperwork Requirements

This proposal would not create new paperwork.

#### F. Regulatory Review

Under section 133(a) of the Association Code, sample forms are exempt from the requirements of the Regulatory Review Act (71 P. S. §§ 745.1—745.15), but shall be subject to the opportunity of public comment requirement under section 201 of the act of July 31, 1968 (P. L. 769, No. 240).

#### G. Public Comment

Under section 133(a)(1) of the Association Code, which requires that publication of these forms be subject to the opportunity for public comment, the Department invites interested persons to submit written comments, suggestions or objections regarding this proposal to Martha H. Brown, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120, within 30 days following publication of this notice in the *Pennsylvania Bulletin*. Reference Corporation Bureau—Official Forms when submitting comments.

PEDRO A. CORTÉS,  
 Secretary

**PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU**

**Fictitious Name  
Amendment, Withdrawal, Cancellation**

(54 Pa.C.S.)

\_\_\_ Amendment (§ 312)

\_\_\_ Withdrawal (§ 313)

\_\_\_ Cancellation (§ 313)

Name		
_____		
Address		
_____		
City	State	Zip Code
_____	_____	_____
_____		

**Document will be returned to the name and address you enter to the left.**



Fee: \$70

In compliance with the requirements of 54 Pa.C.S. Ch.3 (relating to fictitious names), the undersigned entity or entities, desiring to amend, withdraw or cancel from a fictitious name registration, hereby state(s) that:

1. The fictitious name is:

\_\_\_\_\_

2. The address of the principal place of business, including number and street, if any, is (the Department is authorized to conform to the records of the Department):

\_\_\_\_\_

Number and street	City	State	Zip	County
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3. The last preceding filing with respect to this fictitious name was made in the Department on \_\_\_\_\_ (Date) at \_\_\_\_\_ (Roll and Film).

4. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DSCB:54-312/313-2

5. Check one or more of the following, as appropriate:

\_\_\_ The fictitious name has been changed to:

\_\_\_\_\_

\_\_\_ The principal place of business set forth in paragraph 2 has been changed to (PO Box alone not acceptable):

Number and street	City	State	Zip	County
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\_\_\_ The following party(ies) has (have) been added to the registration and their signature(s) appear(s) at the end of this application.

Name	Number and street	City	State	Zip
------	-------------------	------	-------	-----

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ The following party(ies) has (have) withdrawn from the business and their signature(s) appear(s) at the end of this application.

Name	Number and street	City	State	Zip
------	-------------------	------	-------	-----

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ The fictitious name registration is cancelled.

6. Check boxes for Application for Amendment Only:

\_\_\_ This amendment, without reference to any other filing, sets forth all information with respect to the fictitious name which would be required in an original filing under the Fictitious Names Act.

7. Optional-See Instruction F: This application has been executed by an agent heretofore designated for that purpose in a prior filing in this registration.



DSCB:54-312/313-3

IN TESTIMONY WHEREOF, the undersigned has (have) caused this Application for Amendment, Withdrawal or Cancellation of/from Fictitious Name to be executed this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Adding party(ies) signature(s)

Withdrawing party(ies) signature(s)

All current party(ies) signature(s)

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
Name of Entity

\_\_\_\_\_  
Name of Entity

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Name of Entity

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Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title



**Department of State  
Corporation Bureau  
P.O. Box 8722  
Harrisburg, PA 17105-8722  
(717) 787-1057  
web site: [www.dos.state.pa.us/corps](http://www.dos.state.pa.us/corps)**

**Instructions for Completion of Form:**

- A. Typewritten is preferred. If not, the form shall be completed in black or blue-black ink in order to permit reproduction. The filing fee for this form is \$70 made payable to the Department of State.
- B. Under 15 Pa.C.S. § 135(c) (relating to addresses) an actual street or rural route box number must be used as an address, and the Department of State is required to refuse to receive or file any document that sets forth only a post office box address.
- C. The following, in addition to the filing fee, shall accompany this form:
  - (1) If the amendment effects a change of name, any necessary copies of form DSCB:17.2.3 (Consent to Appropriation of Name).
  - (2) Any necessary governmental approvals.
- D. For general instructions relating to fictitious name registration see 19 Pa. Code Subch. 17C (relating to Fictitious names). These instructions relate to such matters as voluntary and mandatory registration, general restrictions on name availability, use of corporate designators, agent for effecting amendments, etc., execution, official advertising when an individual is a party to the registration, and effect of registration and non-registration.
- E. The name of a commercial registered office provider may not be used in Paragraph 2 or 4B in lieu of an address.
- F. An amendment or cancellation shall be signed by all parties to the registration immediately preceding the filing unless an agent is authorized in the original registration and the agent signs the application. If the amendment adds a new party, the party added by the amendment must sign the form. In the case of withdrawal, the form need only be signed by the withdrawing party.
- G. If the filing involves a deceased party, the form should be signed by an executor or other fiduciary. It is not necessary to submit a short certificate showing appointment as fiduciary, etc. See 15 Pa.C.S. § 135(b).
- H. There is no requirement that the parties involved in an amended, canceled or withdrawal application advertise their intention to file or the filing of such application.
- I. No certificate will be issued by the Department in response to this filing.
- J. This form and all accompanying documents shall be mailed to the address stated above.

[Pa.B. Doc. No. 10-373. Filed for public inspection February 26, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Pedalcycle and Pedestrian Advisory Committee Meeting

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Thursday, March 4, 2010, from 1 p.m. to 3 p.m. in Conference Room 125C, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Brian Sanders, Bicycle and Pedestrian Engineer at (717) 783-6193 or bsanders@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 10-374. Filed for public inspection February 26, 2010, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Wednesday, March 3, 2010, 3 p.m. Executive Committee, 10 a.m. Data Systems Committee and 1 p.m. Education Committee; Thursday, March 4, 2010, 10 a.m. Council Meeting and 1 p.m. Payment Data Advisory Group. The Act 3 Review Committee will meet on Wednesday, March 10, 2010 at 1:30 p.m. The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meetings should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 10-375. Filed for public inspection February 26, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The

final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-448	Environmental Quality Board Paper, Film and Foil Surface Coating Processes 39 Pa.B. 6460 (November 7, 2009)	1/13/10	2/12/10

### Environmental Quality Board Regulation #7-448 (IRRC #2807)

#### Paper, Film and Foil Surface Coating Processes

February 12, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the November 7, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board to respond to all comments received from us or any other source.

#### Section 129.52b. Control of VOC emissions from paper, film and foil surface coating processes.—Clarity.

Subsections (d) and (e) require the coating operation to maintain certain records. However, they are unclear as to the format in which these records must be maintained. Also, will requests for submission of records by the Department under Subsection (e) be made orally or in writing? These items should be clarified in the final-form regulation.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-376. Filed for public inspection February 26, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Liberty Mutual Mid-Atlantic Insurance Company

Liberty Mutual Mid-Atlantic Insurance Company, a domestic mutual property insurance company, has filed for approval a Plan of Redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Massachusetts. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 4161 and 4162 (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 7 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the

application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-377. Filed for public inspection February 26, 2010, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for Several LTC Forms; Rate Filing**

Blue Cross of Northeastern Pennsylvania is requesting approval to increase the premium 39% on Long-Term Care policy forms: GRP11-341-PA-200 and GRP11-342-PA-1100. A total of 13 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 13, 2010, 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](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-378. Filed for public inspection February 26, 2010, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Rate Increase Filing for Several LTC Forms; Rate Filing**

Blue Cross of Northeastern Pennsylvania is requesting approval to increase the premium 39% on Long-Term Care policy forms: NTQ11-337-PA-998, LTQ11-336-PA-998, FLQ11-336-PA-998 and HTQ11-338-PA-998. A total of 148 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 13, 2010, 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](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-379. Filed for public inspection February 26, 2010, 9:00 a.m.]

**MedAmerica Insurance Company; Rate Increase Filing for Several MedAmerica LTC Forms; Rate Filing**

MedAmerica Insurance Company is requesting approval to increase the premium 39% on Long-Term Care policy forms: GRP11-341-MA-PA-601 and GRP11-342-MA-PA-601. A total of 78 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 13, 2010, 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](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@state.pa.us](mailto:jlavery@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-380. Filed for public inspection February 26, 2010, 9:00 a.m.]

**MedAmerica Insurance Company; Rate Increase Filing for Several MedAmerica LTC Forms; Rate Filing**

MedAmerica Insurance Company is requesting approval to increase the premium 39% on Long-Term Care policy forms: LTC-LBP-2PA, LTC-LBP8-MA-2PA, LTC-CD5-2PA, LTC-CD8-MA-PA and LTC-CD9-MA-PA. A total of 487 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 13, 2010, 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](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-381. Filed for public inspection February 26, 2010, 9:00 a.m.]

### MedAmerica Insurance Company; Rate Increase Filing for Several MedAmerica LTC Forms; Rate Filing

MedAmerica Insurance Company is requesting approval to increase the premium 39% on Long-Term Care policy forms: NTQ11-337-MA-PA-601, LTQ11-336-MA-PA-601, FLQ11-336-MA-PA-601 and HTQ11-338-MA-PA-601. A total of 182 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 13, 2010, 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](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-382. Filed for public inspection February 26, 2010, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, March 9, 2010.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 10-383. Filed for public inspection February 26, 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 March 15, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2010-2155988. Cen-Clear Child Services, Inc.** (1633 Phillipsburg Bigler Highway, Phillipsburg, Clearfield County, PA 16866)—a corporation of the Commonwealth—in paratransit service, to or from medical and behavioral health facilities, from points in Blair, Centre, Clearfield, Jefferson, Cambria, Clinton, Cameron, Elk, Mifflin and Huntingdon Counties, to points in Pennsylvania, and return.

**A-2010-2157779. Central Penn Travel, LLC** (233 Bunny Lane, Palmyra, Dauphin County, PA 17078)—a limited liability corporation of the Commonwealth—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Dauphin, Perry, Lebanon and Schuylkill, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

#### 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-2010-2157894. Arrowhead Point To Point Transportation Services, Inc.** (102 Arrowhead Drive, Beaver Falls, PA 15010)—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Beaver, to points in Pennsylvania, and return.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-384. Filed for public inspection February 26, 2010, 9:00 a.m.]

# PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

## Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, March 11, 2010, at 11 a.m. in Conference Room 1, 6th Floor, Forum Place Building, 555 Walnut Street, Harrisburg, PA.

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 10-385. Filed for public inspection February 26, 2010, 9:00 a.m.]

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