

# PENNSYLVANIA BULLETIN

Volume 41

Number 10

Saturday, March 5, 2011 • Harrisburg, PA

Pages 1159—1324

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

**No. 436, March 2011**

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**BULLETIN**

(ISSN 0162-2137)

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

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2011.

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 4 ]

### Order Amending Rule 470 of the Rules of Criminal Procedure; No. 399 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 18th day of February 2011, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 470 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 18, 2011.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

#### PART G. Special Procedures in Summary Cases Under the Vehicle Code

Rule 470. Procedures Related to [ Licenses ] License Suspension After Failure to Respond to Citation or Summons or Failure to Pay Fine and Costs.

(A) When a defendant fails to comply with the 10-day response period set forth in Rules 407, 412, [ and ] 422, and 456, the issuing authority shall notify the defendant in writing that, pursuant to Section 1533 of the Vehicle Code, the defendant's license will be suspended if the defendant fails to respond to the citation or summons or fails to pay all fines and costs imposed or enter into an agreement to make installment payments for the fines and costs within 15 days of the date of the notice.

(B) Service of the notice required in paragraph (A) shall be by first class mail, and a copy shall be made part of the record.

(C) If the defendant does not respond by the fifteenth day, the issuing authority shall so notify the Pennsylvania Department of Transportation. The notice shall be sent by electronic transmission in the form prescribed by the Pennsylvania Department of Transportation. The issuing authority shall print out and sign a copy of the notice, which shall include the date and time of the transmission, and the signed copy shall be made part of the record.

(D) If the defendant responds to the citation or summons or pays all fines and costs imposed or enters into an agreement to make installment payments for the fines and costs imposed after notice has been sent pursuant to paragraph (C), the issuing authority shall so notify the Pennsylvania Department of Transportation and request the withdrawal of the defendant's

license suspension. The notice and request shall be sent by electronic transmission. The issuing authority shall print out and sign a copy of the notice and request, which shall include the date and time of the transmission, and the signed copy shall be made part of the record.

(E) Upon request of the defendant, the attorney for the Commonwealth, or any other government agency, the issuing authority's office shall provide a certified copy of any notices or any request form required by this rule.

#### Comment

This rule was adopted in 1993, and amended in 2011, to implement the notice requirements of 75 Pa.C.S. § 1533 and to insure uniform, prompt transmissions to the Department of Transportation. It does not change the other procedural requirements contained in the summary case rules generally. *See, e.g., paragraph (B)(1)(a) of Rule 430[ (A)(1) ] (Issuance of Warrant) and Rule 456 (Default Procedures: Restitution, Fines, and Costs).*

This rule is not intended to address the admissibility of evidence. See the Pennsylvania Rules of Evidence and 42 Pa.C.S. § 6101 *et seq.* concerning the Rules of Evidence for documents.

Under paragraph (E), the issuing authority is required to provide a certified copy of the report, but only if the request is made within the period that the issuing authority is required to retain the records.

Electronic transmissions are to be made from the [ District Justice Central Site Computer ] Magisterial District Judge System or other computer [ facility utilized ] system used by issuing authorities.

**Official Note:** Previous Rule 91, formerly Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986. The January 1, 1986 effective date is extended to July 1, 1986. Readopted and renumbered Rule 91 February 1, 1989, effective July 1, 1989; rescinded June 3, 1993, effective July 1, 1993, and replaced by new Rule [ 471 ] 92. New Rule 91 adopted June 3, 1993, effective July 1, 1993; renumbered Rule 470 and amended March 1, 2000, effective April 1, 2001; amended February 18, 2011, effective March 18, 2011.

#### *Committee Explanatory Reports:*

Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 2811 (June 19, 1993).

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 18, 2011 amendments to paragraphs (A) and (D) adding failure to pay fines and costs published with the Court's Order at 41 Pa.B. 1168 (March 5, 2011).

FINAL REPORT<sup>1</sup>*Amendment of Pa.R.Crim.P. 470*

On February 18, 2011, effective March 18, 2011, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendments to Rule of Criminal Procedure 470 (Procedures Related to License Suspension after Failure to Respond to Citation or Summons). These amendments bring the procedures in Rule 470 concerning license suspensions in line with the provisions of 75 Pa.C.S. § 1533 (Suspension of Operating Privilege for Failure to Respond to Citation).

In response to an inquiry from the legal staff of the Administrative Office of Pennsylvania Courts (AOPC) that raised questions about the interplay between Rules of Criminal Procedure 456 and 470 and 75 Pa.C.S. § 1533, the Committee undertook a review of the procedures in Rule 470 and in 75 Pa.C.S. § 1533 (Suspension of Operating Privilege for Failure to Respond to Citation).

Rule 470 sets forth the procedures for license suspensions when a defendant fails to respond to a citation or summons in a summary case. Pursuant to Rule 470(A), when a defendant fails to respond to a citation or summons within the 10-day period provided in Rules 407, 412, and 422, the issuing authority is required to send the defendant a notice explaining that the defendant's license will be suspended pursuant to 75 Pa.C.S. § 1533 if the defendant does not respond to the citation or summons within 15 days of the license suspension notice. The issuing authority is required to notify the Pennsylvania Department of Transportation (PennDOT) if the defendant does not respond by the 15th day. Rule 470 also provides the procedures for the electronic transmission of the information to PennDOT and for the issuing authority to request that PennDOT rescind the license suspension after the defendant responds. These procedures were adopted in 1993 to implement the notice of license suspension provisions in 75 Pa.C.S. § 1533, and to provide for the electronic transmission of the documents the statute requires be sent to PennDOT.

In 1994, Section 1533 was amended to add, *inter alia*, a license suspension for failure to pay fines and costs. Although the Committee monitors legislative changes, the 1994 amendments to Section 1533 were missed. In considering the communications from the AOPC legal staff, the Committee realized its oversight and agreed the discrepancy between Rule 470 and the statute was a source of the confusion to the bench, bar, and court administration. The Committee members agreed Rule 470 should be amended to align the rule procedures with the amended version of Section 1533. Accordingly, Rule 470(A) has been amended by the addition of the requirement that the issuing authority also must provide the license suspension notice when the defendant fails to pay the fine and costs or fails to enter into a payment plan. Rule 470(D) similarly has been amended by the addition of the fine and costs provision to the procedures for the rescission of the license suspension when the defendant has appeared and paid the fines and costs or established a payment for paying.

[Pa.B. Doc. No. 11-365. Filed for public inspection March 4, 2011, 9:00 a.m.]

<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.

# Title 25—LOCAL COURT RULES

## BUTLER COUNTY

### Local Rules of Court; CP-10-AD-000003-2011

#### Administrative Order of Court

*And Now*, this 15th day of February, 2011 it is hereby ordered and decreed that the Butler County local rules of criminal procedure (L117) is approved and adopted and is made a part of the Butler County Local Rules of Criminal Procedure for use in the Court of Common Pleas of Butler County, Pennsylvania, the 50th Judicial District of Pennsylvania, effective thirty days after the publication of the rule in the *Pennsylvania Bulletin*.

It is further ordered and decreed that the Court Administrators Office of Butler County shall:

1. File seven (7) certified copies of this Administrative Order & Local Rule with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order & Local Rule and one (1) diskette in the required format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Administrative Order & Local Rule with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy of this Administrative Order to the administrative office of the *Butler County Legal Journal* for publication.
5. Keep continuously available for public inspection copies of this Administrative Order in the Office of the Butler County Clerk of Courts, in the Office of the Court Administrator and the Butler County Law Library.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

#### **Rule L117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.**

A. After hours coverage shall be provided by way of a schedule of specified times when the "duty" issuing authority will be available to conduct business. Each Magisterial District Judge, who has county-wide jurisdiction, will be available to receive calls on a rotational schedule as adopted by Administrative Order on an annual basis. Said Administrative Order shall be maintained by the Court Administrator's office and shall be distributed to the Butler County Communications Center and each Magisterial District Judge.

(1) The "on call" Magisterial District Judge may hold court by any approved advanced communication technology as provided by Butler County or the Administrative Office of the Pennsylvania Courts. The Magisterial District court office will remain closed to the public during after hours coverage except at the discretion of the Magisterial District Judge.

(2) The Magisterial District Judge serving as the "on-call" issuing authority shall be available to conduct preliminary arraignments between the hours of 4:30 pm and 11:00 pm, Monday through Friday, and shall be contacted through the Butler County Communications

Center. The Magisterial District Judge serving as "on-call" issuing authority shall also be available to conduct preliminary arraignments at 8:00 am, seven days a week and at 4:00 pm and 10:00 pm on weekends and holidays. The "on call" Magisterial District Judge shall also be available to conduct preliminary arraignments during regular business hours when the original issuing authority is not available.

(3) In the event a Magisterial District Judge is needed at any time for after hours coverage for issuance of a search or arrest warrant, an Emergency Protection From Abuse Petition or other emergency matter, the "on call" Magisterial District Judge shall be contacted through the Butler County Communications Center.

(4) Procedures for executed summary warrants shall be pursuant to Pa.R.Crim.P.431.

(B) Monetary bond may be posted outside of normal business hours with the Magisterial District Judge, the Clerk of Courts or the Warden of the Butler County Prison with the following provisions:

(1) Bonds required prior to the verdict or other case disposition in the amount of Five Hundred (\$500.00) Dollars and No Cents or less shall be posted with the Warden at the Butler County Prison.

(2) Bonds required prior to verdict or other case disposition in the amount of Five Hundred and One (\$501.00) Dollars and No Cents or more shall be posted with "on-call" Magisterial District Judge.

(3) All Property Bonds must be posted during regular business hours with the Clerk of Courts of Butler County.

[Pa.B. Doc. No. 11-366. Filed for public inspection March 4, 2011, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Adoption of Local Rule of Civil Procedure Rule 1920.42(d)\*(3)—Verification of Defendant's Signature; No. 2011-00001**

**Order**

And Now, this 15th day of February, 2011, the Court adopts Montgomery County Local Rule of Civil Procedure 1920.42(d)\*(3)—Verification of Defendant's Signature. This Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239, one (1) certified copy of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,  
*President Judge*

**Rule 1920.42(d)\*(3). Verification of Defendant's Signature.**

(3) Upon the filing of the Praecepte to Transmit in a divorce action where the defendant has no attorney of record and the defendant has not appeared for any proceeding before the Court, the plaintiff shall execute and file a Verification of Defendant's Signature in the following form:

(Caption)

**VERIFICATION OF DEFENDANT'S SIGNATURE**

I, \_\_\_\_\_, hereby state that I am the Plaintiff in the above-captioned divorce matter, that I am familiar with the signature of Defendant, and that the signature that appears on the following document(s) is that of the Defendant.

Check all that apply:

- \_\_\_ Acceptance of Service of the Divorce Complaint
- \_\_\_ Signature on Certified Mail Receipt
- \_\_\_ Property Settlement Agreement dated \_\_\_\_ (insert date)
- \_\_\_ Affidavit of Consent under Section 3301(c) of the Divorce Code
- \_\_\_ Affidavit under Section 3301(d) of the Divorce Code
- \_\_\_ Counter-affidavit under Section 3301(c) or 3301(d) of the Divorce Code (circle the applicable section)
- \_\_\_ Waiver of Notice of Intention to Transmit the Record
- \_\_\_ Other (if this section applies, list the document(s)):

I verify that the statements made in this Verification of Defendant's Signature are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

\_\_\_\_\_  
Signature of Plaintiff

[Pa.B. Doc. No. 11-367. Filed for public inspection March 4, 2011, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Transfer to Disability Inactive Status**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated February 17, 2011, Antonia S. Bevis is transferred to Disability Inactive Status from the Bar of this Commonwealth for an indefinite period and until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-368. Filed for public inspection March 4, 2011, 9:00 a.m.]



# SUPREME COURT

## Modification of the Magisterial Districts Within the Eighth Judicial District; No. 275 Magisterial Rules Doc.

### Order

*Per Curiam*

And Now, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Northumberland County to eliminate Magisterial District 08-3-01 and reconfigure Magisterial Districts 08-2-01, 08-3-02, 08-3-03 and 08-3-04 of the Eighth Judicial District (Northumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective March 1, 2011. The vacancy for District 08-3-01 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

- Magisterial District 08-2-01: Kulpmont Borough  
Magisterial District Judge Marion Heights Borough  
Hugh A. Jones Mount Carmel Borough  
Mount Carmel Township  
Riverside Borough  
East Cameron Township  
Ralpho Township  
Rush Township  
West Cameron Township
- Magisterial District 08-3-02: McEwensville Borough  
Magisterial District Judge Delaware Township  
Robert J. Bolton East Chilisquaque  
Township  
Lewis Township  
Milton Borough  
Point Township  
Turbot Township  
Turbotville Township  
Watsonstown Borough  
West Chilisquaque  
Township
- Magisterial District 08-3-03: Snyderstown Borough  
Magisterial District Judge Shamokin City  
John Gembic Coal Township  
Shamokin Township  
Zerbe Township
- Magisterial District 08-3-04: Herndon Borough  
Magisterial District Judge Northumberland Borough  
Carl B. Rice Sunbury City  
Jackson Township  
Jordan Township  
Little Mahanoy Township  
Lower August Township  
Lower Mahanoy Township  
Rockefeller Township  
Upper August Township  
Upper Mahanoy Township  
Washington Township

[Pa.B. Doc. No. 11-369. Filed for public inspection March 4, 2011, 9:00 a.m.]

## Modification of the Magisterial Districts Within the Fifth Judicial District; No. 271 Magisterial Rules Doc.

### Order

*Per Curiam*

And Now, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Allegheny County to eliminate Magisterial District 05-2-09 and 05-2-46 and reconfigure Magisterial Districts 05-2-05, 05-2-06, 05-2-08, 05-2-10, 05-2-12, 05-2-14, 05-2-32, 05-2-47, 05-3-02, 05-3-03 and 05-3-04 of the Fifth Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancies for Districts 05-2-09 and 05-2-46 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

- Magisterial District 05-2-05: Brackenridge Borough  
Magisterial District Judge Tarentum Borough  
Carolyn S. Bengel East Deer Township  
Fawn Township  
Harrison Township
- Magisterial District 05-2-06: Municipality of Penn Hills  
Magisterial District Judge Verona Borough  
Leonard J. HRomyak Wilkins Township
- Magisterial District 05-2-08: Braddock Hills Borough  
Magisterial District Judge Chalfant Borough  
Thomas P. Caulfield Churchill Borough  
Forest Hills Borough  
Swissvale Borough
- Magisterial District 05-2-10: Edgewood Borough  
Magisterial District Judge Wilkinsburg Borough  
Kim M. Hoots
- Magisterial District 05-2-12: Bradford Woods Borough  
Magisterial District Judge Marshall Township  
William K. Wagner McCandless Township  
Pine Township
- Magisterial District 05-2-14: Dravosburg Borough  
Magisterial District Judge Rankin Borough  
Richard D. Olasz, Jr. West Mifflin Borough  
Whitaker Borough
- Magisterial District 05-2-32: Plum Borough  
Magisterial District Judge Oakmont Borough  
Linda I. Zucco
- Magisterial District 05-2-47: City of Duquesne  
Magisterial District Judge Braddock Borough  
Scott H. Schricker East Pittsburgh Borough  
North Braddock Borough  
Turtle Creek Borough
- Magisterial District 05-3-02: Bell Acres Borough  
Magisterial District Judge Edgeworth Borough  
Robert L. Ford Franklin Park Borough  
Glenfield Borough  
Haysville Borough  
Leetsdale Borough  
Osborne Borough  
Sewickley Borough  
Sewickley Heights Borough  
Sewickley Hills Borough  
Aleppo Township  
Leet Township

Magisterial District 05-3-03: Cheswick Borough  
 Magisterial District Judge Springdale Borough  
 David J. Sosovicka Frazier Township  
 Hamar Township  
 Springdale Township

Magisterial District 05-3-04: Hampton Township  
 Magisterial District Judge Richland Township  
 Suzanne R. Blaschak West Deer Township

[Pa.B. Doc. No. 11-370. Filed for public inspection March 4, 2011, 9:00 a.m.]

**Modification of the Magisterial Districts Within the Forty-Fifth Judicial District; No. 274 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Lackawanna County to eliminate Magisterial District 45-1-07 and reconfigure Magisterial Districts 45-1-06 and 45-3-03 of the Forty-fifth Judicial District (Lackawanna County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective immediately. The vacancy for District 45-1-07 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

Magisterial District 45-1-06: City of Scranton, Wards 1,  
 Magisterial District Judge 2, 3, 7, 13 and 23  
 James Kennedy Dunmore Borough

Magisterial District 45-3-03: City of Carbondale  
 Magisterial District Judge Vandling Borough  
 Sean McGraw Benton Township  
 Carbondale Township  
 Fell Township  
 Greenfield Township  
 Scott Township

[Pa.B. Doc. No. 11-371. Filed for public inspection March 4, 2011, 9:00 a.m.]

**Modification of the Magisterial Districts Within the Seventeenth Judicial District; No. 277 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of February, 2011, upon consideration of the Request of the President Judge of the Seventeenth Judicial District to eliminate Magisterial District 17-3-05 and reconfigure Magisterial Districts 17-3-03 and 17-3-04 of the Seventeenth Judicial District (Snyder and Union Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancy for District 17-3-05 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

Magisterial District 17-3-03: Selinsgrove Borough  
 Magisterial District Judge Shamokin Dam Borough  
 John T. Robinson Jackson Township  
 Middlecreek Township  
 Monroe Township  
 Penn Township

Magisterial District 17-3-04: Beavertown Borough  
 Magisterial District Judge McClure Borough  
 Willis E. Savidge Middleburg Borough  
 Freeburg Borough  
 Adams Township  
 Beaver Township  
 Center Township  
 Chapman Township  
 Franklin Township  
 Perry Township  
 Spring Township  
 Union Township  
 Washington Township  
 West Beaver Township  
 West Perry Township

[Pa.B. Doc. No. 11-372. Filed for public inspection March 4, 2011, 9:00 a.m.]

**Modification of the Magisterial Districts Within the Thirty-Second Judicial District; No. 273 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Delaware County to eliminate Magisterial District 32-2-50 and reconfigure Magisterial District 32-2-37 of the Thirty-second Judicial District (Delaware County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective March 1, 2011. The vacancy for District 32-2-50 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial District shall be as follows:

Magisterial District 32-2-37: Colwyn Borough  
 Magisterial District Judge Darby Borough  
 Leonard V. Tenaglia Sharon Hill Borough

[Pa.B. Doc. No. 11-373. Filed for public inspection March 4, 2011, 9:00 a.m.]

**Modification of the Magisterial Districts Within the Twenty-First Judicial District; No. 276 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Schuylkill County to eliminate Magisterial District 21-3-02 and reconfigure Magisterial Districts 21-2-01, 21-3-01, 21-3-03, 21-3-04, 21-3-06 and 21-3-07 of the Twenty-first Judicial District (Schuylkill County) of the

Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancy for District 21-3-02 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

Magisterial District 21-2-01: Ashland Borough  
Magisterial District Judge Frackville Borough  
Gilberton Borough  
Girardville Borough  
Gordon Borough  
Ringtown Borough  
Butler Township  
North Union Township  
Ryan Township  
West Mahanoy Township  
(Altamont section)

Magisterial District 21-3-01: Mechanicsville Borough  
Magisterial District Judge Middleport Borough  
David A. Platchko Minersville Borough  
New Philadelphia Borough  
Palo Alto Borough  
Port Carbon Borough  
St. Clair Borough  
Blythe Township  
East Norwegian Township  
New Castle Township  
Norwegian Township  
Schuylkill Township

Magisterial District 21-3-03: Auburn Borough  
Magisterial District Judge Cressona Borough  
James R. Ferrier Deer Lake Borough  
New Ringgold Borough  
Orwigsburg Borough  
Port Clinton Borough  
Schuylkill Haven Borough  
East Brunswick Township  
North Manheim Township  
South Manheim Township  
Walker Township  
Wayne Township  
West Brunswick Township  
West Penn Township

Magisterial District 21-3-04: Pine Grove Borough  
Magisterial District Judge Tower City Borough  
Carol A. Pankake Tremont Borough  
Barry Township  
Branch Township  
Cass Township  
Eldred Township  
Foster Township  
Frailey Township  
Hegins Township  
Hubley Township  
Pine Grove Township  
Porter Township  
Reilly Township  
Tremont Township  
Upper Mahantongo  
Township  
Washington Township

Magisterial District 21-3-06: Coaldale Borough  
Magisterial District Judge McAdoo Borough  
Stephen Bayer Tamaqua Borough  
Kline Township  
Rush Township

Magisterial District 21-3-07: Mount Carbon Borough  
Magisterial District Judge Pottsville City  
James K. Reiley

[Pa.B. Doc. No. 11-374. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Modification of the Magisterial Districts Within the Twenty-Third Judicial District; No. 272 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 15th day of February, 2011, upon consideration of the Request of the President Judge of Berks County to eliminate Magisterial District 23-1-04 and reconfigure Magisterial Districts 23-1-05 and 23-3-09 of the Twenty-third Judicial District (Berks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancy for District 23-1-04 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

Magisterial District 23-1-05: City of Reading, Wards  
Magisterial District Judge 6, 7, 15 and 19  
Alvin B. Robinson

Magisterial District 23-3-09: City of Reading, Wards 13,  
Magisterial District Judge 14 and 17  
Deborah P. Lachina

[Pa.B. Doc. No. 11-375. Filed for public inspection March 4, 2011, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 901 ]

### Proposed Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Provide for Regulation of Natural Gas Development Projects

*Summary:* The Delaware River Basin Commission (Commission) proposes to amend its Water Quality Regulations (WQR), Water Code and Comprehensive Plan by adding a new Article 7 to the WQR providing for the conservation and development of water resources of the Delaware River Basin during the implementation of natural gas development projects. Proposed Article 7 applies to all natural gas development projects involving siting, construction or use of production, exploratory or other wells in the Basin regardless of the target geologic formation, and to water withdrawals, well pad and related activities and wastewater disposal activities comprising part of, associated with or serving such projects.

*Dates and Locations:* The public hearings are scheduled for two dates in February 2011 at three locations as set forth in detail on the Commission's web site at [www.drbc.net](http://www.drbc.net).

*Addresses:* Written comments for the record may be submitted either (a) electronically, through the public comment collection system to which a link is provided on the DRBC web site, [www.DRBC.net](http://www.DRBC.net); or (b) in hard copy, via U.S. Mail to Natural Gas Regulations c/o Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; via private carrier to Natural Gas Regulations c/o Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360; or by hand to DRBC staff at any of the Commission's public hearings or at the Commission's office building in West Trenton, New Jersey. Comments submitted by other means will not be included in the rulemaking record.

*Further Information, Contact:* Detailed information concerning the public hearings and submission of written comments is posted on the Commission's web site at [www.DRBC.net](http://www.DRBC.net). Questions concerning how to submit oral and written comments also may be addressed to Mr. John Calkin at 609-477-7266 or Ms. Paula Schmitt at 609-883-9500, ext. 224.

*Supplemental Information:* The Draft Natural Gas Development Regulations (draft regulations) were posted on the Commission's web site, [www.drbc.net](http://www.drbc.net), on December 9, 2010 and remain available there. Notice of the availability of the draft regulations was published in the Federal Register on January 1, 2011. Hard copies of the draft regulations may be obtained at cost by contacting Ms. Paula Schmitt at 609-883-9500, ext. 224.

*Purpose, Authority and Scope:* The Commission is proposing a new Article 7 of DRBC's Water Quality Regulations to protect the water resources of the Basin during the construction and operation of natural gas development projects. This Article applies to all natural gas development projects involving siting, construction or use of production, exploratory or other wells in the Basin regardless of the target geologic formation, and to water

withdrawals, well pad and related activities and wastewater disposal activities comprising part of, associated with or serving such projects. The provisions of this Article rely on the state oil and gas regulatory programs of Pennsylvania and New York where separate administration by the Commission would result in unnecessary duplication. If approved, Article 7 would supersede the Executive Director's determinations issued on May 19, 2009, June 14, 2010 and July 23, 2010.

Draft Article 7 implements the statutory authority that the Basin states of Delaware, New Jersey, New York and Pennsylvania and the federal government granted to the Commission in the Delaware River Basin Compact and supplements the Commission's Comprehensive Plan with respect to natural gas development projects within the Basin. Commission regulations are one mechanism by which the Basin states and federal government work together to manage water resources in an integrated manner for the benefit of all citizens of the Basin.

*Strategic Regulatory Framework:* Proposed Article 7 is divided into sections addressing water sources for natural gas development, well pad siting, and wastewater disposal. The Commission relies on the state regulatory programs applicable to oil and gas development projects and the experienced staff of the states in which natural gas wells are located to manage well construction and operation.

*Water Sources for Uses Related to Natural Gas Well Development:* Existing Commission regulations establish a program for regulating water withdrawals. These Commission requirements serve multiple water resources objectives, including among others, preserving river flows to protect in-stream living resources and downstream withdrawers, and ensuring adequate assimilative capacity for approved discharges. The Commission has in other regulations established thresholds for project review based on the thirty-day average volume of water withdrawals. Water withdrawals for natural gas development, including high volume hydraulic fracturing, may have substantial water quality impacts due to their high intermittent daily withdrawal volume. Consequently, this Article requires that water used for natural gas development projects must come from water sources that have been approved by the Commission for use for natural gas development. The requirements for approval are designed to protect minimum stream flows, provide a record of water transfers and otherwise ensure that water resources are not adversely affected. A streamlined approval process is provided that encourages the use of existing Commission-approved water sources to minimize the need to construct and operate new water sources. This Article permits water sources located within the physical boundaries of an approved Natural Gas Development Plan (NGDP) to be approved for uses within the NGDP. This Article also permits flowback and production waters, treated wastewater and mine drainage waters to be reused for natural gas development under specified conditions.

*Natural Gas Development Plan (NGDP) and Well Pad Siting Requirements:* The severity of the risks to water resources from well pad construction and operation depends in large part on where the well pads are placed. Article 7 seeks to minimize impacts to water resources from natural gas development by establishing NGDP and well pad siting and planning requirements, including:



- Mandatory preparation of NGDPs by sponsors of natural gas well pad projects who have total lease holdings in the Delaware River Basin of over 3,200 acres or intend to construct more than five natural gas well pads designed for any type of natural gas well.

- Identification, through the NGDP, of the project sponsor's foreseeable natural gas development in a defined geographic area. The NGDP requirement is designed to foster protection of water resources through broad scale lease area planning rather than limited site-by-site decision making, thereby encouraging development only in areas most suitable for it and minimizing impact to sensitive water resource features. These plans identify geographic and hydrological constraints to natural gas development and identify measures to minimize those impacts.

- Restrictions regarding siting in flood hazard areas, on steep slopes, and areas that serve as critical habitat for federal- or state-designated threatened and endangered (T&E) species.

- Minimum setbacks from water bodies, wetlands, surface water supply intakes and water supply reservoirs at distances specified in the regulations, and from occupied homes, public buildings, public roads, public water supply wells, and domestic water supply wells as provided by regulations of the state in which the well pad is located.

- A requirement for pre- and post-project monitoring of surface water and groundwater near well pads involving high volume hydraulically fractured wells, including a characterization of the hydrology, water chemistry and biological resources of surface waters and the water chemistry of groundwaters.

- Requiring the monitoring, tracking, and reporting of water usage and wastewater treatment and disposal. All wastewaters must be transported to approved treatment and disposal facilities.

*Well Construction and Operation Procedures:* The Commission principally relies on the states' implementation of state laws, regulations and programs concerning construction and operation of natural gas wells, well pads, and appurtenant structures to satisfy the requirements of the Compact and the Commission's Comprehensive Plan. In proposed Article 7, the Commission is separately requiring that all non-domestic wastewater be transferred to appropriate tanks for temporary storage on the well pad site or to a centralized wastewater storage facility and that fluids and drill cuttings from horizontal wellbores in the target formation be beneficially reused or disposed of at an appropriate waste facility.

*Wastewater Generated from Natural Gas Activities:* Wastewater produced at natural gas well sites contains salts and other chemicals that present water treatment challenges. Article 7 provides that any wastewater treatment facility within the Basin may accept non-domestic wastewater from a natural gas development project only if the facility first obtains approval from the Commission in the form of a docket or modification of an existing docket.

To obtain such an approval, a project sponsor must submit a treatability study to demonstrate that acceptance of the non-domestic wastewater will not interfere with the facility's operations, and provide information to show that the facility's discharge will neither (a) cause primary and secondary Safe Drinking Water Act standards to be exceeded where surface water may be used as a public water supply; nor (b) violate zone-specific stream quality objectives and effluent limitations. Article 7 in-

cludes a comprehensive tracking system designed to promote the proper disposal of wastewater from natural gas development projects.

*Approval by Rule (ABR) Procedures:* Existing procedures for obtaining a Commission decision on a project application generally take six to nine months. Article 7 provides for a streamlined review process for natural gas development projects that demonstrate that they satisfy certain criteria. Commission approval for projects that meet the specified criteria may be issued through an "approval by rule" involving public notice and application to and approval by the Executive Director in a process that may take fewer than 30 days. Eligible projects include (a) bulk water sales for uses related to natural gas by holders of valid Commission approvals that can provide water within their current allocations; (b) well pad projects that conform to a Commission-approved Natural Gas Development Plan; (c) well pad projects that conform to specified restrictions and setback requirements; and (d) water supply projects involving the reuse of recovered flowback and production fluids as make-up water for hydraulically fracturing natural gas wells. In addition, projects that do not involve fracturing or that consist of well pads constructed exclusively for the development and operation of exploratory natural gas wells and that are expected to use no more than 80,000 gallons or equivalent of hydraulic fracturing fluids (low volume hydraulically fractured wells) are eligible for an ABR if they comply with applicable state programs and Commission setbacks and requirements. Approval by rule is not available for projects located in National Park Service Management Areas or in the watersheds of the New York City reservoirs.

*Financial Assurance Requirements:* Financial assurance for the plugging, abandonment and restoration of natural gas wells and the remediation of any pollution from natural gas development activities is required in the amount of \$125,000 per natural gas well. After well installation and hydraulic fracturing are complete, the Executive Director may approve a reduction in the amount of the financial assurance required for individual wells if there is no evidence of harm to the water resources of the Basin and the project sponsor obtains a separate "excess" insurance policy or other financial assurance instrument. The text of proposed Article 7 of the Commission's Water Quality Regulations, Water Code and Comprehensive Plan is set forth below:

### **Article 7 of the Administrative Manual Part III—Basin Regulations**

#### **Section 7.1. Purpose, Authority, Scope and Relationship to other Requirements and Rules.**

- (a) Purpose
- (b) Authority
- (c) Scope
- (d) Comprehensive Plan and Project Review
- (e) Planning Framework
- (f) Relationship to other Commission Requirements
- (g) Severability
- (h) Delegation of Authority
- (i) Host State Regulation of Natural Gas and Exploratory Well Construction and Operation

#### **Section 7.2. Definitions.**

#### **Section 7.3. Administration.**

- (a) Types of Natural Gas Development Projects
- (b) Types of Review and Approval

(c) Approval by Rule for Natural Gas Development Projects

(d) Appeal

(e) Duration of an Approval

(f) Expiration

(g) Name Changes and Transfers

(h) Docket or protected area permit modification or suspension by Director

(i) Public Notice Procedure

(j) Site Access

(k) Financial Assurance Requirements

(l) Project Review Fees

(m) Reporting Violations

(n) Enforcement

**Section 7.4. Water Sources for Uses Related to Natural Gas Development.**

(a) Types of Water Sources

(b) Preliminary Determinations

(c) Conditions

(d) Approval by Rule of previously approved sources to supply water for natural gas development

(e) New water sources for uses related to natural gas development

(f) Importation of water for uses related to natural gas development

(g) Use of recovered flowback and production water

**Section 7.5. Well Pads for Natural Gas Activities.**

(a) Purpose and Applicability

(b) Administration

(c) Natural Gas Development Plans

(d) Natural Gas Well Pad Docket Application Requirements

(e) Approval by Rule (ABR)

(f) Well Pads added to an approved NGDP

(g) Well Pad Dockets

(h) Well Pad Requirements

**Section 7.6. Wastewater Generated by Natural Gas Development.**

(a) Approval Requirements

(b) Treatability Study

(c) Ensuring non-exceedance of primary and secondary safe drinking water standards

(d) Effluent limitations and stream quality objectives for discharges to Zones 2-6

(e) Basin-wide effluent limitations and stream quality objectives

(f) Basin-wide Total Dissolved Solids (TDS) Stream Quality Objective

(g) Wastewater Imports

(h) Underground Injection Control

**Appendix: Wording of Financial Assurance Instruments**

**ARTICLE 7**

**Section 7.1. Purpose, Authority, Scope and Relationship to other Requirements and Rules.**

(a) *Purpose.* The purpose of this Article is to protect the water resources of the Delaware River Basin during the construction and operation of natural gas development projects. To effectuate this purpose, this Section establishes standards, requirements, conditions and restrictions to prevent, reduce or mitigate depletion and degradation of surface and groundwater resources and to promote sound practices of watershed management including control of runoff and erosion.

(b) *Authority.* This Article implements Sections 3.3, 3.6(b), 3.8, 4.1, 5.2, 7.1, 13.1 and 14.2(a) of the Delaware River Basin Compact and supplements the Commission's Comprehensive Plan with respect to natural gas extraction projects within the Basin.

(c) *Scope.* This Article applies to all natural gas development projects as defined in Section 7.2 including the construction or use of production, exploratory or other natural gas wells in the Basin regardless of the target geologic formation, and to water withdrawals, well pad and related activities, and wastewater disposal activities comprising part of, associated with or serving such projects.

(d) *Comprehensive Plan and Project Review.* The Commission has determined that the provisions of this Article are required for the immediate and long range use of the water resources of the Basin and are therefore incorporated into the Commission's Comprehensive Plan. The Commission has also determined that all natural gas development projects may have a substantial effect on the water resources of the Basin. Consequently, in accordance with Section 3.8 of the *Compact*, no natural gas development project may be undertaken without first having obtained the approval of the Commission. Any approvals of natural gas development projects granted by the Commission or the Executive Director in accordance with Section 3.8 of the *Compact* or otherwise will contain such conditions as are appropriate to ensure that the project does not conflict with the provisions of this Section.

(e) *Planning Framework.* In accordance with Section 13.1 of the *Compact*, the Commission has adopted and from time to time amends a Comprehensive Plan designed to facilitate the optimum planning, development, conservation, utilization, management and control of the water resources of the Basin to meet present and future needs. The Plan consists of certain public and private facilities and projects, statements of policies, and programs that the Commission has determined are necessary to govern the proper development and use of the water resources of the Delaware River Basin. Recognizing that the goals of the Comprehensive Plan could not be achieved without implementation authority, the signatory parties adopted *Compact* provisions to enable the Commission to integrate and achieve the *Compact's* multiple objectives. These provisions include among others the Commission's project review authority (*Compact*, Section 3.8), the Commission's authority to control future pollution that may injuriously affect the waters of the basin (Article 5 of the *Compact*) and the Commission's authority to promote sound principles of watershed management (Article 7 of the *Compact*).

The Commission concludes that management of natural gas development projects should promote use and devel-

opment of the Basin's water resources in a sustainable manner and should be conducted pursuant to rules and regulations that avoid pollution of or injury to the water resources of the Basin. The Commission concludes that these goals and the other goals of the Comprehensive Plan should be realized by a regulatory regime that:

(1) Builds on the rich history of planning in this region, including:

(i) Designation of 150 of 200 miles of the non-tidal river in the Upper Basin as Wild and Scenic pursuant to the National Wild and Scenic Rivers Act and the establishment of three National Park Units associated with the mainstem River;

(ii) Promulgation of Park Unit Management Plans, which recognize that the forested headwaters of the Delaware River Basin are critically important to the supply of clean water to satisfy basin needs for drinking water, aquatic life, recreation, and other designated uses;

(iii) Establishment of Management Plan Goals, the first of which is protection of the high water quality of the Upper Basin;

(iv) Development of a basinwide Water Resources Plan; and

(v) Designation of Special Protection Waters.

(2) Promotes the principles of sound watershed management contemplated in Article 7.1 of the *Compact* and the guiding principles enumerated in the *Water Resources Plan for the Delaware River Basin* (adopted in September 2004 by the governors of the four Basin states, the Environmental Protection Agency, the National Park Service, the U.S. Fish and Wildlife Service, US Army Corps of Engineers, US Geological Survey and the Natural Resources Conservation Service). Prominent among these principles is the recognition that integrated water management is crucial for sound results and that water resource management decisions should:

(i) Link water quality and water quantity with the management of other resources;

(ii) Recognize hydrological, ecological, social and institutional systems;

(iii) Recognize the importance of watershed and aquifer boundaries; and

(iv) Avoid shifting pollution from one medium to another or adversely impacting other locations; and push the boundaries of technological possibility while balancing economic constraints.

(3) Improves land management which is essential for improving the condition of water resources.

(i) Decision-making should be based on sound scientific principles and an understanding of the relationship between land and water resources;

(ii) Effective integrated water management requires coordinated planning and action by all levels of government including federal, regional, state and local levels; and

(iii) Existing planning efforts can provide the foundation for improving land and water resources management.

(4) Manifests regulations through a strategic regulatory framework that addresses water withdrawals, well pad siting, wastewater disposal, surface and groundwater monitoring, and water use accounting. The framework implements standards for well construction and opera-

tions primarily by relying on host state review and requirements as specified in Section 7.1 (i). The framework includes:

(i) Water withdrawal requirements that preserve river flows to protect instream living resources and downstream withdrawers, and ensure adequate assimilative capacity for approved discharges;

(ii) Well Pad requirements that protect surface and groundwater resources and facilitate tracking of water use from the withdrawal or diversion point to the point of use, and wastewater from the point of production to the point of treatment and disposal;

(iii) Natural Gas Development Plan requirements that foster protection of water resources through broad scale, rather than limited site-by-site decision making, with due consideration of environmentally sensitive landscapes;

(iv) Wastewater Docket provisions that protect receiving waters within the Delaware River Basin; and

(v) Commission approval processes that may take the form of coverage by, a protected area permit, a site-specific docket, an area-wide or leasehold area docket based on a Natural Gas Development Plan, or an Approval by Rule.

(f) *Relationship to Other Commission Requirements.* The provisions of this Article are in addition to all applicable requirements in other Commission regulations, dockets and permits. This Article supplements the Groundwater—Basinwide regulations set forth in Section 3.40 of the Commission's Administrative Manual—Part III Water Quality Regulations (WQR), 18 C.F.R. Section 410, that protect groundwater uses and quality and Section 2.20 of the Commission's Water Code that addresses groundwater apportionment, storage, recharge and withdrawal.

This Article also helps implement the Commission's Special Protection Waters (SPW) anti-degradation program where natural gas development projects are located within or affect waters designated by the Commission as Special Protection Waters or their drainage areas. The SPW regulations require among other things that a project cause no measurable change to existing water quality from point or nonpoint sources at control points identified in the SPW regulations and that the project implement non-point source controls (WQR 3.10.3A.2.b. and e.). An applicant for approval of a natural gas development project located in the drainage area of Special Protection Waters must comply with all SPW regulations in addition to this Article.

This Article may also assist in implementing, as applicable, the effluent limitations and stream quality objectives in Articles 3 and 4 of the WQR; the conservation standards in Article 2 of the Commission's Water Code, the flood plain requirements in Article 6 of the Administrative Manual—Part III Flood Plain Regulations and the water withdrawal requirements and limitations in the Ground Water Protected Area Regulations.

Upon adoption of this Article, the Executive Director Determinations dated May 19, 2009, June 14, 2010 and July 23, 2010 are superceded by the applicable provisions of this Article.

(g) *Severability.* The provisions of this Article are severable. If any provision of this Article or its application to any person or circumstances is held invalid, the invalidity will not affect other provisions or applications of this article, which can be given effect without the invalid provision or application.



(h) *Delegation of Authority.* Pursuant to these regulations, the Commission delegates certain authority regarding the review of natural gas development projects to the Executive Director. The Executive Director may in turn delegate such authority to staff where appropriate.

(i) *Host State Regulation of Natural Gas and Exploratory Well Construction and Operation.* Pursuant to their respective sovereign authorities, the Basin states of New York and Pennsylvania have enacted statutes and promulgated regulations governing the gas industry. These state laws impose requirements on, among other things, natural gas well construction and operation to protect human health and the environment, including water resources.

Section 1.5 of the *Compact* provides that it is the purpose of the signatory parties to the *Compact* to “preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent not inconsistent with the compact.” Section 1.5 further authorizes and directs the Commission “to utilize and employ such offices and agencies for the purpose of this compact to the fullest extent it finds feasible and advantageous.” In accordance with section 1.5 of the *Compact*, the Commission will utilize and employ existing offices and rely upon agencies of the State of New York and the Commonwealth of Pennsylvania in their respective states in lieu of separately administering natural gas and exploratory well construction and operation standards.

Subject to the provisions of this Section 7.1, a project sponsor’s compliance with state laws and permit requirements relating to natural gas and exploratory well construction and operation shall constitute satisfaction of the project sponsor’s obligations under section 3.8 of the *Compact* that relate to regulation of gas well construction and operation, except as specified in Section 7.5. In particular, a project sponsor’s compliance with New York Environmental Conservation Law Article 23 (NY ECL § 23-0101 et seq.), and its implementing regulations and permitting requirements or Pennsylvania’s requirements in the Oil and Gas Act, the act of December 19, 1984 (P. L. 1140, No. 223), as amended, 58 P. S. §§ 601.101 et seq., and 25 Pa. Code Chapter 78, satisfies the Commission’s requirements with respect to natural gas well construction and operation.

Article 7 contains provisions relating to applications for natural gas well pad approvals, water withdrawal and water usage reviews, financial assurance and waste/wastewater management requirements that, when supplemented with the state programs referred to above, are necessary to prevent substantial effects on the water resources of the basin. Article 7 provisions relating to natural gas development plans are included to facilitate evaluation of actual development and planning for foreseeable development as a means to further prevent potential adverse effects on the water resources of the basin. Nothing in this Article 7 shall be construed to reduce the authority of the Commission to take actions or impose requirements as the Commission may determine to be necessary to prevent adverse impacts to water resources.

(2) *Administrative Agreements between Commission and Host States.* In accordance with and pursuant to section 1.5 of the *Compact*, the Commission and the Basin states may enter into an Administrative Agreements (Agreements) that coordinate their functions and eliminate unnecessary duplication of effort. The Agreements are designed to: effectuate intergovernmental cooperation, minimize the efforts and duplication of state and

Commission staff resources where consistent with Commission, state and federal legal requirements, ensure compliance with Commission approved basin-wide requirements, enhance early notification of the public and other concerned interests of proposed projects in the basin, indicate that the host state requirements satisfy the Commission’s regulations and clarify the relationship and project review decision making processes of the states and the Commission for projects subject to review by the states under their state authorities and by the Commission under Section 3.8 and Articles 10 and 11 of the *Compact*.

In accordance with section 1.5 of the *Compact*, the Agreements may be used as a vehicle to further reduce any overlap between the administration of the Commission’s natural gas development regulations and the regulations of New York and Pennsylvania.

### Section 7.2. Definitions.

For purposes of this Article, the following terms and phrases have the meanings provided. These definitions of necessity differ from those provided in regulations of one or more of the Commission’s member states and federal agencies.

*Access road*—a road constructed to the well pad that provides access for the drilling rig and other drilling-related equipment. The road is also used to inspect and maintain the well during the operating phase.

*Agriculture, agricultural operations*—the use of land to produce crops, livestock or poultry; the activities undertaken to grow, produce, harvest and distribute crops livestock or poultry.

*Agricultural land*—any parcel of land whose predominant use is categorized as agriculture or agricultural operations by the federal satellite imagery or official state orthophotography as of January 2010.

*Approval by rule (ABR)*—written approval to proceed with natural gas development activities through application to and approval by the Executive Director.

*Artificial penetration*—a human-made excavation, opening, or void beneath the ground surface that may provide a pathway for the upward migration of any potential contaminant existing or injected below the ground surface. This may include any type of well, mine, mine shafts, or tunnels.

*Brine*—a solution from a natural gas well that contains appreciable amounts of sodium chloride (NaCl) and/or other salts.

*Best management practices (BMPs)*—activities, facilities, measures, or procedures used to protect, maintain, reclaim and restore the quality of waters and the existing or designated uses of waters within the Delaware River Basin.

*Centralized wastewater storage facility*—an impoundment (see Impoundment) or tankage that serves or is served by more than one well pad.

*Commission*—the Delaware River Basin Commission (DRBC).

*Commission approval*—written approval in the form of a docket, protected area permit or approval by rule.

*Consumptive water use*—the water lost to the atmosphere from cooling devices, evaporated from water surfaces, or exported from the Delaware River Basin, or any

other water use for which the water withdrawn is not returned to the waters of the basin undiminished in quantity.

*Community water supply well*—See public water supply well.

*Contiguous*—having a common side, property line or boundary in part or entirety.

*Critical habitat*—specific geographic areas, whether occupied by federal or state listed species or not, that are determined by the federal or state natural resource agencies to contain physical or biological features essential to the conservation and management of species listed by the federal government or state signatories to the Delaware River Basin Compact as threatened or endangered.

*Disturbed area*—land area where an earth disturbance activity is occurring or has occurred. A disturbed area is devoid of trees greater than 5 meters in height and substantially devoid of native woody vegetation.

*Diversion*—the conveyance or transfer of water.

*Docket*—a legal document granting approval by the Commission, including conditions for a project having a substantial effect on the water resources of the Basin.

*Domestic wastewater*—liquid waste that contains pollutants produced by a domestic residence or residences. It includes liquid waste discharged after treatment by domestic wastewater treatment facilities or residences or collected in portable self-contained toilets.

*Domestic water supply well*—any potable water well not classified as a public water supply well. A domestic well normally serves an individual residence or small business.

*Drill cuttings*—rock cuttings and related mineral residues generated during the drilling of an oil, gas or exploratory well.

*Drilling fluid*—mud, water, brine, air, gas, or other fluids pumped down the drill string that acts as a lubricant for the bit and is used to carry rock cuttings back up the wellbore.

*Earth disturbance activity*—a construction or other human activity that disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, creating embankments, land development, agricultural plowing or tilling, timber harvesting activities, road construction or maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

*Erosion and sediment control plan*—a site-specific plan identifying stormwater BMPs to minimize erosion from earth disturbance activity and reduce sedimentation in water bodies.

*Executive Director*—the Executive Director of the Delaware River Basin Commission.

*Exploratory (stratigraphic) well*—a well drilled outside a proven area or horizon to determine the geologic strata or the viability of natural gas production. Also referred to as a test well, such wells may or may not be converted to production wells.

*Final site restoration*—the process of returning or restoring the surface of a disturbed site as nearly as practicable to its condition prior to the commencement of gas drilling operations.

*Flood hazard area*—means the area inundated by the regulatory flood as defined in the Commission's Administrative Manual—Part III Basin Regulations—Flood Plain Regulations.

*Flood, regulatory*—means the flood which has a 1% chance of occurring in any one year (the "100-year flood") as defined in the Commission's Administrative Manual—Part III Basin Regulations—Flood Plain Regulations.

*Flowback*—retrieved and recovered fluid from hydraulic fracturing of a natural gas well.

*Forested landscape*—landscape classified as forested in the USGS National Land Cover Dataset (NLCD).

*Forested site*—any parcel of land identified for a natural gas development project that is within a forested landscape, or that is substantially covered by tree canopy as shown on state orthophotography prior to January 2010, and which will require removal of 3 or more acres of tree canopy, for the project.

*Freshwater*—water containing less than 1,000 milligrams per liter of dissolved solids, most often salt.

*Groundwater*—includes all water beneath the surface of the ground.

*High volume hydraulically fractured wells*—natural gas wells that use or are expected to use greater than 80,000 gallons or equivalent of hydraulic fracturing fluids, including water. Note: This definition differs from the definition established by New York State for purposes of its natural gas regulatory program.

*Horizontal wellbore*—the portion of a well drilled intentionally to deviate from a vertical axis, including wells drilled diagonally and horizontally.

*Hydraulic fracturing*—a well stimulation technique which consists of pumping water, chemicals and a propping agent, such as sand, or other fluids and materials down the wellbore under high pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation.

*Hydraulic fracturing fluid(s)*—a mixture of water, chemicals and propping agents or other fluids and materials used in the hydraulic fracturing process.

*Impoundment*—a liquid containment facility that is installed in a natural topographical depression, an excavation, or a bermed area formed primarily of earthen materials. Impoundments are required to be engineered and structurally sound and lined with a geomembrane or a combination of other geosynthetic materials. An impoundment used to store wastewater is termed a wastewater impoundment; an impoundment used to store freshwater is termed a freshwater impoundment.

*Invasive species*—a species of plant, animal or other organism that is 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

*Leasehold*—all parcels of land or mineral estates in which a project sponsor or its direct or indirect parent, subsidiary or affiliated entities has individual ownership, or common ownership, control or interest with other parties.

*Low volume hydraulically fractured wells*—natural gas wells that use or are expected to use less than or equal to 80,000 gallons or equivalent of hydraulic fracturing fluids, including water. Note: This definition differs from the

definition established by New York State for purposes of its natural gas regulatory program.

*Mine drainage water (MDW)*—all water from mines (whether by gravity flow or active pumping) or mined materials. MDW can emanate from abandoned, inactive, active or orphaned mines. In addition, MDW can be in the form of surface seepage associated with certain stockpiled (mined materials) or stockpiled mined waste products.

*Natural diversity inventory assessment (NDIA)*—an assessment of the occurrence of state and federally listed threatened and endangered species on a site. For projects located in the Commonwealth of Pennsylvania, a Pennsylvania Natural Diversity Inventory (PNDI) assessment satisfies this requirement. For projects located in the state of New York, an assessment done in accordance with New York, 6 NYCRR Part 182 satisfies this requirement.

*Natural gas development plan (NGDP)*—a project sponsor's overall plan for siting and accessing natural gas development projects in its leasehold areas.

*Natural gas development project*—all activities necessary for the development, extraction and transportation of natural gas including but not limited to well pad, gas collection and transmission infrastructure (e.g., pipelines, compression stations,) associated access road construction, air rotary/mud rotary natural gas exploratory or production well drilling, natural gas exploratory and production well construction and testing, support vehicle tire cleaning, dust control on access roads, storage of fresh water, hydraulic fracturing well stimulation, hydraulic fracturing chemical storage, final site reclamation, and the storage, reuse, transport and disposal of all domestic and non-domestic wastewaters, including flowback and production water.

*Non-domestic wastewater*—liquid wastes, treated or untreated, from sources other than domestic sanitary and gray water, including brines, production water, flowback and any water containing brines, drilling muds, hydraulic fracturing fluids, flowback, well servicing fluids, oil, production water or drilling fluids, and cement mixer or cement truck washout water.

*Non-point source pollution control plan (NPSPCP)*—a written plan describing the proposed erosion and sedimentation controls and pre- and post-construction stormwater management. An approved NPSPCP is required for all projects in the drainage area of the DRBC Special Protection Waters regardless of the amount of area disturbed.

*Normal process for Commission review and approval of projects*—a procedure involving application by the project sponsor, technical review by Commission staff, publication of a draft docket, and a public hearing followed by Commission action at a public meeting.

*Pass-by flow requirement*—a prescribed quantity of flow that must be allowed to pass surface water intake when withdrawal is occurring. Pass-by requirements also specify low-flow conditions during which no water can be withdrawn.

*Person*—any natural person, corporation, partnership, association, trust, agency, authority or other entity, public or private.

*Pipeline*—a temporary or permanent conduit used to convey liquids and/or gasses from one site to another. Pipelines may include, but are not limited to natural gas gathering and transmission lines, fresh water transmission lines, lines that convey flowback or production water

from a well, well pad, impoundment or centralized wastewater storage facility to another well, well pad, impoundment or centralized wastewater storage facility.

*Pollutants*—any substance which when introduced into surface water or groundwater degrades natural water quality, including but not limited to: dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, sediment, cellar dirt and industrial, municipal or agricultural waste.

*Potable water*—water suitable for human consumption.

*Post Hydraulic Fracturing Report*—a report listing the volumes and sources of water, wastewater, and flowback and the volume and amounts of all chemicals and additives used during the hydraulic fracturing of a natural gas well. Also included in the report are the total volume of flowback recovered from the well within 45 days of the completion of hydraulic fracturing, and the amounts and destinations of any flowback removed from the site for disposal or reuse.

*Practicable*—an activity capable of being done, effected, or put into practice, with available and reasonable means.

*Production water*—water and other fluids brought to the surface during production of oil or gas.

*Project sponsor*—any person proposing a project for Commission approval.

*Protected area permit*—a permit approved by the Executive Director in accordance with the Delaware River Basin Commission's Southeast Pennsylvania Ground Water Protected Area Regulations.

*Private water supply well*—See Domestic Well.

*Proppant or propping agent*—a granular substance (sand grains, aluminum pellets, or other material) that is carried in suspension by the hydraulic fracturing fluid, and that serves to keep the induced fractures open when hydraulic fracturing fluid is withdrawn after a hydraulic fracturing treatment.

*Public water supply*—a source of drinking water for a public or community water supply system.

*Public water supply well*—a well that serves a community, transient non-community or non-transient non-community water system that provides water to the public for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

*Public water system*—a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves at least 25 individuals (U. S. Code, Title 42, Section 300f(4)(A)).

*Rules of Practice and Procedure (RPP)*—DRBC Administrative Manual—Rules of Practice and Procedure.

*Setback*—minimum distance required between a well pad and other zones, boundaries, or natural or constructed landscape features such as wetlands, streams, or buildings.

*Substantial funds*—financial resources sufficient to demonstrate to the Commission that the approved project is active and viable and that completion is anticipated in a reasonable time.



*Siting*—the process of identifying and selecting the place where a well pad and ancillary facilities are planned to be located.

*Special Protection Waters (SPW)*—waters of the mainstem Delaware River located between Hancock, NY and Trenton, NJ and select tributary reaches classified by the Commission as Outstanding Basin Waters or Significant Resource Waters. (*DRBC Water Quality Regulations 3.10.3 A.2.*)

*Spring*—a place where groundwater naturally flows from rock or soil onto land or into a body of surface water.

*State orthophotography*—official aerial images established for counties in the basin by the states of Delaware, New Jersey and New York and the Commonwealth of Pennsylvania.

*Stimulation*—act of increasing production of natural gas by artificial means such as hydraulic fracturing.

*Stormwater*—water that originates from precipitation that washes over the land surface or any structures or improvements located on the land surface.

*Structure*—any assembly of material above or below the surface of land or water, including but not limited to, buildings, dams, fills, levees, bulkheads, dikes, impoundments, jetties, embankments, causeways, culverts, roads, railroads and bridges.

*Surface casing*—a string of casing used to isolate the well bore from fresh groundwater and to prevent the escape or migration of gas oil and other fluids from the well bore into fresh groundwater. The surface casing is also commonly referred to as the water string, water casing, or water protection casing.

*Water Code*—DRBC Water Code—18 CFR Part 410.

*Wastewater*—liquids to which pollutant(s) have been introduced and are proposed to be discharged to the ground, groundwater, or surface water, transported to storage or wastewater treatment facilities, beneficially reused or discharges to ground, groundwater or surface water after treatment. Wastewater includes both domestic and non-domestic wastewater.

*Wastewater records*—a record of all wastewater produced, stored, or reused at a project site on a daily basis, and the amounts and destination of all wastewaters transported offsite by individual trucks and/or pipelines.

*Wastewater treatment facility*—any facility storing, intercepting, transporting, treating, or discharging wastewater.

*Water body*—a natural or constructed landscape feature containing or conveying surface water on a permanent, seasonal, or intermittent basis, including 1) depressional features such as reservoirs, lakes, ponds, and embayments; 2) natural or constructed channels that convey flowing water such as streams, canals, ditches, and similar drainageways, and 3) wetlands.

*Water for use for natural gas development*—Any water intended for application in natural gas development projects, including surface water, groundwater, mine drainage, recovered flowback or production water, non-contact cooling water, or treated wastewater.

*Water user*—any person, who uses, takes, withdraws or diverts waters of the Delaware River Basin.

*Wellbore*—A borehole; the hole drilled by the bit. A wellbore may have casing in it or it may be open (uncased); or part of it may be cased, and part of it may be open. Also called a borehole or hole.

*Well pad*—a site constructed, prepared, leveled, or cleared in order to perform the activities and stage the equipment necessary to drill a natural gas exploratory or production well.

*Wetlands*—those areas which are inundated by surface or groundwater with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated soil conditions for growth and reproduction, or are delineated as wetlands by a signatory party.

### Section 7.3. Administration.

(a) Types of Natural Gas Development Projects. For purposes of applications by project sponsors and reviews by the Commission in accordance with Section 3.8 of the Compact, each of the following types of projects require individual review unless the Executive Director approves otherwise:

(1) Water withdrawals and water use for natural gas development as described in Section 7.4.

(2) Natural Gas Development Plans (NGDP) as described in Section 7.5.

(3) Well pads for natural gas development as described in Section 7.5.

(4) Treatment and/or discharge of wastewater that was generated or reused for natural gas development as described in Section 7.6.

(b) Types of Review and Approval. Commission approvals may take the form of dockets, Southeastern Pennsylvania Groundwater Protected Area permits (protected area permits), or approvals by rule (ABR).

(1) Dockets are granted, denied or conditioned by the full Commission after public notice and hearing.

(2) Protected area permits are granted, denied or conditioned by the Executive Director and the Pennsylvania Commissioner.

(3) ABRs are granted, denied or conditioned by the Executive Director for projects that meet the requirements for an ABR in accordance with these regulations.

(c) Approval by Rule for Natural Gas Development Projects. An ABR is one way to request approval of certain defined water supply and well pad activities if prescribed conditions are met.

(1) Eligible Projects: An Approval by Rule (ABR) may be issued by the Executive Director in accordance with this section for the following types of natural gas development projects:

(i) Water Withdrawal. Refer to Section 7.4 for eligible water withdrawal projects.

(ii) Natural Gas Well Pad Projects. Refer to Section 7.5 for eligible well pad projects.

(2) Form of approval. The form of an approval in accordance with this section will be an ABR which may modify a previously issued docket or a protected area permit by establishing the conditions under which an unused portion of the previously approved allocation may be used for natural gas development for previously approved projects or an ABR with conditions as defined in Sections 7.4 and 7.5.

(3) Project sponsors for water withdrawal and well pad projects that do not meet the criteria for an ABR may apply for a docket.

(d) Appeal. An appeal from a determination of the Executive Director issued in accordance with this section



may be made in accordance with Article 6 of the Commission's Rules of Practice and Procedure.

(e) Duration of an Approval.

(1) Approvals of water withdrawals and water uses for natural gas development approvals may have terms of up to 10 years.

(2) Approvals of Natural Gas Development Plans (NGDP) may have terms of up to 10 years. NGDPs may be extended for an additional 10 years by the Executive Director when the Executive Director determines there is no substantial change to the docketed NGDP and applicable Commission regulations.

(3) Approvals of well pads for natural gas development may have terms of up to 10 years. Well pad approvals may be extended for an additional 10 years by the Executive Director when the Executive Director determines there is no substantial change to the well pad approval and applicable Commission regulations.

(4) Approvals for well pads that are used exclusively for the development of exploratory wells or low volume hydraulically fractured wells may have terms that are equal to that of the host state natural gas well construction permit. If the host state permit expires, the project sponsor must notify the Executive Director. If the host state permit is renewed or extended, the project sponsor must notify the Executive Director for continued approval.

(5) Approvals for wastewater treatment and disposal/discharge may have terms of up to 5 years.

(f) *Expiration.* If by the third anniversary of the date of approval of a natural gas project by the Commission, neither construction nor operation of the project has commenced, the approval will be deemed expired. An extension may be granted if in advance of the three-year anniversary of the approval, the project sponsor furnishes the Executive Director with a request for extension, supported by a showing that since the approval date substantial funds (in relation to the project cost) have been expended toward construction and/or operation. Upon such a showing, the Executive Director may approve an extension of time to initiate construction of the project. Such approval will not extend beyond the expiration date in the approval. Project sponsors must submit a renewal application at least one year before the expiration date in order to qualify for an administrative continuance of the approval.

(g) *Name Changes and Transfers.* A project sponsor may apply for and the Executive Director may grant approval transferring a project or changing the name of a project sponsor in accordance with Resolution No. 87-15. Resolution No. 87-15 relates to changes of ownership of water resources projects approved by the Commission under Section 3.8, Article 10 and/or Article 11 of the Delaware River Basin Compact.

(h) *Docket, protected area permit and ABR modification or suspension by Director.* The Executive Director may modify or suspend an approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin. In addition, the Executive Director may approve modifications to the docket, protected area permit or ABR conditions involving reports (e.g. operation plans, monitoring requirements, etc.) and construction schedules required in the approved docket, protected area permit or ABR.

(i) *Public Notice Procedure.* The sponsor of a natural gas project is responsible for issuing notices as follows:

(1) Concurrent with the submission of an application to the Commission, the project sponsor must notify the appropriate agency of the host state, each municipality in which the project is located, the county planning agency of each county in which the project is located, each adjacent property owner and any other property owner within 2,000 ft of the well pad of such application. In addition the project sponsor must demonstrate that at least 10 days prior to the date of application submission, notice in at least once in a newspaper of general circulation serving the area in which the project is located was published. All notices required under this section must contain a description of the project, its purpose, and the address, electronic mail address, and phone number of both the project sponsor and the Delaware River Basin Commission.

(2) The project sponsor must provide the Commission with a copy of the United States Postal Service return receipt for the notifications to agencies of the host state, municipalities and county planning agencies required by the preceding paragraph. The project sponsor must also provide certification on a form provided by the Commission that it has issued the notices to adjacent property owners and that notice was published in the newspapers required by the preceding paragraph, if applicable. Until these items are provided to the Commission, review of the application will not proceed. The project sponsor must maintain all proofs of notice required hereunder for the duration of the corresponding approval if granted.

(j) *Site Access.*

(1) The project sponsor must allow any authorized representative of the Commission, at reasonable times and upon the presentation of proper credentials, to:

(i) enter any part of the approved facility for purposes of inspection, sampling, monitoring, observation or photography; and

(ii) inspect and or photocopy any records that must be kept as a condition of the approval or which demonstrate the status of compliance with the approval.

(2) Reasonable times include any hour during which the facility is operational and staffed. For unstaffed facilities, access must be provided within two hours of an entry request made during reasonable times for the office controlling the unstaffed site.

(3) The project sponsor or site operator must provide Commission representatives with an escort knowledgeable about site operating procedures as well as any specialized personal safety equipment (PSE) and site safety training upon entering the site.

(4) Facility records are required to be kept at the project site, unless approved otherwise by the Commission or Executive Director. Facility records not stored at the facility must be made available to Commission representatives within two working days of the Commission's request.

(5) Specialized PSE means any required PSE other than a long sleeve shirt, long pants, hard hat, safety shoes, hearing protection and safety glasses.

(k) *Financial Assurance Requirements.*

(1) The project sponsor must provide financial assurance for the plugging and abandonment, and restoration of the natural gas well, well pad site and associated equipment and structures, and for restoring land distur-

bances caused by the natural gas well project as required by Section 7.5(h)(1)(vi). The financial assurance required by this subsection must remain continuously in force until the Executive Director determines that closure and restoration are complete.

(2) The project sponsor must provide financial assurance for the mitigation and remediation of any release or threatened release of substances, pollutants or contaminants as required by Section 7.5(h)(1)(vi). The financial assurance required by this subsection must remain continuously in force until the Executive Director determines that any necessary remediation is complete.

(3) The financial assurance provided under this section does not limit the duty or liability of the project sponsor to close the natural gas well, well pad site and associated equipment and structures, or to restore land disturbances caused by the natural gas well project.

(4) The financial assurance provided under this section does not limit the duty or liability of the project sponsor to remediate any release or threatened release of hazardous substances, pollutants or contaminants at or from the natural gas well, well pad site or associated equipment and structures, and from any materials or wastewater transported to or from the well pad site.

(5) If necessary, the Commission may aggregate the funds of the financial assurance instruments provided by a project sponsor throughout the basin to finance the closure or response actions described in Sections 7.3(k)(1) & (2) at any one of that project sponsor's wells or pad sites.

(6) Use of Funds. After determining that the project sponsor has failed to adequately perform the closure activities specified by Section 7.5(h)(1)(vi) and Subsection (17) below, or remediation of a release or threatened release of hazardous substance, pollutants or contaminants as specified in Section 7.5(h)(1)(vi) and Subsection (17) below, the Executive Director may use the funds established by the financial instruments under these provisions to perform or finish the specified tasks.

(7) The project sponsor must satisfy the financial assurance requirements in this Section 7.3 (l) by one or a combination of the following:

(i) A surety bond satisfying the requirements of Section 7.3(k)(12).

(ii) A letter of credit satisfying the requirements of Section 7.3(k)(13).

(iii) A trust fund satisfying the requirements of Section 7.3(k)(14).

(iv) Such other manner of financial assurance as may be provided by natural gas well regulations of the state in which the well is located, provided that the amount of financial assurance is no less than the amounts specified in Section 7.3(k)(8), the coverage of the instrument or other means of assurance is at least as broad as in Section 7.3(k)(1) and (2), and the proceeds are available to the Commission to perform the closure and remediation required by in Section 7.3(k)(1) and (2).

(8) The financial assurance required by this Section must be in the amount of \$125,000 per natural gas well. The financial assurance must cover all wells on a well pad. A single instrument may cover multiple well pads provided that the amount of financial assurance in the aggregate is no less than the sum of the amounts required for each well pad if separate financial assurance instruments were obtained. If the project sponsor receives

approval for a natural gas development plan pursuant to Section 7.5(c) of these regulations, the Executive Director may reduce the financial assurance requirement by an amount of up to 25% upon a showing by the project sponsor that the amount of financial assurance remaining will be sufficient to pay for the closure and remediation activities required by Section 7.3(k)(1) and (2) above for the entire area covered by the plan. The Commission may, after public notice and hearing, amend the amount of financial assurance required to adjust for inflation or differing actual costs.

(9) The financial assurance required by this Section is separate from any financial assurance provided to the host state in accordance with state regulations.

(10) The Executive Director may approve replacing part or all of the requirements of this Section 7.3(k) with alternative requirements for financial assurance when the Executive Director determines that the alternative requirements will be at least as protective of water resources of the Basin as this Section 7.3(k). The Executive Director may incorporate his or her recommendation into a proposed docket which will become effective upon approval by the Commissioners or into a proposed ABR which will become effective upon approval of the Executive Director.

(11) The project sponsor must report the status of financial assurance to the Commission annually. The report is due on the anniversary of the date the docket, or ABR was approved.

(12) The project sponsor may satisfy the financial assurance requirements of this Section 7.3(k) by obtaining a surety bond that complies with Sections 7.3(k) 1 through 8, inclusive, above and with this Section 7.3(k) (12).

(i) The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

(ii) The surety company must be authorized to do business in the state in which the natural gas development plans or well pad is located.

(iii) The Commission will retain, during the term of the bond, and upon forfeiture of the bond, a property interest in the surety's guarantee of payment under the bond which is not affected by the bankruptcy, insolvency or other financial incapacity of the operator or principal on the bond.

(iv) The surety must give written notice to the Executive Director, if permissible under the law and to the principal within ten days of a notice received or action filed by or with a regulatory agency or court having jurisdiction over the surety while lodging one of the following:

(A) The insolvency or bankruptcy of the surety.

(B) A violation of regulatory requirements applicable to the surety, when as a result of the violation suspension or revocation of the surety's license to do business in any jurisdiction is under consideration by a regulatory agency.

(v) The bond must be substantially in one of the forms provided in Section (i) of the Appendix.

(vi) The bond, if in the form of a payment bond, must be accompanied by a standby trust substantially in the form of Section (iii) of the Appendix.

(vii) The project sponsor must submit the bond and standby trust agreement, if any, to the Executive Director

at least 60 days before the project sponsor commences any site preparation activities at the well pad site.

(13) The project sponsor may satisfy the financial assurance requirements of this Section by submitting an irrevocable stand-by letter of credit to the Commission that complies with Sections 7.3(k) 1 through 8, inclusive, above and with this Section 7.3(k)(13).

(i) The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal agency.

(ii) The letter of credit must be irrevocable and must be so designated. However, the Executive Director may accept a letter of credit for which a limited time period is stated if the following conditions are met and are stated in the letter:

(A) The letter of credit is automatically renewable for additional time periods unless the financial institution gives at least ninety (90) days prior written notice to both the Commission and the sponsor of its intent terminate the credit at the end of the current time period.

(B) The Executive Director has the right to draw upon the credit before the end of its time period if the sponsor fails to replace the letter of credit with other acceptable means of compliance with this Section within 30 days of the financial institutions notice to terminate the credit.

(iii) Letters of credit must name the Commission and the Executive Director as the beneficiary and be payable to the Commission, upon demand, in part or in full, upon presentation of the Commission's drafts at sight. The Commission's right to draw upon the letter of credit does not require documentary or other proof by the Commission that the customer has violated the conditions of the bond, the docket or other requirements.

(iv) The letter of credit will be subject to the Uniform Commercial Code and the latest revision of the International Chamber of Commerce Uniform Customs and Practices for Documentary Credits.

(v) The financial institution issuing the letter of credit may not have failed, refused or unduly delayed to pay, in full, on the letter of credit or a certificate of deposit previously submitted as collateral to the Commission.

(vi) The issuing financial institution must waive rights of set off or liens which it has or might have against the letter of credit.

(vii) The letter of credit must be substantially in the form provided in Section (ii) of the Appendix. The letter of credit must be accompanied by a standby trust substantially in the form of Section (iii) of the Appendix

(viii) The project sponsor must submit the letter of credit and standby trust agreement to the Executive Director at least 60 days before the project sponsor commences any site preparation activities at the well pad site.

(14) The project sponsor may satisfy the financial assurance requirements of this Section by establishing a trust fund that complies with Sections 7.3(k) 1 through 8, inclusive, and with this Section 7.3(k)(14).

(i) The trust fund must be funded for the full required amount specified in Section 7.3(k)(8), or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining required coverage.

(ii) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the state in which the natural gas well is located.

(iii) If other financial assurance as specified in this Section 7.3(k) is substituted for all or part of the trust fund, the project sponsor may submit a written request to the Executive Director for release of the excess.

(iv) The wording of the trust agreement must be identical to that set forth in Section (iii) of the Appendix.

(v) The project sponsor must submit the trust agreement to the Executive Director at least 60 days before the project sponsor commences site preparation activities at the well pad site.

(15) The project sponsor may at its option reduce the amount of the initial financial assurance required by Section 7.3(k)(8) by [75%] upon receiving written approval for such reduction from the Executive Director based upon the project sponsor's certification of the following:

(i) The wellbore and associated well casing have been successfully installed;

(ii) The initial hydraulic fracturing of the well, if any, is complete and no further hydraulic fracturing of the well is planned;

(iii) At least one year has elapsed following the dates of the events specified in subsections (i) and (ii), and to the best of the project sponsor's knowledge, information and belief, no harm to water resources has occurred or been alleged, or alternatively, any actual or alleged harm does not require maintaining the full amount of financial assurance. In the event that the certification of no harm is qualified in any manner, the Executive Director may require the project sponsor to submit supplemental information in order to determine whether a reduction of the initial financial assurance limits is appropriate;

(iv) The project sponsor has obtained excess financial assurance for any undiscovered existing or future harm to water resources in accordance with the provisions of Section 7.3(k)(16).

(16) To satisfy the excess financial assurance requirements of paragraph 7.3(k)(15), the project sponsor must alone or in combination with other sponsors of natural gas well projects within the Delaware River Basin procure excess financial assurance meeting the following conditions:

(i) The excess financial assurance shall be in the amount of [\$67,500] for each natural gas well covered by the financial assurance instrument until the proceeds available from the financial assurance reach an aggregate amount of [\$25] million for all sponsors of all natural gas wells covered by the financial assurance instrument and located within the Delaware River Basin;

(ii) The full aggregate amount of the excess financial assurance instrument must be available to respond to any and all costs specified in Section 7.3(k)(1) and (k)(2) after exhaustion of the primary financial assurance instrument provided by the project sponsor of the natural gas well causing the costs to be incurred.

(iii) All natural gas exploratory and production wells in the Delaware River Basin from any project sponsor participating in the excess financial assurance instrument must be covered by that instrument, except for those wells that have been released from financial assurance in accordance with Section 7.3(k)(17) and except for those wells for which the full amount of financial assurance



required by Section 7.3(k)(8) is maintained. Once a well is covered by the excess financial assurance instrument, the approval of the Executive Director is required for the removal of such well from coverage by that instrument.

(iv) Project sponsors may form an association or other entity for the purpose of purchasing the excess financial assurance required to comply with this section.

(v) The project sponsors purchasing excess financial assurance must immediately obtain additional excess financial assurance to meet the requirements of Section 7.3(k)(16)(i) if as a result of payment of claims or otherwise the total amount of financial assurance falls below the limits specified in Section 7.3(k)(16)(i).

(vi) The financial assurance required by this Section 7.3(k)(16) is excess of the financial assurance required by Section 7.3(k)(8). The financial assurance provided under this Section 7.3(k)(16) may not be used unless the primary financial assurance required under Section 7.3(k)(8) as adjusted under the provisions of Section 7.3(k)(15) has been exhausted or otherwise determined by the Executive Director to be unavailable.

(vii) The excess financial assurance may be in the form of a surety bond, letter of credit or trust as provided in Section 7.3(k)(7), or may be in the form of an excess insurance policy, indemnity or guarantee in a form acceptable to the Executive Director. The financial assurance instrument must provide excess coverage for plugging and abandonment, and restoration at least as broad as required by Sections 7.3(k)(1) and (2) and 7.5(h)(1)(vi) and allow for use of the funds by the Executive Director as provided in Section 7.3(k)(6).

(viii) The excess financial assurance must be of a form that remains in effect until released in accordance with Section 7.3(k)(17) unless substitute financial assurance acceptable to the Executive Director is obtained and in effect.

(ix) If the project sponsor intends to hydraulically fracture a natural gas well subject to excess financial assurance, the project sponsor must first increase its primary financial assurance limits to the full initial amount specified in Section 7.3(k)(8) without reducing the excess coverage in effect.

(17) Release from Financial Assurance.

(i) Upon completion of final restoration activities, the project sponsor must submit a statement to the Executive Director, signed by the docket holder's engineer or other responsible agent, advising the Commission that site restoration has been completed in compliance with host state regulations. The statement must include the date restoration was completed, the types, amounts and sources of materials used, and a site map showing final elevations and the types and amounts of vegetation used.

(ii) Successful restoration of well sites and access roads may only be considered complete after observations over two growing seasons indicate no significant impact on hydrologic resources and there are no outstanding compliance issues. The release from the Section 7.3(l) financial assurance requirements is dependent on the Executive Director's final determination that the final site restoration requirements contained in this subsection, 7.3(k)(17) have been fulfilled.

(1) *Project Review Fees*

(1) *Fee Schedule*

The Delaware River Basin Commission requires payment of non-refundable review fees, water charges and

other fees as set forth in TABLE 7.3.1: APPLICATION FEES AND WATER CHARGES ASSOCIATED WITH NATURAL GAS EXPLORATION AND DEVELOPMENT PROJECTS for the following:

(i) Docket or protected area permit application for Water Withdrawal not eligible for Approval by Rule (Docket)—Industrial, Commercial, Private or Public

(ii) Application for Water Withdrawal eligible for Approval by Rule (ABR)—Industrial, Commercial, Private or Public

(iii) Application for Water Use at Well Pad (where well pad approval is deferred to State)—(ABR)

(iv) ABR or docket application for Individual Well Pad in the absence of a Natural Gas Development Plan Approval

(v) Docket application for Natural Gas Development Plan

(vi) ABR application for the Addition of Well Pad to an Approved NGDP

(vii) ABR for exploratory or low volume hydraulically fractured wells

(viii) Docket application for Industrial, Commercial, Private or Public Wastewater Discharge Involving Treatment and /or Disposal of Natural Gas Wastewaters

(ix) Change in ownership of an approved project

(x) Change in name of owner of an approved project. If change in name occurs concurrently with change in ownership, only the change in ownership fee is charged.

(xi) Application for Renewal of Project Approval

(xii) Natural Diversity Index Assessment

(xiii) Modification of Approvals Not Specified Above

(xiv) Consumptive Water Use Charge

(xv) Application Fee Adjustment for any project resulting in an out-of-basin diversion of water or wastewater.

(2) *Fee payable for each project category.* If a project involves components in more than one category, a separate fee in accordance with Table 7.3.1 is required for each component.

(3) *Fees non-refundable.* Application fees are non-refundable. No portion of a fee will be credited to the project sponsor if the Commission's approval authorizes a rate of withdrawal, quantity of water, or number of wells or well pads other than that requested by the project sponsor, or if the application is withdrawn during the review process or if the application is denied.

(4) *Application fee worksheet.* Project sponsors must complete and submit the Natural Gas Project Application Fee Worksheet posted on the Commission's web site, along with their fee payment and application.

(5) *Alternative fee based on actual cost of review.* When a fixed fee or fee calculated in accordance with a formula set forth in Table 7.3.1 below is deemed by the Executive Director to be insufficient to cover costs associated with review of an application or submission made by a project sponsor consistent with the conditions of a project approval, the Executive Director may impose a fee in the amount of up to 100% of the Commission's actual cost.

(6) *Payment of fee with application.* The appropriate review fee must be submitted to the Commission with the project application. Failure to submit payment of the fee or submission of an insufficient fee may result in return of the application to the project sponsor or, at the

discretion of the Executive Director, issuance of an invoice for the balance owed. Refunds will be issued for any portion of a fee payment that exceeds the appropriate amount. The Executive Director or Commission may choose to take no action on a project application until all applicable fees are paid or may condition the approval on the payment of fees.

(7) *Water supply charge.* The holder of a natural gas well pad approval, whether or not the well pad is part of a NGDP is required to pay a water supply charge for consumptive use as specified in Table 7.3.1. Water supply charges apply to all groundwater and surface water used to support natural gas development projects. One hundred percent of water used by a natural gas extraction and development project is considered to be consumptive for the purpose of calculating the water supply charge due to the Commission. The water charge rate applied to all water used for natural gas well projects will be equivalent to the consumptive use rate charged for surface water usage set forth Table 7.3.1 (n). This rate applies to all water used for natural gas development projects and will be paid by the user of the water. Consumptive use water supply charges are to be paid on a quarterly basis by the project sponsor of the natural gas well pad. Payments must be received by the Commission within 30 calendar days of the end of each quarter. Late payments will be subject to an interest charge of 1% per month from the end of the month during which the payment was due. This applies to all natural gas well pads applied for and approved as docket, ABRs and those included in NGDP dockets (see Table 7.3.1 (c), (d), (e), and (g)).

(8) *ABR for well pads added to an approved NGDP.* One or more additional well pad(s) may be added to an approved NGDP by means of an ABR as provided in Section 7.5(g), provided that each well pad conforms to the conditions of the NGDP approval. The fee in item (g)

of Table 7.3.1 shall apply to each well pad. If the Executive Director determines that a proposed well pad does not conform to the approval conditions, the application as to that well pad will be ineligible for an ABR and shall be processed as a docket application upon request of the project sponsor and submittal of applicable fees. Any well pad that receives an ABR will be incorporated into the NGDP, including for purposes of any subsequent renewal or modification of the NGDP.

(9) *Additional wells added to approved well pads.* A project sponsor may apply for the addition of an individual well or wells to an approved well pad with no application fee, provided that the notification requirements and conditions provided in the well pad docket, NGDP docket or ABR are satisfied. If the Executive Director determines that any additional well does not conform to the conditions of the well pad docket, NGDP docket or ABR, the request will be processed as a modification of the approval and the project sponsor will be charged the modification fee provided in item (m) Table 7.3.1. In such cases the application may be processed as an ABR or a docket, at the discretion of the Executive Director.

(10) *Annual compliance and monitoring fee.* In addition to the application fee, an annual compliance and monitoring fee of \$2,000 will apply to all projects approved in accordance with these regulations. A separate fee will be charged for each water withdrawal docket or ABR, each individual well pad, and each well pad approved as part of a NGDP. The annual compliance and monitoring fee will be prorated for the first year and will be due by January 31 of the following year. For each year thereafter, the fee will be due by January 31 of the following year. Annual compliance and monitoring fees not received by the Commission by January 31 will be subject to interest charges of 1% per month from January 31 until the date of receipt by the Commission.

**TABLE 7.3.1: APPLICATION FEES AND WATER CHARGES ASSOCIATED WITH NATURAL GAS EXPLORATION AND DEVELOPMENT PROJECTS IN THE DELAWARE BASIN**

	<i>Project Category</i>	<i>Fee Calculation Formula</i>	<i>Standard Fee</i>
(a)	Water Withdrawal (Docket or protected area permit)—Industrial, Commercial, Private or Public	The higher of total project cost formula or actual review cost or the minimum fees for public and private projects respectively will apply.	The greater of 0.4 % of total project cost up to \$10M, plus 0.12 % of total project cost over \$10M, not to exceed \$75,000, or actual review cost. <sup>(1) (2)</sup> or the minimum fee of \$500 (public projects) and \$1,000 (private projects).
(b)	Water Withdrawal (ABR)—Industrial, Commercial, Private or Public	Fixed fee	\$5,000 <sup>(2)</sup>
(c)	Approval of Water Use at Well Pad (ABR) (where well pad approvals are deferred to State)	Fixed fee	\$10,000 <sup>(2)</sup>
(d)	Individual Well Pad in the absence of NGDP	Fixed fee or actual review cost.	
	ABR		\$20,000 <sup>(2)</sup>
	Docket		\$30,000 or actual cost of review <sup>(1) (2)</sup>

	<i>Project Category</i>	<i>Fee Calculation Formula</i>	<i>Standard Fee</i>
(e)	Natural Gas Development Plan (NGDP) (Docket)	Fixed fee or actual review cost.  up to 5,000 acres  over 5,000 acres	Fixed fee of \$50,000 or actual review cost <sup>(1)</sup> plus the per well pad fee in item (f) or (g) below.  Fixed fee of \$75,000 or actual review cost <sup>(1)</sup> plus the per well pad fee in item (f) or (g) below.
(f)	ABR for exploratory or low volume hydraulically fractured wells	Fixed fee	\$3,000 per well pad.
(g)	Addition of Well Pad(s) in an Approved NGDP by ABR	Fixed fee per well pad	\$15,000 per well pad.
(h)	Industrial, Commercial, Private or Public Wastewater Discharge Involving Treatment and/or Disposal of Natural Gas Wastewaters (Docket)	The higher of the fee based on total project cost formula or actual review cost or minimum fees for public and private projects respectively will apply.	The greater of 0.4 % of total project cost up to \$10M, plus 0.12 % of total project cost over \$10 M, not to exceed \$75,000, or actual review costs <sup>(1)(2)</sup> or the minimum fee of \$500 (public projects) and \$1,000 (private projects).
(i)	Change in ownership of: a-g above	Fixed fee	\$1,000
(j)	Change in name of project owner or sponsor of: a-g above	Fixed fee	\$500
(k)	Renewal of Approval of:  a-g above	Fixed fee  Minimum fee, fixed fee or actual review cost as provided. Renewals involving no changes (e.g., increase in water allocation or addition of well pads or wells).	a & g—see a & g above <sup>(2)</sup> b & c—\$1,000 <sup>(2)</sup> d—\$5,000 or actual review cost. <sup>(1) (2)</sup> e—\$10,000 or actual review cost. <sup>(1)</sup> f—\$3,000 or actual review cost. <sup>(1)(2)</sup>
(l)	Natural Diversity Index Assessment	If performed by the Commission:  Fixed fee or actual review cost.	a—g—\$15,000 or actual review cost. <sup>(1)</sup>
(m)	Modification of an approval by the Commission or the Executive Director not listed above	Fixed fee or actual review cost.	\$5,000 or actual review cost. <sup>(1)</sup>
(n)	Consumptive Water Use Charge	Consumptive water use charge.	\$0.08 per 1,000 gallons used (\$80 per million gallons) <sup>(3)</sup>
(o)	Any project regulated by this Article 7 resulting in an out-of-basin water or wastewater diversion.		See note below. <sup>(2)</sup>
(p)	Annual Monitoring and Compliance fee	Fixed fee	\$ 2,000 <sup>(4)</sup>

<sup>(1)</sup> See Section 7.3(m) (concerning alternative fee based on actual cost of review).

<sup>(2)</sup> Twice the calculated fee calculated by the “Standard Fee” column will be charged for any project, except for applications filed under item (e) NGDP above resulting in an out of basin diversion of water or wastewater.

<sup>(3)</sup> All water (surface, ground or wastewater other than flowback or production water) delivered, withdrawn or used at a well pad site is deemed to be consumptively used.

<sup>(4)</sup> See Section 7.3 (m)(10).

(m) *Reporting Violations.*

(1) The project sponsor must report in writing to the Commission any violation of these rules, the requirements of its approval including but not limited to, docket, ABR, protected area permit, or approved operations or other plans, or any circumstances that may reasonably lead to a finding of violation, within 48-hours of the occurrence or upon the project sponsor becoming aware of the violation or circumstance. In addition, the project sponsor must notify the Commission by telephone immediately upon learning of any violation, occurrence or condition that may cause a significant harm to water resources. The project sponsor must also provide a written explanation of the causes of the violation, occurrence or condition for which written or telephone notice is required by this subpart 7.3(m)(1) within 30 days of the violation, occurrence or condition and must set forth the action(s) the project sponsor has taken to correct and address the consequences of the violation, occurrence or condition and protect against a future violation.

(2) If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any designated uses of ground or surface water, or if the project sponsor receives a complaint regarding this project, the project sponsor must immediately notify the Executive Director of such condition or complaint and unless excused by the Executive Director, must investigate such condition or complaint. The project sponsor must direct phone call notifications of complaints involving water resources to the DRBC. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the project sponsor must provide written notification to all potentially impacted users of wells or surface water users of the project sponsor's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the project sponsor's project withdrawal, must be repaired, replaced or otherwise mitigated at the expense of the project sponsor. A report of investigation and/or mitigation plan prepared by a qualified professional must be submitted to the Executive Director as soon as practicable or within the time frame directed by the Executive Director. The Executive Director will consult with the host state prior to making a final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

(n) *Enforcement.*(1) *Suspension of Activities and Correction of Water Resources Impacts.*

(i) Authority. Upon a determination by the Executive Director that a practice, operation, or activity of a project sponsor violates applicable Commission regulations or approvals, or poses a threat to the water resources of the basin, the Executive Director, with the approval of the Chair of the Commission, may order any such practice, operation, or activity to cease or be corrected, mitigated and/or remediated immediately or according to a schedule detailed in the order. Such order will remain in effect until the earlier of the expiration date stated in the order or a determination by the Commission in accordance with Commission rules, unless the recipient of the order determines not to request a hearing or the Executive Director revokes or modifies the order.

(ii) Notification and Appeal Process. Any order issued by the Executive Director under this section will state the

practices, operations, or activities affected, a summary of the basis for the Executive Director's determination, and the project sponsor's right to object and appeal in accordance with Article 5 or Article 6 of the *Rules of Practice and Procedure*. Upon appeal, the Commission may continue, modify or vacate the order, and with notice to the project sponsor may also invoke its authority under Section 7.3(n)(2) to suspend, modify or terminate Commission approval. The authority granted the Executive Director to issue an order pursuant to this Section 7.3(n)(1) is in addition to and does not limit the authority of the Executive Director or Commission to invoke other remedies.

(2) *Suspension, Modification or Termination of Commission Approval.*

(i) Authority. The Executive Director or the Commission, pursuant to Sections 3.6(h) and 3.8 of the *Compact*, may suspend, modify or terminate an approval or any condition thereof, in the event of serious, continuing or repeated violations of Commission regulations or of the conditions of approval, or when in the judgment of the Executive Director or Commission, such action is necessary to protect the water resources of the basin or to effectuate the Comprehensive Plan.

(ii) Notification and Appeal Process. The Executive Director or the Commission will issue in writing to the project sponsor holding the ABR, protected area permit or docket an order suspending, modifying or terminating an approval issued in accordance with this Article 7, setting forth the basis for the decision and advising the recipient of the right to appeal such decision under Article 5 or Article 6 of the *Rules of Practice and Procedure*. The order of suspension, modification or termination will not become effective until a final determination is issued following an administrative hearing by the Commission unless the project sponsor does not file an appeal within the time limits set forth in the *Rules of Practice and Procedure* or unless the Executive Director or Commission find that an earlier effective date of the order is necessary to prevent, mitigate or remediate an adverse effect on the water resources of the basin. The authority granted the Executive Director and Commission to issue an order pursuant to this Section 7.3(n)(2) is in addition to and does not limit the authority of the Executive Director or Commission to invoke other remedies.

(iii) Reinstatement. The Commission may reinstate the suspended or terminated ABR, protected area permit, or docket upon a showing demonstrating to the satisfaction of the Commission that the violation or condition upon which the suspension or termination or modification is based is corrected so as to bring all natural gas development by the project sponsor into full compliance with this Article and that procedures have been implemented to prevent a recurrence of the violation or condition.

(3) *Penalties.* Any person who violates or attempts to violate these regulations shall be subject to penalties as provided in Section 14.17 of the *Compact*.

**Section 7.4. Water Sources for Uses Related to Natural Gas Well Development.**

Natural gas development project sponsors may only use water from Commission approved sources.

(a) *Types of water sources.* The following types of water sources may be approved for uses related to natural gas well development:

(1) *Previously approved sources.* Surface and groundwater withdrawals, discharges of treated wastewater and



discharges of non-contact cooling water, in each instance operating in accordance with a previously issued and valid Commission approval.

(2) *New withdrawals.* Withdrawals of surface water or groundwater within the Delaware River Basin that have not previously received Commission approval.

(3) *New withdrawals of treated wastewater and non-contact cooling water.* The use of treated effluent or non-contact cooling waters that are approved after the effective date of these regulations may include or be amended to approve the use of such water for natural gas development projects.

(4) *Imported water.* Water imported from sources outside the Delaware River Basin.

(5) *Mine drainage water (MDW)* from within or imported to the Delaware River Basin.

(6) *Recovered flowback and production water.* Recovered flowback or production water from natural gas development projects located within or imported to the Delaware River Basin.

(b) *Preliminary determinations.*

(1) *Substantial effect.* Due to advances in horizontal drilling and hydraulic fracturing technologies, thousands of natural gas development projects are expected to be proposed for the Delaware River Basin. Each will involve land disturbance for such appurtenances as roads, well pads, pipelines, impoundments, and compressor stations; and most will entail the withdrawal, diversion, importation into or exportation out of the basin of surface water, ground water, non-contact cooling water, mine drainage water, and/or treated wastewater. These uses may have a substantial effect, either individually or cumulatively, on the surface water and groundwater resources of the basin.

(2) *Rules of Practice and Procedure (RPP) thresholds not applicable.* Natural gas well development within the Delaware River Basin will encompass thousands of drilling sites, many of them proximate to headwater streams in the sparsely populated upper portion of the Delaware Basin that comprises the drainage area of the Commission's Special Protection Waters. Estimates of the quantity of water needed to develop these wells and perform hydraulic fracturing range from 3 to 5 million gallons per well. Although some of the water used at a well can be recovered and reused at other wells, much of the water used at each well will come from the other sources identified in this Section 7.4. Because the water uses associated with natural gas development are almost entirely consumptive in nature, little if any of the water withdrawn or diverted for these purposes will be returned to streams and aquifers in the vicinity of the sources. Flows and assimilative capacities in aquifers and water bodies in the vicinity of the sources will be commensurately reduced. For this combination of reasons, the water uses associated with natural gas development are unlike those for the stationary industrial, commercial and domestic projects contemplated by the Commission's *Rules of Practice and Procedure* (RPP). The thresholds established by the RPP for the review of projects under Section 3.8 of the Delaware River Basin Compact do not adequately protect the water resources of the basin from the effects of natural gas development. Accordingly, these thresholds are not applicable to water withdrawals and diversions to be used in natural gas well development. Instead, sponsors of natural gas development projects within the Delaware River Basin must obtain Commission approval for all sources of water.

(c) *Conditions.*

(1) *Water sources for natural gas projects.* Based upon the preliminary determinations set forth in the preceding Section 7.4(b), no water may be used for natural gas well development activities within the Delaware River Basin except from sources that have been approved by the Commission for such uses in accordance with this Section 7.4.

(2) *Importations and exportation of water and wastewater for natural gas development.* Importation and exportation of water and wastewater to support natural gas development projects are regulated in accordance with Article 2, Section 2.30 of the Water Code. Importation of water and/or wastewater and the exportation of water to support natural gas development projects require a docket and are not eligible for an ABR. Exportation of non-domestic wastewater from natural gas development projects are regulated in accordance with Section 7.6 and may be approved by means of an ABR.

(3) *Alternate review and approval process for sources previously approved by the Commission.* Multiple approved water sources, including surface and groundwater withdrawals and discharges of treated wastewater and non-contact cooling water, currently operate in accordance with Commission approvals that have been designed to protect the basin's water resources. Because a full review by the Commission already occurred for these sources, this Section 7.4 among other things sets forth conditions under which bulk sales by the owner or operator of a withdrawal or discharge project previously approved by the Commission may be eligible for Approval by Rule (ABR) to supply water for natural gas projects. In addition, the use of recovered flowback and production water and new water sources located within the physical boundaries of an approved NGDP may also be approved by means of an ABR.

(4) *Normal review process.* A withdrawal or diversion of water, treated wastewater, non-contact cooling water, recovered flowback and production water and mine drainage water for uses related to natural gas well development also may be approved through the Commission's normal process for the review and approval of projects in accordance with Section 3.8 of the Delaware River Basin Compact, involving an application, technical review, publication of a draft docket, public hearing, and Commission action at a public meeting.

(d) *Approval by Rule of previously approved sources to supply water for natural gas development.*

(1) *Approved withdrawals.* An existing ground or surface water withdrawal is eligible for ABR to provide water for uses related to natural gas development if no increase in the withdrawal is required and the project sponsor meets the conditions set forth below. If an increase in allocation is requested, the project is not eligible for an ABR and must file an application for a docket amendment using the normal review process (defined at Section 7.4(c)(4) above) must be used.

(i) the withdrawal is operated in accordance with a valid docket approval or protected area permit issued by the Commission and if applicable, a valid permit issued by the state in which the withdrawal is located;

(ii) the docket or protected area permit holder is in compliance with all terms of its Commission and state approvals;

(iii) the natural gas well project(s) for which the water will be used are located within the Delaware River Basin;

(iv) the project sponsor demonstrates to the satisfaction of the Executive Director that the allocation previously approved by the Commission and where applicable, the state, is adequate to meet the projected needs of the area served as defined in the Commission and state approvals and to supply the proposed natural gas related uses through the term of the contract of sale for such uses;

(v) for a water source that consists entirely or in part of a groundwater withdrawal allocation, the docket or permit holder demonstrates that any increase in an individual well allocation (even though not increasing the total allocation) needed to accommodate the proposed sale will not adversely affect other wells or surface water flows.

(vi) because no portion of the water used for natural gas well projects will be returned to a drinking water aquifer or surface water in the vicinity of the withdrawal point, the applicant must demonstrate that removal of one hundred percent of the water proposed to be purchased for uses related to natural gas development will not adversely affect streamflow in the vicinity of the withdrawal point or in the vicinity of the point of discharge of treated wastewater that is normally associated with the withdrawal; provided, however, that this requirement does not apply to a withdrawal for which a Commission-imposed pass-by requirement is already in effect;

(vii) the bulk water sale agreement between the seller and the natural gas well—related user includes the following:

(A) a condition providing that if at any time all or any incremental portion of the supplier's allocation is needed to meet demand associated with the uses for which the docket or protected area permit was approved, including uses or areas identified in the "Area Served" section of the docket or protected area permit (collectively, "approved uses"), such that at its approved allocation the docket or protected area permit holder cannot fully serve the approved uses and also meet its bulk sale target for natural gas-related uses, the quantity sold for natural gas-related uses must be reduced to the extent necessary to fully meet the demand associated with the approved uses;

(B) a condition providing, "Purchasers of water for uses related to natural gas well projects are advised that such projects may be commenced within the Delaware Basin only after the project sponsor has obtained, in addition to any permits required by the host state, the approval of the Delaware River Basin Commission for development and operation of a well pad site or sites."

(C) a condition providing, "Water from sources within the Delaware River Basin may not be exported for use outside the Delaware River Basin without the express approval of the Delaware River Basin Commission."

(viii) Metering and recording of withdrawals and transfers. Water withdrawals must be metered and recorded by means of an automatic continuous recording device, or flow meter, and measured to within 5% of actual flow. Any withdrawal in excess of the daily allocation approved by the Commission must be reported to the Commission within 48 hours of the exceedance. Withdrawn water for natural gas development must be conveyed directly to water storage tanks before it is transferred to hauling vehicles or pipelines unless otherwise approved in writing by the Executive Director. Total withdrawals must be recorded on a daily basis. Likewise, the volume and destination of each transfer of water from the withdrawal

site must be recorded by truck load or pipeline transmission and a daily total maintained. For a period of ten (10) years following the withdrawal, all water withdrawal and transfer records must be available for inspection at the withdrawal site. The project sponsor must institute a system for recording the date, amount, carrier, vehicle and destination of each tank-load of water sold (or an equivalent tracking mechanism for delivery by pipeline), and provides this information in a Commission-specified electronic format to the Commission at the request of the Executive Director.

(ix) *Reporting of withdrawals and transfers.* The project sponsor will provide a quarterly report to the Executive Director that provides the monthly total of water that was provided for natural gas development projects and the destinations the water was sent to for the reporting quarter. The reporting format will be prescribed by the Executive Director.

(x) *Invasive species control plan.* If determined by the Commission to be necessary, the project sponsor must develop and implement an Invasive Species Control Plan (ISCP). The ISCP must include the management and treatment program that the project sponsor will implement to ensure that all water withdrawn from the withdrawal site is managed or treated prior to its distribution to transportation vehicles to prevent potentially invasive, harmful, or nuisance species from entering other watersheds in the basin. The management and treatment program must also address the significance of all moveable project equipment as pathways for the rapid movement of invasive species from one project site to another and the methods that will be used to prevent this type of mechanical transmission of problematic species. An ISCP may be approved by the Commission as part of a docket or it may be approved (or modified) by the Executive Director after the Commission has issued a docket approval. The provisions of this plan will be incorporated by reference into the docket.

(xi) *Pass-by flow requirement.* The project withdrawal may not cause the stream flow below the point of withdrawal to be less than the Q7-10 flow, or a more stringent value recommended by the appropriate host state agency. If the withdrawal is located in shared waters, a more stringent requirement applied by either state may be considered. Whenever the streamflow below the point of withdrawal is less than the minimum pass-by amount, no withdrawal may be made and the entire natural streamflow must be allowed to pass. Pass-by conditions also may include conditions intended to minimize short-term swings in surface flow volumes. The withdrawal site operations plan submitted with an application for a new surface water withdrawal must include the method and equipment to be used to demonstrate compliance with applicable pass-by requirements. No withdrawal may be initiated until the method and equipment to be used to demonstrate compliance with the pass-by requirement are operational and thereafter no withdrawal may be made during any period during which the method and equipment are not operational.

(2) *Approved discharge as water supply source.* The project sponsor of a facility discharging treated wastewater or non-contact cooling water in accordance with a valid Commission approval (i.e., a discharge docket) may apply for an ABR under these regulations to be an approved source of water for natural gas well projects. If the project sponsor meets the conditions set forth below. The project sponsor may also elect to use the normal review process or the Executive Director or the commission may require the normal review process to be used.

(i) the discharge is operated in accordance with a valid docket issued by the Commission and a valid NPDES permit issued by the state and the discharger is in compliance with all terms of its Commission and state approvals;

(ii) the natural gas well project(s) for which the water will be used are located within the Delaware Basin;

(iii) if the discharge is to surface water, the proposed diversion will not adversely affect upstream or downstream dischargers (due to loss of assimilative capacity), downstream withdrawers, or aquatic life;

(iv) if the discharge is to groundwater, the proposed diversion will not adversely affect groundwater levels or streamflows in the vicinity of the discharge;

(v) the bulk water sale agreement between the seller and the natural gas well-related user includes the following:

(A) a condition stating, "Purchasers of water for uses related to natural gas well projects are advised that such projects may be commenced within the Delaware Basin only after the project sponsor has obtained, in addition to any permits required by the host state, the approval of the Delaware River Basin Commission for development and operation of a well pad site or sites."

(B) a condition stating, "Water from sources within the Delaware Basin may not be exported for use outside the Delaware Basin without the express approval of the Delaware River Basin Commission."

(vi) the project sponsor institutes a system for recording the date, amount, carrier, vehicle and destination of each tank-load of water sold (or an equivalent tracking mechanism for delivery by pipeline). The project sponsor must also obtain written confirmation that the transferred wastewater was received by the intended destination facility. The project sponsor must provide this information to the Commission upon request by the Executive Director.

(e) *New water sources for uses related to natural gas development*

(1) *General provisions.*

(i) *Docket approval required.* A new surface or groundwater water withdrawal or the diversion of mine drainage water for uses related to natural gas development activities may be made only in accordance with a docket issued by the Commission following the normal process for Commission review and approval of projects, involving an application, technical review, publication of a draft docket, public hearing, and Commission action at a public meeting. A new water source located within the physical boundaries of an approved NGDP may be approved for uses within the NGDP by means of an ABR. Such new water sources are subject to all of the requirements in this section and those set forth in Section 7.4(e)(2), (3), and (4).

(ii) *Substantive requirements.* New water sources approved for uses related to natural gas development activities will be subject to the conditions set forth below as well as to any additional conditions that the Commission deems necessary to protect the water resources of the Basin in accordance with the Commission's Comprehensive Plan.

(2) *Conditions* applicable to new water sources for uses related to natural gas development activities are set forth below:

(i) *Non-point source pollution control plan.* If the source is located within the drainage area of a portion of the Delaware River classified by the Commission as Special Protection Waters (SPW), the applicant must demonstrate compliance with Section 3.10.3A.2.e. of the Commission's Water Quality Regulations, providing for development and implementation of a Non-Point Source Pollution Control Plan (NPSPCP). The NPSPCP must be consistent with the more stringent of Commission and state requirements for erosion and sedimentation controls to be implemented at the site of the withdrawal or diversion facility, including measures to control stormwater both during and after construction. The post-construction portion of the plan must describe the final site conditions, including a pre- and post-construction project hydrograph analysis, permanent facilities, equipment, access roads, and all stormwater control structures that may be necessary after final site restoration has been completed. No site clearing or construction work at the withdrawal site may be initiated until the NPSPCP has been approved by the Commission, or by the host State in accordance with an Administrative Agreement between the Commission and the host State.

(ii) *Natural diversity inventory assessment.* Project sponsors are required to submit as part of the project application the results of a natural diversity inventory assessment (NDIA) for the water withdrawal site. The Commission reserves the right to prepare a separate NDIA at the expense of the project sponsor if it determines that a separate assessment is required.

(iii) *Metering and recording of withdrawals and transfers.* Water withdrawals must be metered and recorded by means of an automatic continuous recording device, or flow meter, and measured to within 5% of actual flow. Any withdrawal in excess of the daily allocation approved by the Commission must be reported to the Commission within 48 hours of the exceedance. Withdrawn water must be conveyed directly to water storage tanks before it is transferred to hauling vehicles or pipelines unless otherwise approved in writing by the Executive Director. Total withdrawals must be recorded on a daily basis. Likewise, the volume and destination of each transfer of water from the withdrawal site must be recorded by truck load or pipeline transmission and a daily total maintained. For a period of ten (10) years following the withdrawal, all water withdrawal and transfer records must be available for inspection at the withdrawal site and furnished promptly at the request of the Executive Director or a designated member of the Commission staff. The docket or protected area permit holder must institute a system for recording the date, amount, carrier, vehicle and destination of each tank-load of water sold (or an equivalent tracking mechanism for delivery by pipeline), and provide this information in a Commission specified electronic format to the Commission upon request by the Executive Director.

(iv) *Reporting of withdrawals and transfers.* The operator of a withdrawal for uses related to natural gas development must submit to the Commission on a quarterly basis reports indicating monthly and daily total withdrawals and daily total volumes transferred to individual natural gas well sites in a format prescribed by the Executive Director.

(v) *Water withdrawal site plan.* A preliminary site plan for the proposed withdrawal site must accompany an application for Commission approval of a withdrawal. The preliminary plan must include a description of the site, the facilities to be installed on the site and a map



indicating the location of the all facilities on the site. Final construction plans and specifications may be submitted with the application or after the Commission has issued an approval. No site clearing, site preparation, construction, or water withdrawal may commence at the site until final construction plans and specifications have been approved by the Executive Director.

(vi) *Water withdrawal site operations plan.* The site operations plan for a new surface water withdrawal at a minimum must include: specific procedures for metering, recording, and reporting the pass-by flow and complying with the pass-by flow requirements; procedures for monitoring, reporting and recording the usage, transport, and destination of all water withdrawn at the site; and all other procedures required to ensure compliance with the conditions set forth in the approval (see (iii) above). No construction may be initiated until the Commission has approved the docket and the Executive Direction has approved the site operations plan.

(vii) *Notice of construction start and completion.* The project sponsor must notify the Executive Director of the initiation of construction. Within 30 days of completion of construction of the approved project, the project sponsor must submit a statement to the Commission, signed by the project sponsor's engineer or other responsible agent, advising the Commission that construction of the project has been completed consistent with the approved plans, and stating the final construction cost of the project and the date the project was or is scheduled to be placed in operation.

(viii) *Expiration of approval.* An approval by the Commission expires three years from the approval date unless prior thereto the holder of the approval has commenced operation of the project or unless the Executive Director extends the approval for up to one year upon a showing by the project sponsor that substantial funds in relation to the cost of the project have been expended in reliance on the approval.

(ix) *Approval limited to withdrawal.* Commission approval of a water withdrawal does not constitute approval or permission to commence natural gas development in the Delaware River Basin, including but not limited to: preparing a natural gas well site, drilling a natural gas well, stimulating a natural gas well, or storing, transporting, or disposing of hydraulic fracturing or flowback fluid.

(x) *Restricted access and operations.* Access to the withdrawal site must be restricted through use of fencing, signage or other similar means. In addition, the withdrawal site location must be restricted to operations associated with the function of water withdrawal. These areas may not be used as staging areas for the addition of chemicals (except as required by an Invasive Species Control Plan) or fuel in excess of the quantity needed to run an emergency generator if one is used.

(xi) *Other approvals.* Commission approval does not exempt the owner or operator of a water source from obtaining all necessary permits and/or approvals from other state, federal or local government agencies with jurisdiction over the water withdrawal or diversion project or associated activities.

(xii) *Floodplain regulations.* Project sites that are located in the Flood Hazard Area (defined as the 100-year floodplain in the Commission's Administrative Manual—Part III Basin Regulations—Flood Plain Regulations) must comply with the Commission's Flood Plain Regulations (FPR).

(xiii) *Drought emergency plan.* For the duration of any drought emergency declared by the Governor of the state in which the water withdrawal is located or by the Commission, water withdrawals by the project sponsor in accordance with this approval shall be subject to any prohibition by the Governor, the state emergency management agency, the state environmental protection agency, or the state drought coordinator to the extent applicable, and to any emergency resolutions or orders issued by the Commission. The project sponsor must submit as part of its application a Drought Emergency Plan, including drought contingency notice to all users and providing for cessation of operations in the event required by state or Commission authorities. The provisions of this plan will be incorporated by reference into the docket.

(3) *Additional submittals and conditions applicable to new surface water withdrawals approved by ABR, docket, or protected area permit.*

(i) *Invasive species control plan.* If determined by the Commission to be necessary, the project sponsor must develop and implement an Invasive Species Control Plan (ISCP). The ISCP must include the management and treatment program that the project sponsor will implement to ensure that all water withdrawn from the withdrawal site is managed or treated prior to its distribution to transportation vehicles to prevent potentially invasive, harmful, or nuisance species from entering other watersheds in the basin. The management and treatment program must also address the significance of all moveable project equipment as pathways for the rapid movement of invasive species from one project site to another and the methods that will be used to prevent this type of mechanical transmission of problematic species. An ISCP may be approved by the Commission as part of a docket or it may be approved (or modified) by the Executive Director after the Commission has issued a docket approval. The provisions of this plan will be incorporated by reference into the docket.

(ii) *Pass-by flow requirement.* The project withdrawal may not cause the stream flow below the point of withdrawal to be less than the Q7-10 flow, or a more stringent value recommended by the appropriate host state agency. If the withdrawal is located in shared waters, a more stringent requirement applied by either state may be considered. Whenever the streamflow below the point of withdrawal is less than the minimum pass-by amount, no withdrawal may be made and the entire natural streamflow must be allowed to pass. Pass-by conditions also may include conditions intended to minimize short-term swings in surface flow volumes. The withdrawal site operations plan submitted with an application for a new surface water withdrawal must include the method and equipment to be used to demonstrate compliance with applicable pass-by requirements. No withdrawal may be initiated until the method and equipment to be used to demonstrate compliance with the pass-by requirement are operational and thereafter no withdrawal may be made during any period during which the method and equipment are not operational.

(4) *Additional submittals, conditions applicable to new groundwater withdrawals.*

(i) *Hydrogeologic report.* For all groundwater well sources, a Final Hydrogeologic Report detailing extended pumping test procedures, results and analyses must be provided with the application. The Final Hydrogeologic Report must include a discussion of field procedures, a listing of all data gathered, an analysis of the data and an evaluation of the impact of the proposed withdrawal

on the aquifer and on other groundwater and surface water users in the vicinity. All relevant data, including but not limited to a geologic map, well log, water level charts, tables and graphs for the pumped well, monitoring wells, and nearby perennial streams, wetlands and other sensitive hydrologic features must be submitted. The pumping test may be of not less than 48 hours pumping duration, unless approved in writing by the Executive Director or in the Commission approval, at an uninterrupted, constant withdrawal rate of not less than the proposed pumping rate. Information to be collected must include, but is not limited to the following:

(A) Date and time of all static, pumping, and recovery water level measurements

(B) Record of pumping rate measured frequently throughout the test

(C) Sufficient static water level measurements in all wells and at all monitoring points to determine trends in water level changes prior to start of pumping

(D) Pumping and recovery measurements in the pumped well and observation wells

(E) Monitoring of wells sufficient to determine all possible interference

(F) Records of precipitation, measurements or observations of nearby streamflows, and weather conditions throughout the test

(G) A map identifying all nearby wells owned by others that could be affected by pumping of the new well(s) and the following information for each if available:

Name of Well Owner  
 Telephone No. of Well Owner  
 Address of Well Owner  
 State Well ID No.  
 Type of Use  
 Date Drilled  
 Depth Drilled (feet)  
 Borehole Diameter (inches)  
 Casing Diameter (inches)  
 Casing Depth (feet below ground surface)  
 Top of Well Screen Depth (feet),  
 Bottom of Well Screen Depth (feet)  
 Pump Type  
 Estimated Pump Capacity (gpm)  
 Intake Setting Depth (feet)  
 Approximate Location of Well on Property.  
 Latitude of Well in DMS, North  
 Longitude of Well in DMS, West

(ii) *Obligations relating to interference.*

If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any designated uses of ground or surface water, or if the project sponsor receives a complaint regarding this project, the project sponsor must immediately notify the Executive Director of any complaints and unless excused by the Executive Director, will investigate such complaints. The project sponsor must direct phone call notifications of complaints involving water resources to the DRBC. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the project sponsor must provide written notification to all potentially impacted users of wells or surface water users of the project sponsor's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, must be repaired, replaced or otherwise mitigated at the ex-

pense of the project sponsor. A report of investigation and/or mitigation plan prepared by a hydrologist must be submitted to the Executive Director as soon as practicable or within the time frame directed by the Executive Director. The Executive Director will make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

(f) *Importation of water for uses related to natural gas development.*

Commission determinations regarding applications for the importation of water for uses related to natural gas development will be made in accordance with Section 2.30 of the Commission's Water Code.

(g) *Use of recovered flowback and production water.*

(1) *General.* Recovered flowback and production water may be recycled for use in natural gas well stimulation activities at the project sponsor's Commission-approved well pads in accordance with conditions of the well pad dockets or ABRs. Any reuse must be reported to the Commission in accordance with the requirements set forth in the docket or ABR. Flowback and production water may be used only as expressly approved by the docket or ABR.

(2) *Conditions of Use.* In addition to the storage requirements set forth in Section 7.5(h)(2)(iv), an approval for reuse of recovered flowback and production water will be subject to conditions including but not limited to transport, sampling, and tracking requirements that are necessary in the view of the Commission to protect the water resources of the basin.

(3) *Storage of recovered flowback and production water.* The storage of recovered flowback and production water must be in accordance with Section 7.5 (h)(2)(iv).

### **Section 7.5. Well pads for Natural Gas Activities.**

(a) *Purpose and Applicability.*

(1) The headwaters and groundwater of the Delaware River Basin are critically important to the supply of clean water to satisfy basin needs for drinking water, aquatic life, recreation, and other designated uses. Over 15 million people (approximately five percent of the nation's population) rely on the waters of the Delaware River Basin for drinking, agricultural, and industrial use, but the watershed drains only four-tenths of one percent of the total continental U.S. land area. The 15 million figure includes about seven million people in New York City and northern New Jersey who live outside the basin. New York City gets roughly half its water from three large reservoirs located on tributaries to the Delaware. The ground waters of the Basin are protected and regulated under Article 2, Section 2.20 and Article 3, Section 3.40 of the Water Code. Protecting and managing areas in source watersheds is essential to maintaining the high water quality of the National Scenic and Recreational Delaware River and the River's tributary systems. Protecting the high value landscapes of forests and water resources implements and is consistent with Goal 3.2 of the Water Resources Plan for the Delaware River Basin (Resolution 2004-BP) and with the anti-degradation program codified in the Commission's Special Protection Waters program, DRBC Water Quality Regulations, 18 C.F.R. Part 410, Article 3.10.3.A.2 et seq.

(2) The siting and operation of natural gas well pads within the Delaware River Basin may have a substantial impact on the water resources of the Basin. To allow for the development of natural gas resources while minimizing adverse impact to water resources, all natural gas

well pads to be located within the Delaware River Basin are subject to the siting, design and operational criteria of this Section 7.5. All natural gas well pad projects in the Delaware River Basin require Commission approval. As provided for in Section 7.1(i), DRBC is relying on the Commonwealth of Pennsylvania and State of New York (PADEP and NYSDEC, respectively) regarding the construction and operation of natural gas well pads except as specified in this section.

(b) *Administration.* Applications for review and approval of well pads must be filed with and approved by the DRBC prior to the initiation of construction at any well pad site.

(1) *Types of review and approval.*

- (i) Natural Gas Development Plan Docket
- (ii) Well Pad docket
- (iii) Well Pad ABR

(2) *Public Notice Provisions.* The project sponsor of a natural gas project under Sections 7.5(b)(1) is responsible for complying with the public notice provisions in Section 7.3(i).

(3) *Siting Restrictions.* A well pad may not be sited:

(i) In the Flood Hazard Area (defined as the 100-year floodplain in the Commission's Administrative Manual—Part III Basin Regulations—Flood Plain Regulations) of any waterway in the Delaware River Basin.

(ii) On a slope with a pre-alteration grade of 20% or greater.

(iii) In an area that serves as a critical habitat for a federal or state designated threatened or endangered species unless host state/federal mitigation measures have been approved.

(4) *Setbacks.* All natural gas well pad sites must adhere to the following minimum setback requirements:

- (i) Water body: 500 ft
- (ii) Wetlands: 500 ft
- (iii) Occupied Homes: defer to host state
- (iv) Public Buildings: defer to host state
- (v) Public Roads: defer to host state
- (vi) Surface water supply intake: 500 ft
- (vii) Water supply reservoir: 500 ft
- (viii) Public water supply well defer to host state
- (ix) Domestic water supply well defer to host state

(5) *Spacing.* All wellbores must adhere to the applicable unitization/spacing requirements of the host state.

(6) *De minimis Change.* A project sponsor may modify the location of an individual well pad by up to 100 feet without applying for a modification to the well pad approval or NGDP approval as long as the new location does not result in a violation of any of the siting restrictions contained in Section 7.5(b)(3), the minimum setbacks contained in Section 7.5(b)(4) or any provision of the approval. The project sponsor must notify the Commission at least thirty (30) calendar days before commencing construction at the new location.

(7) *Inspection.* The well pad site, natural gas well, and operational records for property owned or leased by the project sponsor, or to which the project sponsor otherwise

has legal access, for natural gas development activities, must be available for inspection as provided in Section 7.3(j).

(8) *Timing.* The project sponsor may not commence or conduct clearing of land for access or for well pad construction unless the project sponsor has first obtained a well pad approval and the applicable Executive Director approvals or acknowledgements required in Section 7.5.

(9) *Variances.*

(i) A project sponsor may request the Executive Director to grant a variance to the provisions of Sections 7.5(b)(3) and 7.5 (b)(4) of this rule. No variances shall be granted to the restriction against locating well pads in a floodway as provided in the Commission's Administrative Manual—Part III Basin Regulations—Flood Plain Regulations.

(ii) The Executive Director, after determining whether the requirements of Section 7.5(b)(9)(iii) below are met, may approve the variance, deny the variance, or recommend a public hearing and decision by the Commission. For a variance to be considered, the project sponsor must demonstrate that:

(A) application of the requirements in Sections 7.5(b)(3) and 7.5(b)(4) would result in an undue burden for the project sponsor because of reasons affecting the leaseholding; and

(B) the requested siting conditions would be equally or more protective of water resources of the basin, taking into consideration mitigation measures relating to, among other factors, spill control, containment, berms, enhanced erosion and sediment controls, project timing restrictions to avoid affecting threatened or endangered species, and/or vegetated buffers.

(iii) Before any request for a variance will be considered, the project sponsor must provide the Executive Director with evidence that it has notified the property and the mineral rights owners in writing of the intent to request a variance.

(iv) The Executive Director may approve a variance subject to additional conditions to protect the water resources of the basin.

(c) *Natural Gas Development Plans.*

(1) *Applicability.* Natural Gas Drilling Plans (NGDP) are intended to identify foreseeable natural gas development in a defined geographic area, facilitate analysis of potential water resource impacts and identify measures to minimize these impacts. In accordance with these regulations, a Commission approved NGDP is required of all project sponsors that have:

(i) natural gas well pad leaseholds in the Delaware River Basin (basin) encompassing a total of over 3,200 acres; or,

(ii) the intention to construct more than five (5) natural gas well pads in the basin.

If the project sponsor is required to submit a NGDP, within 3 months of filing its first well pad application, they must submit a NGDP application, which should contain the landscape map and the constraints analysis map as described in Section 7.5(c)(3)(ii) and (iii) above for its entire basin leaseholds or specified leasehold unit. Within 12 months of filing the first well pad application, the project sponsor must supplement their NGDP application with the circulation plan as described in 7.5(c)(3)(iv) above for the entire basin leaseholds or specified leasehold unit.



Entire basin leaseholds includes all leaseholds in the basin in which a project sponsor or its direct or indirect parent, subsidiary or affiliated entities has individual ownership, or common ownership, control or interest with other parties. To the extent that project sponsors obtain rights to conduct natural gas development activities, including but not limited to the extraction of natural gas, through property interests other than or in addition to a leasehold, for purposes of these Natural Gas Development Regulations those rights shall be administered in the same manner and subject to the same restrictions as leaseholds.

The requirement to submit and receive Commission approval of an NGDP applies to all project sponsors of natural gas well pad projects proposed to be constructed after the effective date of these regulations. Project sponsors that are required to prepare an NGDP may apply for approvals of natural gas well pad projects prior to the receipt of NGDP approval in accordance with these regulations. A project sponsor who is required to prepare a NGDP may make an application to the Commission for up to five (5) well pad approvals prior to and during pendency of the NGDP application. These five well pad approvals can be any combination of exploratory well pads, stratigraphic well pads, well pads that do not employ hydraulic fracturing, low volume hydraulically fractured well pads, or high volume hydraulically fractured well pads.

A project sponsor may make an application to the Commission proposing the division of its basin wide leaseholds into separate leasehold units based on the nature, disparate relationship, or geographic separation of the leaseholds. The Commission or the Executive Director may deny, approve, or approve with conditions all or part of the requested division of leaseholds. A project sponsor may also make an application to the Commission requesting an exemption from the preparation of a NGDP where the project sponsor demonstrates that: it will propose five (5) or fewer natural gas well pads despite having leaseholds in excess of 3,200 acres in the basin; and the well pad sites are geographically disparate. Well pads sited in leaseholds that are contiguous, or are located such that the produced natural gas from the well pads will be transmitted through a common collection system do not qualify as geographically disparate for purposes of an exemption to the requirement to prepare an NGDP. The Commission or the Executive Director may deny, approve, or approve with conditions the requested exemption from the requirement to prepare an NGDP.

A project sponsor may also make an application to the Commission for approval of phased development of its leaseholds. Where the project sponsor represents to the Commission that natural gas development activities will not take place on portions of the leasehold within five (5) years of the date of the application submitted for the project sponsor's first natural well pad on a leasehold in the basin, the Commission may consider the phased development request. The Commission or the Executive Director may deny, approve, or approve with conditions all or part of the requested phased developments of the project sponsor's leaseholdings. A project sponsor that receives approval of phased development must file an application with the Commission to modify its existing approved NGDP, or for approval of a new NGDP for each of the succeeding development phases. Commission approval of the amended or new NGDP and well pads must be received before the Project sponsor initiates construction in the unapproved phase of the leasehold. The limitation of up to five (5) total natural gas well pad

dockets in the basin for a project sponsor until the Commission approval of an NGDP applies regardless of the Commission or Executive Director's approval of the division or phasing of a project sponsor's leasehold.

To the extent that project sponsors obtain rights to conduct natural gas development activities, including but not limited to the extraction of natural gas, through property interests other than or in addition to a leasehold, for purposes of these Natural Gas Development Regulations those rights shall be administered in the same manner and subject to the same restrictions as leaseholds.

(2) *Commission Action.* The Commission may grant, deny, approve or approve with conditions, a docket for an NGDP or a natural gas well pad in accordance with this Section 7.5. In addition to the project application review fee specified in item (e) in Table 7.3.1 for the NGDP application, each natural gas well pad that is included in the NGDP application or added to an approved NGDP shall be subject to the project review fee specified in item (g) in Table 7.3.1. The project sponsor will be notified in writing of the Commission's or Executive Director's decision, including any conditions of approval.

(3) *NGDP Application Requirements.*

(i) *Lease Area Map.* A lease area map is a map of all a project sponsor's leaseholds in the basin. The leasehold map(s) must be a United States Geologic Survey (USGS) 7.5 minute or 15 minute series topographic quadrangle if necessary due to size. The map(s) must show development units within the leaseholds that will be developed in 5 year increments.

(ii) *Landscape Map.* A landscape analysis is a series of maps for the basin leaseholds or specified leasehold unit prepared in accordance with the following:

(A) State Orthophotography of the geographic area covered by the Plan and parcels within a 0.5 mile radius of the leasehold.

(B) List of property and mineral rights owners of the leaseholds located within 0.5 mile of any proposed well pad site.

(C) 7.5 minute USGS quad showing (lease area plus a 0.5 mile perimeter around the leasehold): existing roadways, existing rights of way—utility lines, pipelines, transmission lines, existing oil and gas wells, existing water supply wells—community, domestic (within a 0.5 mile radius of any proposed natural gas well pads), and any wellhead protection area prescribed by the state, and existing buildings.

(D) Hydrology Map (or overlay) 7.5 minute quadrangle showing (lease area plus a 0.5 mile perimeter around the leasehold): Watershed boundaries (HUC 12 level), Water bodies—rivers, streams, ponds, springs, reservoirs, lakes, etc., Wetlands (NWI or site specific survey).

(E) Geology Map—including areas of glacial till, fluvial landforms (lease area).

(F) Soils Series Map—with list of hydric and erodible soils (lease area).

(G) Slope Map—Highlighting slopes greater than 15% and greater than 20% (lease area).

(H) Critical Habitat Map—areas designated for a federal or state threatened or endangered species.

(I) Natural Heritage Sites—Map showing areas as designated by federal, state or county agencies (lease area plus 0.5 mile) that include important areas of biodiversity



and unique ecological communities, including management areas of the National Park Service Units.

(J) Map of all forested landscapes (lease area).

(iii) *Constraints Analysis Map.* A constraints analysis map is a composite of maps for the basin leaseholds or specified leasehold unit prepared utilizing the landscape maps generated in Section (ii) above and with the following:

(A) All restricted areas (as defined in Section 7.5 (b)(3)).

(B) All buffers/setbacks (as defined in Section 7.5 (b)(4)).

(iv) *Circulation Plan.* A map and description of existing and proposed roads and rights-of way on the leasehold that will be used for vehicular, pipeline or utility access to and among identified well field development areas, natural gas well pads, compressor stations and other ancillary equipment, within or connecting to areas outside of the geographic area covered by the Plan. Linear infrastructure must be co-located whenever feasible. If there are any proposed changes to the plan, project sponsors may apply to the Executive Director for adjustments to the locations of these sites and routes included in a Commission approved NGDP. The Executive Director may deny, approve or approve with conditions the requested adjustments to the siting.

If any of the proposed infrastructure is proposed to be located in delineated areas of constraints, the project sponsor must include an accompanying report which provides the reasons for the proposed siting.

(v) *Monitoring program.* A compilation and map of all surface and groundwater monitoring locations as required in Section 7.5(h)(2)(i).

(d) *Natural Gas Well Pad Docket Application Requirements.*—The project sponsor must submit a lease area map as described in Section 7.5(c)(3)(i) above for all its leaseholds in the basin as of the date of the application. This map is required to be submitted with the well pad application. The project sponsor must also submit a landscape map, a constraints analysis map, and a circulation plan as described in Sections 7.5(c)(3)(ii)(iii) and (iv) above for the area within 0.5 miles of the well pad sites proposed in the application at submittal.

Project sponsors are also required to submit to the Commission the results of a NDIA. For projects located in the Commonwealth of Pennsylvania, a Pennsylvania Natural Diversity Inventory (PNDI) assessment satisfies this requirement. For projects located in the state of New York, an assessment done in accordance with New York, 6 NYCRR Part 182 satisfies this requirement. The Commission reserves the right to prepare a separate NDIA at the expense of the project sponsor if it determines that a separate assessment is required.

If the project sponsor is required to submit a NGDP, within 3 months of filing its first well pad application, they must submit a NGDP application, which should contain the landscape map and the constraints analysis map as described in Section 7.5(c)(3)(ii) and (iii) above for its entire basin leaseholds or specified leasehold unit. Within 12 months of filing the well pad application, the project sponsor must supplement their NGDP application with the circulation plan as described in 7.5(c)(3)(iv) above for the entire basin leaseholds or specified leasehold unit.

The Commission may grant, deny or condition a Natural Gas Well Pad Docket in accordance with this section.

The project sponsor will be notified in writing of the Commission's decision, including any conditions of approval.

(e) *Approval by Rule (ABR).* The project sponsor must submit a lease area map as described in Section 7.5(c)(3)(i) above for all its leaseholds in the basin as of the date of the application. This map is required to be submitted with the well pad application. The project sponsor must also submit a landscape map, a constraints analysis map, and a circulation plan as described in Sections 7.5(c)(3)(ii)(iii) and (iv) above for the area within 0.5 miles of the well pad sites proposed in the application at submittal. ABRs may only be issued in accordance with this section for a well pad that meets the following criteria:

(1) The project has been identified and is in conformance with an approved NGDP; or meets all of the following:

(2) It must not be located on a forested site, as that term is defined by these regulations; and

(3) It must be located on a site with a pre-alteration slope, as that term is defined by these regulations, not in excess of 15 per cent; and

(4) It must be located outside management areas of the National Park Service (NPS), including the Upper Delaware Scenic and Recreational River (UPDE) and the Delaware Water Gap National Recreation Area (DEWA) and other areas in which the National Park Service or other federal agencies have a management interest; and

(5) It must be located outside of the watersheds that drain to New York City's Delaware River Basin Reservoirs; and

(6) It must meet the applicable siting and design criteria in Section 7.5(b)(3) and 7.5(b)(4).

(7) For exploratory and low volume hydraulically fractured well pads a project sponsor must have a state issued approval for well construction and operation.

(f) *Well Pads added to an approved NGDP.* Project sponsors for well pad projects proposed in accordance with an approved NGDP may apply for an ABR if they meet the following criteria:

(1) The project sponsor must be the holder of the docket approving the NGDP. Transfer from one entity to another of a docket for a NGDP must be completed, including issuance of written approval by the Executive Director, before an application in accordance with this section will be considered; and

(2) The project sponsor must be in compliance with the conditions of the docket approving the NGDP.

The Executive Director may grant, deny or condition an ABR for a well pad in accordance with Sections 7.5 (e) and (f). The project sponsor will be notified in writing of the Executive Director's decision, including any conditions of approval.

(g) *Well Pad Dockets.* A well pad that does not meet the requirements for an ABR may apply for approval by the Commission via docket.

(h) *Well Pad Requirements.* The following describe the applicable requirements for well pads involving high volume hydraulically fractured wells and well pads that are used exclusively for the development of exploratory wells or low volume hydraulically fractured wells.

(1) *Applicable Requirements for all Well Pads.*

(i) *Planning Requirements.* If a project sponsor meets the criteria in Section 7.5(c), it must submit a Lease Area Map in accordance with Section 7.5(c)(3)(i) with its first ABR application. A NGDP must be submitted and approved prior to initiating the development of its sixth well pad in the basin. Upon approval of the NGDP, all subsequent well pads constructed exclusively for exploratory or low volume hydraulically fractured natural gas wells not included in the approved NGDP docket, but within the boundaries of the NGDP, and in accordance with the terms and conditions of the NGDP, are eligible for ABRs.

(ii) *Public notification.* The project sponsor must demonstrate compliance with the applicable requirements of Section 7.3(i).

(iii) *Water Source Requirements.*

(A) The well pad project sponsor may only use water at well pads obtained from DRBC approved sources.

(B) *Proposed Sources.* The well pad project sponsor's application must include the following information relative to any water, flowback water, production water, wastewater, non-contact cooling water, mine drainage water or combination thereof to be used at the well pad site:

(1) Proposed sources of all such waters to be used at the well pad site; and

(2) Source water docket number, protected area permit or ABR number, allocation, and DRBC approval date; and

(3) If the water is imported from outside of the Delaware River Basin, the project sponsor must show compliance with requirements of Article 2, Section 2.30 of the Water Code.

(C) *Water Recording.* Well pad project sponsors must monitor and record the volume of all water delivered to the well pad site from each source used on a daily frequency. The project sponsor must maintain a record of each truck/pipeline delivery and its source. The project sponsor must submit the records in a Commission-specified electronic format to the Commission upon request by the Executive Director.

(D) *Water Reporting.* The well pad sponsor must submit to the Commission on a quarterly basis reports indicating monthly and daily total volumes of water delivered at individual natural gas well sites in a format prescribed by the Executive Director.

(E) *Water supply charge.* The holder of a natural gas well pad approval, whether or not the well pad is part of a Natural Gas Development Plan, is required to pay the Commission's water supply charge for consumptive use based on quarterly water reporting noted above. Water supply charges apply to all groundwater and surface water used to support natural gas development projects. One hundred percent of water used by a natural gas extraction and development project is considered to be consumptive for the purpose of calculating the water supply charge due to the Commission. The water charge rate applied to all water used for natural gas well projects will be equivalent to the consumptive use rate charged for surface water usage set forth as item (n) in Table 7.3.1. This rate applies to all water used for natural gas development projects and will be paid by the user of the water. Consumptive use water supply charges are to be paid on a quarterly basis by the project sponsor of the natural gas well pad. Payments must be received by the

Commission within 30 calendar days of the end of each quarter. Late payments will be subject to an interest charge of 1% per month from the end of the month during which the payment was due. This applies to all natural gas well pads applied for and approved as dockets, ABRs or included in NGDP dockets (see items (c), (d), (e) and (g) in Table 7.3.1). Water use associated with ABR's for exploratory and low volume hydraulically fractured wells is exempt from the water supply charge for consumptive use.

(F) *Water Conservation.* The project sponsor must implement a continuous program to encourage water conservation in all types of use within the facilities served by the Commission's well pad approval. The water conservation program must include the reuse and recycling of flowback and production waters to the greatest extent possible. Applies to all well pad project sponsors, except those approved by an ABR for exploratory or low volume hydraulically fractured wells.

(iv) *Wastewater.* All well pad project sponsors must satisfy the following requirements:

(A) *Disposal.*

(1) Non-domestic wastewater may only be disposed of at a facility;

(i) within the basin only if the Commission has approved it to accept non-domestic wastewater and that has obtained applicable state permits and approvals; or

(ii) outside the basin, if the facility has obtained applicable state permits and approvals and the project sponsor has Commission approval to export non-domestic wastewater.

(2) The well pad project sponsor must submit a copy of the written contractual agreement or permit between the well pad project sponsor and the disposal facility as part of the application.

(3) The well pad project sponsor may also transport and reuse flowback or production water at a Commission and state approved location

(4) Wastewater, recovered flowback and or production water and brines from natural gas well pads may not be applied to any road or other surface within the Delaware River Basin.

(5) Domestic, non-domestic wastewater, unused water, recovered flowback and production water, combination of recovered flowback or production water and fresh waters or fluids approved for use at the well pad, may not be discharged to groundwater or surface waters of the Delaware River Basin without written Commission and appropriate state agency approval.

(B) *Recording.* Well pad project sponsors must record the volume of all non-domestic wastewater produced onsite on a daily frequency. Well pad project sponsors must keep a transportation record of all non-domestic wastewater leaving the well pad. The transportation record must include the volume of non-domestic wastewater shipped offsite by individual trucks and/or pipeline, the name, permit and docket number and destination of the receiving reuse and or treatment and disposal facilities. The project sponsor will also obtain confirmation that the transferred wastewater was received by the facility that received the wastewater and keep records associated with such transfers. The project sponsor must submit the records in a Commission-specified electronic format to the Commission upon request by the Executive Director.

(C) *Reporting.*

(1) Well pad project sponsor must submit a “*DRBC Post Hydraulic Fracturing Report*” to the Commission within 60 days of completion of each hydraulic fracturing event.

(2) The well pad sponsor must submit to the Commission on a quarterly basis reports indicating monthly and daily total volumes of flowback and production water collected and transported offsite from the well pad and results of any flowback/production water samples in a format prescribed by the Executive Director.

(v) *Non-point source pollution control plan.* If the well pad is located within the drainage area of a portion of the Delaware River classified by the Commission as Special Protection Waters (SPW), the project sponsor must demonstrate compliance with section 3.10.3A.2.e. of the Commission’s Water Quality Regulations, providing for development and implementation of a Non-Point Source Pollution Control Plan (NPSPCP). The NPSPCP must be consistent with the more stringent of Commission and state requirements for erosion and sedimentation controls to be implemented at the well pad, including measures to control stormwater both during and after construction. The post-construction portion of the plan must describe the final site conditions, including a pre- and post-construction project hydrograph analysis, permanent facilities, equipment, access roads, and all stormwater control structures that may be necessary after final site restoration has been completed. No site clearing or construction work at the well pad may be initiated until the NPSPCP has been approved by the Commission, or by the host State in accordance with an Administrative Agreement between the Commission and the host State. The Commission will rely upon host state erosion and sediment control plan and post construction stormwater management plan requirements for NPSPCPs for well pads approved by an ABR for exploratory or low volume hydraulically fractured wells.

(vi) *Mitigation, Remediation and Restoration.*

(A) The project sponsor must immediately report to the Executive Director as well as appropriate local, state and federal agencies any release or threatened release to the environment of any substance, pollutant or contaminant at or from the natural gas well, well pad site or from associated equipment and structures, and from any materials or wastewater transported to or from the well pad site that has the potential to reach groundwater or surface water or may cause an adverse impact to water resources of the Delaware River Basin. Oral notification must always be followed up in writing directed to the Executive Director.

(B) The project sponsor must take steps to prevent any threatened release and immediately mitigate and remediate any release. The project sponsor must report as required under Section 7.5(h)(vi)(A). If necessary, the project sponsor must stop all other operations to effectuate the mitigation or remediation of the release or spill.

(C) The project sponsor must also provide written notification to all potentially impacted users of wells or surface water users of the project sponsor’s responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the release must be repaired, replaced or otherwise mitigated at the expense of the project sponsor. A report of investigation and/or mitigation plan prepared by a qualified professional must be submitted to the Executive Director as

soon as practicable or within the time frame directed by the Executive Director. The Executive Director will make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

(D) The project sponsor must close the natural gas well, well pad site and associated equipment and structures, and restore land disturbances caused by the natural gas well project according to host state requirements.

(2) *Additional Requirements for all Well Pads Involving High Volume Hydraulically Fractured Wells.*(i) *Groundwater and Surface Water Monitoring.*

(A) *Pre-alteration Report.* Well pad project sponsors must submit to the Commission’s Executive Director c/o the project review section a pre-alteration groundwater and surface water monitoring study report as part of the well pad application.

(1) The pre-alteration report must include an inventory and the mapped locations of any artificial penetrations including groundwater wells within 2,000 ft of the project well pad. The report must also include the results of groundwater sampling and laboratory analysis of a representative number of groundwater wells within 1,000 ft of the well pad. If the project sponsor or the Executive Director concludes that an insufficient number of existing wells are identified within this distance to adequately characterize the groundwater, the sampling distance must be extended up to 2,000 ft from the gas well pad. If there are no existing groundwater wells or the project sponsor is unable to gain access to any existing groundwater wells within 2,000 ft of the project well pad, the project sponsor will be required to install a monitoring well or wells within 1,000 ft of the project well pad. The well monitoring study report must also identify any of the sampled wells that the project sponsor proposes not to monitor on an annual basis. The Executive Director may approve their exclusion or require these wells to be included in the annual studies required by subparagraph (B) below.

(2) The report must also include the mapped locations and the results of surface water monitoring in the nearest water body(ies) up gradient and down gradient of the well pad for temperature and specific conductivity, water chemistry parameters and benthic macroinvertebrates. At least one upstream and one downstream sampling site is required. Sampling frequency, sample parameters, analytical methods and required detection limits for both the groundwater and surface water monitoring will be specified by the Executive Director.

(3) All monitoring data must also be submitted to the Commission in an Electronic Data Deliverable format specified by the Executive Director. It is recommended that applicants discuss the pre-alteration well monitoring and surface water monitoring study with Commission staff prior to implementation and prior to submittal.

(4) All sampling must be performed by a qualified professional experienced and trained in the collection of environmental samples for physical, chemical and biological analysis. Sample analysis must be conducted by a state certified laboratory for those parameters covered by a basin state program. Project sponsors may propose an alternative analytical method to those specified by the Executive Director, but must demonstrate that the alternative methods will meet the required detection limits and will provide comparable precision and accuracy.

(5) Samples must not be filtered. If a project sponsor can demonstrate matrix interferences, filtration of metals



samples may be allowed, but all pre- and post-drilling comparisons must be made on the same basis (unfiltered or filtered).

(6) If, despite reasonable efforts of the project sponsor, owners of wells do not cooperate with the proposed groundwater program, the Executive Director may approve an alternative program based on monitoring wells established to accomplish this requirement.

(7) Additional sampling and analysis may be required by the Executive Director based on the monitoring results.

(B) *Post Construction Report.* After construction of any well on a well pad, the wells included in the pre-alteration well monitoring study described above, except for those wells identified in the study as proposed for no future monitoring and not required by the Commission to be monitored, must at a minimum be monitored for the same parameters monitored in the pre-alteration monitoring study on an annual basis until all natural gas wells installed at the well pad site are plugged and sealed according to the standards of the state in which the well is located. Surface water monitoring must also continue at the same locations and for the same parameters monitored in the pre-alteration monitoring study on an annual basis or until a reduced frequency is authorized by the Executive Director.

(1) The annual report(s) must be submitted to the Commission by March 1 of each calendar year and include all data collected through at least December 31 of the previous calendar year.

(2) All monitoring data collected through December 31 of the previous calendar year must also be submitted to the Commission in an Electronic Data Deliverable format specified by the Executive Director. A summary of the sampling results must be provided to the sampled well's owner within thirty (30) days of the submission of the report to the Commission or, if the sampling results reveal analytes exceeding drinking water primary or secondary maximum contaminant levels, immediately after receipt of the results. A higher frequency of adjacent well monitoring and/or monitoring for an expanded list of parameters may be required by the Executive Director, based on actual or potential contamination of a particular well.

(ii) *Hydraulic Fracturing.*

(A) Prior to the initiation of hydraulic fracturing of the gas well where flowback reuse is not planned, the project sponsor must submit to the Commission's Executive Director written verification that the wastewater treatment and disposal facilities have all applicable approvals from the host state and DRBC, if located in the Delaware River Basin. The project sponsor must also verify that the approved wastewater treatment and disposal facilities have the capacity and capability to accept the non-domestic wastewater generated from the hydraulic fracturing operation.

(B) Project sponsors must provide notice to the Commission at least 48 hours in advance of the initiation of well stimulation.

(C) Project sponsors must meter the volume of water used for each hydraulic fracturing event at each well. The volume must be metered with an automatic continuous recording device or equivalent that measures to within 5 percent of actual flow. The Executive Director may grant a written exception to the 5 percent performance standard, but no greater than 10 percent, if the project

sponsor presents a demonstration acceptable to the Executive Director that maintenance of the 5 percent performance is not technically feasible or economically practicable.

(D) Project sponsors must maintain a record of the volumes/amounts of all chemicals/additives used for each hydraulic fracturing event. A list of the individual chemicals/additives with Chemical Abstract Services (CAS) registry number and Material Safety Data Sheets (MSDS) as well as amounts used for hydraulic fracturing must be submitted to the Commission in the "DRBC Post Hydraulic Fracturing Report".

(E) Project sponsors must meter the volume of all flowback water and production water with an automatic continuous recording device or equivalent that measures to within 5 percent of actual flow. The Executive Director may grant a written exception to the 5 percent performance standard, but no greater than 10 percent, if the project sponsor presents a demonstration acceptable to the Executive Director that maintenance of the 5 percent performance is not technically feasible or economically practicable. Flowback water volumes must be submitted to the Commission in the "DRBC Post Hydraulic Fracturing Report". Production water volumes must be submitted to the Commission on a quarterly basis in a format prescribed by the Executive Director.

(F) *Sampling.* Project sponsors must collect samples representative of all flowback and production water and analyze each sample for the same parameters monitored in the pre-alteration groundwater and surface water monitoring study. Sampling frequency, sample parameters, analytical methods and required detection limits for the samples will be specified by the Executive Director.

(1) All sampling must be performed by a qualified professional experienced and trained in the collection of environmental samples for physical, chemical and biological analysis. Sample analysis must be conducted by a state certified laboratory for those parameters covered by a basin state program. Project sponsors may propose an alternative analytical method to those specified by the Executive Director, but must demonstrate that the alternative methods will meet the required detection limits and will provide comparable precision and accuracy.

(2) Samples must not be filtered. Filtration of metals samples may be allowed, if the project sponsor can demonstrate matrix interferences and samples collected in the groundwater and surface water study were also filtered.

(3) All monitoring data must be submitted to the Commission in an Electronic Data Deliverable format specified by the Executive Director.

(G) Project sponsors must store flowback and production waters in accordance with Section 7.5(h)(2)(iv) below in water tight tanks for temporary storage on the well pad site or transport it to a treatment and discharge facility that has received applicable approvals from the host state and by the DRBC if located within the Delaware River Basin. Subject to approval, recovered flowback and production water may be reused at subsequent wells on the same well pad, removed from the well pad site for use at another well pad, recycled and/or disposed at a wastewater treatment facility that has received applicable approvals from the host state, or transferred to a centralized wastewater storage facility having applicable approvals from the host state. All recovered flowback must be reused or disposed of within 45 days of the date of well stimulation unless an exten-



sion is approved in writing by the Executive Director or the project sponsor provides the Executive Director with documentation of host state approval.

(H) The project sponsor may not transfer recovered flowback to any other well pad site, or transfer it to a centralized wastewater storage facility unless approved in a docket, ABR, or in writing by the Executive Director.

(iii) *Drilling Fluids and Drill Cuttings from Horizontal Wellbores in the target formation.*

(A) The cuttings and fluids must be properly transported offsite and beneficially reused or disposed of at an appropriate waste disposal facility(s) approved by the host state. All cuttings and liquids must be removed from the site within 45 days from the completion of well drilling or the capping of the well prior to production or the commencement of production.

(B) The project sponsor must notify the Commission within 48 hours of the completion of drilling.

(iv) *Wastewater Storage.*

(A) All wastewaters must be stored in such a manner as to prevent their release to the environment. Storage tanks must be designed and constructed of materials suitable to safely contain the wastewater stored. The storage tanks must be used and maintained according to manufacturer specifications.

(B) Recovered flowback and production water may, subject to approval, be reused at subsequent wells on the same well pad, removed from the well pad for use at another well pad, recycled and/or disposed at treatment facilities that have received applicable approvals by the host state and DRBC (where applicable) or transferred to a centralized storage facility having the applicable approvals from the host state.

(1) All recovered production water must be temporarily stored on-site in water-tight tanks as necessary to safely contain the production water.

(2) No on-site discharge of recovered flowback or production water other than as expressly permitted in the docket is permitted. The volume of all flowback and production water recovered, reused at the site or removed from the site must be recorded and reported to the DRBC in accordance with the recording and reporting conditions of the docket.

(3) Production water that is not approved for reuse must be transported to and treated at an approved treatment and discharge facility.

(4) Under no circumstances may wastewater including flowback and production water be placed into any freshwater impoundment, or discharged to the ground surface at the well pad site.

(v) *Wastewater Treatment and Disposal Plan.* The project sponsor must submit as part of the application, a wastewater treatment and disposal plan.

(A) The treatment and disposal plan must address all domestic and non-domestic wastewater produced at the well pad.

(B) The treatment and disposal plan must identify the treatment and disposal locations, docket number and state permit number if the treatment and disposal facilities are located in the basin.

(C) The treatment and disposal plan must identify the treatment and disposal locations and the state permit number if the treatment and disposal facilities are outside the Basin.

(D) The treatment and disposal plan must include written evidence that the treatment and disposal facilities have all applicable state approvals.

(E) The treatment and disposal plan must include the contractual agreement or permit between the well pad project sponsor and the treatment and disposal facilities.

(F) Disposal at a UIC Program well within the Basin is allowed only if the docket holder of the UIC disposal well first obtains Commission approval pursuant to Section 7.6 below to accept flowback and production water.

### **Section 7.6. Wastewater Generated by Natural Gas Development.**

(a) *Approval Requirements.* Project sponsors of treatment and disposal facilities that propose to accept non-domestic natural gas wastewater at new or existing wastewater treatment facilities located in the Delaware River Basin are required to obtain approval from the Commission pursuant to Section 3.8 of the Compact prior to accepting any such wastewaters. Section 7.6 of these regulations applies to all project sponsors of wastewater treatment and disposal facilities. Sponsors of well pad projects generating natural gas development wastewater must comply with the wastewater requirements in Sections 7.5(h)(1)(iii)(C) and (D) of these regulations, and with Section 7.6, if they are also sponsors of wastewater treatment and disposal facilities.

(b) *Treatability Study.* If the proposed wastewater treatment and disposal facility is located in the Delaware River Basin, the project sponsor of the treatment and disposal facility must submit a treatability study. The treatability study must be prepared by a professional engineer, licensed to practice in the state in which the proposed discharge is located, and must demonstrate that the introduction of the non-domestic wastewater into the receiving treatment facility will not result in any interference in the treatment operations, or sludge treatment and disposal operations. In addition, the treatability study must also demonstrate that the resulting combined effluent will comply with the wastewater discharge and disposal permit requirements of the state in which the wastewater treatment facility is located and the approved docket of the Commission.

(c) *Ensuring non-exceedance of primary and secondary safe drinking water standards.* Consistent with the intent of Section 3.10.3.B.2. of the Commission's Water Quality Regulations (WQRs), all project sponsors, except for those that discharge to Zones 4, 5 & 6 of the Estuary, are required to conduct an analysis that demonstrates their proposed discharge will not result in basin waters being rejected for public water supply. Accordingly, the project sponsor must conduct an analysis that demonstrates the discharge of non-domestic natural gas wastewater does not result in an exceedance of the EPA's Primary & Secondary Standards for the following parameters: Total Dissolved Solids, Chloride, Strontium, Barium, Sulfate, Iron, Nitrite, Fluoride, Manganese, Zinc, Nitrate as N, Aluminum, Copper, Lead, Cyanide-Total, Chromium, Arsenic, Thallium, Selenium, Antimony, Silver, Cadmium, Beryllium, Mercury, gross-alpha, gross beta, pH, radium-226 + radium-228 and uranium. Additional parameters to be included in this analysis may be specified by the Executive Director.

(d) *Effluent limitations and stream quality objectives for discharges to Zones 2-6.* All project sponsors that discharge to Zones 2-6 of the Delaware Estuary are required to submit an analysis that demonstrates their proposed discharge is in compliance with the applicable

basin-wide effluent limitations found in Section 3.10.4, the basin-wide stream quality objectives found in Section 3.10.3.B. and the zone specific stream quality objectives found in Section 3.30 of the WQRs, including the applicable portions of Tables 3, 4, 5, 6 & 7.

(e) *Basin-wide effluent limitations and stream quality objectives.* All project sponsors, except for those that discharge to Zones 2-6, are required to submit an analysis that demonstrates their proposed discharge is in compliance with the applicable basin-wide effluent limitations found in Section 3.10.4, the basin-wide stream quality objectives found in Section 3.10.3.B of the WQRs, and the following stream quality objective:

(1) Toxic Substances.

(i) The toxicity in non-tidal Basin waters must not exceed 0.3 Toxic Units (acute), except in small mixing areas near outfall structures that may be established by the Commission.

(ii) For non-tidal portions of the basin, a mixing zone must meet the following requirements:

(A) The dimension of the mixing area shall be limited to the more stringent of:

(1) A distance of 50 times the discharge length scale in any direction from the outfall structure, or

(2) A distance of 5 times the local water depth in any direction from the outfall structure.

(B) Must not be located in areas which are or could be occupied by a species absent the toxic effect of pollutants; and which have those physical, chemical and biological features which are essential to the conservation and maintenance of the Delaware River Basin population. The Commission will identify and determine such areas. Such determinations shall consider the spatial and temporal requirements of the species including critical life stages. Determinations shall be governed by the Commission's Rules of Practice and Procedure relating to review, hearing and decisions of objections thereto.

(C) Mixing areas will not be established where effluent flows over exposed benthic habitat prior to mixing with the receiving waters.

(D) A zone of passage for free-swimming and drifting organisms equal to 50% of the surface width of the stream at the location of the discharge must be provided.

(E) Upon the request of one or more dischargers, the Executive Director may consider requests for alternatives to the requirements of Subsections (A) through (D) above. Such requests must provide a demonstration that the alternative requested will not adversely impact free-swimming and drifting organisms, and be supported by a sound rationale and substantial scientific data and analysis.

(iii) The toxicity in non-tidal Basin waters must not exceed 1.0 Toxic Units (chronic).

(iv) For the purposes of determining compliance with the requirements of this section for acute and chronic toxicity, the duration of exposure of aquatic organisms must be one hour for acute toxicity and four days for chronic toxicity.

(f) *Basin-wide Total Dissolved Solids (TDS) Stream Quality Objective.* All project sponsors, except for those discharging to Zones 5 & 6 of the Estuary are required to submit an analysis that demonstrates their proposed discharge is in compliance with the TDS stream quality objective.

(1) The concentration of TDS must not exceed 133% of background (Section 3.10.3.B.1.b. of the WQRs), and in no cases may it exceed 500 mg/l (Section 3.10.3.B.2. of the WQRs). This requirement is applied Basin-wide, except for Zones 5 & 6 of the Estuary.

(2) Background TDS must be established by using the observed concentration of TDS during low flow conditions (Q7-10) or, in the absence thereof, an estimate acceptable to the Commission (Section 3.10.6.G. of the WQRs). The Commission has established background conditions for TDS in several locations throughout the Basin. The project sponsor must confirm with Commission staff the appropriate background TDS concentration prior to submittal of a project application.

(g) *Wastewater Imports.* Basin waters have limited assimilative capacity and limited capacity to accept conservative substances without significant impacts. It is the policy of the Commission to discourage the importation of wastewater into the Basin that would significantly reduce the assimilative capacity of the receiving stream on the basis that the ability of Basin streams to accept wastewater discharges should be reserved for users within the Basin (Section 2.30.2 of the Water Code). Non-domestic natural gas wastewater may only be imported into the Basin after approval by the Commission in accordance with Section 2.30 of the Water Code.

(h) *Underground Injection Control.* Any entity proposing to construct an underground injection well, for the disposal of non-domestic natural gas wastewater must obtain Section 3.8 approval from the Commission (Section 3.40 of WQR).

#### **Appendix: Wording of Financial Assurance Instruments**

(i) *Surety Bond.*

1. A surety bond guaranteeing payment into a trust fund, as specified in Section 7.3(k)(12), must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

*Financial Guarantee Bond*

Date bond executed:

Effective date:

Principal: [legal name and business address of project sponsor]

Type of Organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety(ies): [name(s) and business address(es)]

Facilities Covered: [RBC Docket Number, name, address and amount(s) for each facility guaranteed by this bond]:

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Delaware River Basin Commission (hereinafter "DRBC or Commission), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint

action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability must be the full amount of the penal sum.

Whereas said Principal is required, under the Delaware River Basin Compact and its implementing regulations, to secure DRBC approval in the form of a docket or, if available, an approval by rule (ABR), in order to undertake a project regarding each well pad identified above and all natural gas wells situated or to be situated on such pad, and

Whereas said Principal is required to provide financial assurance for closure, or closure and remediation, as a condition of the docket, or ABR, and

Whereas said Principal must establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal must faithfully, before the beginning of final closure of each facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

Or, if the Principal must provide alternate financial assurance, as specified in Section 7.3(k), and obtain the Executive Director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Executive Director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Executive Director or designee that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) must place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Executive Director.

The liability of the Surety(ies) must not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Executive Director, provided, however, that cancellation must not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Executive Director, as evidenced by the return receipts and must not be valid unless the Principal has provided alternate financial assurance as specified in Section 7.3(k) and obtained the Executive Director's written approval of such assurance.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice must become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Executive Director.

[The following paragraph is an optional rider that may be included but is not required.]

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure and remediation amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Executive Director.

In Witness Whereof, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Section 7.3(k) and Section (i) of this Appendix, as such regulations were constituted on the date this bond was executed.

Principal

[Signature(s)] \_\_\_\_\_

[Name(s)] \_\_\_\_\_

[Title(s)] \_\_\_\_\_

[Corporate seal] \_\_\_\_\_

Corporate Surety(ies)

[Name and address]

State of incorporation: \_\_\_\_\_

Liability limit: \$ \_\_\_\_\_

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ \_\_\_\_\_

2. A surety bond guaranteeing performance of closure and/or remediation, as specified in Section 7.3(k), must be worded as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

*Performance Bond*

Date bond executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: [legal name and business address of project sponsor]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: \_\_\_\_\_

Surety(ies): [name(s) and business address(es)]

Facilities Covered: [DRBC Docket Number, State Permit Number, name, address, and amount(s) for each facility guaranteed by this bond: \_\_\_\_\_ ]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the Delaware River Basin Commission (hereinafter "DRBC), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and sever-



ally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability must be the full amount of the penal sum.

Whereas said Principal is required under the Delaware River Basin Compact and its implementing regulations to secure DRBC approval in the form of a docket or, if available, an approval by rule (ABR) in order to undertake a project regarding each natural gas well identified above, and

Whereas said Principal is required to provide financial assurance for plugging and abandonment, and restoration of the natural gas well, well pad site and associated equipment and structures, as specified in Section 7.3(k) as a condition of the docket or ABR, and

Whereas said Principal must establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, Therefore, the conditions of this obligation are such that if the Principal must faithfully perform closure and remediation, whenever required to do so, of each facility for which this bond guarantees closure or remediation, in accordance with requirements of the docket, or approval by rule (ABR) as such docket, or ABR may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal must provide alternate financial assurance as specified in Section 7.3(k), and obtain the Executive Director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Executive Director from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Executive Director or designee that the Principal has been found in violation of the requirements of Section 7.3(k), for a facility for which this bond guarantees performance, the Surety(ies) must either perform in accordance with the docket requirements or place the amount guaranteed for the facility into the standby trust fund as directed by the Executive Director.

Upon notification by the Executive Director that the Principal has failed to provide alternate financial assurance as specified in Section 7.3(k), and obtain written approval of such assurance from the Executive Director during the 90 days following receipt by both the Principal and the Executive Director of a notice of cancellation of the bond, the Surety(ies) must place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Executive Director.

The surety(ies) hereby waive(s) notification of amendments to closure plans, permits, dockets, applicable laws, statutes, rules, and regulations and agrees that

no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) must not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments must amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Executive Director, provided, however, that cancellation must not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Executive Director, as evidenced by the return receipts and shall not be valid unless the Principal has provided alternate financial assurance as specified in Section 7.3(k) and obtained the Executive Director's written approval of such assurance.

The principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Executive Director.

[The following paragraph is an optional rider that may be included but is not required.]

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Executive Director.

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Section 7.3(k)(12) and section (i) of this Appendix as such regulation was constituted on the date this bond was executed.

Principal

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate seal]

Corporate Surety(ies)

[Name and address]

State of incorporation: \_\_\_\_\_

Liability limit: \$ \_\_\_\_\_

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ \_\_\_\_\_

(ii) *Letter of Credit.*



A letter of credit, as specified in Section 7.3(k)(13) of this Section, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

*Irrevocable Standby Letter of Credit*

Executive Director

Delaware River Basin Commission

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor, at the request and for the account of [sponsor's name and address] up to the aggregate amount of [in words] U.S. dollars \$ \_\_\_\_\_, available upon presentation of

(1) your sight draft, bearing reference to this letter of credit no. \_\_\_\_\_, and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Delaware River Basin Compact."

This letter of credit is effective as of [date] and shall expire on [date at least 1 year later], but such expiration date shall be automatically extended for a period of [at least 1 year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [sponsor's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date and the Principal has provided alternate financial assurance as specified in Section 7.3(k) and obtained the Executive Director's written approval of such assurance. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [project sponsor's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [project sponsor's name] in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Section 7.3(k)(13) and section (ii) of this Appendix as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution] [Date]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," and "the Uniform Commercial Code"].

(iii) *Trust Fund.*

A trust agreement for a trust fund, as specified in Section 7.3(k)(14), must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

*Trust Agreement*

Trust Agreement, the "Agreement," entered into as of [date] by and between [name of the owner or operator], a [name of State] [insert "corporation," "partnership," "association," or "proprietorship"], the

"Grantor," and [name of corporate trustee], [insert "incorporated in the State of \_\_\_\_\_" or "a national bank"], the "Trustee."

Whereas, the Delaware River Basin Commission (DRBC), a federal interstate compact agency, has established certain regulations applicable to the Grantor, requiring that the sponsor of a natural gas well project must provide assurance that funds will be available when needed for closure of the natural gas well, well pad and associated structures and land disturbance and any required remediation,

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the well pads and wells identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, Therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the project sponsor who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Facilities. This Agreement pertains to the facilities identified on attached Schedule A [on Schedule A, for each facility list the number of the state permits and DRBC dockets or approvals by rule approving the facilities and the location of the well pads and wells, for which financial assurance is demonstrated by this Agreement].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of DRBC. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund must be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by DRBC.

Section 4. Payment for Covered Activities. The Trustee must make payments from the Fund as the Executive Director shall direct, in writing, to provide for the payment of the costs covered by this Agreement. The Trustee must reimburse the Grantor or other persons as specified by the Executive Director from the Fund for covered expenditures in such amounts as the Executive Director shall direct in writing. In addition, the Trustee must refund to the Grantor such amounts as the Executive Director specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund must consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee must invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee must discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

- (i) Securities or other obligations of the Grantor, or any other sponsor, owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), must not be acquired or held, unless they are securities or other obligations of the Federal or a State government;
- (ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and
- (iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

- (i) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and
- (ii) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

- (a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;
- (b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to

combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee must at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund must be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee must be paid from the Fund.

Section 10. Annual Valuation. The Trustee must annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the DRBC Executive Director a statement confirming the value of the Trust. Any securities in the Fund must be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the DRBC Executive Director shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee must be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the ap-

pointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee must specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Executive Director, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section must be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee must be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee must be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the Executive Director to the Trustee shall be in writing, signed by the Executive Director or her designee(s), and the Trustee must act and must be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee must have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or DRBC hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or DRBC, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee must notify the Grantor and the Executive Director, by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Executive Director, or by the Trustee and the Executive Director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Executive Director, or by the Trustee and the Executive Director, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, must be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee must not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Executive Director issued in accordance with this Agreement. The Trustee must be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability

to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement must be administered, construed, and enforced according to the laws of the State in which the natural gas well is located.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof, the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written: The parties below certify that the wording of this Agreement is identical to the wording specified in Section 7.3(k)(14) and section (iii) of this Appendix as such regulations were constituted on the date first above written.

[Signature of Grantor]

[Title]

Attest:

[Title]

[Seal]

[Signature of Trustee]

Attest:

[Title]

[Seal]

The following is an example of the certification of acknowledgment which must accompany the trust agreement for a trust fund as specified in Section 7.3(k)(14). State requirements may differ on the proper content of this acknowledgment.

State of \_\_\_\_\_

County of \_\_\_\_\_

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such A corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]

Dated: February 1, 2011

PAMELA M. BUSH,  
Secretary

*Fiscal Note:* Fiscal Note 68-56. No fiscal impact; (8) recommends adoption.



**Annex A****TITLE 25. ENVIRONMENTAL PROTECTION****PART V. DELAWARE RIVER BASIN COMMISSION****CHAPTER 901. GENERAL PROVISIONS****§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A ([ 2008 ] 2011) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 ([ 2008 ] 2011) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 11-376. Filed for public inspection March 4, 2011, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGING

### Redesignation of Area Agency on Aging for Clarion County; Final Decision Regarding Redesignation

The Secretary of the Department of Aging (Department), under authority of sections 2201-A—2212-A of The Administrative Code of 1929 (71 P. S. §§ 581-1—581-12), in conformity with the Older Americans Act of 1965 (42 U.S.C.A. §§ 3001—3058e) and in accordance with 6 Pa. Code Chapter 30 (relating to designation and redesignation of area agencies on aging), has made a final decision regarding the redesignation of the area agency on aging serving planning and service area No. 49, which has the same boundaries as Clarion County, as follows:

*From:* Area Agency on Aging for the County of Clarion, 12 Grant Street, Clarion, PA 16214.

*To:* Clarion Area Agency on Aging, Inc., 12 Grant Street, Clarion, PA 16214.

On July 16, 2010, the Department received a formal request from the Chair of the Office of Commissioners for Clarion County to redesignate the Area Agency on Aging from its current county structure to a nonprofit organization. The Board of Commissioners unanimously approved a resolution in favor of this request at its June 22, 2010, meeting.

One public hearing on the redesignation was held on December 1, 2010, at 12 Grant Street, Clarion, PA. A transcript of this hearing is available for inspection at the Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101. Hearing testimony included statements from a County Commissioner, President of the Advisory Council and the Chairperson for the Northwest Regional Council on Aging, the Executive Director of the Clarion/Forest Visiting Nurses Association, and a consumer from the affected community. The testimony was fully in favor of the redesignation and no major concerns were raised by members of the public in terms of the redesignation.

On December 30, 2010, after considering the impact of redesignation on the provision of services in the planning and service area, testimony offered at the public hearing, the current area agency on aging's support of the redesignation, the reasons cited by the Office of Commissioners in making the request for redesignation, and other information obtained from the existing agency and proposed new agency, the Secretary notified the three County Commissioners and the current agency of a preliminary decision to redesignate the nonprofit corporation as the area agency on aging effective July 1, 2011. The current area agency on aging did not request an adjudicatory hearing to challenge this preliminary decision, as it supports the redesignation. The board of directors of the new nonprofit agency submitted an impact statement to the Department that details its readiness for the transition, including filing Articles of Incorporation and applying for tax-exempt status, as well as making arrangements regarding contracts, staffing and information technology that will ensure that there is no disruption in service delivery for the older adults in the planning and service area. The impact statement also provides assurances that the agency is prepared to com-

ply with personnel policy and fiscal requirements applicable to nonprofit area agencies on aging.

Therefore, the Secretary publishes this final decision redesignating the Area Agency on Aging for Clarion to Clarion Area Agency on Aging, Inc.

This order shall be effective July 1, 2011.

RAYMOND PRUSHNOK,  
*Acting Secretary*

[Pa.B. Doc. No. 11-377. Filed for public inspection March 4, 2011, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Referendum Order on Continuation of the Pennsylvania Potato Research Program

I. The Pennsylvania Potato Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers every five years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 2006. It is now time for another review referendum to determine whether a majority of the potato producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be April 4, 2011 until 4:00 p.m. on April 18, 2011. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4:00 p.m. on April 18, 2011. Ballots that are mailed must be postmarked no later than April 18, 2011 and received no later than April 22, 2011.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 28, 2011, to all affected producers whose names appear on the list of Pennsylvania potato growers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is April 4, 2011. All potato producers who produced or grew five (5) or more acres of potatoes within Pennsylvania in calendar year 2010 for sale or marketing are eligible to vote on the referendum if they confirm, in the voting ballot, that they intend to produce or grow five (5) or more acres of potatoes within Pennsylvania in calendar year 2011 for sale or marketing.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will

begin at 10:00 a.m., Friday, April 29, 2011 in the State Agriculture Building, Harrisburg, Pennsylvania. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and *Harrisburg Patriot*, and disseminated to the news media.

VI. *Reporting Irregularities*: Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication*: This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot*.

VIII. *Effective Date*: The foregoing order shall be effective immediately.

GEORGE D. GREIG,  
*Acting Secretary*

[Pa.B. Doc. No. 11-378. Filed for public inspection March 4, 2011, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 15, 2011.

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

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-9-2011	Northwest Savings Bank Warren Warren County	2000 North Flamingo Road Pembroke Pines Broward County, FL	Filed
2-9-2011	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Filed
2-9-2011	Northwest Savings Bank Warren Warren County	1609 East Sunrise Boulevard Fort Lauderdale Broward County, FL	Filed
2-10-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cinnaminson Acme 1103 Route 130 South Cinnaminson Burlington County, NJ	Approved
2-10-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Moorestown Acme 350 Young Avenue Moorestown Burlington County, NJ	Approved
2-10-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Limerick Acme 31 West Ridge Pike Limerick Montgomery County	Approved
2-11-2011	Graystone Tower Bank Lancaster Lancaster County	Westgate Plaza 309 Lancaster Avenue Frazer Chester County	Filed
2-11-2011	Graystone Tower Bank Lancaster Lancaster County	1109 East Baltimore Pike Kennett Square Chester County	Filed



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-11-2011	Graystone Tower Bank Lancaster Lancaster County	849 West Baltimore Pike West Grove Chester County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**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.

PAUL WENTZEL,  
*Acting Secretary*

[Pa.B. Doc. No. 11-379. Filed for public inspection March 4, 2011, 9:00 a.m.]

**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 22, 2011.

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

**BANKING INSTITUTIONS****Section 112 Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-16-2011	PTC 450 Ltd. and its individual shareholders  Application for approval to acquire 100% of the common stock of ISP Parker Hunter Corp. and thereby acquire 100% of the common stock of The Pennsylvania Trust Company, Radnor.	Approved
2-18-2011	Philip A. Nisbet, Anthony Giordano, Joseph A. Auteri, Francine Carb, Richard Eknoian, Ran Korolik, Richard O. Lindsey and Pamela Porter  Application for approval to collectively acquire up to 24.9% of the common stock of Colonial American Bank, Horsham.	Approved

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-18-2011	ACNB Bank Gettysburg Adams County	245A North Main Street Spring Grove York County	Approved
2-18-2011	First Keystone Community Bank Berwick Columbia County	463 West Main Street Plymouth Luzerne County	Approved

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-17-2011	ACNB Bank Gettysburg Adams County	<i>Into:</i> 39 Carlisle Road Newville Cumberland County  <i>From:</i> 1 West Big Spring Avenue Newville Cumberland County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
2-18-2011	New Century Bank Phoenixville Chester County	Filed

Amendment to the institution's Articles of Incorporation changes the name of the institution to "Customers Bank," increases the number of authorized shares of the institution's common stock, and designates the terms of Class B Non-Voting Common Stock.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-7-2010	Freedom Credit Union Warminster Bucks County	1440 Old York Road Abington Montgomery County	Opened

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.

PAUL WENTZEL,  
*Acting Secretary*

[Pa.B. Doc. No. 11-380. Filed for public inspection March 4, 2011, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### State Small Business Credit Initiative; Request for Qualifications

The Department of Community and Economic Development announces the availability of a Request for Qualifications (RFQ) for the State Small Business Credit Initiative (SSBCI), a component of the Federal Small Business Jobs Act of 2010. The SSBCI was developed to strengthen programs in this Commonwealth that support lending to small businesses. The Commonwealth is seeking innovative proposals to deploy these funds in a way that will help meet the financing needs of small businesses that presently are not being met by public and private lenders. Because of tight credit markets, more stringent underwriting standards and other economic factors, many small

businesses have experienced difficulties in accessing the capital they need to both maintain operations and to grow their businesses. The Commonwealth intends to utilize the Federal funds to fill financing gaps in the most efficient and effective manner possible. Assistance from SSBCI is in the form of grants from the Commonwealth to eligible organizations for credit support programs that conform to the eligibility criteria detailed in the RFQ.

Inquiries and requests for the SSBCI RFQ should be directed to the Department of Community and Economic Development, Center for Business Financing, Performance Monitoring and Entrepreneurial Assistance Division, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 720-7423, [jiwiest@state.pa.us](mailto:jiwiest@state.pa.us).

C. ALAN WALKER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-381. Filed for public inspection March 4, 2011, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061549 (Sewage)	Cherry Hill Mobile Home Court Mangs Road Honesdale, PA 18431	Wayne County Cherry Ridge Township	Middle Creek (1-B)	Y
PA0063401 (Sewage)	Monteforte Enterprises, Inc. Intersection SR 848 & I-81 New Milford, PA 18834	Susquehanna County New Milford Township	Unnamed Tributary to Nine Partners Creek (4-F) CWF	Y



NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0064327 (Industrial Waste)	B.S. Quarries, Inc. Silver Lake Saw Shop R. R. 3, P. O. Box 324A-1 Montrose, PA 18801	Susquehanna County Silver Lake Township	Unnamed Tributary to Silver Creek (04E)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0246999— Sew (w/Transfer)	David R. Marshall 7886 Lincoln Way West	Franklin County / St. Thomas Township	UNT Campbell Run / 13-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0001872	Saint Gobain Containers Inc. 1 Glass Place Port Allegheny, PA 16743	McKean County Port Allegheny Borough	Allegheny River 16-C	Y
PA0238520	Moraine Trails Council BSA 830 Morton Avenue Ext. Butler, PA 16001	Butler County Slippery Rock Township	Unnamed tributary to Slippery Rock Creek 20-C	Y
PA0032468	PA DCNR Cook Forest State Park P. O. Box 120 Cooksburg, PA 16217	Forest County Barnett Township	Clarion River 17-B	Y
PA0100048	Spectrum Control Inc. 8061 Avonia Road Fairview, PA 16415	Erie County Fairview Township	Unnamed tributary to Brady Run 15	Y

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

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

**PA0056804**, Industrial Waste, SIC 4941, **Forest Park Water (North Penn and North Wales Water Authorities)**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Chalfont Borough, **Bucks County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge treated process wastewater from a water filtration plant to Pine Run. This permit amendment includes revised effluent limits for Total Residual Chlorine based on a site-specific Chlorine Demand Study.

The receiving stream, Pine Run, is in the State Water Plan watershed 2F-Neshaminy and is classified for: TSF, MF. The nearest downstream public water supply intake for Aqua PA is located on Neshaminy Creek.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 1.3-mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Suspended Solids			30	60	75
Total Residual Chlorine			0.35		0.82
pH	Within limits of 6.0 to 9.0 standard units at all times				
Aluminum, total			1.0	2.0	2.5
Iron, total			2.0	4.0	5.0
Manganese, total			1.0	2.0	2.5
Phosphorus as P			2.0	4.0	5.0
Chloroform			Report	Report	Report
Dichlorobromomethane			Report	Report	Report
Chlorodibromomethane			Report	Report	Report

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

1. Remedial Measures if Unsatisfactory Effluent
2. BAT/BCT standards
3. Change of Ownership
4. Chlorine Minimization
5. Proper Sludge Disposal
6. Additional Sampling
7. Laboratory Certification

**PA0056766**, SIC Code 4581, **City of Philadelphia Department of Commerce—Division Of Aviation**, Terminal E, Philadelphia, PA 19153. Facility Name: Philadelphia International Airport. This existing facility is located in City of Philadelphia, **Philadelphia County**.

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

The receiving stream(s), Delaware River and Mingo Creek, is located in State Water Plan watershed 3F and is classified for Warm Water Fishes, Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)				
Dec 1 - Jun 30	Report			
pH (S.U.)				
Dec 1 - Jun 30		6.0		9.0
CBOD <sub>5</sub>				
Dec 1 - Jun 30			Report	
Chemical Oxygen Demand				
Dec 1 - Jun 30			Report	
Total Suspended Solids				
Dec 1 - Jun 30			Report	
Oil and Grease				
Dec 1 - Jun 30			Report	
Nitrate-Nitrite as N				
Dec 1 - Jun 30			Report	
Ammonia-Nitrogen				
Dec 1 - Jun 30			Report	
Total Kjeldahl Nitrogen				
Dec 1 - Jun 30			Report	
Total Phosphorus				
Dec 1 - Jun 30			Report	
Total Iron				
Dec 1 - Jun 30			Report	
Total Potassium				
Dec 1 - Jun 30			Report	
Acetic Acid				
Dec 1 - Jun 30			Report	
Ethylene Glycol				
Jan 1 - Jun 30			Report	
Propylene Glycol				
Dec 1 - Jun 30			Report	
Urea				
Dec 1 - Jun 30			Report	

The proposed effluent limits for Outfall 003 are based on stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)				
Dec 1 - Jun 30	Report			
pH (S.U.)				
Dec 1 - Jun 30		6.0		9.0
CBOD <sub>5</sub>				
Dec 1 - Jun 30			Report	
Chemical Oxygen Demand				
Dec 1 - Jun 30			Report	

## NOTICES

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Total Suspended Solids Dec 1 - Jun 30			Report	
Oil and Grease Dec 1 - Jun 30			Report	
Nitrate-Nitrite as N Dec 1 - Jun 30			Report	
Ammonia-Nitrogen Dec 1 - Jun 30			Report	
Total Kjeldahl Nitrogen Dec 1 - Jun 30			Report	
Total Phosphorus Dec 1 - Jun 30			Report	
Total Iron Dec 1 - Jun 30			Report	
Total Potassium Dec 1 - Jun 30			Report	
Acetic Acid Dec 1 - Jun 30			Report	
Ethylene Glycol Dec 1 - Jun 30			Report	
Propylene Glycol Dec 1 - Jun 30			Report	
Urea Dec 1 - Jun 30			Report	

The proposed effluent limits for Outfall 004 are based on a stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD) Dec 1 - Jun 30	Report			
pH (S.U.) Dec 1 - Jun 30		6.0		9.0
CBOD <sub>5</sub> Dec 1 - Jun 30			Report	
Chemical Oxygen Demand Dec 1 - Jun 30			Report	
Total Suspended Solids Dec 1 - Jun 30			Report	
Oil and Grease Dec 1 - Jun 30			Report	
Nitrate-Nitrite as N Dec 1 - Jun 30			Report	
Ammonia-Nitrogen Dec 1 - Jun 30			Report	
Total Kjeldahl Nitrogen Dec 1 - Jun 30			Report	
Total Phosphorus Dec 1 - Jun 30			Report	
Total Iron Dec 1 - Jun 30			Report	
Total Potassium Dec 1 - Jun 30			Report	
Acetic Acid Dec 1 - Jun 30			Report	
Ethylene Glycol Dec 1 - Jun 30			Report	
Propylene Glycol Dec 1 - Jun 30			Report	
Urea Dec 1 - Jun 30			Report	

The proposed effluent limits for Outfall 005 are based on a stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD) Dec 1 - Jun 30	Report			
pH (S.U.) Dec 1 - Jun 30		6.0		9.0
CBOD <sub>5</sub> Dec 1 - Jun 30			Report	
Chemical Oxygen Demand Dec 1 - Jun 30			Report	
Total Suspended Solids Dec 1 - Jun 30			Report	
Oil and Grease Dec 1 - Jun 30			Report	
Nitrate-Nitrite as N Dec 1 - Jun 30			Report	
Ammonia-Nitrogen Dec 1 - Jun 30			Report	
Total Kjeldahl Nitrogen Dec 1 - Jun 30			Report	
Total Phosphorus Dec 1 - Jun 30			Report	
Total Iron Dec 1 - Jun 30			Report	
Total Potassium Dec 1 - Jun 30			Report	
Acetic Acid Dec 1 - Jun 30			Report	
Ethylene Glycol Dec 1 - Jun 30			Report	
Propylene Glycol Dec 1 - Jun 30			Report	
Urea Dec 1 - Jun 30			Report	

The proposed effluent limits for Outfall 101 are based on a stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average</i>	<i>Instant. Maximum</i>
Oil and Grease				30
TRPH				30

The proposed effluent limits for Outfall 201 are based on a stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average</i>	<i>Instant. Maximum</i>
Oil and Grease				30
TRPH				30

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

1. Remedial Measures
2. Property Rights
3. Change of Ownership
4. Sludge Disposal
5. Stormwater Runoffs
6. Tank Bottom Water
7. Definitions
8. Site Specific BMPs
9. Laboratory Certification
10. Requirements for stormwater outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.



Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

**PA0009270**, Industrial Waste, SIC Code 2047, **Del Monte Corp**, 6670 Lowe Street, Bloomsburg, PA 17815-8613. Facility Name: Del Monte Bloomsburg Plant. This existing facility is located in South Centre Township, Columbia County.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 5-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
BOD <sub>5</sub>	754	1,507	XXX	Report	XXX	565
Total Suspended Solids	917	1,833	XXX	Report	XXX	687
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen	Report	Report	XXX	7.8	13.3	19.5
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual*		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)*	Report	30,639			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)*	Report	1,449			

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's 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, 2013. 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, 2014. 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, 2013.

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

1. Compliance schedule for PART A I;
2. Chesapeake Bay Nutrient Requirements
3. Other Requirements
  - a. The right to require operation and/or construction changes, when necessary, to produce an acceptable discharge
  - b. Requires proper disposal of sludge
4. Chemical Additives

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

The EPA Waiver is not in effect.

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**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law**


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

**WQM Permit No. 5011401**, Sewerage, **Newport Borough Municipal Authority of Perry County Pennsylvania**, 231 Market Street, Newport, PA 17074.

This proposed facility is located in Newport Borough, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for reconstruction of the wastewater treatment plant with new equipment to meet the Chesapeake Bay Tributary Strategy.

**WQM Permit No. 0511401**, Sewerage, **Officer's Christian Fellowship**, 4499 Milligans Cove Road, Manns Choice, PA 15550.

This proposed facility is located in Harrison Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a wastewater treatment plant to serve the Heritage House—White Sulphur Springs.

**WQM Permit No. 2802402, Transfer No. 1**, Sewerage, **David Marshall**, 7886 Lincoln Way West, St. Thomas, PA 17252.

This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for transfer of permit.

**WQM Permit No. 2110408**, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to pumping stations 3, 17 and 18.

**WQM Permit No. 2805402, Amendment 11-1**, Sewerage, **Quincy Township Sewer Authority**, 7575 Mentzer Gap Road, Waynesboro, PA 17268.

This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the proposed design modification, replacement of BioWheels with high-efficiency air diffusers) to the biological treatment processes at the existing WWTP.

**WQM Permit No. 3103401, Amendment 11-1**, Sewerage, **Alexandria Borough—Porter Township Joint Municipal Authority**, PO Box 113, Alexandria, PA 16611-0113.

This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking permit approval for amendments to their existing plant.

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

**WQM Permit No. 0307201-A2**, Industrial Waste, **GenOn Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317

This existing facility is located in Plumcreek Township, **Armstrong County**

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

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from 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>
PAS10-G410-R2	Pulte Homes of Pennsylvania, Inc. 1100 Northbrook Drive, Ste 200 Trevose, PA 19053	Chester	East Goshen Township	Ridley Creek (HQ)
PAI01 461101	Redevelopment Authority of Montgomery County 104 West Main Street, Ste 2 Norristown, PA 19401	Montgomery	Norristown Municipality	Schuylkill River (CWF-MF)

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

*Lehigh County Conservation District: Lehigh County Agricultural Center, 4184 Dorney Park Rd., Ste. 102, Allentown, PA 18104, 610-391-9583.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911003	Lehigh Valley Animal Hospital David Ferrari 6350 Tilghman St. Allentown, PA 18106	Lehigh	Upper Macungie Twp.	Iron Run, HQ-CWF, MF
PAI023909009(2)	Lehigh County Community College Donald Snyder 4525 Education Park Dr. Schnecksville, PA 18078	Lehigh	North Whitehall Twp.	Unnamed Tributary To Jordan Creek, HQ-CWF, MF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024810016	Monocacy Heights, L.P. Jim Faust 4562 Steuben Rd. Bethlehem, PA 18020	Northampton	Plainfield Twp.	Little Bushkill Creek, HQ-CWF, MF

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041411003	Patrick Hubert Patton Township 100 Patton Plaza State College, PA 16803	Centre	Patton Township	Buffalo Run HQ-CWF

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055610004	Big Savage, LLC 44 East 30th Street, 10th floor New York, NY 10016	Somerset	Greenville, Larimer, Northampton & Southampton Townships	Laurel Run (EV/HQ-CWF) Gladdens, Mountain & UNTB to Wills Creek (HQ-WWF) Jennings Run & Flaugherty Creek (CWF)

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


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR**  
**NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille

or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Donald Martin 331 Greble Rd Lebanon PA 170146	Lebanon	90.2	333.74	Poultry and beef	NA	Renewal
Barry Wilcher 920 Matterstown Road Millersburg PA 17061	Dauphin	43.4	332	Layers and horses	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 2311501**, Public Water Supply Applicant **Aqua Pennsylvania, Inc.**

Township Aston  
 County **Delaware**  
 Responsible Official Joseph Thurwanger  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility PWS  
 Consulting Engineer Aqua Services, Inc.  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Application Received Date January 5, 2011  
 Description of Action Installation of a duplex underground inline booster station to increase pressure in a residential neighborhood.

**Application No. 1510523**, Public Water Supply Applicant **Pennsylvania American Water Company**  
 Borough Borough of Parksburg  
 County **Chester**  
 Responsible Official David Kaufman  
 800 West Hershey Park Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Ebert Engineering, Inc.  
 4092 Skippack Pike  
 Skippack, PA 19474  
 Application Received Date November 10, 2010  
 Description of Action Construction of the Parke Mansion Water Booster Pump Station.

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

**Application No. 5811501**, Public Water Supply Applicant **First Ward Action Council Inc.**  
**Choconut Creek Apartments**



[Township or Borough] Choconut Township,  
Susquehanna Co

Responsible Official Jerry Willard  
167 Clinton Street  
Binghamton, NY 13905

Type of Facility Public Water Supply

Consulting Engineer Reilly Associates  
Jeremy Nelson, PE.  
49 South Main Street  
Suite 200  
Pittston, PA 18640

Application Received Date January 6, 2011

Description of Action This project provides for the construction of a water system to serve a 24 unit senior housing complex. The water system consists of a well, manganese removal, chlorine disinfection and storage.

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

**Application No. 5811502**, Public Water Supply.

Applicant **Lazy Brook Mobile Home Park**  
Ester Homily  
Lawsville Center, PA 18801

[Township or Borough] Liberty Township, Susquehanna Co.

Responsible Official Ester Homily  
31 Lincoln Avenue  
Montrose, PA. 18801

Type of Facility Public Water Supply

Consulting Engineer James P. Sposito Associates  
Daniel Rickard, PE  
11 Archbald Street  
Carbondale, PA 18407

Application Received Date February 8, 2011

Description of Action This project provides for the installation of (2) 2,500 gallon storage tanks and a submersible booster pump to provide additional chlorination contact time for compliance with the Ground Water Rule.

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

**Application No. 1411502—Construction** Public Water Supply.

Applicant **Bellefonte Borough Authority**

[Township or Borough] Spring Township

County **Centre**

Responsible Official Ralph Stewart, Manager  
Bellefonte Borough Authority  
236 West Lamb Street  
Bellefonte, PA 16823

Type of Facility Public Water Supply

Consulting Engineer Eric S. Lundy  
Nittany Engineering & Assoc.,  
LLC  
2836 Earlstown Road, Suite 1  
Centre Hall, PA 16828

Application Received February 16, 2011

Description of Action A distribution system, water storage tank & booster pump station for a subdivision to be added to their existing distribution station near the intersection of Lutz Road and Zion Road.

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

**Application No. 2511503**, Public Water Supply

Applicant **Fairview Township Water & Sewer Authority**

Township or Borough Fairview Township, **Erie County**

Responsible Official John R. Agnello, Manager

Consulting Engineer Mark J. Corey, PE  
Mark J. Corey & Associates  
PO Box 268  
Harborcreek, PA 16421

Application Received Date 02-14-2011

Description of Action Construction of new PWS water well (Well #7), transmission line, disinfection & related control instrumentation.

**Application No. 6111501**, Public Water Supply

Applicant **Pleasantville Borough**

Township or Borough Pleasantville Borough/Oil Creek Township, **Venango County**

Responsible Official Harold R. Jackson, Jr.  
Borough Council President

Consulting Engineer Arthur M. Kuholski, PE  
Lake Engineering  
140 Meadville Street  
Edinboro, PA 16412-2508

Application Received Date 02-14-2011

Description of Action Improvements to the Cemetery-School Waterline, and Fieldmore Pump Station.

**MINOR AMENDMENT**

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

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

**Application No. 1311501MA**

Applicant **Summit Hill Water Authority**

[Township or Borough] Summit Hill Borough  
**Carbon County**

Responsible Official Patrick Kane, President  
Summit Hill Water Authority  
40 West Amidon Street  
Summit Hill, 18250

Type of Facility Community Water System

Consulting Engineer R. Michael Tirpak, II, PE  
Carbon Engineering, Inc.  
350 North Pine Street  
Summit Hill, PA 18250  
570-645-9545

Application Received Date February 9, 2011

Description of Action Application for installation of a chemical feed for disinfection at the Well No. 3 well house.

invited to submit statements to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

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

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Biosolids Individual Permits (PABIG and PABIS)**

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Baltimore, MD	PAG07-9907	Synagro-WWT, Inc.	Synagro-Baltimore LLC 8201 Eastern Boulevard Baltimore, MD 21224	BWSFR 717-787-8184

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional

office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Muncy Valley Hospital**, Muncy Creek Township, **Lycoming County**. Converse Consultants, 2738 W. College Ave., State College, PA 16801 on behalf of Susquehanna Health Systems, 215 E. Water St., Muncy, PA 17756 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will be for residential or non-residential use of the hospital.

**Former Knight Celotex Site**, City of Sunbury, **Northumberland County**. Marks Environmental, Inc., 140 Bollinger Road, Elversohn, PA 19520 on behalf of JDM Acquisitions, LLC, 601 Liberty St., Watsonstown, PA 17777 has submitted a Notice of Intent to Remediate groundwater contaminated with VOC and arsenic. The applicant proposes to remediate the site to meet the Site Specific Standard. The future use of the property is expected to be non-residential.

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

**Fyock Residence**, Bullskin Township, **Fayette County**. Brickhouse Environmental, 515 S. Franklin Street, West Chester, PA 19382 on behalf of Mr. and Mrs. David Fyock, 322 S. Locust Road, Acme, PA 15610 has submitted a Notice of Intent to Remediate. An aboveground storage tank containing home heating oil cracked and released fuel oil #2 to ground beneath the tank. Oil subsequently reached a nearby intermittent spring, which flows to a nearby stream. Impacted soils were excavated. A residential statewide health standard will be attained.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

## PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-309-080: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for replacement of an ID fan at their facility in Whitehall Township, **Lehigh County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**04-00731: U.S. Electrofused Minerals, Inc.** (600 Steel Street, Aliquippa, PA 15001) for installation of a crushing, sizing, packaging and distribution of Brown Fused Aluminum Oxide at their Electrofused Minerals facility in Aliquippa, **Beaver County**.

**63-00642: Equitrans, LP** (EQT Plaza, 625 Liberty Ave, Suite 1700 Pittsburgh, PA 15222) for installation of air pollution control systems on Engines No. 1, No. 2, and No. 3 at Hartson Compressor Station in Union Township, **Washington County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**20-306A: Orrville Bronze and Aluminum** (P. O. Box 458 Meadville, PA 16335) for construction of a bronze foundry in Woodcock Township, **Crawford County**.



**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0162B: Hammond Lead Products, Inc.** (10 Grosstown Road, Pottstown, PA 19464) for installation of three (3) new Barton Processes and related equipment, including particulate emission control equipment, at their existing facility in West Pottsgrove Township, **Montgomery County**. The facility is a lead oxide manufacturing plant. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**38-05011D: Plain 'n Fancy Kitchens, Inc.** (P. O. Box 519, Oak Street and Route 501, Schaefferstown, PA 17088-0519) for reactivation of two (2) existing Koch coating booths (i.e., sealer and top coat) at their wood kitchen cabinet manufacturing facility in Heidelberg Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

The facility shall continue to limit the facility VOC emissions to 70 tons based on a 12-month rolling total. Maximum VOC and HAP emissions increases from the proposed reactivation are not expected to exceed 11.5 and 2.9 tons per year, respectively. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52, 129.101—129.106 and 40 CFR Part 63, Subpart JJ. This plan approval and subsequently amended facility-wide operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

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

- Identification of the proposed permit by the permit number listed above.

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

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

**10-309E: Harsco Metals** (8050 Rowan Road, Cranberry Township, PA 16066) to increase slag processing throughput, making operational changes, the addition of pollution control devices, the addition of slag pot carriers, and for the operation of two slag pot tipping stations in Butler Township, **Butler County** off Route 8.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue a Plan Approval for increasing slag processing throughput, making operational changes, the addition of pollution control devices, the addition of slag pot carriers, and for the operation of two slag pot tipping stations in Butler Township, Butler County off Route 8. This is a State Only facility. Public notice is requisite for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date.

Harsco Metals shall demonstrate Best Available Technology for the source and shall comply with testing, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 29.41 tons of particulate matter (11.6 tpy PM-10) per year. This facility is a support facility to AK Steel's Butler Works.

**25-029C: Erie Coke Corp.** (925 East Bay Drive, Erie, PA 16507) for installation of a coke oven side shed and baghouse in the City of Erie, **Erie County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-029C to Erie Coke Corporation for a coke oven side shed and baghouse, for the facility located in the City of Erie, Erie County. The Plan Approval will subsequently be incorporated into a facility Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 25-029C is for the installation of a coke oven side shed and baghouse. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to

emit approximately 57.6 tons per year of particulate matter. Source testing will be required for particulate matter (PM), PM-10 and PM-2.5.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

The Department's consent order with the Erie Coke Corporation requires that the project shall be built and operating in accordance with the plan approval by January of 2012.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**36-05014: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604-3167) for operation of their secondary aluminum production facility in Manheim Township, **Lancaster County**. This is a renewal of their Title V Operating Permit issued in 2005.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 30.5 tpy of CO, 119.8 tpy NO<sub>x</sub>, 45.1 tpy PM<sub>10</sub>, 17.2 tpy PM<sub>2.5</sub>, 0.5 tpy SO<sub>x</sub>, 182.2 tpy VOC, 39.3 tpy combined HAPs, and 35.9 tpy of a single HAP (hydrochloric acid). The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating, 40 CFR 63 Subpart SSSS—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 CFR 60, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, & 40 CFR 63, Subpart GGGGG—National Emission Standards for Hazardous Air Pollutants: Site Remediation.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.

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

A 30-day comment period, from the date of publication of this notice in the *Pa. Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Chief, East Permitting Section, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**06-05100: Ontelaunee Power Operating Co., LLC** (5115 Pottsville Pike, Reading, PA 19605-9729) for operation of their electricity generating facility in Ontelaunee Township, **Berks County**. This is a renewal of the Title V Operating Permit issued in September of 2004 and amended in October of 2005 and July of 2006.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

In 2010 the subject facility had actual emissions of 58 tons of NO<sub>x</sub>, 19 tons of VOC, 221 tons of CO, 1 ton of PM, and 3 tons of total HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart GG and 40 CFR 63 Subpart ZZZZ.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Chief, East Permitting Section may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**31-05001: PA Department of Corrections—Huntingdon State Correction Institution** (1100 Pike Street, Huntingdon, PA 16654-1112) for their four (4) bituminous coal fired boilers, the particulate matter emissions from three (3) of which are controlled by various multiclones, and two (2) diesel fired emergency generators at their Huntingdon Correctional Facility in Smithfield Township, **Huntingdon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has

received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The subject facility has actual emissions of 48 tons per year of carbon monoxide, 42 tons per year of nitrogen oxide, 27 tons per year of particulate matter and 129 tons per year of sulfur dioxide. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, P.E., Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**V10-025: Plains Products Terminals, LLC** (6850 Essington Avenue, Philadelphia, PA 19134) for operation of two (2) adjacent bulk liquid storage and distribution terminal in the City of Philadelphia, **Philadelphia County**. The North Terminal (formerly ST Services) and South Terminal (formerly ExxonMobil) are now under common ownership, making it one facility. The facility's air emission sources include a 20 MMBTU/hr thermal fluid heater, a vapor incinerator, a vapor recovery unit, 20 petroleum products storage tanks, truck loading, non-gasoline marine loading.

The City of Philadelphia, Air Management Services (AMS) also intends to modify an operating permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

The following proposed changes require a significant operating permit modification under 25 Pa. Code Section 127.541:

1.) Change name from Pacific Atlantic Terminals to Plains Products Terminals LLC. 2.) Remove South Terminal 10 tons per rolling 12-month period (tpr12m) of single HAPS and 25 tons per rolling 12-month period (tpr12m)

of total HAPs limit since the facility now operates under one owner, PPT wants to be considered a major source of HAPs. 3.) Remove the condition that the Vapor Recovery Unit needs to be operated during distillate loading as per Installation Permit No. 08043 dated 2/25/08 (because of the low vapor pressure and not required under local regulation) 4.) Added Distillate throughput limit at South Terminal increase from 40,000,000 gallons per rolling 12-month period to 200,000,000 per rolling 12 month period as per Installation Permit No. 08043 dated 2/25/08. The potential emission increase as a result of this increase throughput of distillates is 1.12 tons of VOC and a minimal increase of 0.14 tons of HAPs.

The operating permit will be reissued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00108: Highway Materials, Inc.** (1126 Crusher Road, Perkiomenville, PA 18074) for renewal of their State Only Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a quarry and crushing plant with various crushers, screens, and conveyors. The primary pollutant of concern is particulate matter emissions (PM/PM-10/PM-2.5) from the crushing operation. The plant is categorized as a synthetic minor facility. Control devices include three baghouses and water spray dust suppression system which is required to be operated at all times. Source No. 119 (Portable Screen) and an exempt Robo-Trac Screen Deutz Engine have been removed from the facility. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**46-00076: Greene, Tweed & Company, Inc.** (2075 Detwiler Road, Kulpsville, PA 19443) for renewal of their State Only (Natural Minor) Operating Permit No. 46-00076, for two (2) boilers, two (2) emergency generator sets, a rubber compounding area and associated dust collectors, and other miscellaneous sources at the facility in **Montgomery County**. The permit was originally issued on June 8, 2005, and amended on October 27, 2005, and no physical changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.



**46-00232: Cemcolift, Inc.** (280 Township Line Road, Hatfield, PA 19440) for a State-Only, Synthetic Minor Operating Permit in Hatfield Township, **Montgomery County**. Cemcolift manufactures elevator systems and components for commercial and residential use. This facility is a Synthetic Minor facility for VOC. Total VOC emissions from the facility are limited to 11.30 tons per year, on a 12-month rolling sum basis. This is a renewal of the State Only Operating Permit. Cemcolift is not requesting any air emission increase with this application. The Operating Permit will contain monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**07-05027: Millennium Rail—dba Watco Mechanical Services** (PO Box 349, Hollidaysburg, PA 16648) for their railcar reconditioning facility, the operation of which includes tank purging, welding, shot blast cleaning and surface coating at their facility in Frankstown Township, **Blair County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject facility has actual emissions of 12 tons per year of volatile organic compounds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pa. Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00196: United School District** (10780 Route 56 Highway E, Armagh, PA 15920-9038) for the boilers in their Elementary and Secondary Schools in East Wheatfield Township, **Indiana County**. This is a state only operating permit renewal submittal.

**04-00698: Hanson Aggregates BMC, Inc.—Thaddus Carr Dredge Plant** (2200 Springfield Pike, Conneville, PA 15425) for processing of natural sand and gravel for construction aggregates in the Townships of Aliquippa, Baden and Hopewell, **Beaver County**. Sand and gravel is obtained via dredging the Ohio River. The operation of the facility's air contamination source consisting: crushing, screening, transferring, and unloading/loading of barges. The facility utilizes diesel engines to operate equipment on the barges. Each primary engine is limited to operate 5,000 hours per year and each secondary engine is limited to operate 2,500 hours per year. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility.

**03-00209: Buffalo Limestone, Inc.—Stitt Mine Plant** (805 Garretts Run Road, Ford City, PA 16226) to process limestone in Kittanning Township, **Armstrong County**. The operation of the facility's air contamination source consisting: crushing, screening, transferring, stockpiling, and unloading/loading. The facility utilizes two diesel engines to operate the processing equipment. Each engine is limited to 500 ppm SO<sub>x</sub> and 0.04 gr/dscf particulate. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the daily surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility.

**65-00065: Hanson Aggregates BMC, Inc.—Lower Burrell Plant** (200 Industrial Boulevard, New Kensington, PA 15068) to process natural sand and gravel for construction aggregates in the City of Lower Burrell, **Westmoreland County**. Sand and gravel is obtained via dredging the Allegheny River. The operation of the facility's air contamination source consists of: crushing, screening, transferring, stockpiling, and unloading/loading of barges. The facility utilizes diesel engines to operate equipment on the barges. Each engine is limited to operate 5,000 hours per year. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility.

**26-00121: Crown Cork & Seal Co. USA, Inc.** (1840 Baldrige Street, Conneville, PA 15425) to manufacture metal and metal/plastic hybrid closures at their Crown

Closures Plant located in Connellsville Borough, **Fayette County**. This is a state only operating permit renewal submittal.

**63-00884: Bucyrus** (2045 West Pike Street, Houston, PA 15342-1000) to manufacture mining machinery and equipment at their Houston Plant in Chartiers Township, **Washington County**. This is a state only operating permit renewal submittal.

**65-00778: Three Rivers Marine** (Vista One Professional Center, 17 Arentzen Boulevard, Suite 206, Charleroi, PA 15022) to the load, unload and store various products both to and from barges, railcars, and trucks in Rostraver Township, **Westmoreland County**. No new sources are being added to this facility. This is a state only operating permit renewal submittal.

**63-00908: Ross Mould** (259 South College Street, Washington, PA 15301) to manufacture special dies, tools, jigs and fixtures at their Ross Mould Washington Plant in the Municipality of Washington, **Washington County**. This is a state only operating permit renewal submittal.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

The following permit applications to conduct mining activities have been received by the Department. A copy of an application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

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

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

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

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

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

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

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

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

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

#### *Coal Applications Received*

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <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*

**03981301 and NPDES No. PA0216198, Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201), to transfer and revise the permit and related NPDES permit for the Parkwood Mine in Plumcreek and South Bend Townships, **Armstrong County** and Armstrong Township, **Indiana County** to operate the mine and add underground permit acres and reconfigure and add subsidence control plan area acres. The mine and related NPDES permit are being transferred from Rosebud Mining Company. Underground Acres Proposed 1971.0, Subsidence Control Plan Acres Proposed 788.0. Receiving Stream: Unnamed Tributary to Crooked Creek, classified for the following uses: WWF/TMDL. Application received: November 17, 2011.

**30841317, Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to add acreage to install a borehole to place concrete into the mine for construction purposes. Surface Acres Proposed 10.11. No additional discharges. Application received: November 17, 2010.

**56100701 and NPDES No. PA0235989, Wilson Creek Energy, LLC**, (140 West Union Street, Suite 102, Somerset, PA 15501), to operate the Milford #3 CRDA in Milford Township, **Somerset County** and related NPDES permit. Coal Refuse Disposal Support Acres Proposed 78.9, Coal Refuse Disposal Acres Proposed 13.6. Receiving streams: South Glade Creek and Unnamed Tributary #2 to South Glade Creek, both classified for the following use: WWF. Application received: September 2, 2010.

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

**32900108 and NPDES No. PA0599034, Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres. Receiving stream(s): Ross Run, UT to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 3, 2011.

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

**03060102 and NPDES Permit No. PA0251902, P & N Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal application for reclamation only of a bituminous surface mine, located in Sugar Creek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and unnamed tributaries to Patterson Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 9, 2011.

**63110101 and NPDES Permit No. PA0252069, PA Coal Reclamation, Inc.** (P. O. Box 136, Cuddy, PA 15031). Application for commencement, operation and reclamation of a bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 33 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Tri-County Joint Municipal Authority. Application received: January 28, 2011.

**04070104 and NPDES Permit No. PA0251291, Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Application for transfer of permit currently issued to Mashuda Corporation for continued operation and reclamation of a bituminous surface/auger mining site located in Franklin and Perry Townships, **Beaver and Lawrence Counties**, affecting 103.8 acres. Receiving streams: unnamed tributaries to Slippery Rock Creek to Slippery Rock Creek to Connoquenessing Creek to Beaver River to Ohio River, classified for the following uses: Warm and Cold Water Fishes. The Pennsylvania American Water Company/Elwood City water supply intake is located 2.9 miles downstream from the point of discharge. Transfer application received: February 7, 2011.

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

**17040104 and NPDES No. 0243787, Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Permit revision to an existing bituminous surface mine located in Jordan Township, **Clearfield County** to utilize biosolids as a soil amendment. The original surface mining permit was issued for 121.0 acres. This proposed biosolids reclamation includes 70.4 acres of that area. Receiving streams: unnamed tributaries #1 and #3 to Potts Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 7, 2011.

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



**40040201R. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Swoyersville Borough and Kingston Township, **Luzerne County** affecting 20.0 acres, receiving stream: none. Application received: February 9, 2011.

**40663033R5. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine, coal refuse

reprocessing and refuse disposal operation in Foster and Butler Townships, **Luzerne County** affecting 1515.0 acres, receiving stream: none. Application received: February 11, 2011.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**07960301 and NPDES Permit No. PA0213306**, Gran-nas Brothers Stone & Lime Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair County**. Receiving stream(s): unnamed tributaries to/and Frankstown Branch Juniata River classified for the following use(s): warm water fishery; trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 14, 2011.

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

**65112801. Mon River Energy Corp.** (P. O. Box 446, Brier Hill, PA 15415). Application for commencement, operation and reclamation of small noncoal surface mine, located in Mt. Pleasant Township, **Westmoreland County**, affecting 3.93 acres. Receiving streams: unnamed tributary to Sewickley Creek, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 20, 2011.

**04020301. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212). Revision application for additional 14.2 acres to an existing large noncoal surface mine, located in Darlington Township, **Beaver County**, affecting 85.2 acres. Receiving streams: Madden Run, North Fork Little Beaver Creek and unnamed tributary to Madden Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 15, 2011.

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

**08110303 and NPDES No. PA0257559. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804). Commencement, operation and restoration of a large surface noncoal mine (bluestone and

overburden) located in Terry Township, **Bradford County** affecting 52.3 acres. Receiving stream: Susquehanna River classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 14, 2011.

**14000301 and NPDES No. PA0242681. Glenn O. Hawbaker, Inc.** 1952 Waddle Road, Suite 203, State College, PA 16804). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Halfmoon and Worth Townships, **Centre County**. Receiving stream: Bald Eagle Creek classified for cold water fishery. Application received: February 10, 2011.

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

**58082818. BS Quarries, Inc.**, (859 John C. McNamara Drive, Montrose, PA 18801), Stage I & II bond release of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres on property owned by TNT1 Limited Partnership, LLC. Application received: February 17, 2011.

**58082819. BS Quarries, Inc.**, (859 John C. McNamara Drive, Montrose, PA 18801), Stage I & II bond release of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres on property owned by TNT1 Limited Partnership, LLC. Application received: February 17, 2011.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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



commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E08-471. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002-5089. Water Obstruction and Encroachment Joint Application, 300 Line Project-315 Loop, in Armenia, Troy Townships, **Bradford County**, ACOE Baltimore District (Roseville, PA Quadrangle N: 41° 44' 51"; W: 76° 51' 28").

To construct, operate and maintain 6.77 miles of 30" natural gas pipeline within the North Branch of the Susquehanna River watershed (Warm Water Fishery). Construction of the pipeline loop will require eleven (11) waterbody crossings. The project is centered approximately 5 miles south of the village of Troy in Bradford County.

**E41-616. Loyalsock Township**, 2501 East Third Street, Williamsport, PA 17701-4007. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 51"; W: -76° 58' 55").

To construct and maintain a three million gallon water storage tank, two pump stations in the floodway of the West Branch of the Susquehanna River, four (4) stream crossings associated with a new 15-inch forcemain, all of which is located south of SR 0220/0180 in Loyalsock Township, Lycoming County. This project does not propose to impact any wetlands.

**E59-507. Mansfield University**, 115 Sherwood Street, Mansfield, PA 16933-1143. Water Obstruction and Encroachment Joint Permit, in Mansfield Borough, **Tioga County**, ACOE Susquehanna River Basin District (Mansfield, PA Quadrangle N: 41° 48' 60"; W: 77° 4' 04").

To construct and maintain 27 linear feet of aluminum box culvert having a span of 17 feet 9 inches and an underclearance of 3 feet 10-inches over an UNT to Corey Creek (CWF). The culvert is located off Newtown Hill Road, 0.25 miles northeast of SR 0006 in Mansfield Borough, Tioga County. This project proposes to perma-

nently impact 27 linear feet of the UNT to Corey Creek, which is designated a Cold Water Fishery and impact 0.0 acres jurisdictional wetlands.

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

**E02-1648. ABARTA, Inc.**, 1000 Gamma Drive, Suite 500, Pittsburgh, PA 15238. To place and maintain fill in wetlands and an unnamed tributary in O'Hara Township, **Allegheny County**, Pittsburgh ACOE District. (Brad-dock, PA Quadrangle N: 21.3 inches; W: 16.2 inches; Latitude: 40° 29' 32"; Longitude: 79° 51' 59"). The applicant proposes to place and maintain fill in approximately 0.096 acre of wetlands and to place and maintain fill in approximately 260.0 linear feet of an Unnamed Tributary to the Allegheny River (WWF) for the purpose of constructing the proposed ABARTA Office Building. The project is located on the north side of Alpha Drive, approximately 500.0 feet north from the intersection of Alpha Drive and Freeport Road and will impact approximately 0.096 acre of wetlands and 260.0 linear feet if stream channel.

**E02-1647. Edgeworth Borough**, 301 Beaver Road, Edgeworth, PA 15143. To construct and maintain three pedestrian crossings in Leet Township, **Allegheny County**, Pittsburgh ACOE District. (Ambridge, PA Quadrangle: N: 12.4" W: 9.3" Latitude: 40° 33' 56" Longitude: 80° 11' 34") The applicant proposes to construct and maintain three (3) pedestrian crossings consisting of multiple 18" x 18" concrete blocks set in the stream bed spaced 18" apart, spanning the channel (channel width is between 30' and 50') and projecting 6"-12" above the normal water surface elevation, all for the purpose of providing access to existing multi use trails.

**E30-233. CJF Property Holding LLC**, 116 Moonlite Drive, Smithfield, PA 15478. To construct additional parking and structures in Cumberland Township, **Greene County**, Pittsburgh ACOE District. (Mather, PA Quadrangle: N: 1.2 inches; W: 5.00 inches; Latitude: 39° 52' 54"; Longitude: 80° 02' 08") The applicant proposes to construct additional parking an structures to an existing facility located along SR 21 and Cress Road the following activities are proposed:

1. To operate and maintain 173 linear feet of relocated Muddy Creek (WWF). Approximately 912 linear feet of said stream was filled.

2. To operate and maintain fill and structures within the floodway along Muddy Creek.

3. To construct and maintain stream restoration consisting of riparian planting, stream bank planting and bank layback along 2300 linear feet of Muddy Creek.

4. To construct and maintain 0.08 acre of on-site wetland replacement.

**E30-234. Consol Pennsylvania Coal Company LLC**, PO Box J, Claysville, PA 15323. To construct and maintain stream enclosures and wetland fill in Richhill Township, **Greene County**, Pittsburgh ACOE District. (Wind Ridge, PA Quadrangle: N: 17.7 inches; W: 1.9 inches; Latitude: 39° 58' 21"; Longitude: 80° 23' 19") The applicant proposes to construct and maintain a 62-foot long, 84-inch diameter extension to an existing stream enclosure (RSS-3) and a 46-foot long, 84-inch diameter extension to other existing stream enclosure (RSS-7) in unnamed tributaries to Enlow Fork (WWF) with drainage areas greater than 100 acres and to extend and maintain three stream enclosures and to replace six structures

having drainage areas less than 100 acres. To relocate and maintain approximately 80 linear feet of the stream at the culvert extension RSS-7. To place and maintain fill in 0.011 acre of wetlands and to construct and maintain 0.02 acre of wetlands replacement. The purpose of the project is development of approximately 2 mile long, Manor Spur Railroad Siding along the existing Norfolk Southern railway. The project is located southeast of the Bailey Mine Complex.

**E3074717-A2. Cumberland Coal Resources, LP**, PO Box 1020, Waynesburg, PA 15370. To construct and maintain bank stabilization in Monongahela Township, **Greene County**, Pittsburgh ACOE District. (Masonstown, PA Quadrangle: N: 14.4 inches; W: 6.75 inches; Latitude: 39° 49' 42"; Longitude: 79° 55' 23"). To amend Permit E3074717 which authorized the operation and maintenance of an existing barge dock facility approximately 3,000 feet long located along the west bank side of the Monongahela River (WWF) and the amendment No. 1 which authorized (Phase 1) construction and maintenance of 480-foot long river bank stabilization project along the west bank of the Monongahela River (WWF). Amendment No. 2 (Phase 2) consists of construction and maintenance of stabilization of 1090 linear feet of the slope of said river beginning at the downstream limits of the constructed phase 1 project. The project is located at the Cumberland Harbor Facilities downstream of Gray's Landing Lock and Dam.

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

**E62-426, Oz Gas, LTD**, 225 A. Swede Road, Tidioute, PA 16351. Gorman Road Property Stream Crossings, in Triumph Township, **Warren County**, ACOE Pittsburgh District (Tidioute, PA Quadrangle N: 41°, 38', 20"; W: 79°, 26', 31").

The applicant has already constructed this project and has submitted an application as a result of a compliance

issue. To construct and maintain the following stream crossings to access the property and existing natural gas wells: 1. a 35 feet long by 13 feet wide bridge crossing (N: 41°, 38', 38"; W: 79°, 27', 11") of Lamb Run (HQ-CWF); 2. a 50 feet long by 13 feet wide bridge crossing (N: 41°, 38', 26"; W: 79°, 27', 5") of Lamb Run (HQ-CWF); 3. a 40 feet long by 13 feet wide bridge crossing (N: 41°, 38', 19"; W: 79°, 26', 31") of West Hickory Creek (HQ-CWF); 4. a 35 feet long by 13 feet wide bridge crossing (N: 41°, 38', 29"; W: 79°, 26', 26") of West Hickory Creek (HQ-CWF); 5. a 20 feet long by 3 feet diameter culvert crossing (N: 41°, 38', 19"; W: 79°, 26', 26") of an unnamed tributary to West Hickory Creek (HQ-CWF). To construct two wooden post wire fence crossings (N: 41°, 38', 39"; W: 79°, 27', 11"; N: 41°, 38', 39"; W: 79°, 26', 54") of Lamb Run (HQ-CWF) and two wood post wire fence crossings (N: 41°, 38', 30"; W: 79°, 26', 25"; N: 41°, 38', 15"; W: 79°, 26', 37") of West Hickory Creek (HQ-CWF).

#### ENVIRONMENTAL ASSESSMENTS

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

**D46-347EA. PA DCNR Bureau of State Parks—Region 4**, Perkasio, PA 18944, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Norristown Farm Park Dam across Stony Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 feet of stream channel. The dam is located approximately 4500 feet east of the intersection of N. Whitehall Road (SR3006) and Sterigere Street (Lansdale, PA Quadrangle; Latitude: 40° 08' 18", Longitude: -75° 20' 49").

## ACTIONS

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

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

### I. NPDES Renewal Permit Actions

*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 No.)</i>	<i>EPA Waived Y/N?</i>
PA0111741 (Sewage)	Warrior Run School District Wastewater Treatment Plant 4800 Susquehanna Trail Turbotville, PA 17772-9741	Northumberland County Lewis Township	Warrior Run (10-D)	Y

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

<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>
PA0003255 Industrial Waste	Latrobe Specialty Steel 2626 South Ligonier Street Latrobe, PA 15650-0031	Westmoreland County Latrobe Borough	Loyalhanna Creek (002, 004, 006 & 007) and Sulfur Run (001)	Y
PA0097535 Sewage	Breeze Eastern Corporation 35 Melanie Lane Saltsburg, PA 15681	Indiana County Conemaugh Township	UNT to Elders Run	Y
PA0253260 Sewage	Henry Berdine 559 Zediker Station Road Washington, PA 15301	Washington County South Strabane Township	UNT of Chartiers Creek	Y
PA0026140 Sewage	Rochester Area Joint Sewer Authority 200 Water Street Rochester, PA 15074	Beaver County Rochester Borough	Beaver River & Ohio River	N
PA0216925 Sewage	Consolidation Coal Company 1000 Consol Energy Drive Canonsburg, PA 15317-6506	Greene County Wayne Township	UNT of Hoovers Run	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>
PA0004251	Advanced Cast Products, Inc. 18700 Mill Street Meadville, Pa 16335-3644	Crawford County Vernon Township	Van Horne Creek 16-D	Y
PA0102385	IBI/RR, LLC, d/b/a Iron Bridge Inn 1438 Perry Highway Mercer, PA 16137	Mercer County Springfield Township	Neshannock Creek 20-A	Y
PA0103675	Miracle Mountain Ranch Mission Inc. 101 Rodeo Drive Spring Creek, PA 16436-9741	Warren County Spring Creek Township	Unnamed tributary of Brokenstraw Creek 16-B	Y



<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>
PA0102431	Cedar Acres/Cunningham Mobile Home Park Inc. 1650 Harlansburg Road New Castle, PA 16101-2832	Lawrence County Scott Township	Unnamed tributary of Slippery Rock Creek 20-C	Y
PA0239411	Bremer Family Venture Inc. 970 New Castle Road Butler, PA 16001-8306	Butler County Franklin Township	Unnamed tributary to Mulligan Run 20-C	Y

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

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

**NPDES Permit No. PA0260142**, Sewage, **Thomasville Land STP**, 75 Bowman Road, Thomasville, PA 17364.

This proposed facility is located in **York County**.

Description of Proposed Action/Activity: Ceased discharging 6/14/2010, permit terminated.

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

**NPDES Permit No. PA0254347**, Industrial Waste, **Superior Mulch, LLC**, PO Box 201, Connellsville, PA 15425-0201

This proposed facility is located in Connellsville Township, **Fayette County**

Description of Proposed Action/Activity: Permit issuance for discharges of storm water runoff from a mulch manufacturing facility. In response to comments received during the draft permit comment period, the final permit is being issued with the addition of monitoring and reporting of average and maximum Total Phenolics concentrations at Outfalls 001 and 002.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100*

### Mining Activity NPDES Draft Permits

**NPDES No. PA0033677, (Mining Permit No. 5641328), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A revision to the NPDES and mining activity permit for Mine 78 in Pint Township, **Somerset County** to add a sedimentation pond and new NPDES Outfall 005. Receiving stream: Paint Creek, classified for the following use(s): CWF/TMDL. Application received May 21, 2011.

The proposed effluent limits for Outfall 005: (Lat 40° 14' 4.0", Long: 78° 47' 27.9")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	
Total Settleable Solids (ml/l)				

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

**NPDES No. PA0235822 (Mining Permit No. 03091301), TJS Mining, Inc.**, (2340 Smith Road, Shelocta, PA 15774) A new NPDES and mining activity permit for the TJS No. 7 Deep Mine in Manor Township, **Armstrong County** a new underground mine with two NPDES Outfalls. Surface Acres Affected 24.6, Underground Acres Affected 688.0. Receiving Streams: Garretts Run and Unnamed Tributary #9 to Garretts Run, both classified for the following use: WWM. Application received February 26, 2009.

The proposed effluent limits for Outfall 001: (Lat 40° 46' 33", Long: 79° 29' 16")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)				
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure		Monitor and Report		



## NOTICES

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Dissolved Solids		Monitor and Report		
Sulfate		Monitor and Report		
Chlorides		Monitor and Report		

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

The proposed effluent limits for Outfall 002: (Lat 40° 46' 30", Long: 79° 29' 13")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.75	2.71	
Manganese (mg/l)		1.16	1.80	
Aluminum (mg/l)		0.55	0.87	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		58	90	
Total Dissolved Solids (ml/l)		Monitor and Report		
Sulfate		Monitor and Report		
Chlorides		Monitor and Report		

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

**NPDES No. PA0215228 (Mining Permit No. 32991301), AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), A revision to the NPDES and mining activity permit for the Nolo Deep Mine in Buffington Township, **Indiana County** for a new water treatment facility, dewatering borehole, underground sludge disposal, and new NPDES Outfall 008. Surface Acres Affected 8.9. Receiving stream: Unnamed Tributary to Laurel Run, classified for the following use: CWF/Kiski-Conemaugh TMDL. Application received May 6, 2010.

The proposed effluent limits for Outfall 008: (Lat 40° 33' 31", Long: 78° 59' 26")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow (mgd)		Monitor and Report	1.88	1305 gmp
Total Dissolved Solids (mg/l)		500	750	
Sulfates (mg/l)		Monitor and Report		
Chlorides (mg/l)		Monitor and Report		
Specific Conductance (umho)		Monitor and Report		
Osmotic Pressure (mos/kg)		50	78	

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

**NPDES No. PA0214914 (Mining Permit No. 56950702), PBS Coals, Inc.**, (PO Box 260, Friedens, PA 15541). A revision to the NPDES and mining activity permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County** to add acreage for a haulroad, add NPDES Outfall 002 and revise effluent limits for existing Outfall 001. Surface Acres Affected 17.6. Receiving stream: Schrock Run, classified for the following use: CWF/Kiskiminetas-Conemaugh River/TMDL. Application received November 9, 2009.

The proposed effluent limits for Outfall 001: (Lat 40° 00' 05", Long: 78° 57' 22")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	2.34	
Manganese (mg/l)		1.00	1.56	
Aluminum (mg/l)		0.50	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		51	102	

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

The proposed effluent limits for Outfall 002: (Lat 40° 00' 07", Long: 78° 57' 13")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	2.34	
Manganese (mg/l)		1.00	1.56	
Aluminum (mg/l)		0.50	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		161	322	
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

**NPDES No. PA0235938 (Mining Permit No. 56090701), PBS coals, Inc.**, (PO Box 260, 1576 Stowstown Road, Friedens, PA 15541). A new NPDES and mining activity permit for the Schrock Run Coal Refuse Disposal Area in Stonycreek Township, **Somerset County** a new coal refuse disposal facility. Surface Acres Affected 263.0. Receiving Streams: Schrock Run and an Unnamed Tributary to Schrock Run, classified for the following uses: CWF/Kiski-Conemaugh/TMDL. Application received December 12, 2009.

The proposed effluent limits for Outfall 001: (Lat 40° 00' 02", Long: 78° 56' 40")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.0	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

The proposed effluent limits for Outfall 002: (Lat 40° 00' 06", Long: 78° 56' 34")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.0	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90
Osmotic Pressure		56.4	88.1	
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

The proposed effluent limits for Outfall 003: (Lat 40° 00' 05", Long: 78° 56' 21")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.0	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

The proposed effluent limits for Outfall 004: (Lat 40° 00' 15", Long: 78° 57' 05")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.0	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

The proposed effluent limits for Outfall 005: (Lat 39° 59' 59", Long: 78° 56' 54")

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.0	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		30	70	90
Total Dissolved Solids		Monitor and Report		
Sulfates		Monitor and Report		
Chlorides		Monitor and Report		

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

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**WQM Permit No. WQG02381101**, Sewerage, **North Londonderry Township Authority**, 655 East Ridge Road, Palmyra, PA 17078.

This proposed facility is located in North Londonderry and South Annville Townships, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of a new wastewater treatment plant and interceptor to serve North Londonderry Township and Palmyra Borough. The existing Palmyra Borough wastewater treatment plant will be abandoned. No pump stations will be constructed. Proposed interceptor is estimated to be 15".

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

**WQM Permit No. 4910201**, Industrial Waste [SIC 2033], **Furman Foods**, 770 Cannery Road, P. O. Box 500, Northumberland, PA 17857-0500.

This existing facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of an upgraded industrial waste treatment plant to treat expanded production.

**WQM Permit No. 1409407**, Sewerage [SIC 9223], **PA Department of General Services**, S. Rockview Road & PA-26 (East College Avenue), Bellefonte, PA 16823

This proposed facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: SCI Benner Township is proposing to extend the existing gravity sewer from SCI Rockview to the proposed 2,000 inmate SCI Benner Township that will be located on the same parcel.

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

**WQM Permit No. 3076205-A1**, Industrial Waste, **Municipal Authority of the Borough of Carmichaels**, 104 North Pine Street, Carmichaels, PA 15320

This existing facility is located in Carmichael Borough, **Greene County**

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of filter backwash water and clarifier sludge treatment facility.

**WQM Permit No. 6596201-A2**, Industrial Waste, **Reserved Environmental Services, LLC**, 1119 Old Route 119, Mount Pleasant, PA 15666

This existing facility is located in Hempfield Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of a residual waste storage impoundment for oil and gas well-drilling wastewater

**WQM Permit No. 6304406-A2**, Sewerage, **Center West Joint Sewer Authority**, PO Box 542, Brownsville, PA 15417  
 This existing facility is located in Centerville Borough, **Washington County**

Description of Proposed Action/Activity: Permit amendment issuance for the expansion of their influent pump station and sewage treatment plant.

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

**WQM Permit No. 6210403**, Sewage, **Municipal Authority of the Township of Sheffield**, P. O. Box 831, Sheffield, PA 16347.

This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit for construction of sanitary sewer line extensions from the Village of Sheffield, and the upgrade of the existing sewage treatment plant.

**WQM Permit No. 1672403**, Sewage, **Amendment No. 1, Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242.

This existing facility is located in New Bethlehem Borough, **Armstrong County**.

Description of Proposed Action/Activity: Issuance of a permit to expand and upgrade the existing Redbank Valley Municipal Authority STP from 0.3 mgd to .59 mgd to eliminate hydraulic overload.

**WQM Permit No. WQG018796**, Sewage, **Jeffrey Curtis**, 155 Eagle Mill Road, Butler, PA 16001.

This proposed facility is located in Connoquenessing Township, **Butler County**.

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

**WQM Permit No. WQG018798**, Sewage, **Alan C. Proper**, 45618 Route 77, Spartansburg, PA 16434.

This proposed facility is located in Sparta Township, **Crawford County**.

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

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

**WQM Permit No. 1500416**, Sewerage, **Renewal East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348.

This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Renewal of the existing operation of an influent pump station, influent screen, influent flow meter, aerated treatment lagoon, a disinfection system and spray irrigation pump stations and spray fields consisting of 7 zones and 16 groundwater monitoring wells.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100*

**WQM Permit No. 1110201**, Industrial Waste, **The Conemaugh River Restoration Company**, 301 Main Street, Kittanning, PA 16201-9642. This proposed facility is located in Adams Township, **Cambria County**.

Description of Proposed Action/Activity: Application is for construction and operation of mine water treatment plant. Application also includes a request for Section 401 Water Quality Certification.

**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 1507047	William J. McCuen, Jr PO Box 609 Unionville, PA 19375-0609	Chester	Newlin Township	Unnamed West Branch Brandywine Creek (EV-MF)
PAI01 1508042	The Hankin Group 707 Eagleview Crossing PO Box 562 Exton, PA 19341	Chester	Uwchlan and Upper Uwchlan Townships	Pickering and Shamona Creeks (HQ-TSF-MF)
PAI01 151010	Custom Woodworkings 3400 Horseshoe Pike Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek (HQ-TSF-MF)
PAI01 151032	Unionville Equine Associates 25 Webster Lane Oxford, PA 19363	Chester	Upper Oxford Township	Unnamed Tributary West Branch Big Elk 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>
PAI024810005	Fairfield Development Associates Suite 140 3864 Courtney St. Bethlehem, PA 18017	Northampton	Bethlehem Twp., Lower Nazareth Twp., Palmer Twp.	Unnamed Tributary to Bushkill Creek, HQ-CWF, MF

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0418/10004	Trout Unlimited 18 E Main St Ste 3 Lock Haven, PA 17745	Clinton	Noyes Township	Two Mile Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050210003	McKeesport Area School District 3590 O'Neil Boulevard McKeesport, PA 15132	Allegheny	White Oak Borough	Long Run Watershed (TSF) and Jacks Run Watershed (HQ-TSF).

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

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

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

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

*General Permit Type—PAG-02*

*Facility Location:*

<i>Municipality &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>
Bensalem Township Bucks County	PAG0200 091071	Faulkner Organization 4437 Street Road Trevose, PA 19053	Poquessing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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<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>
New Garden Township Chester County	PAG0200 151001	Basciani Mushroom Farms 8876 Gap Newport Pike Avondale, PA 19311	Unnamed Tributary Egypt Run (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Highland Township Chester County	PAG0200 151028	Eleanor Forbes & Samuel Slater 327 Gum Tree Road Coatesville, PA 19320	Unnamed Tributary Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG0200 151045	Marlborough Associates, LP 120 W Germantown Pk, Ste 120 Plymouth Meeting, PA 19462	East Branch Red Clay Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4605117-R	Rouse Chamberlin Homes 500 Exton Commons Exton, PA 19341	Unnamed Tributary Minister Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 461078	Conwell Limited Partnership 2828 Charter Road Philadelphia, PA 19154	Arrowmink Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG0200 46'097	Audubon Land Development 2620 Egypt Road Norristown, PA 19403	Mine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Straban Township Adams County	PAG02000110020	Gerald Stolzfoos Freedom Valley Worship Center 3185 York Road Gettysburg, PA 17325	Swift Run/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Lower Paxton Township, Dauphin County	PAG02002210011	Parmer Family Foundation, Inc C/O Fineline Homes 7300 Derry St Harrisburg, PA 17111	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Halifax Township, Dauphin County	PAG02002211004	Morris E Rill 100 Chamberlin Rd Shippensburg, PA 17257	Susquehanna River/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Harris Township Centre County	PAG2001407009(1)	Mark Bigatel KBB&H Partnership PO Box 4000 State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lawrence Township Clearfield County	PAG2001709002R(2)	Samuel Lansberry, Sr. Cress-Wood Co., LLC PO Box 153 Woodland, PA 16881	Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<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>
Huston Township Clearfield County	PAG2001710015	PA Dept of Transportation District 2-0 PO Box 342 Clearfield, PA 16830	Bennett Branch CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Mansfield Borough Tioga County	PAG-02005910008	JDK Management CO INC 1388 State Route 487 Bloomsburg PA 17815	Tioga River CWF, MF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Cambria County Blacklick Township	PAG02001111011	James Stark Fayette County Community Action Agency 108 North Beeson Blvd. Uniontown, PA 15401	Coal Pit Run (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 814-472-2120
Adams Township Butler County	PAG02 0010 05 028R	Deklewa Homes Adams Realty, Inc. 1273 Washington Pike, Suite 201 Bridgeville PA 15017	UNT to Breakneck Creek (WWF)	Butler Conservation District 724-284-5270
Millcreek Township Erie County	PAG02 0025 10 011	HANDS 502 East 12th Street Erie PA 16503-1342	Walnut Creek CWF; MF	Erie Conservation District 814-826-6403
City of Oil City Venango County	PAG02 0061 11 002	Rina Nerlich Child Development Centers Inc 612 11th Street Franklin PA 16323	UNT Allegheny River CWF	Venango Conservation District 814-676-2832
City of Franklin Venango County	PAG02 0061 11 003	David Lord General Authority of City of Franklin 430 Thirteenth Street Franklin PA 16323	French Creek WWF	Venango Conservation District 814-676-2832

*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>
Boggs Township, Clearfield County	PAR234820 (Stormwater)	Fluids Management Divison of AES Drilling Fluids LLC 11767 Kay Fwy Suite 230 Houston, TX 77079	Laurel Run, Cold Water Fishes (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Blossburg Borough Tioga County	PAR404809	Hydro Recovery LP 7 Riverside Plaza Blossburg, PA 16912	Boone Run— (CWF 4-A)	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Fallowfield Township Washington County	PAR506104	BFI Waste Systems of North America, LLC 5092 Aber Road Williamsburg, OH 45176	South Branch of Maple Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

NOTICES

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*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

South Park  
Township  
Allegheny County

PAR506101

USA South Hills Landfill, Inc.  
3100 Hill Road  
Library, PA 15129

UNT of Peters Creek

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

Lower Tyrone  
Township  
Fayette County

PAR606165

CDEG, Inc.  
PO Box 6692  
Wheeling, WV 26003

UNT of the  
Youghiogheny River

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

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Connoquenessing  
Township  
Butler County

PAG041024

Jeffrey A. Curtis  
155 Eagle Mill Road  
Butler, PA 16001

Unnamed tributary  
to Little  
Connoquenessing  
Creek  
20-C

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

Sparta Township  
Crawford County

PAG041029

Alan C. Proper  
45618 Route 77  
Spartansburg, PA 16434

Unnamed tributary  
to Patrick Run

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Upper Frederick  
Township  
Montgomery County

WMGR-099  
PAG083565  
PAG082203  
PAG083522  
PAG080008  
PAG080003  
PAG083502  
PAG080002  
PAG083542  
PAG083547  
PAG083551  
PAG083518  
PAG083540  
PAG089903  
PAG083556  
PAG083567  
PAG083510  
PAG083573  
PAG082211  
PAG083506

Synagro  
P. O. Box B  
1605 Dooley Road  
Whitford, MD 21160

Palmer Farm  
Little Road

DEP Southeast  
Regional Office Water  
Management  
2 East Main Street  
Norristown, PA 19401  
(484) 250-5970



<i>Facility Location: 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>
	PAG080003			
	PAG080005			
	PAG083515			
	PAG083501			
	PAG083825			
	PAG089904			
	PAG083535			
	PAG080004			
	PAG080006			
	PAG083517			
	PAG089905			
	PAG089903			
	PAG083596			
	PAG080018			
	PAG083600			
	PAG083597			
Kauffman Farm Sadsbury Township Chester County	PAG08-0011 PAG08-0002 PAG08-0013 PAG08-3551 PAG08-3552 PAG08-0017 PAG08-0005 PAG08-0018 PAG08-0020 PAG08-3533 PAG08-3518 PAG08-2203 PAG08-0007	Jesse Barro 157 Quarry Road Douglasville PA	N. Limestone Road Parkesburg	DEP Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
Warminster Township Municipal Authority Warminster Township Bucks County	PAG08-0018	Warminster Township Municipal Authority P. O. Box 2279 Warminster, PA 18974	1050 Log College Drive Warminster Township	DEP Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
Green Lane Borough Montgomery County	PAG08-0022	Green Lane Marlborough J Joint Sewer Authority P.O Box 45 Green Lane, PA 18054	Green Lane Marlborough Joint Sewer Authority Gravel Road at Sumneytown Road	DEP Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970

*General Permit Type—PAG-12*

<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>
Lancaster County / Rapho Township	PAG123698	Marcus Hoover 3229 Hossler Road Manheim, PA 17545	Back Run / TSF / 7G	DEP—SCRO— Watershed Management Program 2nd Floor 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR**  
**NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Kline's Hillside Farm 167 Coble Rd. Chambersburg, PA 17202	Franklin	.9	440.11	Swine & turkey	NA	Approved
Lamar Zimmerman 112 Farmers Lane Myerstown, PA 17067	Lebanon	24	324.8	Poultry	NA	Approved

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 1510521</b> Public Water Supply	
Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Honey Brook
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued	October 18, 2010

**Permit No. 0910505** Public Water Supply  
 Applicant **Telford Borough Authority**  
 122 Penn Avenue  
 Telford, PA 18969  
 Township Honey Brook  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued October 18, 2010

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

**Permit No. 0610510**, Public Water Supply.  
 Applicant **Borough of Fleetwood**  
 Municipality Fleetwood Borough  
 County **Berks**  
 Responsible Official Eric Burkert, Water  
 Department Head  
 110 West Arch Street  
 Suite 104  
 Fleetwood, PA 19522  
 Type of Facility Switching from soda ash to  
 sequest for corrosion control.  
 Consulting Engineer Bradley D. Smith, P.E.  
 ARRO Consulting, Inc.  
 50 Berkshire Court  
 Suite 104  
 Wyomissing, PA 19610  
 Permit to Construct Issued: 1/18/2011

**Operations Permit** issued to: **Bellmeade Manor, 4070051**, antis, **Blair County** on 2/14/2011 for the operation of facilities approved under Construction Permit No. 0708503.

**Operations Permit** issued to: **New Freedom Borough, 7670082**, New Freedom Borough, **York County** on 2/14/2011 for the operation of facilities approved under Construction Permit No. 6708503.

**Operations Permit** issued to: **Elizabethtown Area Water Authority, 7360124**, Elizabethtown Borough, **Lancaster County** on 2/16/2011 for the operation of facilities approved under Construction Permit No. 3610527 MA.

**Operations Permit** issued to: **Borough of Adamstown**, Adanstown Borough, **Lancaster County** on 2/17/2011 for the operation of facilities approved under Construction Permit No. 3611507 MA.

**Operations Permit** issued to: **Houston Run Community Water System, LLC, 7360183**, Salisbury Township, **Lancaster County** on 2/17/2011 for the operation of facilities approved under Construction Permit No. 3611508 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc., 3060133**, Centre Township, **Berks County** on 2/14/2011 for the operation of facilities approved under Construction Permit No. 0610526 MA.

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

**Operations Permit** issued to **St. Marys Area Water Authority, PWSID, #6240016**, Fox Township, **Elk County** on February 11, 2011, for operation of the 400,000 gallon steel potable water storage tank identified as the "Second Fox Township Tank." This permit is issued in response to an operation inspection conducted by Department personnel, on February 10, 2011, and in accordance with construction permit 2498502-MA4, issued December 15, 2009.

**Operations Permit** issued to **North Warren Municipal Authority (NWMA), PWSID #6620028**, Conewango Township, **Warren County** on February 15, 2011, for operation of the North Ridge Subdivision finished water standpipe and distribution system. This permit is issued in response to construction inspections conducted by Department personnel, and in accordance with construction permit 6206502, issued November 1, 2006.

**Operations Permit** issued to **North Warren Municipal Authority (NWMA), PWSID #6620028**, Conewango Township, **Warren County** on February 15, 2011, for operation of the Follett Run Road Booster Pump Stations. These stations are considered confined spaces. Department personnel verified the pumps were replaced in accordance with submitted plans & specifications & through a site inspection conducted by Mr. Delmar Van Epps, NWMA certified water treatment plant operator. This permit is issued in accordance with construction permit 6207501, issued December 27, 2007.

**Emergency Operations Permit** issued to **S-2 Properties, Inc., d/b/a Pine Valley Estates, PWSID #5100040**, Jackson & Lancaster Townships, **Butler County** on February 17, 2011. Issued for the installation & use of (3) 1,700 gallon storage tanks, (2) booster pumps, & (3) 119-gallon bladder pressure tanks. Permit will expire in 180 days, or by August 16, 2011.

**Time extension of existing approved Interim Operations Permit**, previously issued to **Meadville Housing Authority, PWSID #6200035**, West Mead Township, **Crawford County** on February 18, 2011. New expiry date is May 17, 2011. All other perimeters of existing interim permit remain in effect, as approved under permit number 2087501-MA1, issued July 21, 2010.

#### 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:

Borough or Township	Borough or Township Address	County
Urtin Property Penn Township	1166 Claridge- Elliott Road Jeannette, PA 15644 Penn Township Supervisors	Westmoreland
	Mr. Dallas Leonard, Community Development 2001 Municipal Court P. O. Box 452 Harrison City, PA 15636	

*Plan Description:* The approved plan revision provides for the construction and operation of a single residence sewage treatment plant to address a malfunctioning septic system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Bamberger's, Inc. / Rite Aid Store #245**, City of Lebanon, **Lebanon County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Rite Aid of Pennsylvania, Inc. 30 Hunter Lane, Camp Hill, PA 17011 and RX Lebanon Investors, L.L.C., 8411 Preston Road, Suite 850, Dallas, Texas 75225, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Site Specific standard.

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

**American Sterilizer**, Millcreek Township, **Erie County**. MACTEC Engineering and Consulting, Inc., 800

North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of American Sterilizer Company, 2424 West 23rd Street, Erie, PA 16506 has submitted a Final Report concerning remediation of site groundwater contaminated with Tetrachloroethene and Trichloroethene. The report is intended to document the remediation of the site to meet the Statewide Health Standard.

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

**62nd Street Industrial Park**, City of Pittsburgh, **Allegheny County**. GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120 on behalf of the Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15122 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater. Arsenic and Lead exceedances were found in soil. Metals, VOCs and SVOCs exceeded standards in groundwater. The northern portion of the Site will attain a residential standard for possible future use as a recreation area, but the southern portion will remain nonresidential.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The



Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Mann Edge Terrace**, Lewistown Borough, **Mifflin County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 and Blackrock Environmental, LLC, PO Box 288, Nazareth, PA 18064, on behalf of Mifflin County Industrial Development Corporation, 6395 State Route 103 North, Lewistown, PA 17044, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils (inorganics), groundwater (inorganics and SVOCs), and free phase lubricating oil (immobile). The reports demonstrated attainment of the Site-Specific standard, and were approved by the Department on February 14, 2011.

**CSXT Locomotive 7550 Diesel Fuel Release**, Chambersburg Borough, **Franklin County**. ARCADIS, 1114 Benfield Boulevard. Suite A Millersville, MD 21110, on behalf of CXST Intermodal Terminal, Inc. 700 Kriner Road, Chambersburg, PA 17202, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on February 14, 2011.

## 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**GP1-31-05016: Juniata College** (1700 Moore Street, Huntingdon, Pennsylvania 16652) on February 17, 2011, for three (3) natural gas/#2 fuel oil fired boilers at Juniata College in Huntingdon Borough, **Huntingdon County**. The general permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**GP5-33-169B: CNX Gas Co., LLC,—Hudson Compressor Station** (McGees Mills, Punxsutawney, PA 15767) on February 10, 2011, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5), in Punxsu-

tawney Borough, **Jefferson County**. This was previously permitted under Consol Gas Company.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northwest Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**45-318-033: Tobyhanna Army Depot** (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) on February 10, 2011, for their conveyORIZED liquid paint Line (CLPL) at their facility in Coolbaugh Township, **Monroe County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**07-05003C: Norfolk Southern Railway Co.** (200 North 4th Avenue, Altoona, PA 16601-6702) on February 18, 2011, to construct and modify their boilers and related control equipment at their facility in Logan Township, **Blair County**. This plan approval was extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**37-00287: DeCarbo Funeral Home and Crematory**—3000 Wilmington Road Location (941 South Mill Street, P. O. Box 7728, New Castle, PA 16107) on February 14, 2011, to re-issue the Natural Minor Operating Permit for their crematory operations at this facility in Neshannock Township, **Lawrence County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**67-03027: Pretium Packaging, LLC** (One Devco Drive, Manchester, PA 17345-1337) on February 14, 2011, for their plastic bottle manufacturing facility in East Manchester Township, **York County**. This State Only Operating permit was administratively amended to reflect a change of ownership. This is Revision 1 of the permit.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00104: M & M Lime Co., Inc.** (215 Nichola Road, Worthington, PA 16262) Per Title 25 Pa. Code § 127.449(i), this Notice, on February 11, 2011, is for the following de minimis emission increase at the M & M Lime Company, Inc., located in West Franklin Township, **Armstrong County**:

Emissions from this project will not exceed 0.4 tpy NOx and 0.1 tpy for each other criteria and hazardous pollutant from the installation and operation of one 238 bhp Detroit Diesel Engine based on 100 hours per year of operation.

The list of de minimis increases includes only this project.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

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*Coal Permits Actions*

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

**30841317, Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** for an overhead power line right-of-way to install power to the F23 Airshaft. Surface Acres Proposed 7.3. No additional discharges. Application received: June 25, 2010. Permit issued: February 11, 2011.

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

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

Water Authority—Beaverdam. Application received: August 31, 2010. Permit issued: February 15, 2011.

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

**04090101 and NPDES Permit No. PA0251852. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mining site located in Shippingport Borough, **Beaver County**, affecting 99.8 acres. Receiving streams: unnamed tributaries to Peggs Run and Peggs Run to the Ohio River. Application received: December 29, 2009. Permit issued: February 15, 2011.

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

**33930101 and NPDES Permit No. PA0211486. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Gaskill & Henderson Townships, **Jefferson County** affecting 151.1 acres. Receiving streams: Unnamed tributaries to East Branch Mahoning Creek and unnamed tributary to Laurel Run. This renewal is issued for reclamation only. Application received: January 3, 2011. Permit Issued: February 16, 2011.

**16060101. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Renewal of an existing bituminous strip operation in Ashland Township, **Clarion County** affecting 23.0 acres. Receiving streams: Two unnamed tributaries to Little East Sandy Creek. This renewal is issued for reclamation only. Application received: December 22, 2010. Permit Issued: February 16, 2011.

**33100105 and NPDES Permit No. PA0258903. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 139.8 acres. Receiving streams: Unnamed tributaries to Big Run. Application received: June 17, 2010. Permit Issued: February 17, 2011.

**1419-33100105-E-1. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary A to Big Run in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Big Run. Application received: June 17, 2010. Permit Issued: February 17, 2011.

**1419-33100105-E-2. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary C to Big Run in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Big Run. Application received: June 17, 2010. Permit Issued: February 17, 2011.

**1419-33100105-E-3. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary D to Big Run in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Big Run. Application received: June 17, 2010. Permit Issued: February 17, 2011.

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

**17030116. Hepburnia Coal Co.** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous



surface coal mine located in Jordan Township, **Clearfield County** affecting 142.2 acres. Receiving streams: Wilson Run and North Witmer Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: December 27, 2010. Permit issued: February 11, 2011.

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

**49783007R5. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse disposal operation in Coal Township, **Northumberland County** affecting 337.39 acres, receiving stream: none. Application received: September 1, 2009. Renewal issued: February 16, 2011.

**49851602T2 and NPDES Permit No. PA0223662. D. Molesevich & Sons Construction Co., Inc.**, (333 South Pine Street, Mt. Carmel, PA 17851), transfer of an existing anthracite coal preparation plant, coal refuse reprocessing and refuse disposal operation in Mt. Carmel Township, **Northumberland County** affecting 48.2 acres, receiving stream: Shamokin Creek. Application received: September 22, 2010. Transfer issued: February 18, 2011.

**49851602R4 and NPDES Permit No. PA0223662. D. Molesevich & Sons Construction Co., Inc.**, (333 South Pine Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal preparation plant, coal refuse reprocessing and refuse disposal operation in Mt. Carmel Township, **Northumberland County** affecting 48.2 acres, receiving stream: Shamokin Creek. Application received: September 22, 2010. Renewal issued: February 18, 2011.

**49-305-001GP12. D. Molesevich & Sons Construction Co., Inc.**, (333 South Pine Street, Mt. Carmel, PA 17851), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 49851602T in Mt. Carmel Township, **Northumberland County**. Application received: December 30, 2010. Permit issued: February 18, 2011.

#### *Noncoal Permits Actions*

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

**37020301-GP-104. Mayberry Sand & Gravel, Inc.** (4983 State Route 18, New Castle, PA 16102) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37020301 in North Beaver Township, **Lawrence County**. Application received: December 13, 2011. Permit Issued: February 16, 2011.

**62100302. A.C.A. Sand and Gravel, LLC** (19170 Route 89, P. O. Box 16, Corry, PA 16407) Commencement, operation and restoration of a large industrial mineral operation in Columbus Township, **Warren County** affecting 158.0 acres. Receiving streams: Unnamed tributaries to Brokenstraw Creek. Application received: June 18, 2010. Permit Issued: February 16, 2011.

**62100302-GP-104. A.C.A. Sand and Gravel, LLC** (19170 Route 89, P. O. Box 16, Corry, PA 16407) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 62100302 in Columbus Township, **Warren County**. Application Received: November 19, 2010. Permit Issued: February 16, 2011.

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

**58100808. Joe Squid, Inc.**, (62 Plank Road, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Susquehanna River. Application received: June 22, 2010. Permit issued: February 17, 2011.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**26114004. Ligonier Construction** (117 Marcia Street, Latrobe, PA 15650). Blasting activity permit for the construction of the Coastal 1H Drill Pond, located in Springhill Township, **Fayette County**. The duration of blasting is expected to last 70 days. Blasting permit issued: February 15, 2011.

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

**08114007. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804). Blasting at the Newton Quarry—GP103 Permit #08101008 located in Terry Township, **Bradford County**. Permit issued: February 16, 2011. This blasting activity permit has an expiration date of the expiration date of GP-103 #08101008.

**08114106. Mauer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for rock removal for a gas well pad located in Smithfield Township, **Bradford County**. Permit issued: February 3, 2011. Permit expires: April 30, 2011.

**08114107. Mauer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for a gas well pad located in Wilnot Township, **Bradford County**. Permit issued: February 10, 2011. Permit expires: April 30, 2011.

**08114008. CGG Veritas Land (US), Inc.** (10300 Town Park Drive, Houston, TX 77072). Seismic data acquisition blasting located in Canton Township, **Bradford County**. Permit issued: February 10, 2011. Permit expires: December 31, 2012.

**14114001. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744). Seismic data acquisition blasting located in Snow Shoe Township, **Centre County**. Permit issued: February 10, 2011. Permit expires: August 1, 2011.

**14114103. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for a house foundation located in Patton Township, **Centre County**. Permit issued: February 17, 2011. Permit expires: December 30, 2011.

**41114002. CGG Veritas Land (US), Inc.** (10300 Town Park Drive, Houston, TX 77072). Seismic data acquisition blasting located in McNett, Jackson, McIntyre, Cogan House, Cascade, Lewis, Gable, Plunketts Creek, Lycoming, Old Lycoming, Hepburn, Eldred, Upper Fairfield,

Fairfield, Loyalsock, Woodward, Susquehanna, Anthony, Montoursville, Armstrong and Williamsport Townships, **Lycoming County**. Permit issued: February 10, 2011. Permit expires: December 31, 2012.

**41114103. Midstream Explosives, LLC** (280 Southside Drive, Newville, PA 17241-8951). Blasting for a pipeline located in Lycoming, Lewis and Cogan House Townships, **Lycoming County**. Permit issued: February 17, 2011. Permit expires: February 15, 2012.

**41114102. Midstream Explosives, LLC** (280 Southside Drive, Newville, PA 17241-8951). Blasting for a pipeline located in Cummings, Mifflin and Anthony Townships, **Lycoming County**. Permit issued: February 17, 2011. Permit expires: February 15, 2012.

**41114103. Midstream Explosives, LLC** (280 Southside Drive, Newville, PA 17241-8951). Blasting for a pipeline located in Lycoming, Lewis and Cogan House Townships, **Lycoming County**. Permit issued: February 17, 2011. Permit expires: February 15, 2012.

**41114104. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for a gas well pad located in Cogan House Township, **Lycoming County**. Permit issued: February 15, 2011. Permit expires: February 12, 2012.

**41114105. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for a gas well pad located in Cummings Township, **Lycoming County**. Permit issued: February 15, 2011. Permit expires: February 15, 2012.

**41114106. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for a gas well pad located in Cummings Township, **Lycoming County**. Permit issued: February 15, 2011. Permit expires: February 15, 2012.

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

**46114103. Silver Valley Drilling & Blasting, Inc.**, (RR 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Upper Perkiomen Interceptor in Collegeville Borough, Perkiomen and Skippack Townships, **Montgomery County** with an expiration date of February 15, 2012. Permit issued: February 14, 2011.

**36114108. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Brighton Development in Manheim Township, **Lancaster County** with an expiration date of February 15, 2012. Permit issued: February 17, 2011.

**36114109. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Target Store in Warwick Township, **Lancaster County** with an expiration date of June 30, 2011. Permit issued: February 17, 2011.

**58114103. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Linde Corp. Pipeline in Great Bend and Liberty Township, **Susquehanna County** with an expiration date of February 4, 2012. Permit issued: February 17, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water

Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

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

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

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

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

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**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 Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E0829-006: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Albany Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an unnamed tributary to Ladds Creek (CWF, MF). Impacted Area: 52 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 36'10.31", Longitude: -76° 28'3.88") in Albany Township, Bradford County.

2. Two 16 inch diameter temporary waterlines across Ladds Creek (CWF, MF). Impacted Area: 284 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75



inches, Latitude: 41° 35'50.51", Longitude: -76° 28'1.86") in Albany Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 199 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'33.89", Longitude: -76° 27'28.74") in Albany Township, Bradford County.

4. Two 16 inch diameter temporary waterlines across unnamed tributary to Ladds Creek (CWF, MF). Impacted Area: 143 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'32.94", Longitude: -76° 27'27.67") in Albany Township, Bradford County.

5. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 3,722 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'30.95", Longitude: -76° 27'26.89") in Albany Township, Bradford County.

6. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 886 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'15.79", Longitude: -76° 26'51.17") in Albany Township, Bradford County.

7. Two 16 inch diameter temporary waterlines across Beaver Run (CWF, MF). Impacted Area: 195 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'50.51", Longitude: -76° 28'1.86") in Albany Township, Bradford County.

8. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 235 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'16.52", Longitude: -76° 26'7.41") in Albany Township, Bradford County.

9. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 183 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'17.10", Longitude: -76° 26'1.35") in Albany Township, Bradford County.

10. Two 16 inch diameter temporary waterlines across South Branch Towanda Creek (CWF, MF). Impacted Area: 0 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'17.73", Longitude: -76° 25'56.12") in Albany Township, Bradford County.

11. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 1,015 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'17.26", Longitude: -76° 25'50.23") in Albany Township, Bradford County.

12. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 661 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'20.35", Longitude: -76° 24'44.80") in Albany Township, Bradford County.

13. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland and Palustrine Scrub Shrub Wetland. Impacted Area: 723 square feet; (Dushore, PA Quadrangle N: 19.5

inches, W: 12.75 inches, Latitude: 41° 35'19.89", Longitude: -76° 25'38.75") in Albany Township, Bradford County.

14. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 256 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'18.29", Longitude: -76° 25'35.34") in Albany Township, Bradford County.

15. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 1,735 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'18.63", Longitude: -76° 25'32.37") in Albany Township, Bradford County.

16. Two 16 inch diameter temporary waterlines across French Creek (CWF, MF). Impacted Area: 412 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'20.31", Longitude: -76° 25'32.37") in Albany Township, Bradford County.

17. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland and Palustrine Scrub Shrub Wetland. Impacted Area: 723 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'22.59", Longitude: -76° 25'33.54") in Albany Township, Bradford County.

18. Two 16 inch diameter temporary waterlines across unnamed tributary to French Creek (CWF, MF). Impacted Area: 0 square feet; (Dushore, PA Quadrangle N: 19.5 inches, W: 12.75 inches, Latitude: 41° 35'29.43", Longitude: -76° 25'29.65") in Albany Township, Bradford County.

The project will result in 71 linear feet of temporary stream impacts and 13,240 square feet (0.30 Acres) of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.33 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

**E0829-007: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Overton and Albany Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 744 square feet; (Dushore, PA Quadrangle N: 15.5 inches, W: 15.15 inches, Latitude: 41° 34'33.45", Longitude: -76° 29'28.86") in Overton Township, Bradford County.

2. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 414 square feet; (Dushore, PA Quadrangle N: 15.5 inches, W: 15.15 inches, Latitude: 41° 34'34.74", Longitude: -76° 29'30.00") in Overton Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 210 square feet; (Dushore, PA Quadrangle N: 15.5 inches, W: 15.15 inches, Latitude: 41° 35'7.89", Longitude: -76° 29'28.98") in Overton Township, Bradford County.

4. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across unnamed tributary to Black Creek (EV, MF). Impacted Area: 50 square feet; (Dushore, PA Quadrangle N: 15.5 inches, W: 15.15

inches, Latitude: 41° 35'7.89", Longitude: -76° 29'28.98") in Overton Township, Bradford County.

5. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland (EV). Impacted Area: 977 square feet; (Dushore, PA Quadrangle N: 15.5 inches, W: 15.15 inches, Latitude: 41° 35'10.44", Longitude: -76° 29'26.12") in Overton Township, Bradford County.

The project will result in 16 linear feet of temporary stream impacts and 2,345 square feet of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.05 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

**E41-612: Anadarko E&P Company LP**, P. O. Box 1330, Houston, TX 77251. Watson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a surface water withdrawal on the western bank of Pine Creek (HQ-TSF, MF) with a 72" diameter concrete manhole set 8 feet below grade along stream bank with a 16" steel pipe extended from bottom of manhole, below the existing stream bed, out into the channel to the intake point transitioning into an 18" diameter stainless steel intake structure 50" in length placed parallel to stream flow creating a "T" shape temporary impacting 193 lf and 8,990 sq. ft. and permanently impacting 28 lf and 294 sq. ft. (Jersey Shore, PA Quadrangle; Latitude: 41°14'51.78", Longitude: -77°19'25.69"),

2. a 6" HDPE plastic waterline, an underground electric line and a 16' wide temporary equipment mats crossing permanently impacting 40 sq. ft. and temporary impacting 173 sq. ft. PEM wetland swale (Jersey Shore, PA Quadrangle; Latitude: 41°14'51.78", Longitude: -77°19'25.69"), (3) a 6" HDPE plastic waterline, an underground electric line and a 16' wide temporary equipment mats crossing permanently impacting 54 sq. ft. and temporary impacting 354 sq. ft. PEM wetland swale (Jersey Shore, PA Quadrangle; Latitude: 41°14'51.78", Longitude: -77°19'25.69").

**E08-466: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Asylum Township, **Bradford County**

to replace, operate, and maintain:

An existing concrete bridge with a precast open bottom concrete arch culvert having a normal span of 24.0 feet, a width of 24.0 feet, and an under clearance of 8.0 feet across Bennett's Creek (WWF) for the propose of providing access to a natural gas well site located off of Marcy Hill Road, approximately 1.3 miles from the intersection with State Route 187 (Monroeton, PA, Quadrangle: 41° 42' 32.84"N, 76° 22' 39.40"W).

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

**E06-661: Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526 in Windsor Township, **Berks County**, ACOE Philadelphia District

To construct and maintain a 12.0-foot long, 1.0-foot depressed with fish baffles, 5.0-foot x 16.0-foot, reinforced concrete box culvert in Furnace Creek (CWF), for the purpose of creating an access road to a proposed municipal well. The project is located approximately 0.33 mile past the existing water filtration plant located on Reservoir Road (Hamburg PA Quadrangle; N: 16 inches,

W: 9.5 inches; Latitude: 40°35'13.7", Longitude: 75°56'33.2") in Windsor Township, Berks County.

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

**E14-536. Levi E. Stoltzfus**, 187 West Main Street, Rebersburg, PA 16872-9138. Levi E. Stoltzfus Property, in Miles Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 40°56'0.7"; W: -77°27'18.7").

To construct and maintain: 1) a 16-foot wide by 36-foot clear-span steel-beam bridge with a wood or concrete deck over Elk Creek, 2) three 16-inch diameter by 20-foot long over-flow culverts in the right 100-year floodway, 3) riprap on the left streambank to armor the bank against stormwater runoff of the 210-foot long gravel driveway on the elevated left approach road, located 1 mile west on Smulton Road from Town Lane. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA18-003. Trout Unlimited**, 18 East Main Street, Suite 3, Lock Haven, PA 17745-1388. Swamp Area Passive treatment, in Noyes Township, **Clinton County**, ACOE Baltimore District.

To construct and maintain: 1) a concrete intake diversion weir to direct up to 90% of the AMD tainted stream water of an unnamed tributary to Two Mile Run to, 2) a terraced swamp area passive treatment system that will discharge treated water out of, 3) a R-3 & R-4 armored outfall into Two Mile Run, all of which is located downstream of a point 2,550 feet northeast of the intersection of Two Mile Run and Robbins Road. (Renovo West, PA, PA Quadrangle N: 41°20'34"; W: -77°51'3").

*Cambria District: Environmental Program Manager, 286 Industrial Park Rd., Ebensburg, PA 15931-4119.*

**EA37-002. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Little Beaver Township, **Lawrence County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,500 linear feet of dangerous highwall. The project will include the backfilling of 0.44 acres of PEM/SS wetland and 0.33 acres of open water that have developed within the open surface mine pits. Proposed mitigation includes 0.44 acres of wetland and 0.75 acres of open water. (Bessemer Quadrangle N: 3.8 inches, W: 10.7 inches).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX10-117-0248  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Charleston  
Receiving Stream(s) and Classification(s) UNT to Hills Creek/Tioga River Basin, Hills Creek to Crooked Creek

ESCGP-1 # ESX11-117-0009  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan Twp.  
Receiving Stream(s) and Classification(s) UNT to Elk Run/Susquehanna River Basin in PA; Elk Run to Mill Creek to Tioga River

ESCGP-1 # ESX11-117-0013  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Tioga  
Township(s) Blossburg Borough, Hamilton Twp.  
Receiving Stream(s) and Classification(s) Bear Creek, UNT to Coal Creek, Tioga River

ESCGP-1 # ESX11-015-0027  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Windham Twp.  
Receiving Stream(s) and Classification(s) Cold Brook, UNT to Wappasening Cr, Wappasening Cr

ESCGP-1 # ESG11-117-0002  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Tioga  
Township(s) Ward Twp.  
Receiving Stream(s) and Classification(s) Fall Brook, Tioga River, UNT to Fall Brook

ESCGP-1 # ESX11-015-0021  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike Twp.  
Receiving Stream(s) and Classification(s) UNT to Rockwell Creek, Rockwell Creek

ESCGP-1 # ESX11-015-0020  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike Twp.  
Receiving Stream(s) and Classification(s) UNT to Rockwell Creek, Rockwell Creek, UNT to Johnson Creek, Johnson Creek

ESCGP-1 # ESX11-015-0019  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike Twp.  
Receiving Stream(s) and Classification(s) Rockwell Creek, Mill Creek, UNT to Mill Creek

ESCGP-1 # ESX11-015-0024  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike Twp.  
Receiving Stream(s) and Classification(s) UNT to Beaver Creek, UNT to Johnson Creek, Beaver Creek, Johnson Creek

ESCGP-1 # ESX11-015-0012  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Orwell Twp.  
Receiving Stream(s) and Classification(s) (2) UNTs to Trout Stream, Trout Stream

ESCGP-1 # ESX11-117-0001  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga and Lycoming  
Township(s) Union & Liberty Twp (Tioga); Jackson & McIntyre Twp (Lycoming)  
Receiving Stream(s) and Classification(s) Sugar Works Run, Mill Cr, W Mill Cr, French Lick Run, Salt Spring Run, Roaring Br, Tribs to aforementioned along to Brion Cr and Red Run

ESCGP-1 # ESX11-117-0008  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Union Twp  
Receiving Stream(s) and Classification(s) Trib. to Salt Spring Run



## ESCGP-1 # ESX11-115-0005

Applicant Name Cabot Oil & Gas Corp.  
 Contact Person Kenneth Marcum  
 Address 5 Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Brooklyn Twp.  
 Receiving Stream(s) and Classification(s) UNT to Hop Bottom Cr

## ESCGP-1 # ESX11-081-0007

Applicant Name Pennsylvania General Energy Co, LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) Pine Cr, Ritter Run, North Fork Tombs Run, W. Br. Susquehanna River

## ESCGP-1 # ESX11-115-0003

Applicant Name Southwestern Energy Production Co  
 Contact Person Dave Sweeley  
 Address 181 W. Tioga St. Ste 2  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) Lenox Twp  
 Receiving Stream(s) and Classification(s) UNT of Tunkhannock Cr, Tunkhannock Cr, Susquehanna R.

## ESCGP-1 # ESX11-115-0007

Applicant Name Cabot Oil & Gas  
 Contact Person Kenneth Marcum  
 Address 5 Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Dimock Twp.  
 Receiving Stream(s) and Classification(s) UNT to Lake Stream and Lake Stream

## ESCGP-1 # ESX10-081-0088

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Cogan House Twp.  
 Receiving Stream(s) and Classification(s) UNT to Bear Run, Bear Run

## ESCGP-1 # ESX10-081-0111

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Mifflin Twp.  
 Receiving Stream(s) and Classification(s) UNTs 21078 & 21079 to Larrys Cr, UNT 21049 to Second Fork Larrys Cr, Larrys Cr

## ESCGP-1 # ESX11-015-0018

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main ST  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Wilmot Twp.  
 Receiving Stream(s) and Classification(s) UNT to Sugar Run, Foster Branch, Sugar Run

## ESCGP-1 # ESX11-015-0010

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
 Address 101 North Main ST  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Wilmot Twp.  
 Receiving Stream(s) and Classification(s) UNT of Sugar Run/Sugar Run

## ESCGP-1 # ESX10-105-0039

Applicant Name Penn Virginia Oil & Gas Corp  
 Contact Person Michael Stamper  
 Address 1000 Town Center Way, Ste 210  
 City, State, Zip Canonsburg, PA 15317  
 County Potter  
 Township(s) Harrison Twp.  
 Receiving Stream(s) and Classification(s) UNT to Cowanesque River

## ESCGP-1 # ESX10-015-0389

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Asylum and Terry Twps.  
 Receiving Stream(s) and Classification(s) UNT to Durell Cr, UNT to Susquehanna River

## ESCGP-1 # ESX11-015-0016

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Litchfield Twp.  
 Receiving Stream(s) and Classification(s) Parks Creek

## ESCGP-1 # ESX11-115-0008

Applicant Name Williams Production Appalachia LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Forest Lake Twp.  
 Receiving Stream(s) and Classification(s) UNT to Middlebury Br, Wyalusing Creek

## ESCGP-1 # ESX11-115-0001

Applicant Name Williams Production Appalachia LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Rush and Middletown Twps.  
 Receiving Stream(s) and Classification(s) UNT to Middle Branch Wyalusing Cr, Middle Br Wyalusing Cr

## ESCGP-1 # ESG10-105-0034

Applicant Name Ultra Resources, Inc.  
 Contact Person Erika Tokarz  
 Address 5 East Avenue, #108  
 City, State, Zip Wellsboro, PA 16901-9748  
 County Potter and Tioga County  
 Township(s) West Branch Twp (Potter); Gaines Twp (Tioga)  
 Receiving Stream(s) and Classification(s) Bloody Run, Elk Run

## ESCGP-1 # ESX11-081-0005

Applicant Name Anadarko E&P Company LP  
 Contact Person Rane Wilson  
 Address 33 West 3rd Street, Ste 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming



Township(s) Cummings Twp.  
Receiving Stream(s) and Classification(s) First Fork  
Larry's Creek

ESCGP-1 # ESX11-081-0006  
Applicant Name Anadarko E&P Company LP  
Contact Person Rane Wilson  
Address 33 West 3rd Street, Ste 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cummings Twp.  
Receiving Stream(s) and Classification(s) UNT to Dam  
Run and Ramsey Run

ESCGP-1 # ESX10-015-0253(01)  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Orwell Twp.  
Receiving Stream(s) and Classification(s) UNT to (2) to  
Trout Stream, Trout Stream

ESCGP-1 # ESX11-015-0026  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Windham Twp.  
Receiving Stream(s) and Classification(s) Parks Cr, UNT  
to Parks Cr, UNT to Trout Brook

ESCGP-1 # ESX11-015-0030  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Columbia Twp.  
Receiving Stream(s) and Classification(s) UNT to South  
Creek, UNT to Wolf Creek, South Creek

ESCGP-1 # ESX11-015-0033  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Windham Twp.  
Receiving Stream(s) and Classification(s) Wappasening  
Cr, Russell Run, Susquehanna River

ESCGP-1 # ESX11-015-0028  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Columbia Twp.  
Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESG10-105-0032  
Applicant Name Ultra Resources, Inc.  
Contact Person Erica Tokarz  
Address 5 East Avenue, #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Potter  
Township(s) West Branch Twp.  
Receiving Stream(s) and Classification(s) Paul Hollow  
which is a trib. to South Br. Pine Creek, South Br. Pine  
Creek

ESCGP-1 # ESX10-117-0257(01)  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Charleston Twp.  
Receiving Stream(s) and Classification(s) Hills Cr/  
Susquehanna River Basin in PA, Crooked Cr.

ESCGP-1 # ESX11-117-0019  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Chatham Twp.  
Receiving Stream(s) and Classification(s) UNT to Crooked  
Creek/Tioga River Basin

ESCGP-1 # ESX11-115-0012  
Applicant Name Southwestern Energy Production  
Company  
Contact Person Dave Sweeley  
Address 181 W. Tioga St., Ste 2  
City, State, Zip Tunkhannock, PA  
County Susquehanna  
Township(s) Lenox Twp.  
Receiving Stream(s) and Classification(s) UNT to East Br.  
Tunkhannock Cr., East Br. Tunkhannock Cr.

ESCGP-1 # ESG10-105-0035  
Applicant Name Ultra Resources, Inc.  
Contact Person Erica Tokarz  
Address 5 East Avenue, #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Potter  
Township(s) West Branch Twp.  
Receiving Stream(s) and Classification(s) Huggler Hollow,  
Bloody Run, Unlisted Trib. to Bloody Run, South Br.  
Pine Creek, Elk Run

ESCGP-1 # ESX11-117-0012  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Liberty Twp.  
Receiving Stream(s) and Classification(s) Brion Creek and  
Tribes.

ESCGP-1 # ESX11-117-0010  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Charleston Twp.  
Receiving Stream(s) and Classification(s) Hills Creek

ESCGP-1 # ESX11-033-0001  
Applicant Name EXCO Resources (PA) LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Dr, Ste 200  
City, State, Zip Warrendale, PA 15086  
County Clearfield  
Township(s) Pine Twp.  
Receiving Stream(s) and Classification(s) Right and Left  
Br. Moose Cr/Upper W. Br. of Susquehanna

ESCGP-1 # ESX11-027-0001  
Applicant Name EXCO Resources (PA) LLC  
Contact Person Joel Heiser

Address 3000 Ericsson Dr, Ste 200  
 City, State, Zip Warrendale, PA 15086  
 County Centre  
 Township(s) Burnside Twp.  
 Receiving Stream(s) and Classification(s) Sandy Run,  
 Beech Creek

ESCGP-1 # ESX11-113-0001  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext., Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Sullivan  
 Township(s) Elkland Twp.  
 Receiving Stream(s) and Classification(s) Mill Creek,  
 Lower W. Br. Susquehanna

ESCGP-1 # ESX11-113-0003  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Sullivan  
 Township(s) Colley Twp.  
 Receiving Stream(s) and Classification(s) UNT N. Branch  
 Mehoopany Cr, N. Br. Mehoopany Cr

ESCGP-1 # ESX11-131-0001  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Wyoming  
 Township(s) Windham Twp.  
 Receiving Stream(s) and Classification(s) Little  
 Mehoopany Cr, Susquehanna River

ESCGP-1 # ESX10-115-0069  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Susquehanna  
 Township(s) Rush and Jessup Twps.  
 Receiving Stream(s) and Classification(s) UNT of Elk  
 Lake Stream, Elk Lake Stream

ESCGP-1 # ESX11-015-0023  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Wilmot Twp.  
 Receiving Stream(s) and Classification(s) UNT to Foster  
 Branch and to N. Br. Mehoopany Cr; Foster Branch, N.  
 Br. Mehoopany Cr.

ESCGP-1 # ESX11-015-0034  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Stevens Twp.  
 Receiving Stream(s) and Classification(s) Beaver Meadow  
 Cr, Tuscarora Cr

ESCGP-1 # ESX10-105-0037  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Potter

Township(s) West Br. Twp.  
 Receiving Stream(s) and Classification(s) Right Br  
 Wetmore Run, W. Br. Pine Cr

ESCGP-1 # ESX11-015-0022  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Sheshequin Twp.  
 Receiving Stream(s) and Classification(s) Spaulding Cr

ESCGP-1 # ESX11-015-0032  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Monroe Twp.  
 Receiving Stream(s) and Classification(s) UNT of S. Br  
 Towanda Cr, S. Br. of Towanda Cr

ESCGP-1 # ESX11-117-0020  
 Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Middlebury Twp.  
 Receiving Stream(s) and Classification(s) UNT to Crooked  
 Cr, Tioga River Basin to PA-NY State Border, Crooked  
 Cr

ESCGP-1 # ESX11-033-0002  
 Applicant Name EOG Resources, Inc.  
 Contact Person William Burket  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Clearfield  
 Township(s) Lawrence Twp.  
 Receiving Stream(s) and Classification(s) Laurel Run,  
 Lick Run, Trout Run, Susquehanna River

ESCGP-1 # ESX10-015-0369  
 Applicant Name EOG Resources, Inc.  
 Contact Person William Burket  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Springfield Twp.  
 Receiving Stream(s) and Classification(s) UNT to Leonard  
 Cr/Sugar Cr, N. Br. Susquehanna River

ESCGP-1 # ESX11-117-0016  
 Applicant Name SWEPI LP  
 Contact Person Scott Blauvelt  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Shippen Twp.

Receiving Stream(s) and Classification(s) UNTs to Darling

ESCGP-1 # ESX11-081-0004  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Jeffrey Searfoss  
 Address 25 W. Third St, 100 Penn Tower, Ste 201 and 202  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming

Township(s) Cummings, Mifflin, Anthony, Lycoming,  
 Cogan House Twps  
 Receiving Stream(s) and Classification(s) 1st & 2nd Fork  
 Larry's Cr; Dog/Harbor/Little Harbor/ Roaring/Marsh/  
 Stony Gap/Little Gap/Hoagland Runs; Little Sandy  
 Hollow

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-083-0037

Applicant U.S. Energy Development Corp.

Contact Mr. Todd Witmer

Address 2350 North Forest Road

City Getzville State NY Zip Code 14068

County McKean Township(s) Corydon(s)

Receiving Stream(s) and Classification(s) Prue Hollow,  
named Tributary to Willow Creek and Chander Run,  
named Tributary to Coon Run—HQ—  
Secondary Water Allegheny River & Quaker Run

ESCGP-1 #ESX11-065-0020

Applicant EXCO Resources (PA), LLC

Contact Mr. Larry Sanders

Address 3000 Ericsson Drive, Suite 200

City Warrendale State PA Zip Code 15086

County Jefferson Township(s) Beaver(s)

Receiving Stream(s) and Classification(s) Un-named  
Tributaries to Redbank Creek and Redbank Creek—  
Other—  
Secondary Water Allegheny River

ESCGP-1 #ESX11-053-0014—SRC—Boone Mountain  
Monitoring Well 50357

Applicant Seneca Resources Corporation

Contact Mr. Michael Clinger

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Elk Township(s) Horton(s)

Receiving Stream(s) and Classification(s) Rattlesnake  
Creek and Whetstone Branch Little Toby Creek

[Pa.B. Doc. No. 11-382. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Rescission of Technical Guidance*

DEP ID: 012-0900-006. Title: Adoption by Reference of the United States Environmental Protection Agency's Y2K Enforcement Policy. Description: Guidance provided by this document was time-sensitive and is no longer applicable. Contact: Questions regarding the rescission of this policy document should be directed to Robert Altenburg at [raltenburg@state.pa.us](mailto:raltenburg@state.pa.us) or (717) 783-8727.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-383. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 17(7182)101.1, Abandoned Mine Reclamation Project, Baney Settlement, Goshen Township, Clearfield County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; dewatering impoundments; grading 225,350 cubic yards; ditch excavating 530 cubic yards; high velocity erosion control blanket 1,025 square yards; rock lining with filter material 155 square yards; rock piles 6 each; brush barriers 330 linear feet; access roadway surface material 270 square yards; and seeding 24 acres. This bid issues March 4, 2011, and bids will be opened on April 5, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-384. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 26(2742)101.1, Abandoned Mine Reclamation Project, Mt. Marion Cemetery West, Spring Township, Fayette County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 15,500 cubic yards; tree planting 275 trees; and seeding 2.8 acres. This bid issues March 4, 2011, and bids will be opened on April 5, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-385. Filed for public inspection March 4, 2011, 9:00 a.m.]



**Bond Schedule for the Calculation of Bond Amounts on Noncoal Mining Operations**

The Department of Environmental Protection (Department) announces the bond schedule for noncoal mining operations. The authority for bonding noncoal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapter 77, Subchapter D (relating bonding and insurance requirements). The rates listed in this schedule will be used in calculating the bonds for surface noncoal mining operations including surface mines and facilities and the surface facilities of underground mining operations. Other activities, including special revegetation plans, wetland mitigation or stream channel restoration will be estimated on a case-by-case basis.

Under 25 Pa. Code § 77.202 (relating to determination of bond amount), the Department is providing notice of the bond schedule for bonding Noncoal Surface Mine Sites.

The bond schedule reflects the requirement that the amount of bond shall be the estimated cost to the Department if it had to complete the reclamation, restoration and abatement work under the Noncoal Surface Mining Conservation and Reclamation Act. The rates will be in effect until they are revised through a subsequent notice.

*General Methodology*

The basic approach to bonding large noncoal sites is to apply a flat per-acre rate (to cover minor grading and revegetation) and supplement that with bond to account for spoil storage, backfilling, highwall blasting, demolition

or other site-specific costs. For mine sites where consolidated material is mined below the water table, the reclamation bond calculation must account for reclamation slopes to a depth of 50 feet below the anticipated post-mining water level.

For sites that can be mined in lateral phases, the operator can choose to bond the permit area by phase. The operator must identify the portion of the permit area on which mining and reclamation activities will occur within the phase. The Department will calculate the bond liability based on the maximum portion of the permitted area that the permittee is authorized to disturb at any specific time. This area is described in the permittee's mining and reclamation plans and must include all of the land affected by mining activities that is not planted, growing and stabilized.

*Per-Acre Rates-Applicable to Disturbed (Not Reclaimed) area*

\$3,000 per acre for mining area (This rate includes select grading and revegetation)

\$1,500 per acre for support areas (This rate includes revegetation)

*Spoil Storage/Earthmoving*

The rate of \$0.90 (cost per cubic yard) for grading applies to spoil stored or other additional earthmoving (for example, backfilling for contour mines or subsoil replacement where more than 12 inches of soil is needed to meet post-mining land use).

*Blasting to Achieve the Reclamation Slope*

The following rates apply to highwalls where blasting is necessary to achieve the final slope. Blaster's estimates may be used in lieu of these rates.

**Table 1**

<i>Highwall/Bench Height (feet)</i>	<i>Cost per linear foot of Highwall/Bench</i>
Up to 20	\$10.00
>20 <30	\$20.00
>30 <40	\$35.00
>40 <50	\$45.00
>50	\$60.00

*Mine Sealing*

Mine sealing costs should be calculated using the Bond Rate Schedule in Table 2.

**Table 2**

**Mine Sealing Bond Rate Schedule**

*Sealing Underground Mine Drift and Slope Openings*

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic yard	128.00
Masonry Work	Square foot	11.00
Fill Material and Earthwork	Cubic yard	23.00
Security Fencing	Lineal foot	29.00
Mobilization Cost	Job	5% of Total Amount

*Sealing Underground Mine Shaft Openings*

Concrete Material	Cubic Yard	96.00
Aggregate Material	Cubic Yard	27.00



<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Fill Material and Earthwork <sup>1</sup>	Cubic Yard	4.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount

*Sealing Boreholes at Underground Mines*

<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$) Per Lineal Foot</i>
12-Inch or Less Diameter	1,500	5.50
Larger Than 12-Inch Diameter	2,000	5.50

<sup>1</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

#### *Other Items*

A flat rate of \$3,800 will be used for each pond requiring reclamation. This rate includes dewatering, grading, topsoil replacement and revegetation. Large equipment tires remaining at a site will be bonded at \$300 per tire. Available cost information will be used in the event that a unit operation necessary to calculate a reclamation bond is not listed in the schedule. If enough data is not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*. Structure demolition costs, for structures that are not compatible with the post-mining land use, will be calculated using these references. Structures that have reasonable post-mining uses do not require bonding.

#### *Mobilization*

Add 4% of the amount, up to \$40,000, for mobilization costs.

#### *Large Noncoal—Unconsolidated material*

Mining of unconsolidated material includes sites where the mining is above and below groundwater. The cost of reclamation for these two types of mining include selective grading to achieve the reclamation slopes and the safety bench around the water impoundment to meet the requirements of 25 Pa. Code § 77.594 (relating to final slopes).

The cost to grade the highwall to the approved reclamation slope above the groundwater table will be calculated based on the area of the highwall (determined by the length of highwall to be reclaimed multiplied by the horizontal width of the reclamation slope) to be reclaimed and the height of the highwall. The Department will use the following rates for bonding permits mining unconsolidated material:

\$1,600 per acre for mining up to 35 feet

\$2,000 per acre for 35 to 65 feet

\$3,500 per acre over 65 feet

The cost to establish the safety bench on water impoundments will be calculated based on the area around the perimeter of the impoundment multiplied by the width of the safety bench. The Department will use \$1,600 per acre for bonding the safety bench.

The Department will use the Bond Rate Schedule for spoil, storage, and earthmoving (cost per cubic yard) for sites that will use unmarketable material to achieve the reclamation contours on unconsolidated material mine sites.

#### *Small Noncoal Sites*

For small noncoal sites that comply with 25 Pa. Code § 77.108(e)(4) (relating to permit for small noncoal operations), the bond amount is \$1,500 per acre.

#### *Small Noncoal—Consolidated Material*

The Department will use the following rates for bonding permits mining consolidated material that need to exceed the 1-acre limit imposed by 25 Pa. Code § 77.108(e)(4). These are the rates that also apply to the General Permit for Bluestone (GP-105).

\$1,500 per acre for support

\$3,000 per acre for mining up to 35 feet

\$4,000 per acre for 35 to 65 feet

\$5,000 per acre over 65 feet

Additional \$2,500 for mobilization/demobilization

#### *Small Noncoal—Unconsolidated Material*

A flat rate of \$3,000 per acre should be used for small sand and gravel pits that exceed the 1-acre limitation of 25 Pa. Code § 77.108(e)(4).

*Effective Date:* This schedule will become effective April 1, 2011.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-386. Filed for public inspection March 4, 2011, 9:00 a.m.]

### **Notice of Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations**

The Department of Environmental Protection (Department) announces the 2011 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2011. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of

underground mining operations. The procedures for calculating land reclamation bonds are described in technical guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's web site at the following link: <http://www.elibrary.dep.state.pa.us>.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

#### General Methodology

The Department developed the bond rate guidelines for 2011 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998-2010. For most categories, a 3-year (2008-2010) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2009 or 2010 that included selective grading. Therefore, a 4-year average was used for the 2010 selective grading bond rate.

In general, the costs for a given unit operation for each year are determined using the weighted average of the three lowest total bids for each contract. However, grading costs were calculated using a frequency distribution in combination with the weighted averages.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Tables 1 or 2, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2011.

The bond rate guidelines are available electronically at <http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### Mine Sealing Costs

The mine sealing bond rate guidelines are presented in Table 2. Mine sealing and borehole sealing bond rate guidelines remain the same for 2011.

*Effective Date:* The bond rate guidelines in this notice become effective April 1, 2011.

**Table 1**  
**Standard Bond Rate Guidelines**  
**for Year 2011**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/Demobilization	Job	4% of direct costs or \$40,000, whichever is less
Grading (< 500-foot push)	Cubic Yard	0.80
Grading (≥500-foot push/haul)	Cubic Yard	1.00
Selective Grading	Acre	1,050.00
Revegetation	Acre	1,470.00
Tree Planting	Tree	0.15
Ditch Excavation	Cubic Yard	4.25
Jute Matting	Square Yard	3.50
High Velocity Erosion Control	Square Yard	3.00
AASHTO No. 1	Ton	24.00
AASHTO No. 57	Ton	25.00
R3 Rock Lining	Square Yard	26.00
R4 Rock Lining	Square Yard	20.00
R5 Rock Lining	Square Yard	20.00
Geotextile/Filter Fabric	Square Yard	1.75
PVC Lining <sup>1</sup>	Square Yard	12.00
Subsurface Drain	Lineal Foot	16.00
Erosion and Sedimentation Control (Temporary Installation)	Job	Lump sum (5% of direct costs for site)

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Pond Removal Active Phase <sup>2</sup>	Pond	3,800.00
Stage 3 Maintenance Bond Non-Cropland Areas (Land Uses Where Crop Yields are Not Required)	Acre	100.00
Stage 3 Maintenance Bond Cropland (Not Row Crops) Pastureland or Land Occasional Cut for Hay (Excludes Seed Cost)	Acre	450.00
Stage 3 Maintenance Bond Cropland Area-Row Crops (includes seed cost)	Acre	650.00
Stage 3 Mobilization	Job	2,500.00
Pond Removal—Stage 3	Cubic Yards (Embankment Volume) Plus Topsoiling and Revegetation Cost	Use <500 Grading for Pond Embankment Volume Plus Topsoiling and Revegetation Cost for the Area Disturbed
Ditch Removal—Stage 3	Lineal Foot	0.75
Equipment Tire Removal and Disposal	Tire	300.00
Structure Demolition	Costs Will Be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i> .	

**Table 2**

**Mine Sealing Bond Rate Guidelines  
for Year 2011**

*Sealing Bituminous Underground Mine Drift and Slope Openings*

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic yard	128.00
Masonry Work	Square foot	11.00
Fill Material & Earthwork <sup>3</sup>	Cubic yard	23.00
Security Fencing	Lineal foot	29.00
Mobilization Cost	Job	5% of Total Amount

*Sealing Bituminous Underground Mine Shaft Openings*

Concrete Material	Cubic Yard	96.00
Aggregate Material	Cubic Yard	27.00
Fill material and Earthwork <sup>3</sup>	Cubic Yard	4.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount

*Sealing Boreholes at Bituminous Underground Mines*

<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$) Per Lineal Foot</i>
12 Inch or Less Diameter	1,500	5.50
Larger Than 12 Inch Diameter	2,000	5.50

<sup>2</sup> Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

**Table 3**  
**Land Maintenance Financial Guarantee Fees**  
**for Year 2011**

<i>Fee Category</i>	<i>Fee (\$)</i>
Publication	\$1,000.00
Administrative	\$300.00

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-387. Filed for public inspection March 4, 2011, 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 § 205.6(a) (relating to function of building).

Messiah Village  
 100 Mount Allen Drive  
 Mechanicsburg, PA 17055

Pine Run Health Center  
 777 Ferry Road  
 Doylestown, PA 18901  
 FAC ID 680502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(a)(b) (relating to nurses' station).

Messiah Village  
 100 Mount Allen Drive  
 Mechanicsburg, PA 17055

The requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on 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).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-388. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2010-2011 as Provided for Under the Medical Care Availability and Reduction of Error Act

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1301.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

The MCARE Act was amended in 2007 to add sections 401—411 (40 P. S. §§ 1303.401—1303.411), which requires nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Authority. Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act (40 P. S. § 1303.409), states that every fiscal year (FY), beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to the MCARE Act. The base amount of \$1,000,000 for FY 2008-2009 may be increased no more than the Consumer Price Index in each succeeding fiscal year.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of January 19, 2011, was totaled and that amount was divided into \$800,000 (the amount requested by the Authority for the 2010-2011 MCARE surcharge assessment for nursing homes). The total number of licensed beds is 87,413. This equates to a surcharge of \$9.15 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@health.state.pa.us, and request the 2010-2011 MCARE surcharge assessment list for Nursing Care Facilities.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 30 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.



If a nursing care facility has any questions concerning this notice, a representative from that facility should contact Melanie Waters, Acting Deputy Secretary for Quality Assurance, 8th Floor Executive Offices, Health and Welfare Building, Harrisburg, PA, 17120, (717) 783-1078.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact Joanne Salsgiver, Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-389. Filed for public inspection March 4, 2011, 9:00 a.m.]

### **Patient Safety Trust Fund Surcharge for Fiscal Year 2010-2011 as Provided for Under the Medical Care Availability and Reduction of Error Act**

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year (FY) thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for FY 2002-2003 shall not exceed \$5,000,000 and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5,000,000 provided for in FY 2002-2003 has the potential to be increased no more than the Consumer Price Index in each succeeding FY.

With the cooperation of hospitals, birthing centers, abortion facilities and ambulatory surgery facilities (ASFs) in this Commonwealth, the surcharge has been implemented, and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

- The FY 2009-2010 surcharge assessment was \$5,000,000. For the FY 2010-2011, the Authority has recommended that the surcharge assessment again total \$5,000,000.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2010-2011. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1088) and also abortion facilities that meet the provisions of section 315 of the MCARE Act (40 P. S. § 1303.315). Nursing homes, which are assessed under Chapter 4, receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of operating and procedure rooms; and for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen January 19, 2011.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$5,000,000 to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 43,226. Dividing this number into \$5,000,000 results in a per unit assessment of approximately \$115.67.

To obtain a copy of the assessment for all facilities, send an e-mail to [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us), and request the 2010-2011 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorized the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Joanne Salsgiver, Director, Department of Health, Division of Acute and Ambulatory Care, 625 Forster Street, Health and Welfare Building, Room 532, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-390. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Updating the List of Citations to ACIP Recommendations Prescribing Child Immunization Practices and Immunizing Agents and Doses

In accordance with 31 Pa. Code §§ 89.806(a) and 89.807(b) (relating to coverage of child immunizations; and immunizing agents, doses and AWP's), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization is updating 31 Pa. Code Chapter 89, Appendices G and H (relating to ACIP recommendations prescribing child immunization practices; and immunizing agents and doses). The Department has primary responsibility for the interpretation and the implementation of 31 Pa. Code §§ 89.806 and 89.807. See 31 Pa. Code § 89.801(b) (relating to authority and purpose; implementation).

Health insurance policies are required by the Childhood Immunization Insurance Act (act) (40 P.S. §§ 3501–3508) (act) and regulations promulgated thereunder, 31 Pa. Code Chapter 89, Subchapter L (relating to childhood immunization insurance), to include coverage for certain childhood immunizations, unless the policies are exempted by the act and 31 Pa. Code § 89.809 (relating to exempt policies). The childhood immunizations covered are those that meet Advisory Committee on Immunization Practices (ACIP) standards in effect on May 21, 1992. See 31 Pa. Code § 89.806(a). A list of the MMWR publications containing ACIP recommendations issued under the ACIP standards in effect on May 21, 1992, appears in 31 Pa. Code Chapter 89, Appendix G.

The Department is required to update the list of these MMWR publications appearing in 31 Pa. Code Chapter 89, Appendix G. See 31 Pa. Code § 89.806(a). The additions to the list are as follows, the remainder of the list in 31 Pa. Code Chapter 89, Appendix G remains in full force and effect:

*July 2, 2010, Vol. 59/No. 25*

#### *Hepatitis A Vaccination Coverage Among U.S. Children Aged 12-23 Months—Immunization Information System Sentinel Sites, 2006-2009*

Hepatitis A vaccine was first licensed as a 2-dose vaccine for children aged  $\geq 24$  months in 1995. In 1996 and 1999, the Advisory Committee on Immunization Practices (ACIP) recommended routine hepatitis A vaccination for children aged  $\geq 24$  months in communities with the highest rates of the disease. In August 2005, the minimum age for which the vaccine was licensed was lowered to 12 months, and in May 2006, ACIP recommended routine vaccination of all children aged 12-23 months, regardless of risk category or location. As a result, hepatitis A incidence in the United States reached a historic low in 2007, the most recent year for which data are available. To assess hepatitis A vaccine coverage among children aged 12-23 months from 2006-2009, CDC used data from eight Immunization Information System sentinel sites. Average (unweighted) hepatitis A vaccination coverage with  $\geq 1$  dose at the sites increased from 17% in 2006 to 47% in 2009. Average full vaccination coverage with  $\geq 2$  vaccine doses through age 23 months increased from 1% in 2006 to 15% in 2009. Vaccination coverage with  $\geq 1$  dose increased the most during 2006 through the first quarter of 2007, after which the rate of increase slowed. The 2006 ACIP recommendations for routine hepatitis A vaccination of all children aged 12-23 months resulted in improved coverage, but coverage has plateaued. Immunization programs and vaccine providers should encourage hepatitis A vaccination of all children beginning at age 12 months.

*October 8, 2010, Vol. 59/No. 39*

#### *Seasonal Influenza Vaccination Coverage Among Children Aged 6 Months-18 Years—Eight Immunization Information System Sentinel Sites, United States, 2009-10 Influenza Season*

Annual influenza vaccination was first recommended for children aged 6-23 months and 2-4 years by the Advisory Committee on Immunization Practices (ACIP) in 2004 and 2006, respectively. In August 2008, ACIP expanded its seasonal influenza vaccination recommendations to also include all children aged 5-18 years no later than the 2009-2010 season. To update previous estimates of seasonal influenza vaccination coverage among children aged 6 months-18 years, CDC analyzed data from the eight immunization information system sentinel sites for the 2009-2010 influenza season. The six sentinel site areas in Arizona, Colorado, Michigan, Minnesota, Oregon and Wisconsin consist of subsets of the entire state; the other two sentinel sites consist of the entire state of North Dakota and all of New York City.

Vaccination coverage with influenza A (H1N1) 2009 monovalent vaccine is not included in this report. Average (unweighted) vaccination coverage with  $\geq 1$  seasonal influenza vaccine doses was 26.3%, a 5.5 percentage point increase from the 2008-2009 season (20.8%). Increases varied by age group, ranging from almost no increase among children aged 6-23 months (55.2% during the 2008-2009 season to 55.7% during the 2009-2010 season) to notable increases among children aged 2-4 years (from 33.0% to 38.4%), 5-12 years (19.0% to 27.1%) and 13-18 years (10.9% to 15.3%). Full vaccination coverage was low during the 2009-2010 season, ranging from 34.7% among children aged 6-23 months to 15.3% among children aged 13-18 years. These findings highlight the need to identify varied strategies and venues for delivering influenza vaccine to different age groups of children to increase vaccination coverage.

*December 10, 2010, Vol. 59 No. RR11*

#### *Prevention of Pneumococcal Disease Among Infants and Children—Use of 13-Valent Pneumococcal Conjugate Vaccine and 23-Valent Pneumococcal Polysaccharide Vaccine*

On February 24, 2010, a 13-valent pneumococcal polysaccharide-protein conjugate vaccine (PCV13 (Prevnar 13, Wyeth Pharmaceuticals, Inc., marketed by Pfizer, Inc.)) was licensed by the Food and Drug Administration (FDA) for prevention of invasive pneumococcal disease caused among infants and young children by the 13 pneumococcal serotypes covered by the vaccine and for prevention of otitis media caused by serotypes also covered by the 7-valent pneumococcal conjugate vaccine formulation (PCV7 (Prevnar, Wyeth)). PCV13 contains the seven serotypes included in PCV7 (serotypes 4, 6B, 9V, 14, 18C, 19F and 23F) and six additional serotypes (serotypes 1, 3, 5, 6A, 7F and 19A). PCV13 is approved for use among children aged 6 weeks to 71 months and supersedes PCV7, which was licensed by FDA in 2000.

This report summarizes recommendations approved by the Advisory Committee on Immunization Practices (ACIP) on February 24, 2010, for the use of PCV13 to prevent pneumococcal disease in infants and young children aged  $< 6$  years. Recommendations include: 1) routine vaccination of all children aged 2-59 months; 2) vaccination of children aged 60-71 months with underlying medical conditions; and 3) vaccination of children who received  $\geq 1$  dose of PCV7 previously (CDC. Licensure of a 13-valent pneumococcal conjugate vaccine (PCV13) and

recommendations for use among children—Advisory Committee on Immunization Practices (ACIP), 2010. MMWR 2010; 59:258-61). Recommendations also are provided for targeted use of the 23-valent pneumococcal polysaccharide vaccine (PPSV23, formerly PPV23) in children aged 2-18 years with underlying medical conditions that increase their risk for contracting pneumococcal disease or experiencing complications of pneumococcal disease if infected.

The ACIP recommendation for routine vaccination with PCV13 and the immunization schedules for children aged  $\geq 59$  months who have not received any previous PCV7 or PCV13 doses are the same as those published previously for PCV7 (CDC. Preventing pneumococcal disease among infants and young children: recommendations of the Advisory Committee on Immunization Practices (ACIP). MMWR 2000; 49(No. RR-9); CDC. Updated recommendation from the Advisory Committee on Immunization Practices (ACIP) for use of 7-valent pneumococcal conjugate vaccine (PCV7) in children aged 24-59 months who are not completely vaccinated. MMWR 2008; 57:343-4), with PCV13 replacing PCV7 for all doses. For routine immuni-

zation of infants, PCV13 is recommended as a 4-dose series at ages 2, 4, 6 and 12-15 months. Infants and children who have received  $\geq 1$  dose of PCV7 should complete the immunization series with PCV13. A single supplemental dose of PCV13 is recommended for all children aged 14-59 months who have received 4 doses of PCV7 or another age-appropriate, complete PCV7 schedule. For children who have underlying medical conditions, a supplemental PCV13 dose is recommended through age 71 months. Children aged 2-18 years with underlying medical conditions also should receive PPSV23 after completing all recommended doses of PCV13.

The Department is also required to update information relating to immunizing agents and doses that the Department has extracted from ACIP recommendations issued under the standards in 31 Pa. Code § 89.806(a). See 31 Pa. Code § 89.807(b). The Department is also to periodically list the average wholesale price for immunizing agents. Id. This information currently appears in 31 Pa. Code Chapter 89, Appendix H (relating to immunizing agents and doses). The updated information is as follows:

#### 2010 List of Immunizing Agents and Average Wholesale Prices

<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/Dose*</i>
<b>Diphtheria Tetanus acellular Pertussis Vaccine (DTaP):</b>					
sanofi pasteur	Tripedia	49281-0298-10	10 × 1	0.5 ml	\$27.97
sanofi pasteur	Daptacel	49281-0286-10	10 × 1	0.5 ml	\$28.83
GlaxoSmithKline	Infanrix—syringe	58160-0812-46	10 × 1	0.5 ml	\$23.02
GlaxoSmithKline	Infanrix	58160-0810-11	10 × 1	0.5 ml	\$24.70
<b>Tetanus Diphtheria acellular Pertussis Vaccine (Tdap):</b>					
sanofi pasteur	Adacel	49281-0400-10	10 × 1	0.5 ml	\$46.15
sanofi pasteur	Adacel	49281-0400-15	5 × 1	0.5 ml	\$46.15
GlaxoSmithKline	Boostrix	58160-0842-11	10 × 1	0.5 ml	\$44.61
GlaxoSmithKline	Boostrix—syringe	58160-0842-51	10 × 1	0.5 ml	\$44.61
<b>Diphtheria Tetanus pediatric Vaccine (DT pediatric):</b>					
sanofi pasteur	DT Pediatric	49281-0278-10	10 × 1	0.5 ml	\$37.27
<b>Diphtheria Tetanus acellular Pertussis/Haemophilus Influenzae B (DTaP-HIB):</b>					
sanofi pasteur	TriHIBit	49281-0597-05	5 × 1	0.5 ml	\$56.58
<b>Tetanus Diphtheria adult Vaccine (Td adult):</b>					
sanofi pasteur	Decavac	49281-0291-83	10 × 1	0.5 ml	\$24.17
sanofi pasteur	Decavac	49281-0291-10	10 × 1	0.5 ml	\$24.17
Merck & Co.	Td Vaccine	14362-0111-03	10 × 1	0.5 ml	\$179.90
<b>Diphtheria, Tetanus, acellular Pertussis, Haemophilus Influenzae B, Polio (DTaP, HIB, IPV):</b>					
sanofi pasteur	Pentacel	49281-0510-05	5 × 1	0.5 ml	\$92.22
<b>Diphtheria, Tetanus, acellular Pertussis, Polio (DTap, IPV):</b>					
GlaxoSmithKline	Kinrix—syringe	58160-0812-51	10 × 1	0.5 ml	\$57.00
GlaxoSmithKline	Kinrix	58160-0812-11	10 × 1	0.5 ml	\$57.00
<b>Diphtheria, Tetanus, acellular Pertussis, Hepatitis B, Polio (DTaP, Hep B, IPV):</b>					
GlaxoSmithKline	Pediarix	58160-0811-11	10 × 1	0.5 ml	\$84.12
GlaxoSmithKline	Pediarix—syringe	58160-0811-46	5 × 1	0.5 ml	\$84.12
<b>Tetanus Toxoid:</b>					
sanofi pasteur	Tetanus toxoid	49281-0820-10	10 × 1	0.5 ml	\$37.03



<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/Dose*</i>
<b>Haemophilus Influenzae Type B Vaccine (HIB):</b>					
sanofi pasteur	ActHIB	49281-0545-05	5 × 1	10 mcg	\$29.00
Merck & Co.	Pedvax HIB	00006-4897-00	10 × 1	7.5 mcg	\$27.32
GlaxoSmithKline	Hiberix	58160-0806-05	10 × 1	0.5 ml	\$8.66
<b>Injectable Polio Vaccine Inactivated (Salk Enhanced IPV):</b>					
sanofi pasteur	IPOL	49281-0860-55	10 × 1	0.5 ml	\$30.36
sanofi pasteur	IPOL	49281-0860-10	5.0 ml	0.5 ml	\$30.36
<b>Measles Mumps Rubella Vaccine (MMR):</b>					
Merck & Co.	MMR II	00006-4681-00	10 × 0.5	0.5 ml	\$55.40
<b>Measles Vaccine (Rubeola):</b>					
Merck & Co.	Attenuvax	0006-4589-00	10 × 0.5	0.5 ml	\$20.48
<b>Meningococcal Conjugate Vaccine (MCV4):</b>					
sanofi pasteur	Menactra	49281-0589-05	5 × 1	0.5 ml	\$127.64
sanofi pasteur	Menactra	49281-0589-15	5 × 1	0.5 ml	\$127.64
Novartis	Menveo	46028-0208-01	5 × 1	0.5 ml	\$103.41
<b>Meningococcal Polysaccharide Vaccine:</b>					
sanofi pasteur	Menomune-A/C/Y/W-135	49281-0489-91	10 × 1	0.5 ml	\$130.11
sanofi pasteur	Menomune-A/C/Y/W-135	49281-0489-01	each	0.5 ml	\$130.11
<b>Mumps Vaccine:</b>					
Merck & Co.	Mumpsvax	00006-4584-00	10 × 0.5	0.5 ml	\$26.54
<b>Rubella Vaccine:</b>					
Merck & Co.	Meruvax II	00006-4673-00	10 × 0.5	0.5 ml	\$22.83
<b>Hepatitis A Vaccine (HEP-A):</b>					
Merck & Co.	VAQTA—syringe	00006-4096-31	1.0 ml	1.0 ml	\$77.89
Merck & Co.	VAQTA—syringe	00006-4096-06	6 × 1	1.0 ml	\$77.87
Merck & Co.	VAQTA	00006-4841-00	1.0 ml	1.0 ml	\$76.21
Merck & Co.	VAQTA	00006-4841-41	10 × 1	1.0 ml	\$71.99
Merck & Co.	VAQTA Pediatric	00006-4831-41	10 × 0.5	0.5 ml	\$36.44
GlaxoSmithKline	Havrix Ped—syringe	58160-0825-52	10 × 1	0.5 ml	\$34.34
GlaxoSmithKline	Havrix Pediatric	58160-0825-11	10 × 1	0.5 ml	\$34.34
GlaxoSmithKline	Havrix—syringe	58160-0826-46	5 × 1	1 ml	\$72.68
GlaxoSmithKline	Havrix	58160-0826-11	10 × 1	1 ml	\$72.68
<b>Varicella Virus Vaccine:</b>					
Merck & Co.	Varivax	00006-4826-00	each	1350 pfu	\$97.41
Merck & Co.	Varivax	00006-4827-00	10 × 1	1350 pfu	\$92.86
Merck & Co.	Zostavax	00006-4963-00	each	19400 pfu	\$193.80
Merck & Co.	Zostavax	00006-4963-41	10 × 1	19400 pfu	\$184.72
<b>Human Papilloma Virus Vaccine:</b>					
Merck & Co.	Gardasil	00006-4045-00	each	0.5 ml	\$150.51
Merck & Co.	Gardasil	00006-4045-41	10 × 1	0.5 ml	\$150.18
Merck & Co.	Gardasil—syringe	00006-4109-06	6 × 1	0.5 ml	\$152.54
Merck & Co.	Gardasil—syringe w/o needle	00006-4109-09	6 × 1	0.5 ml	\$152.54
GlaxoSmithKline	Cervarix	58160-0830-11	10 × 1	0.5 ml	\$128.75
GlaxoSmithKline	Cervarix-syringe	58160-0830-46	5 × 1	0.5 ml	\$128.75
<b>Rotavirus Vaccine:</b>					
Merck & Co.	Rotateq	00006-4047-41	10 × 1	2 ml	\$83.35
GlaxoSmithKline	Rotarix	58160-0805-11	10 × 1	1.0ml	\$122.85



<i>Product Name, Company</i>	<i>Brand/Product Name</i>	<i>NDC Number</i>	<i>Unit</i>	<i>Dose</i>	<i>AWP/Dose*</i>
<b>Influenza Virus Vaccine:</b>					
Novartis	Fluvirin	66521-113-02	10 × 1	0.5 ml	\$18.24
Novartis	Fluvirin	66521-113-10	10 × 1	0.5 ml	\$14.81
Sanofi pasteur	Fluzone	49281-0010-10	10 × 1	0.5 ml	\$14.74
Sanofi pasteur	Fluzone	49281-0010-50	10 × 1	0.5 ml	\$14.74
Sanofi pasteur	Fluzone	49281-0386-15	10 × 1	0.5 ml	\$13.26
Sanofi pasteur	Fluzone Pediatric	49281-0010-25	10 × 1	0.25 ml	\$15.64
GlaxoSmithKline	Fluarix	58160-0873-46	5 × 1	0.5 ml	\$15.75
MedImmune	Flumist	66019-0108-10	10 × 1	0.2 ml	\$22.31
Merck & Co.	Afluria	33332-010-01	10 × 1	0.5 ml	\$11.00
Merck & Co.	Afluria	33332-110-10	Multidose	0.5 ml	\$10.25
<b>Hepatitis B Vaccine (HEP-B):</b>					
Merck & Co.	Recombivax HB Hepatitis B vaccine (Recombinant) Dialysis Formulation	00006-4992-00	each	1.0 ml	\$165.29
Merck & Co.	Recombivax HB Pediatric	00006-4981-00	10 × 0.5 ml	0.5 ml	\$27.85
Merck & Co.	Recombivax HB	00006-4995-00	1.0 ml	1.0 ml	\$71.64
Merck & Co.	Recombivax HB	00006-4995-41	10 × 1.0 ml	1.0 ml	\$70.81
Merck & Co.	Recombivax HB syringe	00006-4094-31	1.0 ml	1.0 ml	\$73.31
Merck & Co.	Recombivax HB syringe	00006-4094-06	6 × 1.0 ml	1.0 ml	\$73.31
Merck & Co.	Recombivax HB syringe w/o needle	00006-4094-09	6 × 1.0 ml	1.0 ml	\$73.31
GlaxoSmithKline	Engerix-B Pediatric	58160-0820-11	10 × 1	0.5 ml	\$25.49
GlaxoSmithKline	Engerix-B Pediatric	58160-0820-46	5 × 1	0.5 ml	\$25.49
GlaxoSmithKline	Engerix-B Pediatric	58160-0856-35	5 × 1	0.5 ml	\$25.49
GlaxoSmithKline	Engerix-B syringe	58160-0821-51	10 × 1	1.0 ml	\$62.85
GlaxoSmithKline	Engerix-B syringe	58160-0821-11	10 × 1	1.0 ml	\$62.85
<b>Hepatitis B / HIB:</b>					
Merck & Co.	COMVAX	00006-4898-00	10 × 0.5 ml	0.5 ml	\$52.27
<b>Hepatitis A &amp; Hepatitis B Vaccine:</b>					
GlaxoSmithKline	Twinrix	58160-0815-11	10 × 1.0	1.0 ml	\$103.43
GlaxoSmithKline	Twinrix—syringe	58160-0815-46	5 × 1.0	1.0 ml	\$103.43
<b>Pneumococcal Vaccine:</b>					
Pfizer	Pneumovax 13	0005-1971-02	10 × 1	0.5 ml	\$135.00
Merck & Co.	Pneumovax 23	00006-4739-00	2.5 ml	2.5 ml	\$197.93
Merck & Co.	Pneumovax 23	00006-4943-00	10 × 1	0.5 ml	\$44.43
<b>Measles, Mumps, Rubella, and Varicella Vaccine</b>					
Merck & Co.	ProQuad	00006-4999-00	10 × 0.5	0.5 ml	\$149.24

\* Indicates the Estimated Acquisition Cost (EAC) as stated in the Department of Public Welfare, Office of Medical Assistance Programs, Medical Assistance Regulations at 55 Pa. Code § 1121.55 (relating to method of payment).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope or Braille) should contact Department of Health, Division of Immunizations, Room 1026, Health and Welfare Build-

ing, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-5681, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Acting Secretary

[Pa.B. Doc. No. 11-391. Filed for public inspection March 4, 2011, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Advanced Electrical Construction, Inc. and George Dayeib, individually EIN: 23-2901701	2508 Driftwood Drive Bethel Park, PA 15102	02/16/2011

PATRICK T. BEATY,  
*Acting Secretary*

[Pa.B. Doc. No. 11-392. Filed for public inspection March 4, 2011, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Discontinuation of an Additional Class of Disproportionate Share Payments to Qualifying Acute Care General Hospitals

The Department of Public Welfare (Department) is providing final notice of the discontinuation of an additional class of disproportionate share hospital (DSH) payments to certain qualifying acute care general hospitals that provide a high volume of Medical Assistance acute care and psychiatric services and incur significant uncompensated care costs.

Funding was not included in the Commonwealth's 2009-2010 Budget for these DSH payments and the Department discontinued these DSH payments.

The Department published notice of its intent to discontinue this additional class of DSH payments at 40 Pa.B.

2719 (May 22, 2010). The Department received no public comments during the 30-day comment period, and implemented the changes described in its notice of intent.

### *Fiscal Impact*

The Fiscal Year 2009-2010 fiscal impact, as a result of the elimination of these DSH payments is a savings of \$2.213 million (\$1 million in State General funds and \$1.213 million in Federal funds).

GARY D. ALEXANDER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-663. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-393. Filed for public inspection March 4, 2011, 9:00 a.m.]

## Medical Assistance Program Fee Schedule; Decrease for Select Incontinence Products

The Department of Public Welfare (Department) announces that it will decrease the fees on the Medical Assistance (MA) Program Fee Schedule for four select incontinence products effective with dates of service on and after March 7, 2011.

### *Fee Schedule Revisions*

The Commonwealth's Medicaid State Plan specifies that maximum fees for services covered under the MA Program must be consistent with efficiency, economy and quality of care.

The Department surveyed all 50 state Medicaid programs for incontinence product fees by Healthcare Common Procedure Coding System procedure codes. The Department received responses from 33 state Medicaid programs for those products that the state had an established fee. The Department averaged the responding Medicaid programs' fees by procedure code for the incontinence products, and found that the majority of the Commonwealth MA Program incontinence product fees were similar to or less than the fees paid by the responding Medicaid programs. The Department identified four incontinence product procedure codes, T4533, T4535, T4536 and T4543, for which its fees are higher than the average incontinence product fee paid by the responding Medicaid programs. To meet efficiency and economy requirements, the Department is decreasing the MA Program Fee Schedule fees for procedure codes T4533, T4535, T4536 and T4543 as follows:

<i>CPT Code</i>	<i>Procedure Code Definition</i>	<i>Current MA Fee</i>	<i>MA Fee Effective March 7, 2011</i>
T4533	Youth sized disposable incontinence product, brief/diaper, each	\$ 0.76	\$0.65
T4535	Disposable liner, shield, guard, pad, undergarment for incontinence, each	\$ 0.76	\$0.40
T4536	Incontinence product, protective underwear, pull-on, reusable, any size, each	\$13.00	\$7.20
T4543	Disposable incontinence product, brief, diaper, bariatric, each	\$ 2.03	\$1.62

*Fiscal Impact*

The estimated savings from this fee decrease for these select incontinence products is \$0.549 million (\$0.211 million in State funds) in Fiscal Year (FY) 2010-2011. The projected fiscal impact for FY 2011-2012 is estimated at \$3.293 million (\$1.485 million in State funds).

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in any subsequent revisions to the MA Program Outpatient Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-682. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-394. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities

The purpose of this notice is to announce the Department of Public Welfare's (Department) peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for the State Fiscal Year (FY) July 1, 2009, through June 30, 2010. The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services) as amended at 40 Pa.B. 6782 (November 27, 2010). The data that the Department used to determine the peer group medians and prices is available on the web site for the Department of Public Welfare at: [www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm](http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm).

To establish the database for the calculation of peer group medians and prices, the Department used each nursing facility's three most recent audited cost reports that were issued by the Department on or before March 31, 2009, and indexed the costs for each report forward to the common date of December 31, 2009, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of nursing facilities with a particular year-end, and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2009.

**General and County Nursing Facilities**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2003	5	1.2175
December 31, 2003	61	1.2025
June 30, 2004	26	1.1846
December 31, 2004	340	1.1672
June 30, 2005	228	1.1489
December 31, 2005	350	1.1195
June 30, 2006	231	1.1033
December 31, 2006	316	1.0896
June 30, 2007	224	1.0696
December 31, 2007	17	1.0478

**Hospital-Based Nursing Facilities**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2004	2	1.1846
June 30, 2005	16	1.1489
June 30, 2006	14	1.1033
June 30, 2007	16	1.0696

**Special Rehabilitation Facilities**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 2004	2	1.1672
June 30, 2005	5	1.1489
December 31, 2005	2	1.1195
June 30, 2006	5	1.1033
December 31, 2006	2	1.0896
June 30, 2007	5	1.0696

\* As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04, regarding revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions, to classify each nursing facility into one of three MSA groups or one non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3—119 beds, 120—269 beds and 270 beds and over. County costs are being phased out in nonpublic rate setting computations beginning July 1, 2009, and ending June 30, 2012. The Department will continue to include county nursing facilities in determining peer groups in accordance with 55 Pa. Code § 1187.94(1)(v) for rate years 2009-2010, 2010-2011 and 2011-2012. Peer groups 7 and 10 have been collapsed in accordance with 55 Pa. Code § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only.

and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the database was established and the peer groups determined, the Department calculated the medians and prices for each peer group. The Department used phase-out medians, as determined in accordance with 55 Pa. Code § 1187.98 (relating to phase-out median determination) to set prices for the net operating cost centers (resident care, other resident related and administrative) for each peer group that contains a county nursing facility for the 3-year phase-out period. The Department calculated an interim median by adding each county nursing facility's costs from the three most recent audited cost reports to a noncollapsed peer group based on bed size and MSA group. For rate year 2009-2010, the phase-out median equaled 75% of the interim median plus 25% of the median calculated in accordance with 55 Pa. Code § 1187.98(b)(2). To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined an interim median, a median and a phase-out median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined an interim median, a median and a phase-out median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year

arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine an interim median, a median and a phase-out median for each peer group.

After the medians were determined for each peer group in accordance with 55 Pa. Code § 1187.98, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for Year 15 are in the list of Medians and Prices for 2009-2010.

A Medical Assistance nursing facility provider may file an administrative appeal if the facility believes that the Department made any errors or the provider otherwise disagrees with the Year 15 peer group prices that the Department established for its peer group. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals (BHA), 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before BHA. The peer group prices applied in setting the facility's rates may be changed as a result of the final adjudication of the facility's peer group price appeal. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

There is no fiscal impact associated with this change in FY 2009-2010.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare/Department of Aging, Office of Long-Term Living, Bureau of Policy and Strategic Planning, Attention: Marilyn Yocum, Forum Place, 5th Floor, 555 Walnut Street, Harrisburg, PA 17101-1919.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*



## Medians and Prices for 2009-2010

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1		BROOMALL REHAB AND NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
1		CARE PAVILION OF WALNUT PARK, INC	06/30/2007	06/30/2006	06/30/2005
1	Yes	FAIR ACRES GERIATRIC CENTER	12/31/2006	12/31/2005	12/31/2004
1	Yes	FRIENDSHIP RIDGE	12/31/2006	12/31/2005	12/31/2004
1		IMMACULATE MARY HOME	06/30/2007	06/30/2006	06/30/2005
1	Yes	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/2006	12/31/2005	12/31/2004
1	Yes	JOHN J KANE REGIONAL CENTER-ROSS TOWNSHIP	12/31/2006	12/31/2005	12/31/2004
1	Yes	JOHN J KANE REGIONAL CENTER-SCOTT TOWNSHIP	12/31/2006	12/31/2005	12/31/2004
1		MADLYN AND LEONARD ABRAMSON CENTER	06/30/2007	06/30/2006	06/30/2005
1	Yes	NESHAMINY MANOR HOME	12/31/2006	12/31/2005	12/31/2004
1	Yes	PARKHOUSE, PROVIDENCE POINTE	12/31/2006	12/31/2005	12/31/2004
1	Yes	PHILADELPHIA NURSING HOME	12/31/2006	12/31/2005	12/31/2004
1	Yes	POCOPSON HOME	12/31/2006	12/31/2005	12/31/2004
1		SAINT FRANCIS COUNTRY HOUSE	06/30/2007	06/30/2006	06/30/2005
1		ST JOHN SPECIALTY CARE CENTER	06/30/2007	06/30/2006	06/30/2005
1		ST JOSEPH'S MANOR (DBA ENTITY OF HRHS)	06/30/2007	06/30/2006	06/30/2005
1	Yes	WASHINGTON COUNTY HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
1	Yes	WESTMORELAND MANOR	12/31/2006	12/31/2005	12/31/2004
PG1 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$113.46	\$56.82	\$21.61	
PG1 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$100.46	\$43.70	\$21.46	
PG1 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$110.21	\$53.54	\$21.57	
PG1 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$128.95	\$59.96	\$22.43	

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2		ANDORRA WOODS HEALTHCARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		ASBURY HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
2		ATTLEBORO NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
2		BALA NURSING AND RETIREMENT CENTER	06/30/2007	06/30/2006	06/30/2005
2		BALDOCK HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
2		BALDWIN HEALTH CENTER	06/30/2007	06/30/2006	06/30/2004
2		BAPTIST HOMES OF WESTERN PENNSYLVANIA	06/30/2007	06/30/2006	06/30/2005
2		BEAVER VALLEY NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		BRANDYWINE HALL	06/30/2007	06/30/2006	06/30/2005

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2		BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/2006	12/31/2005	12/31/2004
2		BRIARLEAF NURSING AND CONVAL CENTER	06/30/2007	06/30/2006	06/30/2005
2		BRIGHTEN AT BRYN MAWR	06/30/2007	06/30/2006	06/30/2005
2		BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
2		BROOMALL MANOR	06/30/2007	06/30/2006	06/30/2005
2		BROOMALL PRESBYTERIAN VILLAGE	12/31/2006	12/31/2005	12/31/2004
2		BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/2007	06/30/2006	06/30/2005
2		CARING HEART REHAB AND NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
2		CARING HEIGHTS COMMUNITY CARE & REHAB	06/30/2006	06/30/2005	06/30/2004
2		CATHEDRAL VILLAGE	06/30/2007	06/30/2006	06/30/2005
2		CENTENNIAL VILLAGE	12/31/2006	12/31/2005	12/31/2004
2		CHAPEL MANOR	06/30/2007	06/30/2006	06/30/2005
2		CHARLES M. MORRIS NURSING AND REHAB CTR	06/30/2007	06/30/2006	06/30/2005
2		CHATHAM ACRES	06/30/2005	06/30/2004	06/30/2003
2		CHELTENHAM NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		CHERRY TREE NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
2		CHESTER VALLEY REHAB AND NURSING CENTER	06/30/2007	06/30/2006	06/30/2004
2		CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/2006	12/31/2005	12/31/2004
2		CLIVEDEN CONVALESCENT CENTER	06/30/2007	06/30/2006	06/30/2005
2		COMMONS AT SQUIRREL HILL	12/31/2006	12/31/2005	12/31/2004
2		CONCORDIA LUTHERAN HEALTH AND HUMAN CARE	06/30/2007	06/30/2006	06/30/2005
2		CONSULATE HEALTH CARE OF CHESWICK	06/30/2006	06/30/2005	06/30/2004
2		COUNTRY MEADOWS OF SOUTH HILLS	12/31/2006	12/31/2005	12/31/2004
2		CRANBERRY PLACE	06/30/2007	06/30/2006	06/30/2005
2		CRESTVIEW CENTER	06/30/2007	06/30/2006	06/30/2005
2		DEER MEADOWS RETIREMENT COMMUNITY	06/30/2007	06/30/2006	06/30/2005
2		ELKINS CREST HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		EVANGELICAL MANOR	12/31/2006	12/31/2005	12/31/2004
2		FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/2007	06/30/2006	06/30/2005
2		FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/2007	06/30/2006	06/30/2005
2		FORBES ROAD NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
2		GARDEN SPRING CENTER	06/30/2007	06/30/2006	06/30/2005

## NOTICES

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2		GERMANTOWN HOME	06/30/2007	06/30/2006	06/30/2005
2		GLENDALE UPTOWN HOME	06/30/2006	06/30/2005	06/30/2004
2		GOLDEN LIVINGCENTER-DOYLESTOWN	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-LANSDALE	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-MONROEVILLE	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-MT LEBANON	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-MURRYSVILLE	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-PHOENIXVILLE	12/31/2005	12/31/2004	12/31/2003
2		GOLDEN LIVINGCENTER-UNIONTOWN	12/31/2005	12/31/2004	12/31/2003
2		GREENERY SPECIALTY CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/2007	06/30/2006	06/30/2005
2		GREENSBURG CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/2007	06/30/2006	06/30/2005
2		HARMAR VILLAGE CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		HARSTON HALL	06/30/2007	06/30/2006	06/30/2005
2		HEARTLAND HEALTH CARE CENTER (PITTSBURGH)	06/30/2007	06/30/2006	06/30/2005
2		HEMPFIELD MANOR	12/31/2006	12/31/2005	12/31/2004
2		HIGHLAND PARK CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		HILLCREST CENTER	06/30/2007	06/30/2006	06/30/2005
2		HUMBERT LANE NURSING AND REHAB CENTRE	06/30/2007	06/30/2006	06/30/2005
2		IVY HILL REHABILITATION AND NURSING CTR	06/30/2007	06/30/2006	06/30/2005
2	Yes	JOHN J KANE REGIONAL CENTER-GLEN HAZEL	12/31/2006	12/31/2005	12/31/2004
2		LAFAYETTE-REDEEMER (DBA ENTITY OF HRHS)	06/30/2007	06/30/2006	06/30/2005
2		LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/2007	06/30/2006	06/30/2005
2		LGAR HEALTH AND REHABILITATION CENTER	12/31/2006	12/31/2005	12/31/2004
2		LIBERTY COURT, GENESIS ELDERCARE NETWORK	06/30/2007	06/30/2006	06/30/2005
2		LIFEQUEST NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
2		LITTLE FLOWER MANOR	06/30/2007	06/30/2006	06/30/2005
2		LUTHER WOODS CONVALESCENT CENTER	12/31/2006	12/31/2005	12/31/2004
2		MAJESTIC OAKS	06/30/2007	06/30/2006	06/30/2005
2		MANATAWNY MANOR INC	06/30/2006	06/30/2005	06/30/2004
2		MANORCARE HEALTH SVCS-BETHEL PARK	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-GREEN TREE	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-LANSDALE	12/31/2006	12/31/2005	12/31/2004

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2		MANORCARE HEALTH SVCS-MCMURRAY	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-MERCY FITZGERALD	06/30/2007	06/30/2006	06/30/2005
2		MANORCARE HEALTH SVCS-MONROEVILLE	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-NORTH HILLS	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-POTTSTOWN	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-WHITEHALL BOROUGH	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-YARDLEY	12/31/2006	12/31/2005	12/31/2004
2		MANORCARE HEALTH SVCS-YEADON	12/31/2006	12/31/2005	12/31/2004
2		MAPLEWOOD MANOR CENTER	06/30/2007	06/30/2006	06/30/2005
2		MARIAN MANOR CORPORATION	06/30/2007	06/30/2006	06/30/2005
2		MASONIC VILLAGE AT SEWICKLEY	12/31/2006	12/31/2005	12/31/2004
2		MOUNT MACRINA MANOR NURSING HOME	06/30/2007	06/30/2006	06/30/2005
2		MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		OAKWOOD HEALTHCARE & REHABILITATION CTR	06/30/2007	06/30/2006	06/30/2005
2		OXFORD HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
2		PARK PLEASANT HEALTH CARE FACILITY	06/30/2007	06/30/2006	06/30/2005
2		PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/2007	06/30/2006	06/30/2005
2		PAUL'S RUN	12/31/2006	12/31/2005	12/31/2004
2		PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/2007	06/30/2006	06/30/2005
2		PENN CENTER FOR REHABILITATION AND CARE	06/30/2007	06/30/2006	06/30/2005
2		PENNSBURG MANOR	06/30/2007	06/30/2006	06/30/2005
2		PHILADELPHIA PROTESTANT HOME	12/31/2006	12/31/2005	12/31/2004
2		PHOEBE RICHLAND HCC	06/30/2007	06/30/2006	06/30/2005
2		PINE RUN HEALTH CENTER	06/30/2007	06/30/2006	06/30/2005
2		PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/2007	06/30/2006	06/30/2005
2		PROVIDENCE CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		QUAKERTOWN CENTER	12/31/2007	12/31/2006	12/31/2005
2		REGINA COMMUNITY NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
2		REHAB & NURSING CTR GREATER PITTSBURGH	12/31/2005	12/31/2004	12/31/2003
2		RITTENHOUSE PINE CENTER	06/30/2007	06/30/2006	06/30/2005
2		RIVER'S EDGE NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
2		RIVERSIDE CARE CENTER	12/31/2006	12/31/2005	12/31/2004
2		ROCHESTER MANOR	12/31/2006	12/31/2005	12/31/2004
2		RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/2006	12/31/2005	12/31/2004
2		SAINT ANNE HOME	06/30/2007	06/30/2006	06/30/2005
2		SAINT IGNATIUS NURSING HOME	06/30/2007	06/30/2006	06/30/2005



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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2		SAINT JOHN NEUMANN NURSING HOME	06/30/2007	06/30/2006	06/30/2005
2		SAINT MARTHA MANOR	06/30/2007	06/30/2006	06/30/2005
2		SAINT MARY'S MANOR	06/30/2007	06/30/2006	06/30/2005
2		SANATOGA CENTER	06/30/2007	06/30/2006	06/30/2005
2		SAUNDERS HOUSE	06/30/2007	06/30/2006	06/30/2005
2		SENECA PLACE	06/30/2007	06/30/2006	06/30/2005
2		SHADYSIDE NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		SILVER LAKE CENTER	06/30/2007	06/30/2006	06/30/2005
2		SILVER STREAM CENTER	06/30/2007	06/30/2006	06/30/2005
2		SIMPSON HOUSE, INC	12/31/2006	12/31/2005	12/31/2004
2		SOMERTON CENTER	06/30/2007	06/30/2006	06/30/2005
2		SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/2007	12/31/2006	12/31/2005
2		SPRINGS AT THE WATERMARK, THE	06/30/2006	06/30/2005	06/30/2004
2		ST. BARNABAS NURSING HOME	12/31/2006	06/30/2004	06/30/2003
2		ST. MONICA MANOR	06/30/2007	06/30/2006	06/30/2004
2		STERLING HEALTH CARE AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
2	Yes	SUNNYVIEW NURSING AND REHABILITATION CTR	12/31/2006	12/31/2005	12/31/2004
2		TEL HAI RETIREMENT COMMUNITY	06/30/2007	06/30/2006	06/30/2005
2		THE BELVEDERE CENTER, GENESIS HEALTHCARE	06/30/2007	06/30/2006	06/30/2005
2		TOWNE MANOR EAST	12/31/2006	12/31/2005	12/31/2004
2		TUCKER HOUSE	06/30/2007	06/30/2006	06/30/2005
2		UPMC HERITAGE PLACE	06/30/2007	06/30/2006	06/30/2005
2		VALLEY MANOR NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		VILLA SAINT JOSEPH OF BADEN INC.	06/30/2007	06/30/2006	06/30/2005
2		VILLAGE AT PENNWOOD	12/31/2005	12/31/2004	12/31/2003
2		VINCENTIAN HOME	06/30/2007	06/30/2006	06/30/2005
2		VINCENTIAN REGENCY	06/30/2007	06/30/2006	06/30/2005
2		WALLINGFORD NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
2		WESLEY ENHANCED LIVING AT STAPELY	06/30/2007	06/30/2006	06/30/2005
2		WEST HAVEN NURSING HOME	06/30/2007	06/30/2006	06/30/2005
2		WEST HILLS HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2004
2		WEXFORD HOUSE NURSING CENTER	06/30/2007	06/30/2006	06/30/2004
2		WILLOW RIDGE CENTER	12/31/2007	12/31/2006	12/31/2005
2		WILLOW TERRACE	06/30/2007	06/30/2006	06/30/2005
2		WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/2007	12/31/2006	12/31/2005
2		WOODHAVEN CARE CENTER	12/31/2006	12/31/2005	12/31/2004

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		Resident Care	Other Resident Rltd	Administrative	
PG2 With County Costs		\$89.96	\$38.60	\$21.32	
PG2 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$89.74	\$38.35	\$21.44	
PG2 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$89.91	\$38.54	\$21.35	
PG2 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$105.19	\$43.16	\$22.20	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3		58TH STREET PRESBYTERIAN HOME, THE	12/31/2006	12/31/2005	12/31/2004
3		ARTMAN LUTHERAN HOME	06/30/2007	06/30/2006	06/30/2005
3		AUTUMN GROVE CARE CENTER	06/30/2007	06/30/2006	06/30/2005
3		BARCLAY FRIENDS	12/31/2006	12/31/2005	12/31/2004
3		BEAVER ELDER CARE AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
3		BELAIR HEALTH AND REHABILITATION CENTER	06/30/2007	06/30/2006	06/30/2005
3		BELLE HAVEN	12/31/2006	12/31/2005	12/31/2004
3		BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/2006	12/31/2005	12/31/2004
3		BRIGHTEN AT AMBLER	06/30/2007	06/30/2005	06/30/2004
3		BRINTON MANOR	12/31/2007	12/31/2006	12/31/2005
3		CANTERBURY PLACE	12/31/2006	12/31/2005	12/31/2004
3		CEDARS OF MONROEVILLE, THE	12/31/2006	12/31/2005	12/31/2004
3		CHANDLER HALL HEALTH SERVICES INC	12/31/2006	12/31/2005	12/31/2004
3		CHICORA MEDICAL CENTER	06/30/2007	06/30/2006	06/30/2005
3		CHRIST'S HOME RETIREMENT CENTER	06/30/2007	06/30/2006	06/30/2005
3		CONNER-WILLIAMS NURSING HOME	06/30/2007	06/30/2006	06/30/2005
3		CONSULATE HEALTH CARE OF NORTH STRABANE	12/31/2006	12/31/2005	12/31/2004
3		COVENTRY MANOR NURSING HOME	12/31/2006	12/31/2005	12/31/2004
3		DOCK TERRACE	06/30/2007	06/30/2006	06/30/2005
3		DRESHER HILL HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
3		EDGEHILL NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
3		ELDERCREST NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
3		ELM TERRACE GARDENS	06/30/2007	06/30/2006	06/30/2005
3		EVERGREEN NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
3		FAIR WINDS MANOR	06/30/2007	06/30/2006	06/30/2005
3		FREDERICK MENNONITE COMMUNITY	12/31/2006	12/31/2005	12/31/2004
3		FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/2006	12/31/2005	12/31/2004
3		GOLDEN LIVINGCENTER-OAKMONT	12/31/2005	12/31/2004	12/31/2003
3		GOLDEN LIVINGCENTER-ROSEMONT	12/31/2005	12/31/2004	12/31/2003
3		GOLDEN LIVINGCENTER-SOUTH HILLS	12/31/2005	12/31/2004	12/31/2003
3		GOLDEN LIVINGCENTER-STENTON	12/31/2005	12/31/2004	12/31/2003
3		HARMON HOUSE CARE CENTER	12/31/2006	12/31/2005	12/31/2004
3		HAVENCREST NURSING CENTER	06/30/2007	06/30/2006	06/30/2005

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3		HENRY CLAY VILLA, LP	12/31/2006	12/31/2005	12/31/2004
3		HERITAGE TOWERS	12/31/2006	12/31/2005	12/31/2004
3		HICKORY HOUSE NURSING HOME	12/31/2006	12/31/2005	12/31/2004
3		HIGHLAND CENTER, GENESIS ELDERCARE NTRK	06/30/2007	06/30/2006	06/30/2005
3		HOLY FAMILY HOME	12/31/2006	12/31/2005	12/31/2004
3		HOPKINS CENTER	12/31/2007	12/31/2006	12/31/2005
3		JEFFERSON HILLS MANOR	12/31/2006	12/31/2005	12/31/2004
3		KADE NURSING HOME	12/31/2006	12/31/2005	12/31/2004
3		KEARSLEY LONG TERM CARE CENTER II	06/30/2007	06/30/2006	06/30/2005
3		LAFAYETTE MANOR, INC	12/31/2006	12/31/2005	12/31/2004
3		LATROBE HEALTH AND REHABILITATION CENTER	06/30/2007	06/30/2006	06/30/2005
3		LAUREL RIDGE CENTER	06/30/2007	06/30/2006	06/30/2005
3		LAWSON NURSING HOME, INC.	12/31/2006	12/31/2005	12/31/2004
3		LITTLE SISTERS OF THE POOR	12/31/2006	12/31/2005	12/31/2004
3		LOYALHANNA CARE CENTER	12/31/2006	12/31/2005	12/31/2004
3		LUTHERAN COMMUNITY AT TELFORD	06/30/2007	06/30/2006	06/30/2005
3		MARWOOD REST HOME, INC	06/30/2007	06/30/2006	06/30/2005
3		MASONIC VILLAGE AT LAFAYETTE HILL	12/31/2006	12/31/2005	12/31/2004
3		MASONIC VILLAGE AT WARMINSTER	12/31/2006	12/31/2005	12/31/2004
3		MCMURRAY HILLS MANOR	06/30/2007	06/30/2006	06/30/2005
3		MEADOWCREST NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
3		MEADOWS AT MARTINS RUN, THE	12/31/2006	12/31/2005	12/31/2004
3		MON VALLEY CARE CENTER	12/31/2006	12/31/2005	12/31/2004
3		NAAMANS CREEK COUNTRY MANOR	06/30/2007	06/30/2006	06/30/2005
3		NORTH HILLS HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2004
3		OAK HILL NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
3		PENNYPACK CENTER	12/31/2007	12/31/2006	12/31/2005
3		PETER BECKER COMMUNITY	06/30/2007	06/30/2006	06/30/2005
3		PICKERING MANOR HOME	06/30/2007	06/30/2006	06/30/2005
3		REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
3		REFORMED PRESBYTERIAN HOME	12/31/2006	12/31/2005	12/31/2004
3		RESIDENCE FOR RENAL CARE AT SHADYSIDE	12/31/2005	12/31/2004	12/31/2003
3		RICHBORO REHAB AND NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
3		ROCKHILL MENNONITE COMMUNITY	06/30/2007	06/30/2006	06/30/2005
3		SAINT JOSEPH VILLA	06/30/2007	06/30/2006	06/30/2005
3		SAXONY HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
3		SCOTTDAL MANOR REHABILITATION CENTER	12/31/2006	12/31/2005	12/31/2004
3		SHERWOOD OAKS	06/30/2007	06/30/2006	06/30/2005
3		SKY VUE TERRACE	06/30/2007	06/30/2006	06/30/2005
3		SOUDERTON MENNONITE HOMES	06/30/2007	06/30/2006	06/30/2005
3		SOUTH FAYETTE NURSING CENTER	06/30/2007	06/30/2006	06/30/2005

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3		SOUTHWESTERN NURSING CENTER	06/30/2005	06/30/2004	06/30/2003
3		STATESMAN HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
3		TOWNE MANOR WEST	12/31/2006	12/31/2005	12/31/2004
3		TOWNVIEW HEALTH AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
3		UNITARIAN UNIVERSALIST HOUSE	12/31/2006	12/31/2005	12/31/2004
3		VALENCIA WOODS AT ST BARNABAS	12/31/2006	06/30/2004	06/30/2003
3		VINCENTIAN DE MARILLAC	06/30/2007	06/30/2006	06/30/2005
3		WAYNE CENTER	06/30/2007	06/30/2006	06/30/2005
3		WESTGATE REHABILITATION AND NURSING CTR	06/30/2007	06/30/2006	06/30/2004
3		WILLIAM PENN CARE CENTER	12/31/2006	12/31/2005	12/31/2004
3		WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/2006	12/31/2005	12/31/2004
3		WYNCOTE CHURCH HOME	06/30/2007	06/30/2006	06/30/2005
PG3 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$87.01	\$40.91	\$21.22	
PG3 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$87.01	\$40.91	\$21.22	
PG3 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$87.01	\$40.91	\$21.22	
PG3 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$101.80	\$45.82	\$22.07	

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4		ALLIED SERVICES SKILLED NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
4	Yes	BERKS HEIM	12/31/2006	12/31/2005	12/31/2004
4	Yes	CAMBRIA CARE CENTER	12/31/2006	12/31/2005	12/31/2004
4	Yes	CEDAR HAVEN	12/31/2006	12/31/2005	12/31/2004
4	Yes	CEDARBROOK NURSING HOMES	12/31/2006	12/31/2005	12/31/2004
4	Yes	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/2006	12/31/2005	12/31/2004
4		COLONIAL MANOR NURSING HOME	12/31/2006	12/31/2005	12/31/2004
4		CONESTOGA VIEW	12/31/2006	12/31/2004	12/31/2003
4		CROSS KEYS VILLAGE-BRETHREN HM COMM, THE	06/30/2007	06/30/2006	06/30/2005
4		GOLDEN LIVINGCENTER-WEST SHORE	12/31/2005	12/31/2004	12/31/2003
4	Yes	GRACEDALE - NORTHAMPTON COUNTY HOME	12/31/2006	12/31/2005	12/31/2004
4	Yes	LACKAWANNA HEALTH AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
4		MASONIC VILLAGE AT ELIZABETHTOWN	12/31/2006	12/31/2005	12/31/2004
4		MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/2005	12/31/2004	12/31/2003
4	Yes	MOUNTAIN VIEW, A NURSING AND REHAB CTR	12/31/2006	12/31/2005	12/31/2004



<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4		PHOEBE HOME, INC	06/30/2007	06/30/2006	06/30/2005
4	Yes	PLEASANT ACRES NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
4	Yes	PLEASANT RIDGE MANOR EAST/WEST	12/31/2006	12/31/2005	12/31/2004
4		SPRING CREEK REHAB AND HEALTH CARE CTR	12/31/2005	12/31/2004	12/31/2003
4		TIMBER RIDGE HEALTH CENTER	12/31/2005	12/31/2004	12/31/2003
PG4 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$111.34	\$52.74	\$21.80	
PG4 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$101.76	\$51.51	\$23.94	
PG4 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$108.95	\$52.43	\$22.34	
PG4 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$127.47	\$58.72	\$23.23	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5		ABINGTON MANOR	12/31/2007	12/31/2006	12/31/2005
5		BERKSHIRE CENTER	06/30/2007	06/30/2006	06/30/2005
5		BERWICK RETIREMENT VILLAGE NRSNG CTR II	06/30/2007	06/30/2006	06/30/2005
5		BIRCHWOOD NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
5		BLOOMSBURG HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
5		BRETHREN VILLAGE	06/30/2007	06/30/2006	06/30/2005
5		COLONIAL PARK CARE CENTER	12/31/2006	12/31/2005	12/31/2003
5		CORNWALL MANOR	12/31/2006	12/31/2005	12/31/2004
5		CORRY MANOR	12/31/2006	12/31/2005	12/31/2004
5		EASTON NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
5		EDINBORO MANOR	12/31/2006	12/31/2005	12/31/2004
5		EPHRATA MANOR	12/31/2006	12/31/2005	12/31/2004
5		FAIRMOUNT HOMES	06/30/2007	06/30/2006	06/30/2005
5		FAIRVIEW MANOR	12/31/2006	12/31/2005	12/31/2004
5		FELLOWSHIP MANOR	06/30/2007	06/30/2006	06/30/2005
5		FREY VILLAGE	12/31/2006	12/31/2005	12/31/2004
5		GOLDEN LIVINGCENTER-EAST MOUNTAIN	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-LANCASTER	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-READING	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-SCRANTON	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-SUMMIT	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-TUNKHANNOCK	12/31/2005	12/31/2004	12/31/2003
5		GOLDEN LIVINGCENTER-WESTERN RESERVE	12/31/2005	12/31/2004	12/31/2003
5		HANOVER HALL	12/31/2006	12/31/2005	12/31/2004
5		HARRISON SENIOR LIVING OF CHRISTIANA	12/31/2006	12/31/2005	12/31/2004

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5		HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/2007	06/30/2006	06/30/2005
5		HOLY FAMILY MANOR	12/31/2006	12/31/2005	12/31/2004
5		HOMEWOOD AT PLUM CREEK	12/31/2006	12/31/2005	12/31/2004
5		JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/2006	12/31/2005	12/31/2004
5		JEWISH HOME OF GREATER HARRISBURG	06/30/2007	06/30/2006	06/30/2005
5		KINGSTON COMMONS	12/31/2006	12/31/2005	12/31/2004
5		KUTZTOWN MANOR	06/30/2007	06/30/2006	06/30/2005
5		LANCASHIRE HALL	12/31/2006	12/31/2005	12/31/2004
5		LAUREL CENTER	12/31/2007	12/31/2006	12/31/2005
5		LEBANON VALLEY BRETHERN HOME	12/31/2006	12/31/2005	12/31/2004
5		LEHIGH CENTER	06/30/2007	06/30/2006	06/30/2005
5		LIBERTY NURSING AND REHAB CENTER	06/30/2006	06/30/2005	06/30/2004
5		LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/2006	12/31/2005	12/31/2004
5		LUTHERAN HOME AT TOPTON	12/31/2006	12/31/2005	12/31/2004
5		MAHONING VALLEY NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-ALLENTOWN	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-BETHLEHEM (2021)	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-BETHLEHEM (2029)	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-CAMP HILL	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-CARLISLE	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-DALLASTOWN	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-EASTON	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-KINGSTON	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-KINGSTON COURT	06/30/2007	06/30/2006	06/30/2005
5		MANORCARE HEALTH SVCS-LANCASTER	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-LAURELDALE	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-LEBANON	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-SINKING SPRING	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-WEST READING NORTH	12/31/2006	12/31/2005	12/31/2004
5		MANORCARE HEALTH SVCS-YORK NORTH	06/30/2007	06/30/2006	06/30/2005
5		MANORCARE HEALTH SVCS-YORK SOUTH	06/30/2007	06/30/2006	06/30/2005
5		MEADOWS NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
5		MENNONITE HOME, THE	06/30/2007	06/30/2006	06/30/2005
5		MESSIAH VILLAGE	06/30/2007	06/30/2006	06/30/2005
5		MIFFLIN CENTER	12/31/2007	12/31/2006	12/31/2005
5		MORAVIAN MANOR	12/31/2006	12/31/2005	12/31/2004
5		MOUNTAIN VIEW CARE CENTER	06/30/2007	06/30/2006	06/30/2005

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5		OLD ORCHARD HEALTH CARE CENTER	12/31/2006	12/31/2005	12/31/2004
5		ORANGEVILLE NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
5		PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/2007	06/30/2006	06/30/2005
5		PLEASANT VIEW RETIREMENT COMMUNITY	12/31/2006	12/31/2005	12/31/2004
5		PRESQUE ISLE REHAB & NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
5		QUARRYVILLE PRESBYTERIAN RETIRMENT COMM	06/30/2007	06/30/2006	06/30/2005
5		REST HAVEN-YORK	06/30/2007	06/30/2006	06/30/2005
5		RIVERSIDE REHABILITATION AND NURSING CTR	06/30/2007	06/30/2006	06/30/2005
5		RIVERSTREET MANOR	12/31/2007	12/31/2006	12/31/2005
5		SAINT ANNE'S RETIREMENT COMMUNITY	06/30/2007	06/30/2006	06/30/2005
5		SAINT MARY'S EAST	12/31/2006	12/31/2005	12/31/2004
5		SHIPPENSBURG HEALTH CARE CENTER	12/31/2006	12/31/2005	12/31/2004
5		SLATE BELT NURSING AND REHAB CENTER	06/30/2007	06/30/2005	06/30/2004
5		SPRUCE MANOR NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
5		STONERIDGE TOWNE CENTRE	12/31/2006	12/31/2005	12/31/2004
5		SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/2006	12/31/2005	12/31/2004
5		THE MANOR AT PERRY VILLAGE	12/31/2006	12/31/2004	12/31/2003
5		THE MANOR AT SUSQUEHANNA VILLAGE	12/31/2006	12/31/2004	12/31/2003
5		THE PAVILION AT ST LUKE VILLAGE	12/31/2006	12/31/2004	12/31/2003
5		TWINBROOK MEDICAL CENTER	06/30/2007	06/30/2006	06/30/2005
5	Yes	WEATHERWOOD NURSING HOME AND REHAB CTR	12/31/2006	12/31/2005	12/31/2004
5		WESLEY VILLAGE	12/31/2006	12/31/2005	12/31/2004
PG5 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$82.79	\$34.81	\$19.45	
PG5 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$82.78	\$34.75	\$19.46	
PG5 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$82.79	\$34.80	\$19.45	
PG5 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$96.86	\$38.98	\$20.23	

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6		ABINGTON CREST NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
6		AUDUBON VILLA	12/31/2006	12/31/2005	12/31/2004
6		BALANCED CARE BLOOMSBURG	06/30/2006	06/30/2005	06/30/2004
6		BALL PAVILION, THE	06/30/2007	06/30/2006	06/30/2005

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6		BARBARA J. EGAN NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		BELLE REVE HEALTH CARE CENTER	12/31/2006	12/31/2005	12/31/2004
6		BETHANY VILLAGE RETIREMENT CENTER	12/31/2005	12/31/2004	12/31/2003
6		BONHAM NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
6		BUTLER VALLEY MANOR	12/31/2006	12/31/2005	12/31/2004
6		CALVARY FELLOWSHIP HOMES, INC	06/30/2007	06/30/2006	06/30/2005
6		CARBONDALE NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		CHAPEL POINTE AT CARLISLE	12/31/2006	12/31/2005	12/31/2004
6		CHURCH OF GOD HOME, INC	12/31/2006	12/31/2005	12/31/2004
6		COUNTRY MEADOWS NURSING CENTER-BETHLEHEM	12/31/2006	12/31/2005	12/31/2004
6		COUNTRYSIDE CHRISTIAN COMMUNITY	12/31/2006	12/31/2005	12/31/2004
6		COURTYARD GARDENS NURSING AND REHAB CTR	12/31/2006	12/31/2005	12/31/2004
6		CUMBERLAND CROSSINGS RETIREMENT COMM	12/31/2006	12/31/2005	12/31/2004
6		DENVER NURSING HOME	12/31/2006	12/31/2005	12/31/2004
6		DUNMORE HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
6		FOREST PARK HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
6		FORESTVIEW	06/30/2006	06/30/2005	06/30/2004
6		GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN	12/31/2005	12/31/2004	12/31/2003
6		GOLDEN LIVINGCENTER-CAMP HILL	12/31/2005	12/31/2004	12/31/2003
6		GOLDEN LIVINGCENTER-WALNUT CREEK	12/31/2005	12/31/2004	12/31/2003
6		GREEN RIDGE HEALTH CARE CENTER, LLC	12/31/2006	12/31/2005	12/31/2003
6		GUARDIAN ELDER CARE CENTER	12/31/2006	12/31/2005	12/31/2004
6		HAMILTON ARMS CENTER	06/30/2007	06/30/2006	06/30/2005
6		HAMPTON HOUSE	06/30/2007	06/30/2006	06/30/2005
6		HERITAGE HOUSE	06/30/2007	06/30/2006	06/30/2005
6		HOLY FAMILY RESIDENCE	12/31/2006	12/31/2005	12/31/2004
6		HOMELAND CENTER	06/30/2007	06/30/2006	06/30/2005
6		HOMESTEAD VILLAGE, INC	06/30/2007	06/30/2006	06/30/2005
6		KEPLER HOME, INC, THE	12/31/2006	12/31/2005	12/31/2004
6		KINKORA PYTHIAN HOME	06/30/2007	06/30/2006	06/30/2005
6		LAKESIDE NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
6		LANDIS HOMES	06/30/2007	06/30/2006	06/30/2005
6		LAURELS HEALTH AND REHAB AT KINGSTON	12/31/2007	12/31/2006	12/31/2005
6		LAURELS HEALTH AND REHAB AT MID VALLEY	12/31/2007	12/31/2006	12/31/2005
6		LEBANON VALLEY HOME THE	12/31/2006	12/31/2005	12/31/2004
6		LINWOOD NURSING AND REHABILITATION CTR	06/30/2007	06/30/2006	06/30/2005
6		LUTHER ACRES MANOR	12/31/2006	12/31/2005	12/31/2004
6		LUTHER CREST NURSING FACILITY	12/31/2006	12/31/2005	12/31/2004



## NOTICES

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6		LUTHERAN NRSG AND REHAB CTR-SPRENKLE DR	12/31/2006	12/31/2005	12/31/2004
6		MANCHESTER PRESBYTERIAN LODGE	12/31/2006	12/31/2005	12/31/2004
6		MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/2006	12/31/2005	12/31/2004
6		MAPLE FARM	06/30/2007	06/30/2006	06/30/2005
6		MARY ELLEN CONVALESCENT HOME, INC	06/30/2007	06/30/2006	06/30/2005
6		MERCY CENTER NURSING UNIT, INC	12/31/2006	12/31/2005	12/31/2004
6		MILFORD SENIOR CARE AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		MILLCREEK MANOR	06/30/2007	06/30/2006	06/30/2005
6		MILLVILLE HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
6		MISERICORDIA NURSING & REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		MORAVIAN SPRINGS HEALTH CENTER	06/30/2007	06/30/2006	06/30/2005
6		MOSSER NURSING HOME	06/30/2007	06/30/2006	06/30/2005
6		MOUNT HOPE NAZARENE RETIREMENT COMMUNITY	06/30/2006	06/30/2005	06/30/2004
6		MOUNTAIN TOP SENIOR CARE AND REHAB CTR	06/30/2007	06/30/2006	06/30/2005
6		NIPPLE CONVALESCENT HOME	12/31/2006	12/31/2005	12/31/2004
6		NORMANDIE RIDGE	12/31/2006	12/31/2005	12/31/2004
6		OSPREY RIDGE HEALTHCARE AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
6		PALMYRA NURSING HOME	12/31/2006	12/31/2005	12/31/2004
6		PRAXIS ALZHEIMER'S FACILITY	12/31/2006	12/31/2005	12/31/2004
6		PRESBYTERIAN LODGE	12/31/2006	12/31/2005	12/31/2004
6		RHEEMS NURSING AND REHABILITATION CENTER	12/31/2006	12/31/2005	12/31/2004
6		SAINT MARY'S AT ASBURY RIDGE	12/31/2006	12/31/2005	12/31/2004
6		SAINT MARY'S VILLA NURSING HOME, INC	12/31/2006	12/31/2005	12/31/2004
6		SARAH A REED RETIREMENT CENTER, THE	06/30/2007	06/30/2006	06/30/2005
6		SARAH A TODD MEMORIAL HOME	12/31/2006	12/31/2005	12/31/2004
6		SCRANTON HEALTH CARE CENTER	12/31/2006		
6		SMITH HEALTH CARE, LTD	06/30/2007	06/30/2006	06/30/2005
6		SPANG CREST MANOR	12/31/2006	12/31/2005	12/31/2004
6		STONEBRIDGE HEALTH AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		STONERIDGE POPLAR RUN	12/31/2006	12/31/2005	12/31/2004
6		SWAIM HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
6		THE MANOR AT ST LUKE VILLAGE	12/31/2006	12/31/2004	12/31/2003
6		THORNWALD HOME	12/31/2006	12/31/2005	12/31/2004
6		TWIN OAKS NURSING HOME	12/31/2006	12/31/2005	12/31/2004
6		UNITED ZION RETIREMENT COMMUNITY	12/31/2006	12/31/2005	12/31/2004
6		VILLAGE AT LUTHER SQUARE	12/31/2006	12/31/2005	12/31/2004
6		VILLAGE VISTA MANOR	12/31/2006	12/31/2005	12/31/2004

NOTICES

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6		WESTMINSTER VILLAGE	12/31/2006	12/31/2005	12/31/2004
6		WYOMISSING NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
6		ZERBE SISTERS NURSING CENTER, INC.	06/30/2007	06/30/2006	06/30/2005
PG6 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$87.15	\$39.64	\$20.85	
PG6 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$87.15	\$39.64	\$20.85	
PG6 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$87.15	\$39.64	\$20.85	
PG6 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$101.97	\$44.40	\$21.68	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
8		ALTOONA CENTER FOR NURSING CARE	12/31/2006	12/31/2005	12/31/2004
8		ARBUTUS PARK MANOR	06/30/2007	06/30/2006	06/30/2005
8	Yes	CENTRE CREST HOME	12/31/2006	12/31/2005	12/31/2004
8		CHURCH OF THE BRETHERN HOME	06/30/2007	06/30/2006	06/30/2005
8		GARVEY MANOR	12/31/2006	12/31/2005	12/31/2004
8		GOLDEN LIVINGCENTER-HILLVIEW	12/31/2005	12/31/2004	12/31/2003
8		HEARTHSIDE REHAB AND NURSING CENTER, THE	12/31/2006	12/31/2004	12/31/2003
8		HOMEWOOD AT MARTINSBURG PA INC	12/31/2006	12/31/2005	12/31/2004
8		LAUREL WOOD CARE CENTER	12/31/2006	12/31/2005	12/31/2004
8		MANORCARE HEALTH SVCS-JERSEY SHORE	12/31/2006	12/31/2005	12/31/2004
8		MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH	12/31/2006	12/31/2005	12/31/2004
8		MEADOW VIEW NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
8		MORRISONS COVE HOME	12/31/2006	12/31/2005	12/31/2004
8		ORCHARD MANOR, INC	06/30/2007	06/30/2006	06/30/2005
8		ROSE VIEW CENTER	06/30/2007	06/30/2006	06/30/2005
8		SAINT PAUL HOMES	12/31/2006	12/31/2005	12/31/2004
8		SIEMONS' LAKEVIEW MANOR ESTATE	06/30/2007	06/30/2006	06/30/2005
8		SYCAMORE MANOR HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
8	Yes	VALLEY VIEW HOME	12/31/2006	12/31/2005	12/31/2004
8		VALLEY VIEW NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
8		WHITE CLIFF NURSING HOME	12/31/2006	12/31/2005	12/31/2004
8		WILLIAMSPORT HOME, THE	12/31/2006	12/31/2005	12/31/2004
8		WINDY HILL VILLAGE OF PRESBYTERIAN HOMES	12/31/2006	12/31/2005	12/31/2004
PG8 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$81.59	\$36.97	\$18.58	
PG8 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$80.82	\$35.73	\$18.58	

NOTICES

PG8 Final Median	Resident Care	Other Resident Rltd	Administrative
	\$81.40	\$36.66	\$18.58
PG8 Final Price	Resident Care	Other Resident Rltd	Administrative
	\$95.24	\$41.06	\$19.32

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9		AVALON SPRINGS NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
9		CLEPPER MANOR	12/31/2006	12/31/2005	12/31/2004
9		COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/2007	06/30/2006	06/30/2005
9		EPWORTH MANOR	12/31/2005	12/31/2004	12/31/2003
9		GOLDEN LIVINGCENTER-HAIDA	12/31/2005	12/31/2004	12/31/2003
9		GOLDEN LIVINGCENTER-MEYERSDALE	12/31/2005	12/31/2004	12/31/2003
9		GOLDEN LIVINGCENTER-RICHLAND	12/31/2005	12/31/2004	12/31/2003
9		GOOD SAMARITAN NSG CARE CTR-JOHNSTOWN	06/30/2007	06/30/2006	06/30/2005
9		GROVE MANOR	06/30/2007	06/30/2006	06/30/2005
9		HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/2006	12/31/2005	12/31/2004
9		JOHN XXIII HOME	12/31/2006	12/31/2005	12/31/2004
9		LAUREL VIEW VILLAGE	06/30/2007	06/30/2006	06/30/2005
9		LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/2006	12/31/2005	12/31/2004
9		LUTHERAN HOME AT JOHNSTOWN, THE	12/31/2006	12/31/2005	12/31/2004
9		MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH	12/31/2006	12/31/2005	12/31/2004
9		NUGENT CONVALESCENT HOME	12/31/2006	12/31/2005	12/31/2004
9		PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/2006	12/31/2005	12/31/2004
9		PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/2006	12/31/2005	12/31/2004
9		THE PATRIOT, A CHOICE COMMUNITY	12/31/2006	12/31/2005	12/31/2004
9		TRINITY LIVING CENTER	06/30/2007	06/30/2006	06/30/2005

PG9 With County Costs	Resident Care	Other Resident Rltd	Administrative
	\$71.10	\$36.76	\$16.94
PG9 Without County Costs	Resident Care	Other Resident Rltd	Administrative
	\$71.10	\$36.76	\$16.94
PG9 Final Median	Resident Care	Other Resident Rltd	Administrative
	\$71.10	\$36.76	\$16.94
PG9 Final Price	Resident Care	Other Resident Rltd	Administrative
	\$83.19	\$41.17	\$17.62

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11		ASHTON HEALTHCARE	12/31/2006	06/30/2005	06/30/2004
11		BEACON RIDGE, A CHOICE COMMUNITY	12/31/2006	12/31/2005	12/31/2004
11	Yes	BRADFORD COUNTY MANOR	12/31/2006	12/31/2005	12/31/2004
11		BRADFORD MANOR	12/31/2006	12/31/2005	12/31/2004
11		BRIGHTEN AT JULIA RIBAUDO	06/30/2007	06/30/2006	06/30/2005

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11		BROAD ACRES HEALTH AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11		BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
11		CHRIST THE KING MANOR	06/30/2007	06/30/2006	06/30/2005
11		CLARVIEW NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11	Yes	CRAWFORD COUNTY CARE CENTER	12/31/2006	12/31/2005	12/31/2004
11		DUBOIS NURSING HOME	06/30/2007	06/30/2006	06/30/2005
11		ELK HAVEN NURSING HOME	06/30/2007	06/30/2006	06/30/2005
11		ELLEN MEMORIAL HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
11	Yes	FALLING SPRING NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11		FOREST CITY NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
11		GOLDEN HILL NURSING HOME, INC	06/30/2007	06/30/2006	06/30/2005
11		GOLDEN LIVINGCENTER-SHIPPEVILLE	12/31/2005	12/31/2004	12/31/2003
11		GOLDEN LIVINGCENTER-STROUD	12/31/2005	12/31/2004	12/31/2003
11		GOLDEN LIVINGCENTER-WILLIAM PENN	12/31/2005	12/31/2004	12/31/2003
11		GRANDVIEW HEALTH HOMES, INC	06/30/2007	06/30/2006	06/30/2005
11	Yes	GREEN ACRES-ADAMS COUNTY NSG & REHAB CTR	12/31/2006	12/31/2005	12/31/2004
11		GREEN HOME, INC, THE	06/30/2007	06/30/2006	06/30/2005
11		HIGHLANDS CARE CENTER, THE	12/31/2006	12/31/2005	12/31/2004
11		HOMETOWN NURSING AND REHAB CENTER	12/31/2007	12/31/2006	12/31/2005
11		JEFFERSON MANOR HEALTH CENTER	06/30/2007	06/30/2006	06/30/2005
11		JULIA POUND CARE CENTER	12/31/2006	12/31/2005	12/31/2004
11		KITTANNING CARE CENTER	12/31/2006	12/31/2005	12/31/2004
11		KRAMM HEALTHCARE CENTER, INC	06/30/2007	06/30/2006	06/30/2005
11		KRAMM NURSING HOME, INC	06/30/2007	06/30/2006	06/30/2005
11		MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/2006	12/31/2005	12/31/2004
11		MANORCARE HEALTH SVCS-POTTSVILLE	12/31/2006	12/31/2005	12/31/2004
11		MANORCARE HEALTH SVCS-SUNBURY	12/31/2006	12/31/2005	12/31/2004
11		MENNO-HAVEN, INC.	12/31/2006	12/31/2005	12/31/2004
11		MOUNT CARMEL NURSING AND REHAB CENTER	12/31/2007	12/31/2006	12/31/2005
11		MOUNTAIN LAUREL NRC	06/30/2007	06/30/2006	06/30/2005
11		NOTTINGHAM VILLAGE	12/31/2006	12/31/2005	12/31/2004
11		OHESON MANOR	12/31/2006	12/31/2005	12/31/2004
11		OIL CITY PRESBYTERIAN HOME	12/31/2006	12/31/2005	12/31/2004
11		ORWIGSBURG CENTER	06/30/2007	06/30/2006	06/30/2005
11		PENNKNOLE VILLAGE	12/31/2006	12/31/2004	12/31/2003
11	Yes	PLEASANT VALLEY MANOR, INC	12/31/2006	12/31/2005	12/31/2004
11		QUINCY RETIREMENT COMMUNITY	12/31/2006	12/31/2005	12/31/2004
11	Yes	REST HAVEN	12/31/2006	12/31/2005	12/31/2004



<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11		RIDGEVIEW ELDER CARE REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
11		RIVERWOODS	12/31/2006	12/31/2005	12/31/2004
11		ROLLING FIELDS, INC	12/31/2006	12/31/2005	12/31/2004
11		ROLLING MEADOWS	06/30/2007	06/30/2006	06/30/2005
11	Yes	ROUSE WARREN COUNTY HOME	12/31/2006	12/31/2005	12/31/2004
11		SCHUYLKILL CENTER	06/30/2007	06/30/2006	06/30/2005
11		SENA-KEAN MANOR	12/31/2006	12/31/2004	12/31/2003
11		SETON MANOR INC	06/30/2007	06/30/2006	06/30/2005
11		SHENANDOAH MANOR NURSING CENTER	12/31/2007	12/31/2006	12/31/2005
11		SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/2006	12/31/2005	12/31/2004
11	Yes	SUSQUE VIEW HOME, INC	12/31/2006	12/31/2005	12/31/2004
11		SWEDEN VALLEY MANOR	12/31/2006	12/31/2005	12/31/2004
11		THE MANOR AT PENN VILLAGE	12/31/2006	12/31/2004	12/31/2003
11		TREMONT HEALTH AND REHABILITATION CENTER	06/30/2007	06/30/2006	06/30/2005
11		VALLEY VIEW HAVEN, INC	12/31/2006	12/31/2005	12/31/2004
11		WARREN MANOR	12/31/2006	12/31/2005	12/31/2004
11		WAYNE WOODLANDS MANOR	06/30/2007	06/30/2006	06/30/2005
11		WESBURY UNITED METHODIST COMMUNITY	12/31/2006	12/31/2005	12/31/2004
11		WOODLAND RETIREMENT COMMUNITY	12/31/2006	12/31/2005	12/31/2004
PG11 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$75.63	\$35.87	\$17.37	
PG11 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$74.50	\$35.28	\$17.26	
PG11 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$75.35	\$35.72	\$17.34	
PG11 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$88.16	\$40.01	\$18.03	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	Yes	ARMSTRONG COUNTY HEALTH CENTER	12/31/2006	12/31/2005	12/31/2004
12		AVALON NURSING CENTER	06/30/2007	06/30/2006	06/30/2005
12		BRADFORD ECUMENICAL HOME, INC	12/31/2006	12/31/2005	12/31/2004
12		BROOKLINE MANOR AND REHABILITATIVE SRVCS	12/31/2006	12/31/2005	12/31/2004
12		BROOKMONT HEALTHCARE CENTER LLC	12/31/2006	12/31/2005	12/31/2004
12		BUFFALO VALLEY LUTHERAN VILLAGE	12/31/2006	12/31/2005	12/31/2004
12		CAMBRIDGE SPRINGS REHAB & NURSING CENTER	12/31/2005	12/31/2004	12/31/2003
12		CARING PLACE, THE	06/30/2007	06/30/2006	06/30/2005
12		CARLETON SENIOR CARE AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
12	Yes	COMMUNITIES AT INDIAN HAVEN	12/31/2006	12/31/2005	12/31/2004

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<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12		DARWAY ELDER CARE REHABILITATION CENTER	12/31/2006	12/31/2005	06/30/2004
12		DONAHOE MANOR	06/30/2007	06/30/2006	06/30/2005
12		DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER	06/30/2007	06/30/2006	06/30/2005
12		EDISON MANOR NURSING AND REHAB CENTER	12/31/2006	06/30/2004	06/30/2003
12		EMMANUEL CENTER FOR NURSING AND REHAB	12/31/2006	12/31/2005	12/31/2004
12		FRIENDLY NURSING HOME - PITMAN	06/30/2007	06/30/2006	06/30/2005
12		GETTYSBURG CENTER	12/31/2006	12/31/2005	12/31/2004
12		GETTYSBURG LUTHERAN NURSING REHAB	12/31/2006	12/31/2005	12/31/2004
12		GOLDEN LIVINGCENTER-CLARION	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-GETTYSBURG	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-KINZUA	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-MANSION	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-OIL CITY	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-TITUSVILLE	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-WAYNESBURG	12/31/2005	12/31/2004	12/31/2003
12		GOLDEN LIVINGCENTER-YORK TERRACE	12/31/2005	12/31/2004	12/31/2003
12		GUY AND MARY FELT MANOR, INC	06/30/2007	06/30/2006	06/30/2005
12		HAVEN CONVALESCENT HOME, INC	12/31/2006	12/31/2005	12/31/2004
12		HIGHLAND VIEW CARE CENTER	06/30/2007	06/30/2006	06/30/2005
12		HILLSDALE REHABILITATION AND NURSING CTR	12/31/2006	12/31/2005	12/31/2004
12		HUNTINGDON NURSING AND REHAB CENTER	06/30/2007	06/30/2006	06/30/2005
12		JAMESON CARE CENTER	12/31/2006	12/31/2005	12/31/2004
12		LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/2006	12/31/2005	12/31/2004
12		LAUREL CARE NURSING AND REHAB CENTER	12/31/2006	12/31/2005	12/31/2004
12		LOCUST GROVE RETIREMENT VILLAGE	12/31/2006	12/31/2004	12/31/2003
12		LUTHERAN HOME AT KANE, THE	12/31/2006	12/31/2005	12/31/2004
12		MALTA HOME	12/31/2006	12/31/2005	12/31/2004
12		MEADOW VIEW SENIOR LIVING CENTER	12/31/2006	12/31/2005	12/31/2004
12		MEADVILLE REHABILITATION & NURSING CTR	12/31/2005	12/31/2004	12/31/2003
12		MULBERRY SQUARE	12/31/2006	12/31/2005	12/31/2004
12		OVERLOOK MEDICAL CLINIC INC	12/31/2006	12/31/2005	12/31/2004
12		PAVILION AT BRMC	06/30/2007	06/30/2006	06/30/2005
12		PENN HALL AT MENNO HAVEN	12/31/2006	12/31/2005	12/31/2004
12		RICHFIELD SENIOR LIVING AND REHAB CENTE	06/30/2007	06/30/2006	06/30/2004
12		ROLLING HILLS MANOR	06/30/2007	06/30/2006	06/30/2005
12		SAYRE HOUSE, INC	06/30/2007	06/30/2006	06/30/2005
12		SCENERY HILL MANOR	12/31/2006	12/31/2005	12/31/2004
12		SHENANGO PRESBYTERIAN HOME	12/31/2007	12/31/2006	12/31/2005

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12		SHOOK HOME, THE	12/31/2006	12/31/2005	12/31/2004
12		SILVER OAKS NURSING CENTER	12/31/2006	12/31/2005	12/31/2004
12		SNYDER MEMORIAL HEALTH CARE CENTER	12/31/2006	12/31/2005	12/31/2004
12		SUGAR CREEK REST	06/30/2007	06/30/2006	06/30/2005
12		TRINITY MISSION HEALTH AND REHAB	12/31/2006	12/31/2005	12/31/2004
12		WESTMINSTER WOODS AT HUNTINGDON	12/31/2006	12/31/2005	12/31/2004
PG12 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$74.60	\$34.98	\$17.25	
PG12 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$74.00	\$34.75	\$17.25	
PG12 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$74.45	\$34.92	\$17.25	
PG12 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$87.11	\$39.11	\$17.94	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13		ARISTACARE AT MEADOW SPRINGS	06/30/2007	06/30/2006	06/30/2005
13		FOX SUBACUTE AT CLARA BURKE	12/31/2006	12/31/2005	12/31/2004
13		FOX SUBACUTE CENTER	12/31/2006	12/31/2005	12/31/2004
13		GOOD SHEPHERD HOME RAKER CENTER	06/30/2007	06/30/2006	06/30/2005
13		GOOD SHEPHERD HOME-BETHLEHEM	06/30/2007	06/30/2006	06/30/2005
13		INGLIS HOUSE	06/30/2007	06/30/2006	06/30/2005
13		MARGARET E. MOUL HOME	06/30/2007	06/30/2006	06/30/2005
PG13 With County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$126.33	\$68.68	\$47.63	
PG13 Without County Costs		Resident Care	Other Resident Rltd	Administrative	
		\$126.33	\$68.68	\$47.63	
PG13 Final Median		Resident Care	Other Resident Rltd	Administrative	
		\$126.33	\$68.68	\$47.63	
PG13 Final Price		Resident Care	Other Resident Rltd	Administrative	
		\$147.81	\$76.92	\$49.54	
<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14		BARNES-KASSON COUNTY HOSPITAL SNF	06/30/2007	06/30/2006	06/30/2005
14		BERWICK RETIREMENT VILLAGE NRSNG CTR I	06/30/2007	06/30/2006	06/30/2005
14		BUCKTAIL MEDICAL CENTER	06/30/2007	06/30/2006	06/30/2005
14		CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/2007	06/30/2006	06/30/2005
14		EVERGREEN HEALTH CARE CENTER	06/30/2007	06/30/2006	06/30/2005
14		FULTON COUNTY MEDICAL CENTER LTCU	06/30/2007	06/30/2006	06/30/2005
14		LOCK HAVEN HOSPITAL E.C.U.	06/30/2007	06/30/2006	06/30/2005
14		MEMORIAL HOSPITAL INC SNU	06/30/2007	06/30/2006	06/30/2005

<i>Median Peer Group</i>	<i>County Nursing Facility Indicator</i>	<i>Current Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14		MUNCY VALLEY HOSPITAL SNU	06/30/2007	06/30/2006	06/30/2005
14		PINECREST MANOR	06/30/2007	06/30/2006	06/30/2005
14		SAINT CATHERINE HEALTHCARE CENTER	06/30/2007	06/30/2005	06/30/2004
14		SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/2007	06/30/2006	06/30/2005
14		ST LUKE'S MINERS MEMORIAL GERIATRIC CTR	06/30/2007	06/30/2006	06/30/2005
14		SUMMIT AT BLUE MOUNTAIN NURSING & REHAB	06/30/2007	06/30/2006	06/30/2005
14		SUNBURY COMMUNITY HOSPITAL SNF	06/30/2007	06/30/2005	06/30/2004
14		WILLOWCREST	06/30/2007	06/30/2006	06/30/2005
PG14 With County Costs		Resident Care		Other Resident Rltd	Administrative
		\$95.86		\$56.00	\$23.38
PG14 Without County Costs		Resident Care		Other Resident Rltd	Administrative
		\$95.86		\$56.00	\$23.38
PG14 Final Median		Resident Care		Other Resident Rltd	Administrative
		\$95.86		\$56.00	\$23.38
PG14 Final Price		Resident Care		Other Resident Rltd	Administrative
		\$112.16		\$62.72	\$24.32

**Fiscal Note:** 14-NOT-678. (1) General Fund; (2) Implementing Year 2009-10 is \$0; (3) 1st Succeeding Year 2010-11 is \$0; 2nd Succeeding Year 2011-12 is \$117,000,000; 3rd Succeeding Year 2012-13 is \$117,000,000; 4th Succeeding Year 2013-14 is \$117,000,000; 5th Succeeding Year 2014-15 is \$117,000,000; (4) 2008-09 Program—\$672,597,000; 2007-08 Program—\$692,585,000; 2006-07 Program—\$695,279,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-395. Filed for public inspection March 4, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100 Million Cash Extravaganza Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100 Million Cash Extravaganza.

2. *Price:* The price of a Pennsylvania \$100 Million Cash Extravaganza instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$100 Million Cash Extravaganza instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE),

32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Safe (SAFE) symbol, Gold Bar (GOLD BAR) symbol and a 5X (5X) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10.00 (TEN DOL), \$20.00 (TWENTY), \$25.00 (TWY FIV), \$40.00 (FORTY), \$50.00 (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$50,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed



for the Pennsylvania \$100 Million Cash Extravaganza instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$200 (TWO HUN) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$100 (ONE HUN) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$200 (TWO HUN) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$200 (TWO HUN) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$40.00 (FORTY) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$50.00 (FIFTY) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$20.00 (TWENTY) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$50.00 (FIFTY) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$25.00 (TWY FIV) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5X) symbol, and a prize symbol of \$10.00 (TEN DOL) appears under the 5X (5X) symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.00 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$40.00 (FORTY) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$20.00 (TWENTY) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.00 (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$25.00 (TWY FIV) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe (SAFE) symbol, and a prize symbol of \$20.00 (TWENTY) appears under the Safe (SAFE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Bar (GOLD BAR) symbol, and a prize symbol of \$10.00 (TEN DOL) appears under the Gold Bar (GOLD BAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$10 × 2	30	240,000
\$10 w/GOLD BAR	60	120,000
\$20 w/SAFE	60	120,000
\$20	30	240,000
\$25 w/SAFE	30	240,000
\$25	30	240,000
\$10 × 4	75	96,000
\$20 × 2	75	96,000
\$20 w/GOLD BAR	75	96,000
\$40 w/SAFE	75	96,000
\$40	75	96,000
\$10 × 5	150	48,000
\$25 w/GOLD BAR	150	48,000
\$10 w/5X	150	48,000
\$50 w/SAFE	150	48,000
\$50	150	48,000
\$10 × 10	150	48,000
\$20 × 5	300	24,000
\$20 w/5X	300	24,000
\$50 w/GOLD BAR	150	48,000
\$100	150	48,000
\$10 × 20	1,200	6,000
\$20 × 10	1,200	6,000
\$25 × 8	1,200	6,000
\$40 w/5X	1,200	6,000
\$100 w/GOLD BAR	1,200	6,000
\$100 × 2	1,200	6,000

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$200 w/SAFE	\$200	1,200	6,000
\$200	\$200	1,200	6,000
\$25 × 20	\$500	4,800	1,500
(\$25 × 10) + (\$50 × 5)	\$500	4,800	1,500
\$50 × 10	\$500	4,800	1,500
\$100 × 5	\$500	4,800	1,500
(\$200 w/GOLD BAR) + \$100	\$500	4,800	1,500
\$100 w/5X	\$500	4,800	1,500
\$500 w/SAFE	\$500	4,800	1,500
\$500	\$500	4,800	1,500
\$50 × 20	\$1,000	12,000	600
(\$50 × 10) + (\$100 × 5)	\$1,000	12,000	600
\$100 × 10	\$1,000	12,000	600
\$200 × 5	\$1,000	12,000	600
\$200 w/5X	\$1,000	12,000	600
\$500 × 2	\$1,000	12,000	600
\$500 w/GOLD BAR	\$1,000	12,000	600
\$1,000 w/SAFE	\$1,000	12,000	600
\$1,000	\$1,000	12,000	600
(\$200 × 10) + (\$500 × 5) + (\$100 × 5)	\$5,000	120,000	60
\$500 × 10	\$5,000	120,000	60
\$1,000 × 5	\$5,000	120,000	60
\$1,000 w/5X	\$5,000	120,000	60
\$5,000	\$5,000	120,000	60
\$50,000	\$50,000	720,000	10
\$100,000	\$100,000	1,440,000	5
\$1,000,000	\$1,000,000	1,440,000	5

SAFE = Win the prize shown under it automatically.  
 GOLD BAR = Win double the prize shown under it automatically.  
 5X = Win five times the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$100 Million Cash Extravaganza instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100 Million Cash Extravaganza, prize money from winning Pennsylvania \$100 Million Cash Extravaganza instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100 Million Cash Extravaganza instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$100 Million Cash Extravaganza or through normal communications methods.

DANIEL MEUSER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-396. Filed for public inspection March 4, 2011, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The March 15, 2011, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Tuesday, April 19, 2011, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the April 19, 2011, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (select "Public Participation" then "Public Participation Center").



Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-397. Filed for public inspection March 4, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the additions to its list of Class A Wild Trout Streams as set forth at 40 Pa.B. 7305 (December 18, 2010). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-398. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2010 at \$5,485.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2011 as \$5,565.00.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-399. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Classification of Wild Trout Streams; Adjustment to List

The Fish and Boat Commission (Commission) has approved an adjustment to its list of wild trout streams as published at 40 Pa.B. 7305 (December 18, 2010). Specifically, the Commission extended the wild trout stream limits of the Little Juniata River to include an area that extends approximately 19.7 miles further downstream to the Barree Road Bridge (SR 4004). As revised, the limits are from the headwaters downstream to the Barree Road Bridge (SR 4004).

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-400. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Proposed Special Regulation Redesignations; Big Bass Special Regulations; Susquehanna and Juniata Rivers

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on April 11 and 12, 2011, the Commission will consider removing the following waters from its list of "Big Bass Regulation" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass special regulations):

<i>County</i>	<i>Water</i>
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR 0075 bridge at Port Royal downstream to the mouth



These proposed redesignations will be considered in conjunction with the Commission's consideration of proposed amendments to 58 Pa. Code § 65.24 (relating to miscellaneous special regulations) to impose catch and release regulations on smallmouth and largemouth bass in these portions of the Susquehanna and Juniata Rivers. Under the proposal, tournaments will be prohibited during the bass spawning period in the spring, and during the remainder of the year, catch-measure-immediate release tournaments only will be permitted. The proposed regulations will apply to all species of black bass residing in the Susquehanna and Juniata Rivers to remain consistent with the way that black bass historically have been managed in these rivers. The Commission will consider whether to adopt the proposed amendments at its April 2011 meeting. If adopted, these river sections will no longer be managed as "Big Bass Regulation" waters.

Persons with comments, objections or suggestions concerning the redesignations are invited to submit comments

in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-401. Filed for public inspection March 4, 2011, 9:00 a.m.]

### 2011 Classification of Wild Trout Streams; Additions, Adjustments and Deletions

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 11 and 12, 2011, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Armstrong	Cornplanter Run	Buffalo Creek	Headwaters downstream to mouth
Blair	Homer Gap Run	Little Juniata River	Headwaters downstream to inlet Homers Gap Reservoir
Blair	Spring Run	Little Juniata River	Headwaters downstream to mouth
Blair	Unnamed tributaries (UNT) to Canoe Creek Lake (Mary Anns Creek)	Canoe Creek Lake	Headwaters downstream to mouth
Butler	Wolf Creek	Slippery Rock Creek	Headwaters downstream to SR 0208 bridge in Grove City
Cambria	UNT to Little Paint Creek (RM 4.80)	Little Paint Creek	Headwaters downstream to mouth
Cameron	Bender Run	May Hollow Run	Headwaters downstream to mouth
Cameron	Big Run	West Creek	Headwaters downstream to mouth
Cameron	Miller Hollow	Portable Run	Headwaters downstream to mouth
Cameron	Sterling Run	Driftwood Branch Sinnemahoning Creek	Headwaters downstream to mouth
Clarion	Catfish Run	Allegheny River	Headwaters downstream to mouth
Clearfield	Clearfield Creek	West Branch Susquehanna River	Headwaters downstream to Brubaker Run
Clearfield	Laurel Run	Little Clearfield Creek	Headwaters downstream to mouth
Clearfield	Montgomery Creek	West Branch Susquehanna River	Headwaters downstream to mouth
Clearfield	UNT to Anderson Creek (Roaring Run)	Anderson Creek	Headwaters downstream to mouth
Clearfield	UNT to Gifford Run (502392)	Gifford Run	Headwaters downstream to mouth
Clearfield	Wallace Run	Little Clearfield Creek	Headwaters downstream to mouth
Clinton	Hoover Hollow	Kettle Creek Lake	Headwaters downstream to mouth

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Clinton	Summerson Run	Kettle Creek	Headwaters downstream to mouth
Clinton	Walters Run	Kettle Creek	Headwaters downstream to mouth
Columbia	West Branch	West Creek	Headwaters downstream to mouth
Crawford	UNT to Oil Creek	Oil Creek	Headwaters downstream to mouth
Crawford	UNT to Oil Creek	Oil Creek	Headwaters downstream to mouth
Cumberland	Burd Run	Middle Spring Creek	Headwaters downstream to mouth
Delaware	Rocky Run	Chester Creek	Headwaters downstream to mouth
Fayette	Mcintire Run	Big Sandy Creek	Headwaters downstream to mouth
Fayette	Mounts Creek	Youghiogheny River	Headwaters downstream to Bridge on T819 (Eutsey Road)
Fayette	Redstone Creek	Monongahela River	Headwaters downstream to US 40
Forest	Dawson Run	Allegheny River	Headwaters downstream to mouth
Huntingdon	Miller Run	Shoup Run	Headwaters downstream to mouth
Lancaster	Rock Run	Muddy Creek	Headwaters downstream to Pennsylvania Turnpike
Luzerne	Reyburn Creek	Shickshinny Creek	Headwaters downstream to mouth
Lycoming	Kaiser Hollow	Loyalsock Creek	Headwaters downstream to mouth
Lycoming	King Run	Plunketts Creek	Headwaters downstream to mouth
Lycoming	Mill Creek (Warrensville)	Loyalsock Creek	Rose Valley Lake downstream to first SR 2039 bridge
Lycoming	Miller Run	West Branch Murray Run	Headwaters downstream to mouth
Lycoming	Murray Run	Wallis Run	Headwaters downstream to mouth
Lycoming	Plunketts Creek	Loyalsock Creek	Headwaters downstream to mouth
Lycoming	West Branch Murray Run	Murray Run	Headwaters downstream to mouth
McKean	Daly Brook	Potato Creek	Headwaters downstream to mouth
McKean	Hubert Run	South Branch Kinzua Creek	Headwaters downstream to mouth
McKean	Railroad Run	East Branch Potato Creek	Headwaters downstream to mouth
McKean	Threemile Run	Hubert Run	Headwaters downstream to mouth
McKean	Walcott Brook	Potato Creek	Headwaters downstream to mouth
Monroe	UNT to Little Pocono Creek (RM 0.03)	Little Pocono Creek	Headwaters downstream to mouth
Monroe	UNT to Sambo Creek	Sambo Creek	Headwaters downstream to mouth
Montgomery	UNT to Schuylkill River (Spring Mill Creek)	Schuylkill River	Headwaters downstream to mouth
Pike	Panther Creek	Delaware River	Headwaters downstream to mouth
Pike	UNT to Shohola Creek	Shohola Creek	Headwaters downstream to mouth
Pike	UNT to Shohola Creek (RM 12.38)	Shohola Creek	Headwaters downstream to mouth
Potter	UNT to Kettle Creek (Joerg Run)	Kettle Creek	Headwaters downstream to mouth
Snyder	Middle Creek	Penns Creek	Headwaters downstream to SR 4008 near Faylor Lake
Somerset	Beaverdam Creek	Stonycreek River	Somerset/Quemahoning Township line downstream to T-647 bridge
Somerset	Beaverdam Run	North Branch Quemahoning Creek	Headwaters downstream to backwaters of Lake Gloria
Somerset	Cucumber Run	Casselman River	Headwaters downstream to mouth
Somerset	Piney Creek	Casselman River	PA/MD state line downstream to mouth
Somerset	Powder Run	Gladdens Run	Headwaters downstream to mouth
Somerset	Shingle Run	Dark Shade Creek	Headwaters downstream to mouth

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Sullivan	Pigeon Creek	Loyalsock Creek	Headwaters downstream to mouth
Sullivan	Trout Run	Little Loyalsock Creek	Headwaters downstream to mouth
Union	Buffalo Creek	West Branch Susquehanna River	Headwaters downstream to 8th Street Bridge in Mifflinburg
Venango	Clark Run	Allegheny River	Headwaters downstream to mouth
Venango	Ditzenberger Run	Sandy Creek	Headwaters downstream to mouth
Venango	Dunlap Creek	Allegheny River	Headwaters downstream to mouth
Venango	Haggerty Hollow	Sandy Creek	Headwaters downstream to mouth
Venango	Johnston Run	Allegheny River	Headwaters downstream to mouth
Venango	Lowrey Run	Allegheny River	Headwaters downstream to mouth
Venango	McCutcheon Run	Sandy Lake Outlet	Headwaters downstream to mouth
Venango	Morrison Run	Sandy Creek	Headwaters downstream to mouth
Venango	Roberts Run	Allegheny River	Headwaters downstream to mouth
Venango	Siefer Run	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 102.3)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 102.8)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 105.3)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 113.5)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 119.7)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 120.1)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to Allegheny River (RM 123.8)	Allegheny River	Headwaters downstream to mouth
Venango	UNT to French Creek	French Creek	Headwaters downstream to mouth
Venango	UNT to Patchel Run	Patchel Run	Headwaters downstream to mouth
Venango	UNT to Sandy Creek	Sandy Creek	Headwaters downstream to mouth
Venango	UNT to Sandy Creek (RM 12.7)	Sandy Creek	Headwaters downstream to mouth
Venango	UNT to Sandy Creek (RM 3.0)	Sandy Creek	Headwaters downstream to mouth
Venango	Victory Run	Sandy Creek	Headwaters downstream to mouth
Warren	Jackson Run	Allegheny Reservoir	Headwaters downstream to mouth
Warren	Ward Run	Allegheny River	Headwaters downstream to mouth
Wayne	UNT to Wallenpaupack Creek	Wallenpaupack Creek	Headwaters downstream to mouth
Westmoreland	Big Spring Run	Conemaugh River	Headwaters downstream to mouth
Westmoreland	Saint Clair Hollow	Loyalhanna Creek	Headwaters downstream to mouth
Westmoreland	Shirey Run	Mcgee Run	Headwaters downstream to mouth
Westmoreland	Sugar Run	Big Spring Run	Headwaters downstream to mouth
Westmoreland	UNT to Conemaugh River (RM 40.83)	Conemaugh River	Headwaters downstream to mouth
Westmoreland	UNT to Mcgee Run (RM 5.75)	Mcgee Run	Headwaters downstream to mouth
Westmoreland	Zimmerman Run	Loyalhanna Creek	Headwaters downstream to mouth
Wyoming	Sugar Run	Marsh Creek	Headwaters downstream to mouth
York	Pine Run	North Branch Muddy Creek	Headwaters downstream to mouth
York	UNT to Pine Run	Pine Run	Headwaters downstream to mouth

The Commission also will consider the following adjustments to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>	<i>Rationale</i>
Blair	Kettle Creek	Little Juniata River	Headwaters downstream to mouth	Upstream extension based on historical data

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>	<i>Rationale</i>
Blair	Mill Run	Beaverdam Branch	Headwaters downstream to Allegheny Reservoir	Downstream extension based on historical data
Clearfield	Hartshorn Run	West Branch Susquehanna River	Headwaters downstream to mouth	Downstream extension based on 2010 Survey
Elk	Brandy Camp Creek	Little Toby Creek	Headwaters downstream to first UNT downstream of Karnes Run	Lower limit adjusted based on verified AMD source
Huntingdon	Little Juniata River	Juniata River	Headwaters downstream to mouth	Downstream extension based on historical data
Schuylkill	Mill Creek	Schuylkill River	Headwaters downstream to mouth	Upstream extension based on 2010 Survey
Snyder	North Branch Mahantango Creek	West Branch Mahantango Creek	Headwaters downstream to Pine Swamp Road (SR 3016)	Downstream extension based on 2010 survey data
Susquehanna	East Branch Tunkhannock Creek	Tunkhannock Creek	Headwaters downstream to SR 374 Lenox Township	Limits adjusted upstream and downstream based on recent survey data

The Commission also will consider the following deletions from the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Clinton	Owl Hollow	Kettle Creek	Headwaters downstream to mouth
Clinton	Stewart Run	Kettle Creek	Headwaters downstream to mouth
Clinton	Sugar Camp Run	Kettle Creek Lake	Headwaters downstream to mouth
Lancaster	Chiques Creek	Susquehanna River	Headwaters downstream to SR 4032
Lycoming	Doe Run	Rock Run	Headwaters downstream to mouth
Lycoming	Fourmile Hollow	Trout Run	Headwaters downstream to mouth
Lycoming	Furnace Run	Pine Creek	Headwaters downstream to mouth
Lycoming	Hound Run	Rock Run	Headwaters downstream to mouth
Lycoming	Miners Run	Rock Run	Headwaters downstream to mouth
Lycoming	Yellow Dog Run	Rock Run	Headwaters downstream to mouth
McKean	Dexter Hollow	Allegheny River	Headwaters downstream to mouth
McKean	Evans Hollow	Potato Creek	Headwaters downstream to mouth
McKean	Sackett Hollow	Potato Creek	Headwaters downstream to mouth
Susquehanna	Deacon Brook	Mitchell Creek	Outlet unnamed pond at Lewis Corners downstream to mouth
Warren	Campbell Run	Kinzua Creek	Headwaters downstream to mouth
Westmoreland	Dyke Hollow	Freeman Run	Headwaters downstream to mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 11-402. Filed for public inspection March 4, 2011, 9:00 a.m.]



**Walnut Creek Marina, Erie County**

Notice is given that under 58 Pa. Code § 53.12a(a)(1) (relating to access areas and marinas), the Fish and Boat Commission (Commission) has increased the fee for seasonal slips at the Walnut Creek Marina, Erie County, from \$725 to \$1,000 for a limited number of slips that can hold larger boats up to 26 feet in length. The current

seasonal fee of \$725 will remain the same for all other slips. This change in fees is effective immediately.

**JOHN A. ARWAY,**  
*Executive Director*

[Pa.B. Doc. No. 11-403. Filed for public inspection March 4, 2011, 9:00 a.m.]

**HEALTH CARE COST CONTAINMENT COUNCIL**

**Special Reports and Requests for Data**

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 14 and as amended by Act 3, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2010. Questions about procedures for obtaining access to the Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

**JOE MARTIN,**  
*Executive Director*

<i>Applicant</i>	<i>Project Description</i>
Agency for Healthcare Research & Quality	A standard Statewide 2008 and 2009 inpatient discharge and inpatient revenue code detail data set to be used in the Healthcare Cost and Utilization Project, which uses the data for multiple databases, reports, tools and products.
Akron Children’s Hospital	A standard facility 2008 inpatient discharge and ambulatory/outpatient procedure data set for UPMC’s Children’s Hospital of Pittsburgh, North Surgery Center and South Surgery Center. The data will be used to assess community health needs, level of access and migration patterns for pediatric and adolescent patients residing in eastern Ohio and surrounding areas.
Allied Services	A custom third quarter 2008 through second quarter 2009 inpatient discharge data set with the number of ICU days for five hospitals (Community Medical Center of Scranton, Mercy Hospital of Scranton, Moses Taylor Hospital, Wilkes-Barre General Hospital and Geisinger Wyoming Valley) to be used for long-range strategic planning.
Altarum Institute	A standard regional 2000 and 2008 inpatient discharge and ambulatory/outpatient procedure data set for regions 8 and 9 to be used, along with data from other sources, to gain knowledge on the multiple determinants of health in the southeastern Pennsylvania region. Specifically, the data will be used to establish environmental-level measures and multi-level analysis of individual and population health.
America’s Health Insurance Plans	A modification to a prior request of a standard Statewide 2007 inpatient discharge data set to a custom 2007 inpatient discharge data set with the number of days to next admission calculated to be used to analyze the utilization and health conditions of the Medicare population expanded to include hospital-level comparisons.
AtlantiCare Regional Medical Center	A standard regional 2009 inpatient discharge data set for regions 8 and 9 to be used for various web-based health statistic reports as a reporting tool focused on the epidemiology of health services to estimate demand for health services, and to measure morbidity and comorbidities that will be used by AtlantiCare in comparing to peer hospitals.
Bon Secours Health System, Inc.	A 2009 inpatient discharge and ambulatory/outpatient procedure standard regional data set by region 6 and custom data set of patients who reside within region 6. The data will be used to assess community health care needs and to examine variations in health status and access to care so appropriate programs and services can be developed.
Bucknell University	A standard Statewide 2009 inpatient discharge data set to be used for health policy research and educational purposes by faculty to identify factors affecting inpatient discharges and health outcomes and by students for classroom activities.

<i>Applicant</i>	<i>Project Description</i>
Community Health Systems	A standard Statewide 2009 inpatient discharge and ambulatory/outpatient procedure data set to be used to create utilization rates and market share information for strategic and facilities planning for the following hospitals: Berwick Hospital, Brandywine Hospital, Easton Hospital, Jennersville Regional Hospital, Pottstown Memorial Hospital, Lockhaven Hospital, Chestnut Hill Healthcare, Phoenixville Hospital, Sunbury Community Hospital and Wilkes-Barre Health System.
Competition Economics, LLC	A standard Statewide 2008 and 2009 inpatient discharge and inpatient revenue code detail data set to be used to conduct statistical studies that will examine factors influencing inpatient choice of psychiatric facility, such as travel time, diagnosis and characteristics of alternative facilities, such as stand-alone facility or psychiatric unit with a general acute care hospital.
DataBay Resources	A standard Statewide second quarter 2009 through first quarter 2010 inpatient discharge and ambulatory/outpatient procedure data set. The data will be combined with other all-payer health care data to be used to produce various aggregate report files distributed within their Navigate system (PC based) and NavigateNet system (Internet-based) that are offered as health care software products to their customers.
Delaware Valley Health Care Coalition	A standard Statewide third quarter 2006 through second quarter 2009 inpatient discharge data set. The data will be used to identify high-performing hospitals and share this information with participants to facilitate direction of health care services to these high-performing facilities.
Duke University	A modification for additional data to a prior request of a custom 2001-2007 inpatient discharge data set of patients with percutaneous coronary intervention that may have a cardiac disease follow-up condition. The data will be used to conduct academic research on the impact of payer type on use of physicians and eventual outcomes for a conference presentation and academic journal submission and publication.
Foundation for Advance of International Medical Education & Research	A standard Statewide 2007-2009 inpatient discharge data set to be merged with Educational Commission for Foreign Medical Graduates (ECFMG) data on international medical graduates to investigate outcomes of care by graduates of international medical schools compared with graduates of United States schools. These aggregate Council data would be used for the purposes of publication in journals and informing the refinement of the ECFMG certification process.
Frederick Memorial Hospital	A custom 2008 inpatient discharge and ambulatory/outpatient procedure data set of patients residing in Frederick County, MD to be used to better understand the number of patients that are receiving care in Pennsylvania facilities by specialty/service.
Good Shepherd Rehabilitation Hospital	A standard regional 2009 inpatient discharge data set for regions 5-9 to be used for internal analysis of hospital services.
Governor's Office of Healthcare Reform	A custom 2008 inpatient discharge data report with first quarter 2009 readmission data. The admission and readmission data, including average charge, by payer type will be included as part of a model that estimates the savings that can be achieved by avoiding readmissions due to the use of a health information exchange.
Hamilton Health Center	A custom 2008 and 2009 inpatient discharge data report for Harrisburg City, Dauphin County and Pennsylvania Statewide based on the Council's <i>Chronic Health Conditions in Pennsylvania</i> report, as well as additional general statistical rates: diabetes short-term complication hospital admission rate, diabetes long-term complication hospital admission rate, uncontrolled diabetes hospital admission rate, rate of lower-extremity amputation among patients with diabetes, hypertension hospital admission rate, congestive heart failure hospital admission rate, angina without procedure hospitalization rate, pediatric asthma hospitalization rate, adult asthma hospitalization rate, COPD hospital admission rate and bacterial pneumonia hospital admission rate. The data will be used to develop a needs assessment for a grant application to the Federal government.

<i>Applicant</i>	<i>Project Description</i>
Harvard University	A standard regional 2007 and 2008 inpatient discharge data set for regions 1 and 9. The data will be used for a PhD thesis study on the effect on the adoption of medical devices in various medical specialties based on the following factors: financial relationship between surgeons and medical device makers; other physician characteristics, including procedure volume, education, years of experience and publications; and the adoption patterns of other surgeons within the same physician practices, hospitals or markets.
HCR ManorCare	A standard Statewide 2008 and 2009 inpatient discharge data set to be used to assess the needs of skilled nursing facility patients in HCR ManorCare's facilities across the state, market trend analysis and making business decisions.
HEALTHSOUTH	A standard Statewide 2008 inpatient discharge data set to be used for market share analysis.
Home Nursing Agency	A standard Statewide second quarter 2009 through first quarter 2010 inpatient discharge and ambulatory/outpatient procedure data set to be used to identify and analyze the market opportunity for home health and hospice-based services in underserved regions.
Hospital & Healthsystem Association of PA	A standard 2009, 2008 and 2007 financial data report to be used to supplement financial and utilization data that HAP currently collects on a voluntary basis from member hospitals. HAP will use the data on a routine basis to model potential effects of policy changes and to support its representation and advocacy initiatives in support of member hospitals and the communities they serve.
Hospital & Healthsystem Association of PA	A standard Statewide 2009 inpatient discharge data set. The data will be used by HAP to conduct ongoing monitoring of Statewide, regional and hospital-specific quality outcomes, primarily utilizing the AHRQ Quality Indicators. HAP may from time to time release the aggregate results of its quality monitoring research.
Ingenix	A standard Statewide 2008 inpatient discharge data set. The data will be used for two products, a consumer hospital quality reporting tool for health plans to provide to its members and reports for health care professionals. The reports for consumers will provide information on inpatient quality and efficiency to aid in decision making about where to seek care. The reports for health care professionals will be benchmarking tools that analyze inpatient charges, volumes, lengths of stay and other measures by facility.
Kaleida Health	A custom fourth quarter 2008 through third quarter 2009 inpatient discharge and ambulatory/outpatient procedure data report of residents from the western New York area (Erie, Niagara, Chautauqua, Cattaraugus, Allegheny, Wyoming, Genesee and Orleans Counties). The data will be used for organizational market share planning by researching where these patients are receiving their health care services.
Lancaster General Hospital	A custom third quarter 2006 through first quarter 2010 ambulatory/outpatient procedure data set of records within a specified zip code to be used to understand demand and utilization for ambulatory surgery in the local market.
Lehigh Valley Health Network	A standard Statewide 2009 through first quarter 2010 inpatient discharge data set to be used for service area analysis, product line trends and analysis, competitive analysis and incidence rate comparisons and trends for program development.
LW Consulting, Inc.	A custom 2009 inpatient discharge data report of patients age 60 and older with specific MDCs/DRGs to be used to identify types of discharges by DRG over a specified time frame for specified hospitals for health care consulting.
Maryland Department of Health and Mental Hygiene	A custom 2008 and 2009 inpatient discharge data set of Maryland residents that were hospitalized in Pennsylvania. The data will be combined with Maryland Health Services Cost Review Commission hospitalization data to derive rates of diagnoses and treatment for acute and chronic conditions including asthma, injury, births, heart disease and diabetes. Data will be aggregated and reported by gender, race, age, county of residence, diagnosis and procedure.

<i>Applicant</i>	<i>Project Description</i>
Memorial Medical Center	A standard Statewide second quarter 2009 through first quarter 2010 inpatient discharge data set to be used for the internal assessment of its performance and its competitors' performance. The data will also be used for planning and market share analyses.
Moses Taylor Hospital	A custom fourth quarter 2008 through third quarter 2009 inpatient discharge and ambulatory/outpatient procedure data report to be used to assess where patients in Moses Taylor Health Care System's service area are going for inpatient and outpatient procedures when they leave northeastern Pennsylvania. The data will be used in strategic planning and to market and improve services.
New Solutions, Inc.	A custom 2009 inpatient discharge data set of patients from New Jersey and Monroe, Northampton, Pike, Bucks, Wayne and Philadelphia Counties to be used for research purposes and to provide market share analysis for hospital clients.
New York Presbyterian Hospital	A custom 2008 inpatient discharge data set for all pediatric patients (ages 0-17) to be used for market share analysis for various clinical and key services and the migration of New York and New Jersey residents to Pennsylvania hospitals.
Northwestern University Law School	A standard Statewide 1998-2009 inpatient discharge data set to be used to study the impact of public reporting on healthcare-associated infections (HAI) by hospitals on HAI rates.
Odyssey Healthcare	A standard facility third quarter 2008 through second quarter 2009 inpatient discharge data set for Crozer Chester Medical Center (including Springfield and Taylor) and Delaware County Memorial Hospital to be used to identify hospice market opportunities in the Crozer/Delaware Memorial system.
Pennsylvania Commission on Crime and Delinquency	A custom third quarter 2008 through second quarter 2009 inpatient discharge data report of uninsured patients hospitalized as a result of a crime. The data will be used to support the Pennsylvania Commission on Crime and Delinquency's Victims Compensation Assistance Program project, which provides funding to this population.
Pennsylvania Department of Health	A standard Statewide 2008 inpatient discharge data set to be used to examine diabetes-related hospitalizations in support of reducing the burden of diabetes. The data will be analyzed by the Bureau of Health Statistics and Research to provide surveillance data to the Diabetes Prevention and Control Program, to prepare county monographs and fact sheets, to create the bi-annual <i>The Burden of Diabetes in Pennsylvania</i> report, and to respond to requests for aggregate data at the local or State level and to provide data for use by the Bureau of Epidemiology.
Pennsylvania Department of Health	A custom 2008 and 2009 inpatient discharge data set of asthma, acute myocardial infarction and carbon monoxide poisoning related hospitalization cases to be used in the National Environmental Public Health Tracking Network. The data will be used with other health outcomes data, exposure and bio-monitoring data, and environmental hazards and environmental monitoring data to be displayed in aggregate form on the Centers for Disease Control and Prevention's public portal and to be analyzed to provide valid scientific information on environmental exposure and adverse risk of health conditions to drive actions that will improve the health in communities.
Pennsylvania Department of Health	A 2009 custom inpatient discharge and standard Statewide ambulatory/outpatient procedure data set to be used for the Injury Prevention Program. The client will use the data to prepare: 1) injuries in Pennsylvania; 2) injuries in Pennsylvania county profiles; 3) injury-specific monographs; and 4) injury-specific fact sheets, and to respond to requests for aggregate injury data at the State and local level, and provide to the Bureau of Epidemiology. The data will be used by State and local agencies to identify specific segments of the population at highest risk for injury, specific types and causes of injury, and to assist in Statewide injury prevention, emergency medical services, traumatic brain injury and youth suicide prevention planning and evaluation.



<i>Applicant</i>	<i>Project Description</i>
Pennsylvania Department of Health	A custom 1998-2008 inpatient discharge and ambulatory/outpatient procedure data set of cases with arthritis-related conditions. The data will be used to update and assess State and county trends; to prepare arthritis statistical reports, monographs and fact sheets; and to respond to requests for aggregate arthritis data.
Pennsylvania Department of Health	A custom 2009 inpatient discharge and ambulatory/outpatient procedure data set of cases with asthma-related conditions to be used to address the burden of asthma as part of the Department's Asthma Surveillance System for the Asthma Control Program through asthma risk education and prevention programs. The data will be used as a part of the Department's Asthma Surveillance System, in partial fulfillment of the requirements of a Centers for Disease Control and Prevention (CDC) grant to address the burden of asthma from a public health perspective in Pennsylvania. The data analysis will be distributed to the Pennsylvania Asthma Coalition and CDC through press releases, conferences, presentations, reports and fact sheets.
Pennsylvania Department of Health	A custom 2000-2009 inpatient discharge and ambulatory/outpatient procedure data set for patients with one of the following primary or secondary diagnoses or conditions: heart disease, malignant neoplasms, cerebro-vascular disease, chronic lower respiratory disease, unintentional injury, diabetes mellitus, Alzheimer's disease, nephritis, influenza and pneumonia or septicemia. The data will be used to prepare the <i>Chronic Disease Burden Report</i> which includes cost and length of stay of the defined diseases and conditions by age group, gender, race/ethnicity, admission type, discharge diagnosis, payer type and discharge status, as well as the hospitalization trend for the defined diseases and conditions.
Pennsylvania Department of Public Welfare	A custom third quarter 2007 through second quarter 2008 inpatient discharge data set of MDC 14 and 15 inclusive from Pennsylvania acute care hospitals to be used to calculate payments to hospitals for obstetrical and neonate services.
Pennsylvania Department of Public Welfare	A custom third quarter 2007 through second quarter 2008 inpatient discharge data set and a custom 2006-2008 financial data set. This data will be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs under the Tobacco Settlement Act of 2001.
Pennsylvania Department of Public Welfare	A custom 2006-2008 financial data report of net patient revenue by payer to be used to model a potential Statewide hospital assessment.
Pennsylvania Department of the Auditor General	A custom third quarter 2007 through second quarter 2008 inpatient discharge data set and a custom 2006-2008 financial data report. The client will use the data for auditing hospitals that received tobacco funds in 2010 from the Pennsylvania Department of Public Welfare, which used Council data to compute payments to hospitals for the Uncompensated Care and Extraordinary Expense Programs established under the Tobacco Settlement Act of 2001.
Pennsylvania Office of the Attorney General	A standard Statewide 2009 through first quarter 2010 inpatient discharge data set, ambulatory/outpatient procedure data set, inpatient revenue data set, ambulatory/outpatient revenue code detail data set and 2009 financial data report. The data will be used for the review of hospital mergers to ensure that the mergers are in compliance with antitrust laws.
Penn State College of Medicine	A 2005-2008 standard Statewide inpatient discharge data set and custom financial data report to be used to compare cost-efficiency to health outcomes across hospitals in Pennsylvania.
Penn State College of Medicine	A custom 2008 inpatient discharge data set of mother and infant records linked with the Department of Health birth certificate data to be used in a grant application to the National Institutes of Health to study the effects of labor pain and anesthesia choice on maternal and infant outcomes.
Penn State College of Medicine	A modification to a prior request of a custom 2000 through first quarter 2001 inpatient discharge data set of newborns linked to the mothers' discharge record who delivered in 2000. The data will be used to continue a study to investigate the extent to which mode of first delivery (vaginal, instrumental or cesarean) affects subsequent childbearing over the course of an 8- to 9-year follow-up period.

<i>Applicant</i>	<i>Project Description</i>
Penn State College of Medicine	A custom second quarter 2008 through first quarter 2010 inpatient discharge and ambulatory/outpatient data set to be used for research purposes to analyze cost effectiveness of the study intervention in patients with diabetes.
Pennsylvania Patient Safety Authority	A custom 2006 through second quarter 2009 inpatient discharge and ambulatory/outpatient procedure data report that will detail the number of colonoscopy-related procedures in Pennsylvania by facility to be used to normalize other data related to the number of adverse events associated with colonoscopy procedures in Pennsylvania.
Philadelphia Department of Public Health	A standard regional 1994, 1995, 2008 and 2009 inpatient discharge data and 2008 and 2009 ambulatory/outpatient procedure data set for regions 8 and 9 to be used for estimation of the geographic distribution, temporal trends, rates and hospitalizations for specific conditions (diabetes, asthma, and the like). Other areas to be examined include: diabetes complications, disparities in hospital outcomes, violence-related injuries, trends in HIV/AIDS inpatient/outpatient utilization, high-risk pregnancies, obstetrical service issues, infectious diseases, influenza and pelvic inflammatory disease.
Pinnacle Health System	A standard Statewide 2008 and 2009 inpatient discharge data set, ambulatory/outpatient procedure data set, and inpatient and outpatient revenue code detail data set to be used to determine share of market by hospital, physician activity by specialty, physician provider preferences and outpatient total market volume by service.
<i>Pittsburgh Post-Gazette</i>	A custom second quarter 2008 and 2009 inpatient discharge and ambulatory/outpatient procedure data report to include month-by-month reports on the total number of cases and in-hospital deaths for Children's Hospital Pittsburgh, Children's Hospital Philadelphia and St. Christopher Hospital for Children to be used for news reporting.
Pittsburgh Regional Health Care Initiative	A custom fourth quarter 2007-2009 inpatient discharge data set of hospitalizations in region 1 and Lawrence, Somerset and Indiana Counties to be used to study hospital readmission rates of chronic diseases to improve health care safety and quality and help plan initiatives for improving health care in the southwestern Pennsylvania region.
Pottstown Memorial Medical Center	A standard regional 2009 inpatient discharge and ambulatory/outpatient procedure data set of regions 7-9 to be used to analyze the feasibility of service lines.
Press Ganey Associates, Inc.	A standard Statewide 2009 inpatient discharge data set to be used in an aggregate fashion in health care benchmarking reporting packages and studies composed of Medicare and multiple state sources of data. Additional information from Medicare cost reports, internally created RAMI and RACI processes, AHRQ indicators, geo-spatial information, and various other sources will be used in conjunction with this data to develop hospital-based metrics on clinical, operating and financial metrics.
Reading Hospital and Medical Center	A standard facility third quarter 2008 through second quarter 2009 inpatient discharge data set for The Reading Hospital and Medical Center, St. Joseph Medical Center/Reading, Lehigh Valley Hospital, Pottstown Memorial Medical Center, Geisinger Medical Center/Danville, York Hospital, Pinnacle Health Hospitals, St. Luke's Hospital/Bethlehem, Milton S. Hershey Medical Center and Lancaster General Hospital. The data will be used by the Medical Center to increase its knowledge and understanding of its relative payment position within Berks County and the surrounding market area.
Rural Health Initiative, VA Medical Center	A custom 2001-2007 inpatient discharge data set linked with data of VA health care enrollees who lived in Pennsylvania from the VA National Data System. The data will be used with national health survey data to help understand how veterans enrolled in VA health care use both VA and non-VA medical services, to assess current utilization needs, and to assess issues.

<i>Applicant</i>	<i>Project Description</i>
Sacred Heart Healthcare System	A custom third quarter 2006 through second quarter 2009 inpatient discharge data set of all hospitalizations from Sacred Heart Hospital and all hospitalizations based on patient origin from Lehigh, Northampton, Carbon and Monroe Counties. The data will be used to prepare a market analysis of trends over the past 3 years in the area surrounding Allentown, PA.
SDI Health	A standard Statewide 2009 inpatient discharge and 2008 through 2009 ambulatory/outpatient procedure data set to be combined with other states' data to be used in estimating diagnoses and procedures at the hospital and national levels for commercial health care software products and services.
Service Employees International Union	A standard Statewide 2005-2009 inpatient discharge and ambulatory/outpatient procedure data set. The data will be used as an ongoing project to assess the delivery of services in terms of access, cost and quality of care, and the impact of delivery of services in multiple settings to understand the sources of variation in health care delivery. The information will be presented in reports to consumers, policymakers and academic health service researchers.
St. Clair Hospital	A standard regional 2009 ambulatory/outpatient procedure data set for region 1 to be used to analyze market share information and to assess community needs.
Susquehanna Health	A custom third quarter 2008 through second quarter 2009 inpatient discharge data set of patients from any of the region 4 counties or Potter, Bradford and Sullivan Counties. The data will be used to update Susquehanna Health's market analysis and to prepare financial projections related to its financial plan.
The Commonwealth Fund	A standard 2007 financial data report to be used with other states' financial data to determine the potential financial impact on hospitals if Medicaid payment rates were set at Medicare levels and if the uninsured were covered at Medicare rates.
Thomson Reuters	A standard Statewide 2009 through first quarter 2010 inpatient discharge and ambulatory/outpatient procedure data set to be used for commercial software products.
Treo Solutions	A standard Statewide 2009 inpatient discharge and inpatient revenue code detail data set to be grouped into weight-adjusted categories and assigned APR-DRGs. The assigned categories and associated volumes will be used to analyze market share, hospital clinical cost and performance for its clients located in Pennsylvania and surrounding areas.
University of Pennsylvania Robert Wood Johnson Clinical Scholars	A custom second quarter 2005-2007 inpatient discharge data set for patients admitted with hip fractures and their 6 months pre- and 1-month post admission records linked with Department of Health death data to be used for a research study examining the relationships between hospital structures, processes and outcomes for hip fracture.
University of Iowa, Department of Health Management & Policy	A custom third quarter 2006 and 2007 inpatient discharge data set to be used for a study that examines whether shortened temporal distance between surgeries is the primary driver of improved surgical outcomes.
University of Pennsylvania School of Medicine	A custom third quarter 2006 through third quarter 2008 inpatient discharge data set of adults in an intensive care unit or coronary care unit setting linked with Department of Health death data to be used to investigate current inter-hospital transfer networks and the feasibility of creating a tiered, regional system of care for patients with critical illness.
University of Pennsylvania	A custom 1995-2009 inpatient discharge and 1996-2009 ambulatory/outpatient procedure data set of cases with motor neuron disease to be used to describe the use of percutaneous endoscopic gastrostomy (PEG) tubes and tracheostomy placement (feeding tubes and ventilator use) in patients with motor neuron disease.
University of Pennsylvania	A modification to a previous request for a custom 1996-2008 inpatient discharge and ambulatory/outpatient procedure data set of cases with motor neuron disease to be linked with Department of Health death data. The data on usage of tracheostomy, PEG placement and rates of emergent hospitalization will be used to study quality of care and determine best practices for patients with amyotrophic lateral sclerosis/motor neuron disease.

<i>Applicant</i>	<i>Project Description</i>
University of Pennsylvania	A modification to a prior request for a custom 2000-2003 inpatient discharge data set linked with Department of Health death data to be used for a research study that will examine the impact of a nurse-to-patient ratio law in California by comparing hospital outcomes in Pennsylvania. The data will be used to develop risk-adjusted models that predict the odds of death and outcomes that are associated with the patient care environment.
University of Pittsburgh, Department of Medicine	A custom 2006-2009 inpatient discharge data set of readmission records of the patients who were diagnosed during 2006 with a positive CT-scan for pulmonary embolism at a UPMC facility. The data will be used in a funded NIH grant application (Identifying CT Imaging Biomarkers Associated with Prognosis of Pulmonary Embolism) to evaluate the diagnostic performance of new CT-derived biomarkers of pulmonary embolism and assess if they improve prediction of prognosis in acute pulmonary embolism.
University of Pittsburgh Medical Center	A standard Statewide second quarter 2009 through first quarter 2010 inpatient discharge and ambulatory/outpatient procedure data set to be used to produce various reports on patient origin for UPMC hospital, UPMC market share in various geographic areas and for various service lines, utilization trends in volume and market share over different time periods, and physician volumes at UPMC and other hospitals.
Veterans Affairs Pittsburgh Healthcare System	A first and second quarter 2007 standard Statewide inpatient revenue code detail data set and a custom inpatient discharge data set of patients receiving a hip or knee replacement and their readmissions linked with Department of Health death data. The data will be used for a pilot study titled Gender Differences in Knee and Hip Joint Replacement, which will assess surgical outcomes by gender in patients who underwent knee or hip arthroplasty and to provide health services research-based evidence to improve quality of care and access to joint replacement for women with end-stage knee or hip osteoarthritis.
Virginia Commonwealth University	A custom 2000-2007 inpatient discharge data set of patients from birth to age 18 with a primary diagnosis of asthma residing in specified zip codes to be used for the population impact evaluation of the Controlling Asthma in American Cities Project. The goal of the project, funded by the CDC, and Prevention, is to improve the quality of care and life for pediatric asthma patients in high prevalence urban areas.
WebMD Health	A standard Statewide 2008 inpatient discharge and inpatient revenue code detail data set to be used in WebMD's hospital comparison software tools that assist its clients in better understanding how hospitals compare to one another based on relative resource utilization and quality measures.
WellSpan Health	A standard regional 2009 inpatient discharge and ambulatory/outpatient procedure data set for region 5 to be used for the internal analysis of the delivery and utilization of health care services within WellSpan Health's region.
Wyoming Valley Health Care System	A standard Statewide 2009 inpatient discharge and ambulatory/outpatient procedure data set to be used for internal benchmarking and reporting.

[Pa.B. Doc. No. 11-404. Filed for public inspection March 4, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Pennsylvania National Mutual Casualty Insurance Company; Homeowners; Rate Revision

On February 16, 2011, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 6.0% increase amounting to \$1,736,000 annually, to be effective June 1, 2011, for new business and August 15, 2011, for renewal

business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to April 17, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insur-



ance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-405. Filed for public inspection March 4, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Dynamic Pricing Plan

**P-2011-2218683. West Penn Power Company, d/b/a Allegheny Power.** West Penn Power Company, d/b/a Allegheny Power petition for approval of its dynamic pricing plan for time-of-use rates.

Answers may be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner, on or before March 14, 2011. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, or on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us) and at the petitioner's business address.

*Petitioner:* West Penn Power Company, d/b/a Allegheny Power

*Through and By Counsel:* John L. Munsch, Allegheny Energy, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-406. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Dynamic Pricing Plan

**P-2011-2224781. West Penn Power Company.** West Penn Power Company petition for approval of its dynamic pricing plan for a residential critical peak rebate rate offering and a nonresidential critical peak pricing rate offering.

Answers may be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner, on or before March 14, 2011. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, or on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the petitioner's business address.

*Petitioner:* West Penn Power Company

*Through and By Counsel:* John L. Munsch, Allegheny Energy, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-407. Filed for public inspection March 4, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 21, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2226137. Mapemawa, Inc., t/a Phl Ground Transportation** (112 Saude Avenue, Essington, Delaware County, PA 19029), a corporation of the Commonwealth of Pennsylvania, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11-15 passengers, including the driver, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval to begin operating as a broker for transportation of persons which is to be a transfer of the right as described under the application.**

**A-2011-2226342. Stops Enterprises, LLC** (8855 Grissom Parkway, Titusville, FL 32780) a limited liability company of the State of Delaware—brokerage license—for the transportation of persons between points in Pennsylvania, which is to be a transfer of the right authorized under the certificate issued at A-6911150 to Specialized Transportation for Outpatient Services, Inc., t/a STOPS, Inc., subject to the same limitations and conditions.

*Pennsylvania Public Utility Commission,  
Bureau of Transportation and Safety v. Fantasy  
Limousine Service, Inc.; Doc. No. C-2010-2180664*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Fantasy Limousine Service, Inc., Respondent, maintains a principal place of business at 732 Green Street, Greensburg, PA 15601.

2. That Respondent was issued a certificate of public convenience by this Commission on July 17, 1989, at Docket No. A-00108359, for limousine authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Fantasy Limousine Service, Inc., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Satti Cab Corp.;*  
*Doc. No. C-2010-2206512*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Satti Cab Corp., Respondent, maintains a principal place of business at 7122 Pennsylvania Avenue, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 11, 2001, at Docket No. A-00118357, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Satti Cab Corp. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to: Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. New Generation Taxi Co.;*  
*Doc. No. C-2010-2208335*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That New Generation Taxi Co., Respondent, maintains a principal place of business at 4746 Spruce Street, Philadelphia, PA 19139.

2. That Respondent was issued a certificate of public convenience by this Commission on January 16, 2004, at Docket No. A-00120151, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.



Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine New Generation Taxi Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist

from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Chardi Kala Cab Co.;*  
Doc. No. C-2010-2208125

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Chardi Kala Cab Co., Respondent, maintains a principal place of business at 125 Wellington Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on October 16, 2003, at Docket No. A-00120102, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Chardi Kala Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265



VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Emily Taxi, Inc.;*  
*Doc. No. C-2010-2206949*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Emily Taxi, Inc., Respondent, maintains a principal place of business at 805 Red Lion Road, B-3, Philadelphia, PA 19115.

2. That Respondent was issued a certificate of public convenience by this Commission on April 30, 2003, at Docket No. A-00119640, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Emily Taxi, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Iqbal Cab Co.;*  
*Doc. No. C-2010-2206942*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Iqbal Cab Co., Respondent, maintains a principal place of business at 128 Marlboro Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on January 14, 2003, at Docket No. A-00119357, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Iqbal Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is

the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Zahrah, Inc.;*  
*Doc. No. C-2010-2206737*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Zahrah, Inc., Respondent, maintains a principal place of business at 2423 E. Allegheny Avenue, Apt. 2nd Floor, Philadelphia, PA 19134.

2. That Respondent was issued a certificate of public convenience by this Commission on October 9, 2002, at Docket No. A-00119211, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Zahrah, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265



B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. M. Sall, Inc.;*  
*Doc. No. C-2010-2206733*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That M. Sall, Inc., Respondent, maintains a principal place of business at 934 Bridge Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on July 11, 2002, at Docket No. A-00118995, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must

contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine M. Sall, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified



check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Wlawala Cab Co.;*  
*Doc. No. C-2010-2206519*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Wlawala Cab Co., Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a certificate of public convenience by this Commission on March 27, 2002, at Docket No. A-00118559, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Wlawala Cab Co. the sum of two hundred and fifty

dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Ivory One Cab Co.;*  
*Doc. No. C-2010-2206301*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ivory One Cab Co., Respondent, maintains a principal place of business at 7643 Wood Crest Avenue, Philadelphia, PA 19151.

2. That Respondent was issued a certificate of public convenience by this Commission on December 20, 2001, at Docket No. A-00118338,F.1, and on October 9, 2002, at Docket No. A-00118338,F.2, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Ivory One Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Aman & Brothers, Inc.;*  
*Doc. No. C-2010-2206198*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Aman & Brothers, Inc., Respondent, maintains a principal place of business at 116 Powell Lane, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on March 6, 2001, at Docket No. A-00117483, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Aman & Brothers, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. E & M Cab Co.;*  
*Doc. No. C-2010-2206199*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section



701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That E & M Cab Co., Respondent, maintains a principal place of business at 1224 Allen Grove Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on October 22, 2001, at Docket No. A-00118213, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine E & M Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Satkartar Enterprises, Inc.;*  
*Doc. No. C-2010-2206946*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Satkartar Enterprises, Inc., Respondent, maintains a principal place of business at 141 Hampden Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on February 18, 2003, at Docket No. A-00119537, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must



contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Satkartar Enterprises, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified

check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Main Line Limousine, Inc.  
t/a Elegante Limousine Service; Doc. No. C-2010-2178482*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Main Line Limousine, Inc. t/a Elegante Limousine Service, Respondent, maintains a principal place of business at 41 Claremont Boulevard, Havertown, PA 19083.

2. That Respondent was issued a certificate of public convenience by this Commission on October 11, 1989, at Docket No. A-00108501, for limousine authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission

fine Main Line Limousine, Inc. t/a Elegante Limousine Service the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Brag, Inc.;*  
*Doc. No. C-2010-2178691*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Brag, Inc., t/a Great Arrivals, Respondent, maintains a principal place of business at P. O. Box 144, Sayre, PA 18840.

2. That Respondent was issued a certificate of public convenience by this Commission on October 19, 1989, at Docket No. A-00108540.F.3, for limousine authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Brag, Inc., t/a Great Arrivals, the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Eyl Cab Co.;*  
*Doc. No. C-2010-2202381*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Eyl Cab Co., Respondent, maintains a principal place of business at 7004 Penarth Ave., Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on January 2, 1996, at Docket No. A-00112567, F.1, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Eyl Cab Co., the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial



cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. La Cayenne Cab Co.;*  
*Doc. No. C-2010-2210002*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That La Cayenne Cab Co., Respondent, maintains a principal place of business at 1336 Arrott Street, Apt. A12A, Philadelphia, PA 19134.

2. That Respondent was issued a certificate of public convenience by this Commission on September 24, 1999, at Docket No. A-00116158, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine La Cayenne Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Michael E. Hoffman, Director  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265



B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-408. Filed for public inspection March 4, 2011, 9:00 a.m.]

## SECURITIES COMMISSION

### Notice to Persons Registered or Applying for Registration as Investment Advisers in the Commonwealth of Pennsylvania Regarding the New Form ADV Part 2

#### Order

*Whereas*, the Pennsylvania Securities Commission (Commission) is charged with the administration of the Pennsylvania Securities Act of 1972 (1972 Act) and the regulations promulgated thereunder; and

*Whereas*, pursuant to Section 609(a) of the 1972 Act, the Commission may make, amend, and rescind any regulations, forms and orders that are necessary to carry out the 1972 Act; and

*Whereas*, Commission Regulation 303.012 provides, *inter alia*, that an application for initial registration as an investment adviser shall contain the information re-

quested in and shall be made on the Uniform Application for Investment Adviser Registration (FORM ADV) or a successor form and filed with the Commission or with an investment advisory registration depository designated by order of the Commission; and

*Whereas*, the instructions to FORM ADV require the filing of an annual updating amendment to FORM ADV within 90 days after the end of the investment adviser's fiscal year end; and

*Whereas*, Commission Regulation 303.012 requires an amended FORM ADV to be filed within 30 days if any material statement in FORM ADV becomes incorrect or inaccurate; and

*Whereas*, by order effective May 11, 2002, the Commission designated the Investment Adviser Registration Depository (IARD) to receive FORM ADV, FORM ADV amendments, annual updating amendments, and filing fees on behalf of the Commission; and

*Whereas*, Commission Regulation 404.011(b) requires each investment adviser registered under Section 301 of the 1972 Act to offer and deliver to each client at least once a year the current firm brochure and supplements which contain the information required by Part 2 of FORM ADV; and

*Whereas*, on July 28, 2010, the Securities and Exchange Commission (SEC) adopted amendments to Part II of FORM ADV (the "New ADV Part 2") to provide advisory clients with a brochure and brochure supplements written in plain English. The New ADV Part 2 consists of Part 2(A) (the Firm brochure), Part 2(A) Appendix 1 (Wrap Fee Program Brochure, if applicable), and Part 2(B) (the Brochure Supplements); and

*Whereas*, the New ADV Part 2 became effective October 12, 2010; and

*Whereas*, the Commission has determined that it is necessary and appropriate in the public interest, for the protection of the investors, and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue the following order:

*Now, Therefore*, the Commission, on this 15th day of February, 2011, *Orders* the following:

1) Effective immediately, all investment adviser applications must be filed through IARD in accordance with FORM ADV Instructions, and must include FORM ADV Parts 1(A) and 1(B), the New ADV Part 2(A) (the Firm Brochure), Part 2(A) Appendix 1 (Wrap Fee Program Brochure, if applicable), and Part 2(B) (Brochure Supplements);

2) All investment advisers presently registered under Section 301, who have not already done so, must file the New ADV Part 2(A) (the Firm Brochure), Part 2(A) Appendix 1 (Wrap Fee Program Brochure, if applicable), and Part 2(B) (Brochure Supplements) through IARD in accordance with FORM ADV Instructions on or before September 30, 2011, and must deliver a copy of the New ADV Part 2(A) (the Firm Brochure), Part 2(A) Appendix 1 (Wrap Fee Program Brochure, if applicable), and Part 2(B) (Brochure Supplements) to existing clients within thirty (30) days of such filing.

So *Ordered* this 15th day of February, 2011.

JEANNE S. PARSONS,  
*Secretary*

[Pa.B. Doc. No. 11-409. Filed for public inspection March 4, 2011, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 22, 2011 Richard D. Olasz, Sr. (D) 1 p.m.  
Death Benefit

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 11-410. Filed for public inspection March 4, 2011, 9:00 a.m.]

## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College is soliciting bids for Project 11-0006 for a variety of construction products such as lumber, insulation, stair stringers, wall plates, fasteners, hardware and finish materials to complete an entire duplex residence. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787 or froeschle@stevenscollege.edu until March 24, 2011.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 11-411. Filed for public inspection March 4, 2011, 9:00 a.m.]







