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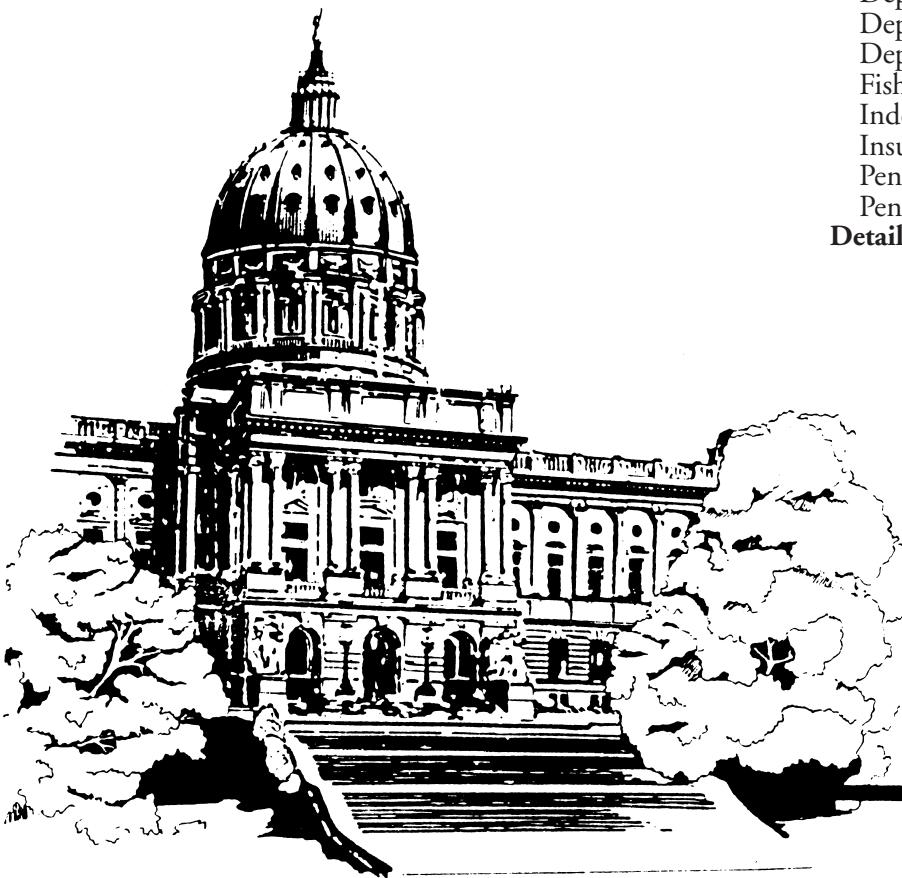
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No. 438, May 2011

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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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 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Rescission of Commonwealth Court Internal Operating Procedure

The Commonwealth Court has rescinded Internal Operating Procedure 224 Preargument matters; original record (210 Pa. Code § 67.17), effective April 5, 2011.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. COMMONWEALTH COURT

Subchapter A. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT

APPELLATE JURISDICTION

§ 67.17. (Reserved).

[Pa.B. Doc. No. 11-790. Filed for public inspection May 13, 2011, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 2, 4—6,
11, 12, 14—16 AND 18]

Order Amending Rules 120, 242, 406, 500, 512, 513, 515, 600, 610, 1120, 1154, 1240, 1242, 1406, 1501, 1512, 1514, 1515, 1601, 1609, and 1800 and Adoption of New Rules 136, 147, 1136, and 1147 of the Rules of Juvenile Court Procedure; No. 528 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 29th day of April, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 39 Pa.B. 6019 (Oct. 17, 2009) and 40 Pa.B. 2245 (May 1, 2010), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 978, No. 3, October 9, 2009 and Vol. 992, No. 1, May 21, 2010), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 242, 406, 500, 512, 513, 515, 600, 610, 1120, 1154, 1240, 1242, 1406, 1501, 1512, 1514, 1515, 1601, 1609, and 1800 and adoption of new Rules 136, 147, 1136, and 1147 of the Rules of Juvenile Court Procedure are approved in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

* * * * *

EDUCATIONAL DECISION MAKER is a responsible adult appointed by the court to make decisions regarding a juvenile's education when the juvenile has no guardian or the court has limited the guardian's right to make such decisions for the juvenile. The educational decision maker acts as the juvenile's representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

* * * * *

HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

* * * * *

SOCIAL STUDY is a pre-dispositional report, which summarizes important information concerning the juvenile to aid the court in determining the disposition.

* * * * *

Comment

* * * * *

The term "disposition" includes all final determinations made by the court. A disposition includes a response to an adjudication of delinquency, such as sending the juvenile to a placement facility or placing the juvenile on probation. It also includes other types of final determinations made by the court. Other final determinations include a finding that the juvenile did not commit a delinquent act pursuant to Rule 408(B), a finding that the juvenile is not in need of treatment, rehabilitation, or supervision pursuant to Rule 409(A)(1), dismissing the case "with prejudice" prior to an adjudicatory hearing, or any other final action by the court that closes or terminates the case.

An "educational decision maker" is to be appointed by court order. The scope of the appointment is limited to decisions regarding the juvenile's education. The educational decision maker acts as the juvenile's spokesperson on all matters regarding education unless the court specifically limits the authority of the educational decision maker. The educational decision maker holds educational and privacy rights as the juvenile's guardian for purposes of 20 U.S.C. § 1232g and 34 C.F.R. § 99.3. See also Rule 147(C) for the duties and responsibilities of an educational decision maker.

"Health care" includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treat-

ment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the juvenile.

The “official court record” is to contain all court orders, court notices, docket entries, filed documents, evidence admitted into the record, and other court designated documents in each juvenile case. The court may also designate any document to be a part of the record. It does not include items contained in juvenile probation’s reports and files unless they are made a part of the official record by being filed with the clerk of courts.

A “pre-dispositional report” or “social study” includes, but is not limited to, the compilation of the juvenile’s family history and demographics; school record and educational issues; job history; talents and extra-curricular activities; prior delinquency or dependency involvement with the court; health care issues; psychological or psychiatric history, examinations, and reports; drug and alcohol examinations, treatments, and reports; needs regarding disability; and any other relevant information concerning the juvenile to help the court understand any issues relating to the juvenile.

* * * * *

Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 120 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

(*Editor’s Note:* Rules 136 and 147 are new and printed in regular type to enhance readability.)

Rule 136. Ex Parte Communication.

A) Unless otherwise authorized by law, no person shall communicate with the court in any way regarding matters pending before the court unless all parties:

- 1) are present or have been copied if the communication is written or in electronic form; or
- 2) have waived their presence or right to receive the communication.

B) If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. See Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. See Code of Judicial Conduct Canon 3(A)(4).

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants, such as probation officers and service providers, are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

Official Note: Rule 136 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 136 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

PART B(1). EDUCATION AND HEALTH OF JUVENILE

Rule 147. Educational Decision Maker.

A. *Generally.* At any proceeding or upon motion, the court shall appoint an educational decision maker for the juvenile if it determines that:

- 1) the juvenile has no guardian; or
- 2) the court, after notice to the guardian and an opportunity for the guardian to be heard, has made a determination that it is in the juvenile’s best interest to limit the guardian’s right to make decisions regarding the juvenile’s education.

B. *Notice of hearings.* The educational decision maker shall receive notice of all proceedings.

C. *Duties and responsibilities.* The educational decision maker shall:

- 1) make appropriate inquiries and take appropriate actions to ensure that:
 - a) issues concerning school discipline matters are addressed;
 - b) the juvenile is receiving appropriate education that will allow the juvenile to meet state standards, including any necessary services concerning special education in the least restrictive environment, or remedial services;
 - c) the juvenile, who is receiving services concerning special education, is engaged in transition planning with the school entity beginning no later than the school year in which the juvenile turns fourteen;
 - d) the juvenile approaching discharge from a delinquency placement will be promptly enrolled in an appropriate program of instruction that addresses the juvenile’s educational needs; and
 - e) any other educational matters, as appropriate in the juvenile’s best interest, are addressed.
- 2) address the juvenile’s educational needs by:
 - a) meeting with the juvenile at least once and as often as necessary to make decisions regarding education that are in the juvenile’s best interests;
 - b) participating in special education and other meetings, and making decisions regarding all matters affecting the juvenile’s educational needs in a manner consistent with the juvenile’s best interests;
 - c) making any specific recommendations to the court relating to:
 - i) the timeliness and appropriateness of the juvenile’s educational placement; and

ii) services necessary to address the juvenile's educational needs;

d) appearing and testifying at court hearings when necessary; and

e) having knowledge and skills that ensure adequate representation of the juvenile.

Comment

A juvenile is to have a clearly identified, legally authorized educational decision maker. This is a particular concern for juveniles who are adjudicated delinquent, may be returning from delinquency placements, and may not have a parent available and able to perform this function. An educational decision maker's responsibilities may include, but are not limited to: ensuring that the juvenile is promptly enrolled in an appropriate educational program while in placement and upon discharge; see 42 Pa.C.S. § 6301(b)(2) and 55 Pa. Code § 3130.87; ensuring educational stability as applicable pursuant to 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; facilitating access to a full range of school programs; advocating for the juvenile in school discipline matters; ensuring meaningful transition planning as required by 42 Pa.C.S. § 6351 and 42 U.S.C. § 675(5)(H); and for a juvenile eligible for special education, ensuring access to appropriate services including transition planning beginning no later than age fourteen. See 24 P. S. §§ 13-1371, 13-1372 and 20 U.S.C. § 1400 *et seq.* See paragraphs (A) and (C).

An educational decision maker appointed pursuant to this rule who represents a juvenile who is also adjudicated dependent is to review Rule 1147 for additional information concerning educational laws and entitlements applicable to children in dependent care.

A court is not to appoint an educational decision maker if there is a parent, guardian, or other authorized person (e.g., foster parent, relative with whom the juvenile lives or surrogate parent appointed under the IDEA) who is competent, willing, and available to make decisions regarding the juvenile's education and who is acting in the juvenile's best interest regarding all educational matters. See Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* (2004). A court should limit the authority of a parent to make decisions regarding the juvenile's education only to the extent necessary to protect the juvenile's interest and can reinstate the parent or change the educational decision maker at any time.

Unless limited by the court in its appointment order, an educational decision maker: 1) is responsible for making all decisions concerning education, including special education, for the juvenile; and 2) can consent to or prohibit the release of information from the juvenile's school records as a parent in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and 34 C.F.R. § 99.3 (1974). The educational decision maker may be a family member, a family friend, a mentor, a foster parent, a former foster parent, a Court Appointed Special Advocate, or, if an educational decision maker for special education is not needed, a child welfare professional. Except as otherwise provided by the IDEA, it is within the discretion of the court to appoint an educational decision maker and whom to appoint. In all cases, however, an educational decision maker appointed by the court should be familiar with a juvenile's educational rights or is to agree to be trained regarding these issues.

If the juvenile is or may be eligible for special education, an educational decision maker is to be appointed in

accordance with the standards and procedures set forth in federal and state laws concerning special education. See IDEA, 20 U.S.C. §§ 1400, 1401(23), and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519. The IDEA recognizes a court's authority to appoint persons to make decisions concerning special education for a juvenile. However, such decision makers cannot be the State or employees of any agency that is involved in the education or care of the juvenile. 34 C.F.R. § 300.519(c), (d)(2)(i).

The authority of the court to appoint an educational decision maker is derived from the broad powers of the court to issue orders that "provide for the care, protection, safety, and wholesome mental and physical development of children." 42 Pa.C.S. § 6301 (b)(1.1). The IDEA also requires that each juvenile who is eligible for special education has an active parent or other identified person who can participate in the process concerning special education. See IDEA, 20 U.S.C. §§ 1401(23) and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519.

Official Note: Rule 147 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 147 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

PART B(2). COUNSEL

150. Attorneys—Appearances and Withdrawals.
151. Assignment of Counsel.
152. Waiver of Counsel.

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 242. Detention Hearing.

* * * * *

C. *Findings.* The court shall determine whether:

- 1) there is probable cause that a delinquent act was committed by the juvenile; [and]
- 2) detention of the juvenile is warranted; and
- 3) **there are any special needs of the juvenile that have been identified and that the court deems necessary to address while the juvenile is in detention.**

D. *Filing of petition.* If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within twenty-four hours or the next court business day.

E. Court's order. At the conclusion of the detention hearing, the court shall enter a written order setting forth its findings pursuant to paragraph (C).

Comment

A detention hearing consists of two stages. The first stage of a detention hearing is a probable cause hearing. If probable cause is not found, the juvenile is to be released. If probable cause is found, then the court is to proceed to the second stage.

The second stage of a detention hearing is a detention determination hearing. The court should hear pertinent evidence concerning the detention status of the juvenile,

review and consider all alternatives to secure detention, and determine if the detention of the juvenile is warranted.

An additional determination is required in paragraph (C)(3) although this is not a third stage of the detention hearing. It is important that the court address any special needs of the juvenile while the juvenile is in detention. The juvenile’s attorney, the juvenile probation officer, or detention staff is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. Special needs may include needs for special education, remedial services, health care, and disability. If the court determines a juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

When addressing the juvenile’s needs concerning health care and disability, the court’s order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 et seq., Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 et seq.

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

The procedures of paragraph (D) deviate from the procedures of the Juvenile Act. See 42 Pa.C.S. § 6331. Under paragraph (D), a petition does not have to be filed within twenty-four hours of the juvenile’s detention; rather, the petition should be filed within twenty-four hours of the conclusion of the detention hearing if the juvenile is detained. See Rule 800. If the juvenile is not detained, a petition may be filed at any time prior to the adjudicatory hearing. However, the juvenile’s attorney should have sufficient notice of the allegations prior to the adjudicatory hearing to prepare for the defense of the juvenile. See Rule 330 for petition requirements, Rule 331 for service of the petition, and Rule 363 for time of service. [See Rule 331 for service of the petition. See Rule 330 for petition requirements.]

See 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

Official Note: Rule 242 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 242 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 4. ADJUDICATORY HEARING

Rule 406. Adjudicatory Hearing.

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B. *Recording.* The adjudicatory hearing shall be recorded. [**The recording shall be transcribed:**

- 1) **at the request of a party;**
- 2) **pursuant to a court order; or**
- 3) **when there is an appeal.]**

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Official Note: Rule 406 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 406 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 5. DISPOSITIONAL HEARING

PART A. SUMMONS AND NOTICE OF THE DISPOSITIONAL HEARING

Rule 500. Summons and Notice of the Dispositional Hearing.

* * * * *

B. *Notice.* The court shall give notice of the dispositional hearing to:

- 1) the attorney for the Commonwealth;
- 2) the juvenile’s attorney; [**and**]
- 3) the juvenile probation office; **and**
- 4) **the educational decision maker, if applicable.**

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Official Note: Rule 500 adopted April 1, 2005, effective October 1, 2005. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 500 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 512. Dispositional Hearing.

* * * * *

B. *Recording.* The dispositional hearing shall be recorded. [**The recording shall be transcribed:**

- 1) **at the request of a party;**
- 2) **pursuant to a court order; or**
- 3) **when there is an appeal.]**

C. *Duties of the court.* The court shall determine on the record that the juvenile has been advised of the following:

- 1) the right to file a post-dispositional motion;
- 2) the right to file an appeal;
- 3) the time limits for a post-dispositional motion and appeal;
- 4) the right to counsel to prepare the motion and appeal;

5) the time limits within which the post-dispositional motion shall be decided; and

6) that issues raised before and during adjudication shall be deemed preserved for appeal whether or not the juvenile elects to file a post-dispositional motion.

D. Court's findings. The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

- 1) its disposition;
- 2) the reasons for its disposition;
- 3) the terms, conditions, and limitations of the disposition; and
- 4) if the juvenile is removed from the home:
 - a) the name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile, and
 - b) its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§ 6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare;
- 5) whether any evaluations, tests, counseling, or treatments are necessary;
- 6) any findings necessary to ensure the stability and appropriateness of the juvenile's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and
- 7) any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.

Comment

Under paragraph (A)(2), for victim's right to be heard, see Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

Pursuant to paragraph (C), the court is to advise the juvenile of his or her appellate rights orally in the courtroom on the record. The court is to explain the right to appointed counsel for an appeal if a juvenile is without counsel, and without the financial resources or otherwise unable to employ counsel. See 42 Pa.C.S. § 6337; see also Rule 150(B) for duration of counsel and Rule 151 for assignment of counsel.

Pursuant to paragraph (D), when the court has determined the juvenile is in need of treatment, supervision, and rehabilitation, the court is to place its findings and conclusions of law on the record by announcing them orally in the courtroom, followed by written order. The court is to consider the following factors: a) the protection of the community; b) the treatment needs of the juvenile; c) the supervision needs of the juvenile; d) the development of competencies to enable the juvenile

to become a responsible and productive member of the community; e) accountability for the offense(s) committed; and f) any other factors that the court deems appropriate.

Nothing in this rule is intended to preclude the court from further explaining its findings in the dispositional order pursuant to Rule 515.

Pursuant to paragraph (D)(4), when out-of-home placement is necessary, the court is to explain why the placement is the least restrictive type of placement that is consistent with the protection of the public and the rehabilitation needs of the child. See 42 Pa.C.S. § 6352.

Pursuant to paragraph (D)(6), the court should address the juvenile's educational needs. The court's order should address the right to: 1) an educational decision maker pursuant to Rule 147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; and 2) an appropriate education, including any necessary special education or remedial services, 24 P. S. §§ 13-1371, 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*

The court should also address the juvenile's needs concerning health care and disability. The court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

See Rule 127 for recording and transcribing of proceedings.

See Rule 136 for *ex parte* communications.

Official Note: Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

Rule 513. Aids in Disposition.

A. *Social Study.*

1) The court may order the preparation of a social study in any case to aid in the decision for disposition.

2) If a social study is ordered, the study shall address any educational, health care, and disability needs of the juvenile.

B. *Examinations.* The court may order the juvenile to undergo **health**, psychological, psychiatric, drug and alcohol, or any other examination, as it deems appropriate to aid in the decision for disposition.

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Official Note: Rule 513 adopted April 1, 2005, effective October 1, 2005. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 513 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order, which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

1) [the terms and conditions of the disposition] the court's findings pursuant to Rule 512(D);

2) [the name of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile;

3)] a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(i) for limited public information;

[4] 3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;

[5] 4) the date of the order; and

[6] 5) the signature and printed name of the judge entering the order.

B. *Restitution.* If restitution is ordered in a case, the dispositional order shall include:

1) a specific amount of restitution to be paid by the juvenile;

2) to whom the restitution shall be paid; and

3) a payment schedule, if so determined by the court.

C. *Guardian participation.* The [court] **dispositional order** shall include any [obligation in its dispositional order] **conditions, limitations, restrictions, and obligations** imposed upon the guardian.

D. *Disposition reporting.* The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

Comment

Pursuant to paragraph [(A)(3)] (A)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1)(i). See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 and 6310.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 515 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS AND NOTICE

Rule 600. Summons and Notice of the Commitment Review, Dispositional Review, and Probation Revocation Hearing.

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B. *Notice.* The court shall give notice of the hearing to:

1) the attorney for the Commonwealth;

2) the juvenile's attorney;

3) the juvenile probation office; [and]

4) the placement facility staff, if the juvenile is in placement; **and**

5) **the educational decision maker, if applicable.**

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Official Note: Rule 600 adopted April 1, 2005, effective October 1, 2005. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 600 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

PART B. MODIFICATIONS, REVIEWS, AND APPEALS

Rule 610. Dispositional and Commitment Review.

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Comment

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.

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Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

**Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS
PART A. BUSINESS OF COURTS**

Rule 1120. Definitions.

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EDUCATIONAL DECISION MAKER is a responsible adult appointed by the court to make decisions regarding a child's education when the child has no guardian or the court has limited the guardian's right to make such decisions for the child. The educational decision maker acts as the child's representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

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HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

* * * * *

Comment

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Under the term "court," to determine if masters are permitted to hear cases, see Rule 1187.

An "educational decision maker" is to be appointed by court order. The scope of the appointment is limited to decisions regarding the child's education. The educational decision maker acts as the child's spokesperson on all matters regarding education unless the court specifically limits the authority of the educational decision maker. The educational decision maker holds educational and privacy rights as the child's guardian for purposes of 20 U.S.C. § 1232g and 34 C.F.R. § 99.3. *See also* Rule 1147(C) for the duties and responsibilities of an educational decision maker.

For the family service plan, see 55 Pa. Code § 3130.61.

"Health care" includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the child.

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Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009,

effective immediately. Amended April 21, 2011, effective July 1, 2011. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

(*Editor's Note:* Rules 1136 and 1147 are new and printed in regular type to enhance readability.)

Rule 1136. Ex Parte Communication.

A) Unless otherwise authorized by law, no person shall communicate with the court in any way regarding matters pending before the court unless all parties:

- 1) are present or have been copied if the communication is written or in electronic form; or
- 2) have waived their presence or right to receive the communication.

B) If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.

Comment

No *ex parte* communications with the court are to occur. Communications should include all parties, such as the filing of a motion, or conducting a conference or a hearing.

Attorneys are bound by the Rules of Professional Conduct. *See* Rules of Professional Conduct Rule 3.5(b). Judges are bound by the Code of Judicial Conduct. *See* Code of Judicial Conduct Canon 3(A)(4).

Attorneys and judges understand the impropriety of *ex parte* communications regarding matters pending before the court but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented.

Administrative matters are not considered *ex parte* communications.

Official Note: Rule 1136 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1136 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

**PART B(1). [EXAMINATION AND TREATMENT]
EDUCATION AND HEALTH OF CHILD**

Rule 1147. Educational Decision Maker.

A. *Generally.* At any proceeding or upon motion, the court shall appoint an educational decision maker for the child if it determines that:

- 1) the child has no guardian; or
- 2) the court, after notice to the guardian and an opportunity for the guardian to be heard, has made a determination that it is in the child's best interest to limit the guardian's right to make decisions regarding the child's education.

B. *Notice of hearings.* The educational decision maker shall receive notice of all proceedings.

C. *Duties and responsibilities.* The educational decision maker shall:

1) make appropriate inquiries and take appropriate actions to ensure that:

a) issues concerning the child's educational stability are addressed;

b) school discipline matters are addressed;

c) the child is receiving appropriate education that will allow the child to meet state standards, including any necessary services concerning special education in the least restrictive environment, or remedial services;

d) the child, who is sixteen years of age or older, is receiving the necessary educational services to transition to independent living;

e) the child, who is receiving services concerning special education, is engaged in transition planning with the school entity beginning no later than the school year in which the child turns fourteen; and

f) the child, who is aging out of care within ninety days, has a transition plan that addresses the child's educational needs, and if applicable, the plan is coordinated with the child's transition planning concerning special education under the Individuals with Disabilities Education Act.

2) address the child's educational needs by:

a) meeting with the child at least once and as often as necessary to make decisions regarding education that are in the best interests of the child;

b) participating in special education and other meetings, and making decisions regarding all matters affecting the child's educational needs in a manner consistent with the child's best interests;

c) making any specific recommendations to the court relating to:

i) the timeliness and appropriateness of the child's educational placement;

ii) the timeliness and appropriateness of the child's transitional planning; and

iii) services necessary to address the child's educational needs;

d) appearing and testifying at court hearings when necessary; and

e) having knowledge and skills that ensure adequate representation of the child.

Comment

A child in dependent care is to have a clearly identified, legally authorized educational decision maker. This is a particular concern for highly mobile children whose caregivers may change and whose guardian may be unavailable. An educational decision maker's responsibilities may include, but are not limited to: ensuring educational stability as mandated by 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; ensuring prompt enrollment in a new school as required pursuant to 22 Pa. Code § 11.11(b); facilitating access to a full range of school programs; advocating for the child in school discipline matters; ensuring meaningful transition planning as required by 42 Pa.C.S. § 6351 and 42 U.S.C. § 675(5)(H); and for a child eligible for special education, ensuring access to appropriate services including transition planning beginning no later than age fourteen. *See* 24 P.S. §§ 13-1371, 13-1372, 20 U.S.C. § 1400 *et seq.* *See* paragraph (A) and (C).

An educational decision maker appointed pursuant to this rule who represents a child who is also adjudicated delinquent is to review Rule 147.

A court is not to appoint an educational decision maker if there is a parent, guardian, or other authorized person (*e.g.*, foster parent, relative with whom the child lives or surrogate parent appointed under the IDEA) who is competent, willing, and available to make decisions regarding the child's education and who is acting in the child's best interest regarding all educational matters. *See* Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* (2004). A court should limit the authority of a parent to make decisions regarding education only to the extent necessary to protect the child's interest and can reinstate the parent or change the educational decision maker at any time.

Unless limited by the court in its appointment order, an educational decision maker: 1) is responsible for making all decisions concerning education, including special education, for the child; and 2) can consent to or prohibit the release of information from the child's school records as a parent in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and 34 C.F.R. § 99.3 (1974). The educational decision maker may be a family member, a family friend, a mentor, a foster parent, a former foster parent, a Court Appointed Special Advocate, or, if an educational decision maker for special education is not needed, a child welfare professional. Except as otherwise provided by the IDEA, it is within the discretion of the court to appoint an educational decision maker and whom to appoint. In all cases, however, an educational decision maker appointed by the court should be familiar with a child's educational rights or is to agree to be trained regarding these issues.

If the child is or may be eligible for special education, an educational decision maker is to be appointed in accordance with the standards and procedures set forth in federal and state laws concerning special education. *See* IDEA, 20 U.S.C. §§ 1400, 1401(23), and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519. The IDEA recognizes a court's authority to appoint persons to make decisions concerning special education for a child. However, such decision makers cannot be the State or employees of any agency that is involved in the education or care of the child. 34 C.F.R. § 300.519(c), (d)(2)(i).

The educational decision maker should refer to the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) and the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 *et seq.* (1989) for guidance in educational stability. Specifically, the educational decision maker is to: a) ensure the right to remain in the same school regardless of a change in placement when it is in the child's best interest; b) facilitate immediate enrollment in a new school when a school change is in the child's best interest; and c) ensure that school proximity is considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*

The educational decision maker is to also ensure: a) that the child receives an appropriate education, including, as applicable, any necessary special education, early intervention, or remedial services; *see* 24 P.S. §§ 13-1371, 13-1372, 55 Pa. Code § 3130.87, 20 U.S.C. § 1400 *et seq.*; b) that the child receives educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and c) that the educational decision maker participates in the development of a transition

plan that addresses the child’s educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

The authority of the court to appoint an educational decision maker is derived from the broad powers of the court to issue orders that “provide for the care, protection, safety, and wholesome mental and physical development of children.” 42 Pa.C.S. § 6301(b)(1.1). The IDEA also requires that each child who is eligible for special education has an active parent or other identified person who can participate in the process concerning special education. See IDEA, 20 U.S.C. §§ 1401(23) and 1415(b)(2); 34 C.F.R. §§ 300.30, 300.45, and 300.519.

Official Note: Rule 1147 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1147 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

PART B(2). COUNSEL

Rule 1154. Duties of Guardian [*ad litem*] Ad Litem.

A guardian *ad litem* shall:

* * * * *

7) Make any specific recommendations to the court relating to the appropriateness and safety of the child’s placement and services necessary to address the child’s needs and safety, **including the child’s educational, health care, and disability needs;**

* * * * *

Comment

If there is a conflict of interest between the duties of the guardian *ad litem* pursuant to paragraphs (7) [&] and (9), the guardian *ad litem* for the child may move the court for appointment [of a separate guardian *ad litem* or legal counsel] as legal counsel and assignment of a separate guardian *ad litem* when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. If there is not a conflict of interest, the guardian *ad litem* represents the legal interests and best interests of the child at every stage of the proceedings. 42 Pa.C.S. § 6311(b). To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rules 1151 and 1800. See also Pa.R.P.C. 1.7 and 1.8.

“Legal interests” denotes that an attorney is to express the child’s wishes to the court regardless of whether the attorney agrees with the child’s recommendation. “Best interests” denotes that a guardian *ad litem* is to express what the guardian *ad litem* believes is best for the child’s care, protection, safety, and wholesome physical and mental development regardless of whether the child agrees.

Pursuant to paragraph (7), the guardian *ad litem* is to make specific recommendations to the court regarding the appropriateness of the child’s placement, giving consideration to the proximity and appropriateness of the child’s school. See 42 Pa.C.S. § 6311(b)(7) and 42 U.S.C. § 675(1)(G). Inquiries into the child’s education should include the right to: 1) educational stability, including the right to remain in the same school regardless of a change in placement when in the child’s best interest and the right

to immediate enrollment when a school change is in the child’s best interest, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services, 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child’s transition to independent living, 42 Pa.C.S. § 6351 if a child is sixteen or older; and 5) a transition plan that addresses the child’s educational needs, 42 U.S.C. § 675(5)(H), if the child will age out of care in the next ninety days.

See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child’s mental and moral welfare.

Pursuant to paragraph (7), the guardian *ad litem* is to make specific recommendations to the court regarding the appropriateness of the child’s placement, giving consideration to meeting the child’s needs concerning health care and disability. Inquiries into the child’s health should include the right of: 1) the child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code §§ 3700.51 and 3800.32, 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794 and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

The guardian *ad litem* may be appointed as the educational decision maker. If the guardian *ad litem* is not the educational decision maker, the guardian *ad litem* is to coordinate efforts and consult with the educational decision maker. See Rule 1147 for duties of the educational decision maker.

Official Note: Rule 1154 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1154 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

A. *Filings.* A shelter care application may be oral or in writing. [Within] If oral, within twenty-four hours of exercising protective custody pursuant to Rule 1210, the county agency shall [reduce to writing and] file a written shelter care application [with the Juvenile Court].

B. *Application contents.* Every shelter care application shall set forth [plainly]:

* * * * *

6) [if a child is in shelter care,] a statement [that] detailing:

a) the reasonable efforts **made** to prevent placement [**were made**]; and

b) why there are no less restrictive alternatives available;

* * * * *

Comment

In lieu of a shelter care application, the county agency may file a petition as set forth in Rule 1330.

The primary focus of the shelter care application is to assert that protective custody is needed and the child should remain in the custody of the county agency. A shelter care hearing is to be held within seventy-two hours of taking the child into protective custody. See Rule 1242(D).

Pursuant to paragraph (B)(6), the application is to contain a statement detailing the reasonable efforts made to prevent placement and the specific reasons why there are no less restrictive alternatives available. This statement may include information such as: 1) the circumstances of the case; 2) contact with family members or other kin; 3) the child's educational, health care, and disability needs; and 4) any need for emergency actions.

Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1240 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

Rule 1242. Shelter Care Hearing.

* * * * *

C. *Findings.* The court shall determine whether:

1) there are sufficient facts in support of the shelter care application;

2) custody of the child is warranted[;] **after consideration of the following factors:**

[3] a) remaining in the home would be contrary to the welfare and best interests of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement; [or]

c) **the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and**

d) **the lack of efforts was reasonable** in the case of an emergency placement where services were not offered[, whether the lack of efforts were reasonable]; [and]

[4 if] 3) a person, other than the county agency, submitting a shelter care application [is submitted by a person other than the county agency, the court shall make a determination if the person], is a party to the proceedings; and

4) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care.

D. *Prompt hearing.* The court shall conduct a hearing within seventy-two hours of taking the child into protective custody.

E. *Court order.* At the conclusion of the shelter care hearing, the court shall enter a written order [**as to the following**] **setting forth:**

1) its findings pursuant to paragraph (C);

2) any conditions placed upon any party;

3) any orders for placement or temporary care of the child; [and]

4) **any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;**

5) **any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and**

6) any orders of visitation.

Comment

Pursuant to paragraph (B)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Pursuant to paragraph (C), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

[Under] Pursuant to paragraph [(C)(4)] (C)(3), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

Under paragraph (D), the court is to ensure a timely hearing.

[Under paragraph (E), the court is to include in its order specific findings that: 1) there are sufficient facts in support of the dependency petition; 2) custody of the child is warranted; and 3) remaining in the home would be contrary to the welfare and best interests of the child, or reasonable efforts were made by the county agency to prevent the child's placement, or in the case of an emergency placement where services were not offered, whether the lack of efforts were reasonable.]

See 42 Pa.C.S. § 6332.

Pursuant to paragraph (E), the court is to enter a written order. It is important that the court address any special needs of the child while the child is in

shelter care. The child’s attorney or the county agency is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. These needs may include a child’s educational stability, needs concerning early intervention, remedial services, health care, and disability. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 1147.

The court’s order should address the child’s educational stability, including the right to an educational decision maker. The order should address the child’s right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child’s best interest; b) immediate enrollment when a school change is in the child’s best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa. C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P. S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child’s transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older ; and 5) a transition plan that addresses the child’s educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

When addressing the child’s health and disability needs, the court’s order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Nothing in this rule prohibits informal conferences, narrowing of issues, if necessary, and the court making appropriate orders to expedite the case through court. The shelter care hearing may be used as a vehicle to discuss the matters needed and narrow the issues. The court is to insure a timely adjudicatory hearing is held.

See 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.

See Rule 1330(A) for filing of a petition.

Official Note: Rule 1242 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1242 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1406. Adjudicatory Hearing.

* * * * *

B. *Recording.* The adjudicatory hearing shall be recorded. [**The recording shall be transcribed:**

- 1) pursuant to a court order; or
- 2) when there is an appeal.]

C. *Evidence.* Each party shall be given the opportunity to:

- 1) introduce evidence;
- 2) present testimony; and
- 3) to cross-examine any witness.

[**D. *Ex parte* Communication.**

1) Except as provided by these rules, no person shall communicate with the court in any way.

2) If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.]

Comment

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Under paragraph (B), notes of testimony should be provided to counsel for a party upon good cause shown. The court may place conditions of release on the notes of testimony. [**Under paragraph (B)(2), when]** When an appeal is taken, the record is to be transcribed pursuant to Pa.R.A.P. 1922. See Pa.R.A.P. 1911 for request of transcript.

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[**Under paragraph (D), no *ex parte* communications regarding the facts and merits of the case with the court are to occur. Attorneys and judges understand the impropriety of *ex parte* communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented. Normal methods of practice and procedure such as motions, scheduling, communications with court personnel, are not considered *ex parte* communications. See Pa.R.P.C. Rules 3.5.3.3(d), and 8.3(a) and the Code of Judicial Conduct, Canons 1, 2, and 3.]**

See Rule 1136 for *ex parte* communications.

Official Note: Rule 1406 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1406 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 15. DISPOSITIONAL HEARING
PART A. SUMMONS AND NOTICE OF THE
DISPOSITIONAL HEARING

Rule 1501. Dispositional Notice.

The court or its designee shall give notice of the dispositional hearing to:

- 1) all parties;
- 2) the attorney for the county agency;
- 3) the child's attorney
- 4) the guardian's attorney;
- 5) the parents, child's foster parent, preadoptive parent, or relative providing care for the child;
- 6) the court appointed special advocate, if assigned;
- [and]
- 7) **the educational decision maker, if applicable; and**
- 8) any other persons as directed by the court.

Official Note: Rule 1501 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1501 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

B. *Recording.* The dispositional hearing shall be recorded. [**The recording shall be transcribed:**

- 1) **pursuant to a court order; or**
- 2) **when there is an appeal.**

C. *Ex parte* Communication.

1) **Except as provided by these rules, no person shall communicate with the court in any way.**

2) **If the court receives any *ex parte* communication, the court shall inform all parties of the communication and its content.]**

C. *Duties of the court.* The court shall determine on the record that the parties have been advised of the following:

- 1) the right to file an appeal;
- 2) the time limits for an appeal; and
- 3) the right to counsel to prepare the appeal.

D. *Court's findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1515.

1) On the record in open court, the court shall state:

- a) its disposition;
- b) the reasons for its disposition;
- c) the terms, conditions, and limitations of the disposition;

d) the name of any person or the name, type, category, or class of agency, licensed organization, or institution that shall provide care, shelter, and supervision of the child;

e) whether any evaluations, tests, counseling, or treatments are necessary;

f) **the permanency plan for the child;**

g) **the services necessary to achieve the permanency plan;**

h) **any findings necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;**

i) **any findings necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and**

j) **a visitation schedule, including any limitations.**

2) **The court shall state on the record in open court or enter into the record through the dispositional order, a finding, if the child is placed, that;**

a) **remaining in the home would be contrary to the welfare, safety, or health of the child;**

b) **reasonable efforts were made by the county agency to prevent the child's placement;**

c) **the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and**

d) **if preventive services were not offered due to the necessity of an emergency placement, that such lack of services was reasonable under the circumstances.**

Comment

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

Paragraph (A)(2) does not infringe on the right to call witnesses to testify, in addition to those specified individuals. See Rule 1123 for subpoenaing a witness.

Pursuant to paragraph (A)(3), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

[**For transcription of the record under paragraph (B), see also Rule 1127.**

Under paragraph (C), no *ex parte* communications with the court are to occur. Attorneys and judges understand the impropriety of *ex parte* communications but many participants are not attorneys or judges. This rule ensures that all parties have received the same information that is being presented to the court so that it may be challenged or supplemented. Normal methods of practice and procedure such as motions, scheduling, communications with court personnel, are not considered *ex parte* communications.]

Pursuant to paragraph (C), the court is to advise the parties of their appellate rights orally in the courtroom on the record. The court is to explain the right to appointed counsel for an appeal if a party is without counsel, and without the financial

resources or otherwise unable to employ counsel. See 42 Pa.C.S. § 6337; see also Rule 1150(B) for duration of counsel and Rule 1151 for assignment of counsel.

All the findings made in open court are to be placed in writing through the court's dispositional order pursuant to Rule 1515. Nothing in this rule is intended to preclude the court from further explaining its findings in its dispositional order. In addition to the findings pursuant to paragraph (D), see Rule 1514 for dispositional findings before removal from the home.

Pursuant to paragraph (D)(1)(f), the court is to determine the permanency plan for the child. A permanency plan should include two plans or goals: the primary plan and the secondary or concurrent plan.

The primary plan is the comprehensive plan developed to achieve the permanency goal. The secondary or concurrent plan is developed and initiated so that if the primary plan is not fulfilled, timely permanency for the child may still be achieved. These two plans are to be simultaneously addressed by the county agency.

Rule 1608 mandates permanency hearings at least every six months. It is best practice to have three-month hearings to ensure permanency is achieved in a timely fashion and the court is informed of the progress of the case. See Comment to Rule 1608.

Pursuant to paragraph (D)(1)(h), the court is to address the child's educational stability, including the right to an educational decision maker, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519. The court's findings should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph (D)(1)(i), the court is to address the child's needs concerning health care and disability. The court's findings should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32, and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days; and 3) a child with disabilities to receive necessary accommoda-

tions pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Pursuant to paragraph (D)(1)(j), the court is to include siblings in its visitation schedule. See 42 U.S.C. § 671(a)(31), which requires reasonable efforts be made to place siblings together unless it is contrary to the safety or well-being of either sibling and that frequent visitation be assured if joint placement cannot be made.

See Rule 1127 for recording and transcribing of proceedings.

See Rule 1136 for *ex parte* communications.

Official Note: Rule 1512 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

Rule 1514. Dispositional Finding Before Removal from Home.

A. Required findings. Prior to entering a dispositional order removing a child from the home, the court shall [enter into] state on the record in open court the following specific findings:

1) Continuation of the child in the home would be contrary to the welfare, safety, or health of the child; [and]

2) The child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there is no less restrictive alternative available; and

3) One of the following:

a) Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or

b) If preventive services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or

c) If the court previously determined that reasonable efforts were not made to prevent the initial removal of

the child from the home, whether reasonable efforts are under way to make it possible for the child to return home.

B. *Aggravated circumstances.* If the court has previously found aggravated circumstances to exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required, a finding under paragraphs [(A)(2)(a)] (A)(3)(a) through (c) is not necessary.

Comment

See 42 Pa.C.S. § 6351(b).

Official Note: Rule 1514 adopted August 21, 2006, effective February 1, 2007. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1514 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

Rule 1515. Dispositional Order.

A. *Generally.* When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

1) [the terms, conditions, and limitations of the disposition] any findings pursuant to Rules 1512(D) and 1514;

2) [the name of any person or the name, type, category, or class of agency, licensed organization, or institution that is to provide care, shelter, and supervision of the child;

3) any findings pursuant to Rule 1514 if a child is being removed from the home;

4) any ordered evaluations, tests, counseling, or treatments;

5) any ordered family service plan or permanency plan if not already prepared;

6) any visitations, including any limitations;

7)] the date of the order; and

[8] 3) the signature and printed name of the judge entering the order.

B. *Transfer of [legal] custody.* If the court decides to transfer [legal] custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, the dispositional order shall include:

1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;

2) the limitations of the order, including the type of custody granted; and

3) any visitation rights.

C. [*Orders concerning guardian*] *Guardian.* The [court] dispositional order shall include any conditions, limitations, restrictions, and obligations [in its dispositional order] imposed upon the guardian.

Comment

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is “best suited to the safety, protection, and physical, mental, and moral welfare of the child.” 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child’s mental and moral welfare.

45 [C.F.R.] CFR § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges’ Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges’ Commission, Room 401, Finance Building, Harrisburg, PA 17120.

See *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990).

Official Note: Rule 1515 adopted August 21, 2006, effective February 1, 2007. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1515 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS, NOTICE, AND REPORTS

Rule 1601. Permanency Hearing Notice.

At least fifteen days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- 1) all parties;
- 2) the attorney for the county agency;
- 3) the child’s attorney
- 4) the guardian’s attorney;
- 5) the parents, child’s foster parent, preadoptive parent, or relative providing care for the child;
- 6) the court appointed special advocate, if assigned; [and]
- 7) the educational decision maker, if applicable; and
- 8) any other persons as directed by the court.

Official Note: Rule 1601 adopted August 21, 2006, effective February 1, 2007. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1601 published with the Court’s Order at 41 Pa.B. 2428 (May 14, 2011).

PART B. PERMANENCY HEARING

Rule 1609. [Court Order of] Permanency Hearing [Determinations] Orders.

A. [*Findings*] *Court order*. After every permanency hearing, the court shall issue a written order, which provides whether the permanency plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determination made*. The court's order shall reflect a determination made [consistent with 42 Pa.C.S. § 6351(f.1)] pursuant to Rule 1608(D).

C. *Transfer of [legal] custody*. If the court decides to transfer [permanent legal] custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

- 1) the name and address of such person unless disclosure is prohibited by court order;
- 2) the limitations of the order, including the type of custody granted; and
- 3) any temporary visitation rights of parents.

D. *Orders concerning [guardian] education*.

- 1) The court's order shall address the stability and appropriateness of the child's education; and
- 2) When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.

E. *Orders concerning health care and disability*.

- 1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and
- 2) The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.

F. *Guardians*. The [court] permanency order shall include any conditions, limitations, restrictions, and obligations [in its permanency order] imposed upon the guardian.

Comment

[Under paragraph (B), the court's order is to reflect whether: 1) If the court finds that return of the child is best suited to the safety, protection, and physical, mental, and moral welfare of the child, the court shall specify: a) the conditions of the return of the child; and b) the projected date of the return of the child; or 2) If the court finds that the return of the child is not best suited to the safety, protection, and physical, mental, and moral welfare of the child, the court shall determine if and when the child will be placed: a) for adoption and the county agency will file for termination of parental rights pursuant to Pa.O.C.R., Rule 15.4; b) with a legal custodian; c) with a fit and willing relative; or d) in another living arrangement intended to be permanent in nature which is approved by the court and where the county agency has documented a compelling reason explaining why options under (a) through (c) are not feasible.]

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (D), the court's order is to address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph (E), the court's order is to address the child's needs concerning health care and disability. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32 and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Official Note: Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1609 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

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

* * * * *

3) The Act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 6311(b)(9), which provides that there is not a conflict of interest for the guardian *ad litem* in communicating the child's wishes and the recommendation relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, is suspended only insofar as the Act is inconsistent with [**Rule**] **Rules 1151 and 1154**, which allows for appointment of separate legal counsel and a guardian *ad litem* when the guardian *ad litem* determines there is a conflict of interest between the child's legal interest and best interest.

* * * * *

Official Note: Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009; [**amended**] **Amended** September 16, 2009, effective immediately. **Amended April 29, 2011, effective July 1, 2011.**

dCommittee Explanatory Reports:

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Final Report explaining the amendments to Rule 1800 published with the Court's Order at 41 Pa.B. 2428 (May 14, 2011).

EXPLANATORY REPORT

April 2011

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 242, 406, 500, 512, 513, 515, 600, 610, 1120, 1154, 1240, 1242, 1406, 1501, 1512, 1514, 1515, 1601, 1609, 1800 and New Rules 136, 147, 1136, and 1147 with this Recommendation. The changes are effective July 1, 2011

Educational, Health Care, and Disability Amendments

The majority of the rule amendments address the educational, health, and disability needs of a juvenile or child. The Committee spent extensive time discussing what types of issues the court should address at its hearings and in its orders.

Pursuant to the Juvenile Act, the court shall provide for the welfare, health, and safety of children under its supervision. *See* 42 Pa.C.S. § 6301. To achieve this purpose, the court must address the basic needs of juveniles or children, which include: educational, health care, and disability needs.

Educational, health care, and disability needs of juveniles or children in the system must be met in order to ensure their welfare, health, and safety. The court's role in addressing these needs is not merely a matter of best practice, but rather an essential component to ensuring the fundamental needs of juveniles or children under its supervision are addressed.

With the amendments regarding education, the Rules effectively address the educational needs by focusing on three key issues at every stage of the court proceedings: 1) minimizing school changes; 2) ensuring that a juvenile or child is attending school, receiving educational services, and making progress toward graduation; and 3) ensuring that each juvenile or child has a legally authorized educational decision maker.

With the amendments regarding health care and disability, the court must ensure that juveniles' or children's health care and disability needs are identified, monitored, and addressed, and that children with disabilities are receiving necessary accommodations.

As set forth in the amendments, each of these educational, health care, and disability needs must be addressed at each stage of the proceedings and in the court's orders.

New Rules 147 and 1147 provide for the appointment and duties of an educational decision maker. If, at any time, the court determines a juvenile or a child is in need of an educational decision maker, the court shall appoint an appropriate person to fulfill this role.

As early as the detention and shelter care hearing, pursuant to Rules 242 and 1242, the court must inquire about any special needs of the juvenile or child. Then, as the case progresses to the dispositional, dispositional review, commitment review, and permanency hearings, pursuant to Rules 512, 515, 610, 1512, 1515, and 1609, the court must ensure that the identified needs are addressed during the hearing and in its order.

Rules 513 and 1154 require that the juvenile probation officer or the guardian *ad litem* make specific recommendations concerning these needs. Rule 1154 was added to Rule 1800 (3), which suspends § 6311(B)(9) of the Juvenile Act when there is a conflict of interest for the guardian *ad litem* in communicating the child's wishes and the recommendation relating to the appropriateness and safety of the child's placement and services.

Other Amendments: Ex parte, Least Restrictive/Reasonable Efforts, Stating Disposition

The other proposed amendments to these rules relate to *ex parte* communications, the least restrictive placement, reasonable efforts made to prevent placement, and the requirement of the court to state its disposition on the record. In addition, Rules 512, 515, 1512, and 1515 were slightly restructured to place all the findings provisions in the hearing Rules 512 and 1512, rather than in the orders Rules 515 and 1515.

Ex parte Communications

When the Committee published its proposal on *ex parte* communications, it proposed adding *ex parte* provisions to particular Rules. The Committee received several requests for one general rule that covers all proceedings instead of prohibiting *ex parte* communication in specific rules, such as Rule 512 and 1512. These modifications provide one rule for each set of proceedings, delinquency and dependency, that govern *ex parte* communication for all proceedings.

Least Restrictive/Reasonable efforts

The Juvenile Act requires that the court order the least restrictive disposition that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare. *See* 42 Pa.C.S. § 6352. The amendment reflecting this provision of the Juvenile Act can be found in Rule 512.

The Committee also noted that courts, when placing a juvenile or child, are not explaining why there are no less restrictive alternatives available in their orders. The amended Rule requires that courts must state specific reasons for placing a juvenile or child, rather than merely a statement that there are no less restrictive alternatives available. These amendments can be found in Rules 1240, 1242, and 1512.

These amendments are also consistent with the Recommendations of the Interbranch Commission on Juvenile Justice.

Stating Its Disposition on the Record

The Committee received a recommendation from the Pennsylvania Children's Roundtable Dependency Benchmark Committee concerning the court orally stating its dispositions on the record. The Committee debated what needed to be stated orally in open court and what could be placed in the dispositional order.

While the Committee was considering this matter, the Interbranch Commission was formed and began conducting its hearings. The same issue of stating the disposition on the record began to emerge. In the Commission's Report, it is recommended that the Comment to Rule 512 be modified to include the factors of the Juvenile Act, which the court should address when it states its reasons for the disposition.

These factors are included in the Comment. In addition, the Rule provides that at the dispositional hearing, the court shall state on the record its findings and conclusions of law that formed the basis of its decision. If the juvenile is placed out-of-home, the court shall impose the least restrictive placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare.

These amendments are consistent with the Findings and Recommendations of the Interbranch Commission.

[Pa.B. Doc. No. 11-791. Filed for public inspection May 13, 2011, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CH. 1]

Adoption of New Rule 139 of the Rules of Juvenile Court Procedure; No. 527 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 26th day of April, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 7029 (December 11, 2010), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 7, No. 2, December 24, 2010), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the adoption of New Rule 139 of the Rules of Juvenile Court Procedure is approved in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 139. Use of Restraints on the Juvenile.

Restraints shall be removed prior to the commencement of a proceeding unless the court determines on the record, after providing the juvenile an opportunity to be heard, that they are necessary to prevent:

- 1) physical harm to the juvenile or another person;
- 2) disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or
- 3) the juvenile, evidenced by an escape history or other relevant factors, from fleeing the courtroom.

Comment

The use of any restraints, such as handcuffs, chains, shackles, irons, or straitjackets, is highly discouraged. The routine use of restraints on juveniles is a practice contrary to the philosophy of balanced and restorative justice and undermines the goals of providing treatment, supervision, and rehabilitation to juveniles. Therefore, restraints should not be used in most instances. However, there are some circumstances when juveniles need to be restrained to protect themselves and others and to maintain security in the courtroom. See 42 Pa.C.S. § 6301 for purposes of the Juvenile Act.

Official Note: Rule 139 adopted April 26, 2011, effective June 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 139 published with the Court's Order at 41 Pa.B. 2429 (May 14, 2011).

EXPLANATORY REPORT

April 2011

The Supreme Court of Pennsylvania has adopted new Rule 139 with this Recommendation. This new rule is effective June 1, 2011.

The purpose of this rule is to eliminate shackling during a court proceeding in almost every case. Only in the few extreme cases should such restraints be utilized.

The Committee considered this issue in light of the Report from the Interbranch Commission on Juvenile Justice (ICJJ). In the ICJJ Report, the Commission asked the Juvenile Justice Delinquency Prevention Committee of the Pennsylvania Commission on Crime and Delinquency to perform a study to reduce and if possible eliminate shackling in Pennsylvania's juvenile courtrooms.¹

The Committee believes it is appropriate to address the use of restraints in the courtroom and to limit the use of such restraints by Rule of Court, especially in those cases where the juvenile does not pose a risk. The Committee wants to ensure that the routine use of excessive restraints is discouraged because it is contrary to philosophy of balanced and restorative justice and undermines the goals of providing treatment, supervision, and rehabilitation to juveniles. However, there are some circum-

¹ Interbranch Commission on Juvenile Justice, *Report*, May 2010, at page 54.

stances when juveniles should be restrained to protect themselves and others and to maintain security in the courtroom.

Pursuant to paragraphs (1) through (3), restraints may be used if it is determined that they are necessary to prevent: 1) physical harm to the juvenile or another person; 2) disruptive courtroom behavior; or 3) the juvenile from fleeing. In all three circumstances, there should be evidence that the juvenile has a history of such behavior or there are other factors present that make the juvenile very likely to pose a risk.

The Committee believes that the juvenile should be given an opportunity to comment prior to the use of restraints and that the court should make its findings on the record if restraints are utilized.

It is also important to note that this rule only affects the use of restraints in court proceedings. Sheriffs, probation officers, and other persons providing transportation of juveniles to and from detention facilities, placement facilities, and other locations may be governed by internal procedures and policies, including insurance policies, to use restraints during the transportation of juveniles. The use of restraints in those situations is governed by local policies of operation.

[Pa.B. Doc. No. 11-792. Filed for public inspection May 13, 2011, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 11 AND 16]

Order Amending Rules 1151, 1608, and 1613 and Adoption of New Rule 1606 of the Rules of Juvenile Court Procedure; No. 529 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 29th day of April, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 2245 (May 1, 2010), in the Atlantic Reporter (Second Series Advance Sheets, Vol. 992, No. 1, May 21, 2010), and on the Supreme Court's web-page, and an Explanatory Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 1151, 1608, and 1613, and adoption of new Rule 1606 of the Rules of Juvenile Court Procedure are approved in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 1151. Assignment of Guardian [ad litem] Ad Litem and Counsel.

* * * * *

Comment

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Pursuant to paragraph (E), the court is to inform all parties of the right to counsel if they appear at a hearing without counsel. If a party is without financial resources or otherwise unable to employ counsel, the court is to appoint counsel prior to the proceeding. Because of the nature of the proceedings, it is extremely important that every "guardian" has an attorney. Therefore, the court is to encourage the child's guardian to obtain counsel. Pursuant to Rule 1120, a guardian is any parent, custodian, or other person who has legal custody of a child, or person designated by the court to be a temporary guardian for purposes of a proceeding. See Pa.R.J.C.P. 1120.

Official Note: Rule 1151 adopted August 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. Amended May 12, 2008, effective immediately. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1151 published with the Court's Order at 41 Pa.B. 2434 (May 14, 2011).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(1). MODIFICATIONS

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

Rule 1606. Modification of Dependent Child's Placement.

A. County agency's duties.

1) Emergencies.

a) Only in an emergency when a judge cannot be reached, a child may be placed temporarily in a shelter care facility or other appropriate care.

b) The county agency immediately shall notify the court and all parties of any change made due to the emergency.

c) The county agency shall file a motion or stipulation for modification of the dispositional order by the next business day of the child's placement in a shelter care facility or other appropriate care.

2) Non-emergent cases. In all other cases, the county agency shall seek approval of the court for a change in the child's placement prior to the removal of the child from the placement by the filing of a motion or a stipulation for modification of the dispositional order.

B. Contents of the motion. The motion for modification of the dispositional order shall include:

1) the specific reasons for the necessity of change to the order;

2) the proposed placement;

3) the current location of the child;

4) the manner in which any educational, health care, and disability needs of the child will be addressed;

5) an averment as to whether each party concurs or objects to the proposal, including the child's wishes if ascertainable; and

6) the signatures of all the parties.

C. *Objections.* If a party objects to proposed modification of the dispositional order, the objections shall be filed no later than three days after the filing of the motion for modification of the child's placement.

D. *Court's duties.* Once the county agency has requested approval from the court to modify a child's placement or after an emergency change in placement has already taken place, the court may:

- 1) schedule a prompt hearing to determine whether there will be a modification of the child's placement;
- 2) enter an appropriate order to modify the child's placement; or
- 3) enter an order denying the motion.

Comment

This rule is intended to address changes in the child's placement. Brief temporary removals for hospitalization, respite situations, visitations, or other matters when a child will be returned to the same placement are not covered under this rule.

Pursuant to paragraph (A)(1), if there must be a change in the placement of the child due to an emergent situation, the county agency may temporarily place a child in a shelter-care facility or other appropriate care pending the filing of a motion for modification of the dispositional order. The county agency immediately is to notify the court and all parties of the change made and file a motion or stipulation by the next business day.

Pursuant to paragraph (A)(2), in all other cases, the court is to make a decision prior to the child being removed from the placement. Stability for the child is critical. Multiple placements can add to a child's trauma. A child should not be shuffled from home to home out of convenience for a foster parent, relative, or other person caring for the child.

Official Note: Rule 1606 adopted April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1606 published with the Court's Order at 41 Pa.B. 2434 (May 14, 2011).

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

A. *Purpose and timing of hearing.* For every case, the court shall conduct a permanency hearing **at least every six months** for purposes of determining or reviewing:

- 1) the permanency plan of the child;
- 2) the date by which the goal of permanency for the child might be achieved; and
- 3) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. [*Court's findings.* At the permanency hearing, the court shall making findings consistent with 42 Pa.C.S. § 6351(f).

C.] *Recording.* The permanency hearing shall be recorded. [**The recording shall be transcribed:**

- 1) pursuant to a court order; or
- 2) when there is an appeal.

D)] C. *Evidence.*

1) Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

2) If a report was submitted pursuant to Rule 1604, the court shall review and consider the report as it would consider all other evidence.

D. *Court's findings.*

1) *Findings at all six-month hearings.* At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

- a) the appropriateness of the placement;
- b) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child;
- c) the appropriateness and feasibility of the current placement goal for the child;
- d) the likely date by which the placement goal for the child might be achieved;
- e) whether reasonable efforts were made to finalize the permanency plan in effect;
- f) whether the county agency has made services available to the guardian, and if not, why those services have not been made available;
- g) the continued appropriateness of the permanency plan and the concurrent plan;
- h) whether the child is safe;
- i) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;
- j) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living, including:
 - i) the specific independent living services or instructions that are currently being provided by the county agency or private provider;
 - ii) the areas of need in independent living instruction that have been identified by the independent living assessment completed pursuant to the Chafee Act, 42 U.S.C. § 671 *et seq.*;
 - iii) the independent living services that the child will receive prior to the next permanency review hearing;
 - iv) whether the child is in the least restrictive, most family-like setting that will enable him to develop independent living skills;
 - v) the efforts that have been made to develop and maintain connections with supportive adults regardless of placement type;
 - vi) whether the child is making adequate educational progress to graduate from high school or whether the child is enrolled in another specified educational program that will assist the child in achieving self-sufficiency;
 - vii) the job readiness services that have been provided to the child and the employment/career goals that have been established;

viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and

ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care; and

k) any educational, health care, and disability needs of the child and the plan to ensure those needs are met.

2) *Additional findings for fifteen of last twenty-two months.* If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a petition to terminate parental rights.

E. *Advanced communication technology.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

F. *Family Service Plan or Permanency Plan.* The county agency shall review the family service plan or permanency plan at least every six months. If the plan is modified, the county agency shall [**provide all parties**] **follow the filing and service requirements pursuant to Rule 1345.** The parties and when requested, the court, **shall be provided** with the modified plan at least fifteen days prior to the permanency hearing.

Comment

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. *In re M.B.*, 449 Pa.Super. 507, 674 A.2d 702 (1996) quoting *In re Quick*, 384 Pa.Super. 412, 559 A.2d 42 (1989).

To the extent practicable, the judge or master [**that**] **who** presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

[Under paragraph (B), the court is to make a finding consistent with 42 Pa.C.S. § 6351(f), in that the court is to determine all of the following: 1) the continuing necessity for and appropriateness of the placement; 2) the appropriateness, feasibility, and extent of compliance with the permanency plan developed for the child; 3) the extent of progress made toward alleviating the circumstances which necessitated the original placement; 4) the appropriateness and feasibility of the current placement goal for the child; 5) the likely date by which the placement goal for the child might be achieved; 6) whether reasonable efforts were made to finalize the permanency plan in effect; 7) whether the child is safe; 8) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child; 9) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living; and 10) if the child has been in placement for at least fifteen of the last twenty-two months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's guardian or to preserve

and reunify the family need not be made or continue to be made, whether the county agency has filed or sought to join a motion to terminate parental rights and to identify, recruit, process, and approve a qualified family to adopt the child unless: a) the child is being cared for by a relative best suited to the physical, mental, and moral welfare of the child; b) the county agency has documented a compelling reason for determining that filing a motion to terminate parental rights would not serve the needs and welfare of the child; or c) the child's family has not been provided with necessary services to achieve the safe return to the child's guardian within the time frames set forth in the permanency plan.]

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

The court may schedule a three-month hearing or conference. At the three-month hearing, the court should ensure that: 1) services ordered at the dispositional hearing pursuant to Rule 1512 are put into place by the county agency; 2) the guardian who is the subject of the petition is given access to the services ordered; 3) the guardian is cooperating with the court-ordered services; and 4) a concurrent plan is developed if the primary plan may not be achieved.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the case is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months.

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. See *Comment* to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(2), a "petition to terminate parental rights" is a term of art used pursuant to 23 Pa.C.S. § 2511 and Pa.R.O.C. Rule 15.4 to describe the motion terminating parental rights. This does not refer to the "petition" as defined in Pa.R.J.C.P. 1120.

The court is to move expeditiously towards permanency. A goal change motion may be filed at any time.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely permanency.

A President Judge may allow Common Pleas Judges to “wear multiple hats” during a proceeding by conducting a combined hearing on dependency and Orphans’ Court matters. See 42 Pa.C.S. § 6351(i); see also *In re Adoption of S.E.G.*, 587 Pa. 568, 901 A.2d 1017 (2006), where involuntary termination occurred prior to a goal change by the county agency.

For family service plan requirements, see 55 Pa. Code §§ 3130.61 and 3130.63.

See 42 U.S.C. § 675 (5)(A)—(H) for development of a transition plan pursuant to paragraph (D)(1)(j).

See Rule 1136 regarding *ex parte* communications.

Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 41 Pa.B. 2434 (May 14, 2011).

PART (C). TERMINATION AND POST-DISPOSITIONAL PROCEDURES

Rule 1613. Termination of Court Supervision.

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

* * * * *

6) the child has been placed in the **physical and legal** custody of a fit and willing relative and services from the county agency are no longer needed;

7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed **and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;**

8) the child has been adjudicated delinquent and services from the county agency are no longer needed **because all dependency issues have been resolved;**

9) the child has been emancipated by the court;

10) the child is eighteen years [**old and refusing further services from the county agency**] of age or older and a hearing has been held pursuant to paragraph (E);

* * * * *

E. Children eighteen years of age or older.

1) **Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to termination.**

2) **Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The transition plan shall, at a minimum, include:**

- a) the specific plans for housing;
- b) a description of the child’s source of income;

c) the specific plans for pursuing educational or vocational training goals;

d) the child’s employment goals and whether the child is employed;

e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;

f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;

g) verification that all vital identification documents and records have been provided to the child; and

h) a description of any other needed support services.

3) **At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.**

4) **The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.**

F. *Cessation of services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

Comment

* * * * *

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa.Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

* * * * *

Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). See also *Justin S.*, 375 Pa.Super. 88, 543 A.2d 1192 (1988).

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675 (5)(A)—(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

Official Note: Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2434 (May 14, 2011).

EXPLANATORY REPORT

April 2011

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 1151, 1608, 1613 and adoption of new Rule 1606 with this Recommendation. The changes are effective July 1, 2011.

These rule changes stem from a request from the Pennsylvania Children's Roundtable Dependency Benchbook Committee. The Benchbook Committee asked for guidance and clarification of specific issues that are addressed in these rule changes.

Rule 1151—Assignment of Guardian Ad Litem & Counsel

It was brought to the Committee's attention that in some judicial districts, "guardians" were appearing at hearings without an attorney. Rule 1120 defines guardian as any parent, custodian, or other person designated by the court to be a temporary guardian for purposes of a proceeding. The modified Comment enforces that the court must inform all parties of the right to counsel.

Rule 1606—Motion for Modification of Dependent Child's Placement

This new rule was added because judges are not being notified about a change in a dependent child's placement until weeks, even months after a move of the child's placement. Many times, the judge is notified of a change at the permanency hearing. Although the child is placed in the custody of the county agency, the judge authorizes placement of a child by court order.

Rule 1606 outlines the procedure for seeking approval of a change in a child's placement. As a general rule, the court must be notified prior to the child being moved by motion or stipulation. However, in an emergency when a judge cannot be reached, the county agency may temporarily place a child in a shelter care facility or other appropriate care. In this situation, the county agency immediately must notify the judge of the change made during the emergency. This can be accomplished by leaving a message for the judge. In addition, the county agency must file a motion for a modification of the court order by the next business day.

The motion is to include an averment stating whether each party concurs or objects to the proposed modification. This will allow the judge to decide whether a hearing is necessary. Because there is a twenty-four hour requirement, if a party does not respond to the request for a concurrence or objection, the averment should state the party was unable to be reached.

If a party objects to the proposed modification, objections shall be filed within three days of the filing of the motion for modification of the child's placement.

Rule 1608—Permanency Hearing

The additions to this rule require a permanency hearing at least every six months pursuant to the federal

Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89) and as implemented through Title IV-E funding of the Social Security Act. The Comment to this rule stresses that a three-month hearing is best practice. This ensures that services are in place and that the guardian has had time to comply prior to the required six-month hearing.

Additionally, the rule provides a checklist for the court's findings in paragraph (D). Paragraph (D)(1)(j) sets forth the required findings for transitioning a child into independent living.

The Comment discusses concurrent planning and combining hearings. Several judicial districts have judges address a goal change motion and a petition for involuntary termination of parental rights in one matter. The Juvenile Act allows a dependency court judge to be assigned to Orphans' Court to hear matters involving dependent children. *See* Pa.C.S. § 6351(i).

Rule 1613—Termination of Court Supervision

The proposed changes in paragraph (A)(6)—(10) provide further clarification of the rule's intent.

Under the new additions in paragraph (E), specific issues must be addressed in the transition plan before the court can terminate court supervision for a child eighteen years of age or older. These are federal law requirements. *See* 42 U.S.C. § 675(5)(A)—(H).

The Comment adds that the court should not discontinue services for a dependent child because the court has found the child delinquent. The county agency and the juvenile probation office should work together to provide solutions for the child. In addition, services are to be ready when a dependent child is released from a delinquency placement to ensure that there is a smooth transition.

[Pa.B. Doc. No. 11-793. Filed for public inspection May 13, 2011, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 16 AND 18]

Order Amending Rules 1604 and 1800 of the Rules of Juvenile Court Procedure; No. 530 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 29th day of April, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3); and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 1604 and 1800 of the Rules of Juvenile Court Procedure are approved in the following form.

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

Annex A
TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART A. SUMMONS, NOTICE, AND REPORTS

Rule 1604. Submission of Reports.

* * * * *

B. *Designation by President Judge.* The President Judge of each judicial district shall appoint a designee, other than [**the county agency**] a **judge or party**, to receive these reports.

* * * * *

E. *Examination of Report.* Pursuant to Rule [**1608(D)**] **1608(C)**, the court shall examine this report and consider its contents as it would consider any other evidence in the case.

Comment

The county agency is to provide the form designed by the Department of Public Welfare to the foster parent, preadoptive parent, or relative providing care for the child. *See* 42 Pa.C.S. § 6336.1(b).

See also 42 Pa.C.S. § 6341(d).

Pursuant to paragraph (E), the court is to examine this report and consider its contents as it would consider any other evidence. Evidence is to be properly entered into the record before the court will consider it. Evidence submitted directly to the court is considered an *ex parte* communication and is strictly prohibited. See Rule 1136 on *ex parte* communications.

Official Note: Rule 1604 adopted December 18, 2009, effective immediately. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the provisions of Rule 1604 published with the Court’s Order at 41 Pa.B. 2435 (May 14, 2011).

CHAPTER 18. SUSPENSIONS

Rule 1800. Suspensions of Acts of Assembly.

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

* * * * *

11) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336.1(b)(2), which provides that the foster parent or parents, preadoptive parent or relative providing care for the child has a right to submit a report to the court, is suspended only insofar as the Act is inconsistent with Rule 1604, which requires the report to be submitted to a court designee who files the report and submits it to the judge, attorneys, parties, and if appointed, a court appointed special advocate.**

12) **The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6351(e)(3)(i)(B), which provides for permanency hearings within six months of each previous permanency hearing until the child is returned home or removed from the jurisdiction of the court, is suspended only insofar as the Act is inconsistent with Rule 1607, which requires permanency hearings in all cases until the child is removed from the jurisdiction of the court.**

Comment

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. *See also* Rule 1102.

Official Note: Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009; amended September 16, 2009, effective immediately. **Amended April 29, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1800 published with the Court’s Order at 41 Pa.B. 2435 (May 14, 2011).

EXPLANATORY REPORT

April 2011

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 1604 and 1800 with this Recommendation. The changes are effective July 1, 2011.

As the Committee was reviewing a proposed local rule, the Committee decided it should clarify the intent of Rule 1604.

When drafting Rule 1604, the Committee was concerned with the court receiving *ex parte* communications. The Committee expected that the judge would not be receiving this report itself because it is *ex parte*.

The Juvenile Act was amended in 2008, adding the right for a foster parent, preadoptive parent, or relative providing care for the child to submit a report to the court. *See* 42 Pa.C.S. § 6336.1.

The Committee clarified the procedure on how the report was to be submitted by proposing the addition of a new Rule 1604. The Court adopted this rule in December of 2009.

In Rule 1604(D), the Committee used the term “court designee,” rather than the term “court.” The intent was that someone other than the judge would file this report with the clerk of courts and distribute copies to the judge, attorneys, parties, and if applicable, the court-appointed special advocate. The judge would not be the person filing the report or distributing copies.

Additionally, Rule 1604(E) provides that the court shall examine this report and consider its contents as it would consider any other evidence in the case. Generally evidence must be properly entered into the record by a party prior to the court reviewing the evidence. Then, the court would also reject, as *ex parte* communication, any other report sent directly to the judge.

The modified rule explicitly states in 1604(B), that the President Judge of each judicial district shall appoint a designee, other than a judge or a party, to receive these reports.

Rule 1800 suspends 42 Pa.C.S. § 6336.1 only to the extent that it conflicts with Rule 1604, in that a report may not be sent directly to the judge as an *ex parte* communication. It must follow the normal procedures and be submitted as evidence. The report would be considered by the court as it considers all other evidence.

[Pa.B. Doc. No. 11-794. Filed for public inspection May 13, 2011, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the Year 2012; No. 126 M.D. No. 3

Order

And Now, this 15th day of April, 2011, *It Is Hereby Ordered* that the argument sessions of the Commonwealth Court of Pennsylvania shall be held in the year 2012 as follows:

<i>Dates</i>	<i>Situs</i>
February 13—17	Philadelphia
March 12—16	Harrisburg
April 16—20	Pittsburgh
May 14—18	Philadelphia
June 4—8	Harrisburg
September 10—14	Harrisburg
October 15—19	Philadelphia
November 13—16	Pittsburgh
December 10—14	Harrisburg

BONNIE BRIGANCE LEADBETTER,
President Judge

[Pa.B. Doc. No. 11-795. Filed for public inspection May 13, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

Administrative; Royalty Rates

The Fish and Boat Commission (Commission) amends Chapter 51 (relating to administrative provisions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 51.92 (relating to royalty rates) is published under the statutory authority of section 503(c) of the Conservation and Natural Resources Act (CNRA) (71 P. S. § 1340.503(c)).

D. *Purpose and Background*

There are five companies that currently dredge material from the navigable waters of this Commonwealth and pay royalties to the Commission. Royalties from sand and gravel extracted from Commonwealth waters are paid to the Fish Fund, which is administered under Chapter 5 of the code (relating to fiscal affairs).

Under section 503(c) of the CNRA, the Commission, with the concurrence of the Department of Environmental Protection (Department), is authorized to adjust the amount of royalty payments per ton or cubic yard of usable or merchantable, or both, sand or gravel, or both, extracted from Commonwealth waters. The current royalty rate schedule in § 51.92, which was adopted in 1997, expired on December 31, 2010. However, the Commission's Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 51.92 to impose new royalty rates, effective January 1, 2011. See 40 Pa.B. 7446 (December 25, 2010). The temporary modification will remain in effect until publication of this final-form rulemaking.

With an eye towards establishing a new rate schedule, the Commission's Executive Director previously established a workgroup consisting of Commission and Department staff and five representatives from the sand and gravel dredging industry and asked them to collaboratively work together and develop a fair and equitable process for setting royalty rates for the 10-year period from January 1, 2011, through December 31, 2020. The workgroup formally met in April and May 2010 to discuss issues pertaining to setting royalty rates, including the need to simplify the annual rate calculation process and employ a market based approach. With input from the Department and industry representatives, the

Commission published § 51.92 as set forth in the proposed rulemaking at 40 Pa.B. 6151 (October 23, 2010).

E. *Summary of Changes*

The Commission adopts the following schedule for imposition of the updated sand and gravel royalty rates:

(1) From January 1 through December 31, 2011, the greater of \$1,000 or \$0.48 per dry ton.

(2) From January 1, 2012, through December 31, 2015, the greater of \$1,000 or 6.75% of the immediately preceding year's published price, average value, dollars per metric ton (converted to United States ton) for the commodity sand and gravel in the United States Geological Survey, Mineral Commodity Summary per dry ton, provided that the rate per dry ton is not less than \$0.48.

(3) From January 1, 2016, through December 31, 2020, the greater of \$1,000 or 7.0% of the immediately preceding year's published price, average value, dollars per metric ton (converted to United States ton) for the commodity sand and gravel in the United States Geological Survey, Mineral Commodity Summary per dry ton, provided that the rate per dry ton is not less than \$0.48.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will impose increased costs on the private sector, namely those businesses engaged in dredging in this Commonwealth. In 2009, those businesses paid the Commission a royalty rate of \$0.4371 per dry ton. They reported that in 2009 they sold 1,537,131 dry tons of merchantable sand and gravel. They, therefore, paid royalties totaling \$671,880 in 2009. If the companies continue to dredge material in similar quantities in the future and pay the minimum rate of \$0.48 per dry ton, the increased costs will total, at a minimum, approximately \$65,943 per year for all business engaged in dredging. The final-form rulemaking may have a nominal fiscal impact on customers of sand and gravel, including the Commonwealth, its political subdivisions and the general public, if the businesses currently engaged in dredging pass their increased costs on to their customers.

H. *Public Comments*

The proposed rulemaking was published at 40 Pa.B. 6151. The Commission did not receive public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 51, are amended by amending § 51.92 to read as set forth at 40 Pa.B. 6151.

(b) The Executive Director will submit this order and 40 Pa.B. 6151 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 6151 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect May 14, 2011.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-220 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-796. Filed for public inspection May 13, 2011, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 53, 95, AND 111]
General Provisions and Boating

The Fish and Boat Commission (Commission) amends 58 Pa. Code Chapters 53, 95 and 111 (relating to Commission property; manufacturer installed equipment; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission's boating regulations.

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The amendment to § 53.16 (relating to special use) is published under the statutory authority of section 741 of the code (relating to control of property). The amendment to § 95.3 (relating to lights for boats) is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations). The addition of § 111.16 (relating to Clarion County) and the amendment to § 111.20 (relating to Crawford County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's administrative and boating regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes. On June 15, 2010, the Commission's Boating Advisory Board considered each of the proposals and recommended that the Commission approve the publication of a proposed rulemaking.

E. Summary of Changes

(1) Section 53.16 restricts the number of watercraft that may be launched or retrieved by livery operators at Commission accesses to eight watercraft or less in any 1-hour period except with the advance written approval of the Commission's Executive Director. Livery operators typically introduce new boaters to recreational boating and routinely provide new and existing boaters with safety instruction. The Commission therefore amended the regulation to allow less restrictive use of its accesses by livery operators and their customers. The Commission does not anticipate that user conflicts will result from this change. The Commission amended § 53.16 to read as set forth in the proposed rulemaking published at 40 Pa.B. 7239 (December 16, 2010).

(2) Section 95.3 provides boaters with detailed information on the requirements for types, configurations and locations of navigation lights on boats. Section 95.3(a) states, in part, that "A boat from sunset to sunrise and during periods of restricted visibility shall carry and exhibit the lights prescribed by the Inland Navigation Rules. . . ." Inland Navigation Rule 20, Part C—Lights and Shapes, states that "The rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out."

Many boaters assume that docking lights may be used while a vessel is underway (when lights are required). Since docking lights can easily be mistaken for stern lights or all-round white lights, docking lights may not be displayed while a vessel is underway. However, it is clear that there is a need for boaters to use docking lights to safely approach a dock, a mooring buoy or even the shoreline. The Commission therefore amended the regulation to clarify when it is illegal to use docking lights. The Commission amended § 95.3 to read as set forth in the proposed rulemaking.

(3) The Commission created a slow, no-wake zone for just over 2 miles at the very uppermost limit to power boating and skiing activities created by the Piney Dam on the Clarion River. The Commission received input from anglers that boats have been traveling at high speeds through the indicated section of the Clarion River causing problems with angling on this narrow section of the Clarion River. Parts of the river in this stretch are less than 200 feet across and, therefore, in essence, are already slow, no-wake. The Commission's Northwest Region Manager reported that the new slow, no-wake zone is upstream of the very uppermost limit to where unlimited horse power boating is appropriate. Section 111.16 makes it clear to the boating public that this section is in fact slow, no-wake and makes enforcement of the restriction feasible by Commission law enforcement personnel. The Commission adds § 111.16 to read as set forth in the proposed rulemaking.

(4) Section 111.20 prohibits the anchoring of boats in the area along the western shoreline of Conneaut Lake commonly referred to as the "sand bar" and further provides that the no anchor zone will extend along the shoreline to a line of buoys approximately 75 feet out from the end of the steel cribs at either end of the zone. Over the years, there have been changes to the shoreline on Conneaut Lake. Waterways Conservation Officers are concerned about enforcing the regulation because the contours of the shoreline vary in the designated area and the end parameters (steel cribs) referred to in the regula-

tion are no longer visible or present. The Commission therefore amended § 111.20 to read as set forth in the proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

The proposed rulemaking was published at 40 Pa.B. 7239. During the formal public comment period, the Commission received one comment opposing the amendment to § 53.16 and received six public comments generally expressing support for the amendment to § 95.3 provided it does not interfere with the sport of bowfishing or other nighttime fishing activity involving the use of permanently mounted lights. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 95 and 111, are amended by amending §§ 53.16, 95.3 and 111.20 and by adding § 111.16 to read as set forth at 40 Pa.B. 7239.

(b) The Executive Director shall submit this order and 40 Pa.B. 7239 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 40 Pa.B. 7239 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect May 14, 2011.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-222 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 11-797. Filed for public inspection May 13, 2011, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 401a]**

Corrective Amendment to 58 Pa. Code § 401a.3

The Pennsylvania Gaming Control Board has discovered discrepancies between the agency text of 58 Pa. Code § 401a.3 (relating to definitions), as deposited with the Legislative Reference Bureau, and published at 40 Pa.B. 6083, 6084 (October 23, 2010) and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 434, January 2011). Amendments to 58 Pa. Code § 401a.3 published at 40 Pa.B. 6083 were incorrectly codified. With this corrective amendment, the terms “vendor,” “vendor certification” and “vendor registration” will be deleted from 58 Pa. Code § 401a.3.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Gaming Control Board has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 401a.3. The corrective amendment to 58 Pa. Code § 401a.3 is effective as of January 1, 2011, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 401a.3 appears in Annex A, with ellipses referring to the existing text.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Trade secret—A private formula, pattern, device, cost study or compilation of information which is used in a business and which, if disclosed could negate an advantage over competitors who do not know or use it.

Underwriter—As defined in the Pennsylvania Securities Act of 1972.

(Editor’s Note: See 41 Pa.B. 2439 (May 14, 2011) for a final-form rulemaking affected by this corrective amendment.)

[Pa.B. Doc. No. 11-798. Filed for public inspection May 13, 2011, 9:00 a.m.]

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

Gaming Junket Amendments

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. Chapter 16 (relating to junkets), amends Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a.

Purpose of the Final-Form Rulemaking

This final-form rulemaking amends and updates these chapters to improve clarity, eliminate or reduce the registration or application requirements for some entities and individuals and to bring the Board’s regulations into

conformity with revisions to 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) (act) enacted by the act of January 7, 2010 (P. L. 1, No. 1) (Act 1).

Explanation of Amendments

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

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

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

Subsection (b) has been amended to clarify existing language.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 439a.5 (relating to gaming junket representative general requirements) has been amended to improve its clarity and to accommodate the fact that Act 1 now requires that gaming junket representatives obtain an occupation permit. See 4 Pa.C.S. § 1318 (relating to occupation permit application) and 58 Pa. Code §§ 435a.1 and 435a.3 (relating to general provisions; and occupation permit).

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

New § 439a.6a contains the term and renewal process for gaming junket enterprise licenses and gaming junket representative occupation permits. With the passage of Act 1, occupation permits and gaming junket enterprise licenses, which were originally valid for only 1 year, are now valid for 3 years; subsection (a) reflects this change.

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

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

Section 439a.12(b) (relating to gaming junket enterprise and representative prohibitions) has been amended to conform to the language in 4 Pa.C.S. § 1611 (relating to prohibitions).

Additional Revisions

In § 439a.3(d), language was added requiring that any agreement entered into between a slot machine licensee and a gaming junket enterprise must contain a provision requiring licensure of the gaming junket enterprise prior to organizing a junket to the licensed facility. Licensure of the enterprise prior to organizing a gaming junket is required under 4 Pa.C.S. § 1601 (relating to gaming junkets authorized).

In § 439a.8(c)(2) (relating to gaming junket arrival reports), “filed” has been replaced with “prepared” to avoid confusion as these reports are not filed with the Bureau of Gaming Operations but are instead maintained by the licensed facility.

In § 439a.12(a), the added language in the proposed rulemaking, which prohibited gaming junket representatives (permittees) from wagering at a licensed facility in this Commonwealth, has been replaced in the final-form rulemaking. Subsection (a) now requires gaming junket representatives (permittees) as well as qualifiers of the gaming junket enterprise to comply with the wagering restrictions applicable to all qualifiers and permittees in § 435a.1.

Comment and Response Summary

Notice of proposed rulemaking was published at 40 Pa.B. 5468 (September 25, 2010).

The Board did not receive comments from the public, the House Gaming Oversight Committee, the Senate Community, Economic and Recreational Development Committee or the Independent Regulatory Review Committee (IRRC).

Affected Parties

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

Fiscal Impact

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

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. Overall, this final-form rulemaking will result in a decrease in the number of applications from the affected groups listed in this preamble. The costs

associated with the application have also been reduced. Previously, all officers, directors, owners, key employees and representatives were required to be registered at a cost of \$1,000. Officers, directors and owners with a greater than 10% interest are now required to be qualified with the gaming junket enterprise at a lower cost per application. Additionally, gaming junket representatives who obtain a permit now pay only \$350 instead of the \$1,000 required previously.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking increases the number of applications that are filed for officers, owners and directors but eliminates applications or registrations for affiliates, subsidiaries and key employees. Only one original and one paper copy will now be required for individuals and entities that are required to be qualified. Additionally, all individuals filing for a gaming junket entity representative occupation permit will not have to submit a paper application because the application process can be done electronically through the Board’s SLOTS Link system.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 14, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5468, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 16, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 17, 2011, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the act.

Order

The Board, acting under the act, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a are amended by amending §§ 421a.6, 439a.1, 439a.5, 439a.7, 439a.10, 439a.11, 440a.5, 441a.20, 451a.1, 465a.1, 481a.2, 501a.5 and 503a.4, by deleting §§ 439a.4

and 439a.6 and by adding §§ 439a.4a and 439a.6a to read as set forth at 40 Pa.B. 5468; and by amending §§ 401a.3, 439a.2, 439a.3, 439a.8, 439a.9 and 439a.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall certify this order, 40 Pa.B. 5468 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect May 14, 2011.

GREGORY C. FAJT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 1849 (April 2, 2011).)

Fiscal Note: Fiscal Note 125-129 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

(Editor's Note: See 41 Pa.B. 2439 (May 14, 2011) for a corrective amendment affecting § 401a.3.)

§ 401a.3. Definitions.

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

* * * * *

Gaming service provider—

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

* * * * *

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 439a. GAMING JUNKET ENTERPRISES

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

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

(b) Prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket, the gaming junket enterprise shall be licensed by the Board. A slot machine licensee may not engage the services of any gaming junket enterprise that has not been licensed. An agreement between a slot machine licensee and a gaming junket enterprise must contain a provision stating that the gaming junket enterprise shall obtain a Gaming Junket Enterprise License prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket.

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

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

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

(i) Establish a customer deposit with a slot machine licensee.

(ii) Demonstrate to a slot machine licensee the availability of a specified amount of cash or cash equivalent.

(iii) Gamble to a predetermined level at the licensed facility.

(iv) Comply with any similar obligation.

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

(i) The previous satisfaction of a financial qualification in accordance with paragraph (1).

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

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

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

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

(1) Complimentary accommodations.

(2) Complimentary food, entertainment or transportation which has a value of \$200 or more.

§ 439a.3. Gaming junket enterprise license applications.

(a) An applicant for a gaming junket enterprise license shall submit to the Bureau of Licensing an original, one paper copy and one compact disc containing the Gaming Junket Enterprise License Application and Disclosure Information Form and additional applications as required under § 439a.4a (relating to individual and entity applications).

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

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

(2) Promptly provide information requested by the Board and cooperate with the Board in investigations, hearings, enforcement and disciplinary actions.

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

(c) An applicant for a gaming junket enterprise license shall be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) Prior to engaging the services of a gaming junket enterprise, the slot machine licensee shall submit to the

Bureau of Licensing a Verification and Due Diligence Form certifying that the slot machine licensee has entered into an agreement or contract with, and has investigated the background and qualifications of, the gaming junket enterprise. The agreement or contract must contain a provision stating that the gaming junket enterprise shall obtain a license prior to organizing a gaming junket to a licensed facility or receiving compensation from any person as a result of the conduct of a gaming junket.

§ 439a.8. Gaming junket arrival reports.

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

(b) Gaming junket arrival reports must:

(1) Include a gaming junket guest manifest listing the names and addresses of the gaming junket participants.

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

(3) Be certified by an employee of the slot machine licensee.

(c) A slot machine licensee shall prepare gaming junket arrival reports in compliance with the following:

(1) A gaming junket arrival report involving complimentary accommodations shall be prepared within 12 hours of the arrival of the gaming junket participant.

(2) A gaming junket arrival report involving complimentary services that does not involve complimentary accommodations shall be prepared by 5 p.m. of the next business day following arrival. A gaming junket arrival which occurs after 12 a.m. but before the end of the gaming day shall be deemed to have occurred on the preceding calendar day.

(3) Gaming junket arrival reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request.

§ 439a.9. Gaming junket final reports.

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

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

(c) A gaming junket final report shall be:

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

(2) Maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to the Board upon request.

§ 439a.12. Gaming junket enterprise and representative prohibitions.

(a) Gaming junket representatives and qualifiers of a gaming junket enterprise shall comply with the wagering restrictions in § 435a.1 (relating to general provisions).

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

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

(2) Exercise approval authority over the authorization or issuance of credit under section 13A27 of the act (relating to other financial transactions).

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

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

[Pa.B. Doc. No. 11-799. Filed for public inspection May 13, 2011, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 63]

Fishing

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapters 61 and 63 (relating to seasons, sizes and creel limits; and general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2012.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to §§ 61.1, 61.2, 61.4, 61.7 and 61.8 and proposed § 63.55 (relating to saltwater angler registration) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

E. *Summary of Proposals*

(1) Since the mid-1980s, the daily creel limit for river herring, a term applied collectively to blueback herring and alewife, in the Delaware River and Estuary was a total of 35 fish. There was no minimum size limit and the season was open year-round. Beginning in 2010, the Commission adopted an amendment in coordination with New Jersey and later coordinated with New York reducing the daily creel limit from the historic limit to a limit of ten river herring from the confluence of the East and West Branches downriver to the Commodore Barry Bridge. The remaining 2.9 river miles below the Commodore Barry Bridge remained at the historic daily limit of 35 herring, in cooperation with New Jersey's Marine Council. Delaware was already managing the fishery with a ten herring creel limit.

River herring are popular with striped bass anglers who use them either as live or cut bait. Principally, this fishery exists during the spring when river herring and striped bass are migrating into the Delaware River and estuarine waters. Traditionally, anglers jig for river herring at the onset of a trip but are often seen jigging with one rod while another is being passively fished for striped bass.

Amendment 2 to the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan for Shad and River Herring states that river herring

abundance has declined since the mid-1990s and currently remains at a depressed level along the Atlantic Coast. Amendment 2 calls for closure of river herring fisheries that cannot be demonstrated to be sustainable. Considering the coastwide declines in river herring and the lack of data to support that the fishery is sustainable, the Commonwealth is coordinating a proposed total closure for the Delaware River river herring fishery with the other three basin states (that is, New Jersey, New York and Delaware) through the Delaware River Fish and Wildlife Management Cooperative. This proposed amendment will apply to the entire Delaware River and Delaware Estuary inclusive of both tidal and nontidal reaches to the Pennsylvania/Delaware state line.

In light of this change, changes are also necessary to §§ 61.4 and 61.8 (relating to Conowingo Reservoir; and Lehigh River, Schuylkill River and tributaries). The Lehigh and Schuylkill Rivers flow into the Delaware River and are thus inhabited by a portion of the anadromous river herring populations that enter the Delaware River. The Conowingo Reservoir is the first portion of the Susquehanna River inhabitable by anadromous river herring that migrate up the Susquehanna River. Harvest of the anadromous populations of river herring is already prohibited in the portions of the Susquehanna River and its tributaries upstream of Conowingo Reservoir under § 61.7 (relating to Susquehanna River and tributaries). The more liberal regulations in § 61.1 (relating to Commonwealth inland waters) are acceptable in that these populations are landlocked and thus distinct from the anadromous populations addressed by ASMFC and intended to be addressed by the proposed amendments.

Finally, in addition to the changes previously mentioned, some housekeeping changes are needed to make the terminology for river herring consistent throughout Chapter 61.

The Commission therefore proposes that §§ 61.1, 61.2, 61.4, 61.7 and 61.8 be amended to read as set forth in Annex A.

(2) Under 50 CFR Part D (relating to marine recreational fisheries of the United States), anglers who target or catch shad, striped bass and river herring from the Delaware River below Trenton Falls or in the Delaware Estuary are required to register with the National Saltwater Angler Registry Program administered by the National Oceanic and Atmospheric Administration (NOAA). In 2010, the registration was free and a \$15 fee has been instituted for 2011. See <https://www.countmyfish.noaa.gov/>.

Anglers are not required to register with NOAA, however, if they hold a valid fishing license issued by an "exempted state." For NOAA to designate a state as an "exempted state," the state must agree to provide certain data to NOAA that can be used to assist in completing marine recreational fisheries statistical surveys or evaluating the effects of proposed conservation and management measures for marine recreational fisheries. To that end, the Commission already has entered into a Memorandum of Agreement (MOA) with NOAA that obligates the Commission to create a system for collecting and annually sharing angler data with NOAA. The MOA further exempts anglers in this Commonwealth from the National registration requirement and the associated fee. To meet the terms of the MOA, the Commission proposes

to add a regulation that requires applicable anglers to register either with the Commission or NOAA. The Commission proposes to add § 63.55 to read as set forth at Annex A.

If adopted on final-form rulemaking, the Commission will create a free online registration tool through which anglers may register and receive a registration number rather than registering with NOAA and incurring the Federal fee. The Commission has been awarded a grant from ASMFC to fund the development of the online tool. Under the proposed regulation, registered anglers shall still possess a valid State fishing license.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-225. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* *	
RIVER HERRING (alewife and blueback herring) ***	Open year-round	No minimum	50
	* * *	* *	

*** Note: Unlawful to take, catch or kill American shad, hickory shad and **river herring** (alewife and blueback herring) [**collectively known as river herring**] in Susquehanna River and its tributaries. See §§ 61.4 and 61.7.

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* *	
RIVER HERRING (alewife and blueback herring)	[Open year-round] Closed (no open season)	[No minimum] Closed	[From Pennsylvania line upstream to the Commodore Barry Bridge: 35 From the Commodore Barry Bridge upstream: 10] 0

PROPOSED RULEMAKING

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* *	

§ 61.4. Conowingo Reservoir.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* *	
[ALEWIFE and BLUEBACK HERRING (collectively known as river herring)] RIVER HERRING (alewife and blueback herring)	[January 1 through June 15] Closed (no open season)	[No minimum] Closed	[No daily limit] 0
	* * *	* *	

§ 61.7. Susquehanna River and tributaries.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, “North Branch” and other tributaries within the Susquehanna River Basin except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations)):

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
AMERICAN and HICKORY SHAD and [ALEWIFE and BLUEBACK HERRING (collectively known as river herring)] RIVER HERRING (alewife and blueback herring)*	Closed [year-round] (no open season)	Closed	0
	* * *	* *	

§ 61.8. Lehigh River, Schuylkill River and tributaries.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Lehigh River upstream of the first dam in Easton, Pennsylvania and its tributaries and the Schuylkill River upstream of the I-95 Bridge and its tributaries:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* *	
RIVER HERRING (alewife and blueback herring)	[Open year-round] Closed (no open season)	[No minimum] Closed	[10] 0
	* * *	* *	

CHAPTER 63. GENERAL FISHING REGULATIONS

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 63.55. Saltwater angler registration.

It is unlawful for a person required under 30 Pa.C.S. Chapter 27 (relating to fishing licenses) to procure a resident fishing license, a nonresident fishing license, a senior resident lifetime fishing license or an annual senior resident fishing license to fish for shad, striped bass or river herring in the Delaware River below Trenton Falls or the Delaware Estuary unless that person has obtained a saltwater angler registration from the Commission or registered with the National Saltwater Angler Registry Program administered by the National Oceanic and Atmospheric Administration.

[Pa.B. Doc. No. 11-800. Filed for public inspection May 13, 2011, 9:00 a.m.]

[58 PA. CODE CH. 65]**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Leaser Lake is a 117-acre Commission-owned impoundment located in the rural northwestern corner of Lehigh County in the Ontelaunee/Maiden Creek drainage basin situated approximately 20 miles directly northwest of center city Allentown. Leaser Lake was subjected to a complete drawdown in fall 2008 following a partial drawdown to a safe level of 40 acres that was maintained for a number of years. The final drawdown was necessary to carry out extensive repairs to the leaking dam. Leaser Lake provided fishing for resident warm/coolwater fish populations as well as a seasonal catchable trout fishery with many individuals traveling from the Lehigh Valley

metropolitan area (Allentown-Bethlehem-Easton) to fish in Leaser Lake's scenic setting.

The Commission's Division of Fisheries Management will propose a stocking plan for Leaser Lake that will be directed at establishing a high quality warm/coolwater fish population based on fingerling stockings. Adult trout stockings will follow after the warm/coolwater fishery is opened. Past experiences with another Leaser Lake drawdown and the creation of other warm/coolwater fisheries in new southeastern Pennsylvania impoundments have been that to develop high quality fish populations and fisheries in reclaimed or new lakes, which is something the public has expected when a "new" lake is opened, the lakes need to be closed to fishing for an extended period of time. This allows fish populations and individual fish to grow to desirable sizes that satisfy anglers when the lakes are opened. Based upon past growth rates in Leaser Lake, the lake will need to be closed to fishing until the opening day of bass season in June 2016. The Commission therefore proposes to amend § 65.24 to read as set forth in Annex A.

The positive aspect of the proposed rulemaking is the offering of an exceptional warm/coolwater fishing opportunity in an urban area when Leaser Lake is opened. The negative aspect is the loss of recreational angling for several years, including a catchable trout program. The Commission believes that the benefits outweigh the short-term loss of recreation. The Commission will monitor the fish populations and, if all goes as anticipated, recommend appropriate special regulations prior to 2016. The lake was formerly regulated under § 65.11 (relating to panfish enhancement special regulation).

With respect to the catchable trout program, there are numerous alternative stream fishing locations throughout the Lehigh Valley, northwestern Lehigh County and nearby northeastern Berks County. These locations include 14 miles of nearby Ontelaunee and Maiden Creeks.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-226. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * *	* *
Lehigh	Leaser Lake	Closed to all fishing until June 18, 2016.
	* * *	* *

[Pa.B. Doc. No. 11-801. Filed for public inspection May 13, 2011, 9:00 a.m.]



NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 25, 2011, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,
Acting Secretary

[Pa.B. Doc. No. 11-802. Filed for public inspection May 13, 2011, 9:00 a.m.]

Revisions to Schedule of Prices for State Parks

A. Summary and background

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department) will revise its

D. Price Schedule

<i>Facility Type Unit</i>	<i>Unit</i>	<i>May 14, 2011 Resident</i>	<i>May 14, 2011 Non-Resident</i>
Cabins—Additional charges			
Designated Dog Friendly	Per Night (1 or 2 Dogs)	2.00—15.00	2.00—15.00
Deluxe cottages and camping cottages—Additional charges			
Designated Dog Friendly	Per Night (1 or 2 Dogs)	2.00—15.00	2.00—15.00

RICHARD J. ALLAN,
Acting Secretary

[Pa.B. Doc. No. 11-803. Filed for public inspection May 13, 2011, 9:00 a.m.]

price schedule for State Parks by adding a charge for dog-friendly cabins and cottages.

In a pilot program beginning April 1, 2012, the Department will designate certain cabins and cottages in seven State parks as dog-friendly as follows:

Poe Valley	Prince Gallitzin
Chapman	Cowans Gap
Pymatuning	Promised Land
Kooser	

Details concerning this program are provided on the Department's web site at http://www.dcnr.state.pa.us/state_parks/recreation/pets.aspx. Persons may also contact the Bureau of State Parks at (717) 787-8800.

Due to the added administrative and cleaning costs of maintaining dog-friendly accommodations, the Department is adding a charge to the regular cabin/cottage per-night price. As stated in the price schedule in Section D, the charge will range from \$2 to \$15 per night, depending on the type of cabin or camping cottage and interior furnishings.

The pilot program will be instituted effective April 1, 2012. The added charges for dog-friendly accommodations will become effective for reservations made on or after May 14, 2011, for the 2012 season.

The Department's State Parks web site at <http://www.dcnr.state.pa.us/stateparks/prices/index.htm>, has been revised to reflect the new charge.

B. Contact Person

Any questions may be directed to David Sariano, Assistant Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640, dsariano@state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users).

C. Effective Date

This revision of the price schedule will apply to reservations for the 2012 season made on or after May 14, 2011.

Sinnemahoning Creek Watershed River Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Sinnemahoning Creek Watershed River Conservation Plan (Plan) and is placing the Sinnemahoning Creek Watershed covered in the Plan in Cameron, Clearfield, Clinton, Elk, McKean and Potter Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Western Pennsylvania Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Sinnemahoning Creek (Cameron, Clearfield, Clinton, Elk, McKean and Potter

Counties) from the headwaters to its confluence with the West Branch of the Susquehanna River—1,050 square miles.

This action becomes effective May 14, 2011. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Western Pennsylvania Conservancy, Allegheny Regional Office, 159 Main Street, Ridgway, PA 15853, (814) 776-1114 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting The Western Pennsylvania Conservancy.

RICHARD J. ALLAN,
Acting Secretary

[Pa.B. Doc. No. 11-804. Filed for public inspection May 13, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060577 (Sewage)	Trails End WWTP Birch & Hickory Lane Trails End, PA 18458	Pike County Shohola Township	Unnamed Tributary to Shohola Creek (1-D)	Y
PA0053911 (Sewage)	East Bangor Municipal Authority 555 West Central Avenue East Bangor, PA 18013	East Bangor Borough Washington Township	Brushy Meadow Creek (1-F)	Y

Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110. Telephone: 717-705-4707

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0088684 (Sew)	Pleasant Hills Resort Campground Box 86 Hesston, PA 16647	Huntingdon County / Penn & Juniata Townships	Hawns Run / 11-D	Y
PA0082945 (IW)	Hamilton Township / Glabview Acres 272 Mummerts Church Road Abbottstown, PA 17301	Blair County / Taylor Township	Halter Creek / 11-A	Y
PA0083852 (Sew)	Ferryboat Campsites, Inc. 32 Ferry Lane Liverpool, PA 17045	Perry County / Buffalo Township	Susquehanna River / 12-B	Y
PA0081221 (Sew)	COD Investments, LLC (Bailey Run MHP) PO Box 20062 York, PA 17402	Perry County / Miller Township	UNT Bailey Run / 12-B	Y
PA0248584 (CAFO)	Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Lancaster County / East Donegal Township	UNT Donegal Creek / 7-G	Y
PA0248576 (CAFO) w/expansion	Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Dauphin County / Lower Swatara Township	Swatara Creek / 7-D	Y
PA0081442 (Sew)	South Eastern School District 377 Main Street Fawn Grove, PA 17321-9514	York County / Fawn Township	Muddy Creek / 7-I	Y
PA0247944 (Sew)	Paradise Grove Area School District 100 East College Avenue Spring Grove, PA 17362	York County / Paradise Township	Beaver Creek / 7-F	Y
PA0086045 (Sew)	Castle Hill Mobile Home Park 20 Erford Road, Suite 215 Lemoyne, PA 17043	Adams County / Straban Township	UNT Rock Creek / 13-D	Y
PA0081051 (Sew)	Round Top Campground, LLC 1285 High Street Auburn, CA 95603	Adams County / Cumberland Township	Plum Run / 13-D	Y
PA0007765 (IW)	Harley-Davidson Motor Company Operations, Inc. 1425 Eden Road York, PA 17402	York County/ Springettsbury Township	Codorus Creek & Mill Creek / 7-H	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080730 (Sew)	West Perry School District Blain Elementary School 2606 Shermans Valley Road Elliottsburg, PA 17024	Perry County/ Blain Borough	Sherman Creek / 7-A	Y
PA0081361 (Sew)	Memphord Estates Sewage Company (MESCO) 148 S. Baltimore Street Dillsburg, PA 17019	York County /Monaghan Township	Stony Run / 7-E	Y
PA0032051 (Sew)	Granville Township 100 Helen Street Lewistown, PA 17044	Mifflin County / Granville Township	Juniata River / 12-A	Y
PA0088277 (Sew)	Summit Ridge Homeowner's Association c/o Property Management Unlimited 1013 North George Street York, PA 17404	Adams County / Berkwick Townhsip	UNT Beaver Creek / 7-F	Y
PA0080616 (Sew) Transfer	Delm Developers, LLC (Mountain View MHP) PO Box 1010 Chambersburg, PA 17201	Adams County / Reading Township	Conewago Creek / 7-F	Y
PA0027596 (IW)	New Enterprise Stone & Lime Company, Inc. (Roaring Spring Quarry) PO Box 77 New Enterprise, PA 16664	Blair County / Taylor Township	Halter Creek / 11-A	Y

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

PA0053635, Storm Water, SIC Code 4226, **Buckeye Terminal LLC**, 9999 Hamilton Boulevard TEK Park 5, Breinigsville, PA 18031. Facility Name: Buckeye Pipe Line Malvern Terminal. This existing facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream(s), Little Valley Creek, is located in State Water Plan watershed-3F and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002, 003 and 004 are based on stormwater runoffs.

<i>Parameters</i>	<i>Average</i>	<i>Minimum</i>	<i>Concentration (mg/l)</i>	
			<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report			
pH		6.0		9.0
Oil and Grease			15	30
TRPH			15	30
Total BTEX			0.1	0.25
Benzene			0.001	0.0025
Toluene			Report	Report
Ethylbenzene			Report	Report
Xylenes			Report	Report
Naphthalene			Report	Report

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

1. Remedial Measures
2. Necessary Property Rights
3. Change of Ownership
4. Sludge Disposal
5. Petroleum Marketing Terminal
6. IMAX Limits on DMRs
7. Storm Water Discharge

- 8. PPC submission
- 9. Laboratory Certification

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.

PA0022411, Sewage, SIC 9711, **Naval Air Station Joint Reserve Base**, Willow Grove, Building 78, Public Works, Willow Grove, PA 19090.

This existing facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from the wastewater treatment facility serving the base.

The receiving stream, Park Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 24.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD ₅					
(05/01-10/31)			10		20
(11/01-04/30)			20		40
Total Suspended Solids			30		60
NH ₃ -N					
(05/01-10/31)			1.5		3.0
(11/01-04/30)			3.0		6.0
pH (Std. Units)			6.0 min.		9.0
Fecal Coliform (col/100 ml)			200		1,000
Dissolved Oxygen			5.0 min.		
(NO ₂ -NO ₃)-N (07/01-10/31)			9.5		19.0
Total Nitrogen			Report		Report
Total Kjeldahl Nitrogen			Report		Report
Total Residual Chlorine*			0.44		1.18
Total Phosphorus:					
(Effective date through Year 1):					
04/01-10/31			2.0		4.0
11/01-03/31			Report		Report
(Year 2 through Expiration)					
04/01-10/31			0.31		0.62
11/01-03/31			0.62		1.24

*When chlorine is used for disinfection.

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

1. Notification of Designation of Responsible Operator
2. Abandon STP when Public Facilities Available
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sewers
5. Necessary Property Rights
6. Small Stream Discharge
7. Change in Ownership
8. Chlorine Minimization
9. Proper Sludge Disposal
10. TMDL/WLA Analysis
11. Operator Training
12. Instantaneous Maximum Limits
13. Operations and Maintenance Plan
14. Laboratory Certification
15. Fecal Coliform Limits
16. Stormwater Requirement

The EPA Waiver is not in effect.

PA0022411, Sewage, SIC 9711, **Naval Air Station Joint Reserve Base**, Willow Grove, Building 78, Public Works, Willow Grove, PA 19090.

This existing facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated effluent from the wastewater treatment facility serving the base.

The receiving stream, Park Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is approximately 24.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
CBOD ₅					
(05/01-10/31)			10		20
(11/01-04/30)			20		40
Total Suspended Solids			30		60
NH ₃ -N					
(05/01-10/31)			1.5		3.0
(11/01-04/30)			3.0		6.0
pH (Std. Units)			6.0 min.		9.0
Fecal Coliform (col/100 ml)			200		1,000
Dissolved Oxygen			5.0 min.		
(NO ₂ -NO ₃)-N (07/01-10/31)			9.5		19.0
Total Nitrogen			Report		Report
Total Kjeldahl Nitrogen			Report		Report
Total Residual Chlorine*			0.44		1.18
Total Phosphorus:					
(Effective date through Year 1):					
04/01-10/31			2.0		4.0
11/01-03/31			Report		Report
(Year 2 through Expiration)					
04/01-10/31			0.31		0.62
11/01-03/31			0.62		1.24

*When chlorine is used for disinfection.

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

1. Notification of Designation of Responsible Operator
2. Abandon STP when Public Facilities Available
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sewers
5. Necessary Property Rights
6. Small Stream Discharge
7. Change in Ownership
8. Chlorine Minimization
9. Proper Sludge Disposal
10. TMDL/WLA Analysis
11. Operator Training
12. Instantaneous Maximum Limits
13. Operations and Maintenance Plan
14. Laboratory Certification
15. Fecal Coliform Limits
16. Stormwater Requirement

The EPA Waiver is not in effect.

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

PA0080080, Sewage, SIC Code 6515, **Conewago Valley MHP Inc.**, 800 York Road, Dover, PA 17315-1605. Facility Name: Conewago Valley MHP. This existing facility is located in Newberry Township, **York County**.

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

The receiving stream(s), Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.046 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.5
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

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

The EPA Waiver is in effect.

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

PA0254436, Jeremiah Dillon, 628 West Walheim Road, Pittsburgh, PA 15215. Facility Name: Dillon Single Residence STP. This proposed facility is located in Indiana Township, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary of Rawlins Run, is located in State Water Plan watershed 18-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Instant. Maximum	
Flow (MGD)	0.0004	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

The EPA Waiver is in effect.

PAS706103, Storm Water, SIC Code 2911, **Lindy Paving Inc.**, 586 Northgate Circle, New Castle, PA 16105. Facility Name: Big Beaver Borough Asphalt Plant. This proposed facility is located in Big Beaver Borough, **Beaver County**.

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

The receiving stream(s), Jordan Run, is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001—design flow of varies.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Monitor & Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

The proposed effluent limits for Outfall 002—design flow of varies.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Monitor & Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

The proposed effluent limits for Outfall 101—design flow of varies

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Monitor & Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

The proposed effluent limits for Outfall 102—design flow of varies.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Monitor & Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

The proposed effluent limits for Outfall 201—design flow of varies.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Monitor & Report		XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

The proposed effluent limits for Outfall 202—design flow of varies.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Monitor & Report			XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
CBOD ₅	XXX	XXX	XXX	1.82	3.64	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Monitor & Report		XXX
Total Suspended Solids	XXX	XXX	XXX	8.6	17.2	XXX
Total Dissolved Solids	XXX	XXX	XXX	85	170	XXX
Oil and Grease	XXX	XXX	XXX	Non-Detect	Non-Detect	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	0.68	1.36	XXX
Total Phosphorus	XXX	XXX	XXX	0.02	0.04	XXX
Total Iron	XXX	XXX	XXX	0.15	0.3	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

PA0002135—Amendment No. 1, Industrial Waste, SIC Code 2911, **Calumet Penreco, LLC**, 138 Petrolia Street, Karns City, PA 16041-9222. Facility Name: Calumet Penreco. This existing facility is located in Karns City Borough, **Butler County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste, treated stormwater, and untreated stormwater. The Whole Effluent Toxicity Testing (WETT) special condition will be removed in the amended permit. No other changes will be made to the permit.

The receiving stream(s), South Branch Bear Creek and unnamed tributaries to South Branch Bear Creek, are located in State Water Plan watershed 17-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

WQM Permit No. 6511201, Industrial Waste, **ArcelorMittal Monessen, LLC**, 345 Donner Avenue, Monessen, PA 15062

This proposed facility is located in the City of Monessen, **Westmoreland County**

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

IV. NPDES Applications for Stormwater Discharges from MS4 C

Correction to the Notice of Application for Renewal of PennDOT's Statewide Npdes MS4 Individual Permit

The Application for Renewal of PennDOT's Statewide NPDES MS4 Individual Permit published at 41 Pa. B. 1342, 1347 (March 12, 2011) contained incorrect dates for the term of the proposed renewal permit. The proposed permit renewal will become effective on May 28, 2011, and will continue for a term of 5 years through May 27, 2016. The applicant's existing MS4 individual permit has been extended through May 27, 2011.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 151109	TH Walsh Builders 403 West Lincoln Highway Suite 106 Exton, PA 19341	Chester	West Caln Township	Unnamed Tributary Pequea Creek (HQ)

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511002	Aqua Pennsylvania Inc. 1 Aqua Way White Haven, PA 18661	Monroe	Hamilton Twp. and Ross Twp.	Lake Creek, HQ-CWF, MF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511003	Pocono Mountains Industrial Park Authority 300 Community Court Suite D Pocono Mountains Corp. Center East Tobyhanna, PA 18466	Monroe	Coolbaugh Twp.	Red Run, HQ-CWF, MF
PAI024511004	Buck Hill Falls Co. P. O. Box 426 Buck Hill Falls, PA 18323	Monroe	Barrett Twp.	UNT Brodhead Creek HQ-CWF, MF and EV Wetlands

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805014R	Robert Wurster Signature Homes by JT Maloney P. O. Box 9 Center Valley, PA 18034	Northampton	Tatamy Borough	Bushkill Creek, HQ-CWF, MF

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

<i>NPDES Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030510001	Bedford Twp. Muni. Auth. (Sweet Root Road Sanitary Sewer & Waterline Ext.) PO Box 371 Bedford, PA 15522	Bedford	Bedford Township	Shober's Run (HQ-CWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Malcolm Sonnen 101 Sonnen Road Richland, PA 17087	Lebanon	190	370.41	Dairy and poultry	NA	Renewal
Granite Ridge Farms Malcolm & Rosana Rudolph 200 Ginzel Road New Oxford, PA 17350	Adams	514	660.65	Swine	NA	New
Jerrel Brubaker Buffalo Valley Farm 269 Meeting House Ln Lewisburg, PA 17837	Union	242.8	545.64	Swine	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

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

Permit No. 3611519, Public Water Supply.
Applicant **Northwestern Lancaster County Authority**

Municipality	Penn Township
County	Lancaster
Responsible Official	David Stewart PE, Chairman 97 North Penryn Road Manheim, PA 17545
Type of Facility	Public Water Supply
Consulting Engineer	Mark L Homan, P.E. Becker Engineering LLC 111 Millersville Road Lancaster, PA 17603
Application Received:	4/21/2011
Description of Action	Construction of New Membrane Filtration Plant
Permit No. 3611520 ,	Public Water Supply.
Applicant	Oak Lane Mennonite School
Municipality	Penn Township
County	Lancaster
Responsible Official	Dale L. Zimmerman, Chairman 1327 E. Meadow Road Manheim, PA 17545
Type of Facility	Public Water Supply
Consulting Engineer	Jack L. McSherry III, P.E. Jack L. McSherry Inc. 150 Indian Hill Road Conestoga, PA 17516
Application Received:	4/21/2011
Description of Action	Anion Exchange for Nitrate Treatment

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:

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

General Electric Site (Former), York City, York County. B.L. Companies, Inc., 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Harrisburg Area Community College, One HACC Drive, Harrisburg, PA 17110, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, PAHs, Inorganics and PCBs. The site will be remediated to the Nonresidential Statewide Standard, and future use is non-residential.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR066. Enviro Waste Oil Recovery, LLC., PO Box 747, 279 Route 6, Mahopac, NY 10541. This application for renewal is for processing of waste oil, virgin fuel oil tank bottoms, spent antifreeze, and waste oil/water mixture via operation of a transfer facility. The application was determined to be administratively complete by Central Office on April 27, 2011.

Comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act of July 7, 1980, P. L. 35 P. S. §§ 6018.101—6018.1003, the Municipal Waste Planning, Recycling and Waste Reduction Act 53 P. S. §§ 4000.101—4000.1904 and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. PAD059087072. MAX Environmental Technologies Inc., 1815 Washington Road, Pittsburgh, PA 15241-1498. MAX Environmental Technologies-Bulger Plant, 200 MAX Drive, Bulger, PA 15019. Application for a residual waste processing facility in Smith Township, **Washington County** was received in the Regional Office on April 21, 2011.

*Correction to previously submitted ID No. on this permit should be changed to 301359 instead of PAD059087072.

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

54-399-050: Omnova Solutions (95 Hickory Drive, Auburn, PA 17922) for the case-by-case boiler MACT determination, 40 CFR 63 Subpart DDDDD, at their site in West Brunswick Township, **Schuylkill County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481 Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-374A: Three Rivers Aggregates, LLC—Black's Run Plant (225 North Shore Drive, Pittsburgh, PA 15212) for relocation of an existing sand and gravel plant to 144 Brandon Road, Slippery Rock, PA in Worth Township, **Butler County**. The plant will be capable of

producing 450 tons per hour and will consist of various crushers, screens, conveyors and stackers.

16-124B: Peoples Natural Gas Co., LLC. (1201 Pitt Street, Pittsburgh, PA 15221-2029) for replacement of a compressor engine at their Truittsburg Compressor Station in Fairmont City, **Clarion 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

23-0009G: The Boeing Co.—Defense, Space & Security Rotorcraft Programs (PO Box 16858, Philadelphia, PA 19142) for installation of three (3) new boilers, each with a heat input capacity of 49.0 MMBtu/hr, to replace three (3) existing boilers (2 86 MMBtu/hr and 1 35.7 MMBtu/hr) at their Boeing facility in Ridley Township, **Delaware County**. This facility is a major facility. Each boiler will be capable of both natural gas and #2 fuel oil firing. Fuel oil usage is limited to periods of testing or natural gas curtailment not to exceed a combined total of 10% of the annual operating hours. Each new boiler's design will include a low NOx burner (LNB) with flue gas recirculation (FGR) to minimize emissions of NOx (nitrogen oxides). NOx emissions shall be limited to 30 ppmdv 3% O₂ when firing natural gas and 90 ppmdv 3% O₂ when firing No. 2 fuel oil. The boilers are subject to the Maximum Achievable Control Technology (MACT) rule of 40 CFR Part 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters) and the New Source Standards of Performance for Stationary Sources (NSPS) requirements of 40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures 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

21-03018A: Keystone Biofuels, Inc. (2850 Appleton Street, Suite E, Camp Hill, PA 17011) for construction of a biodiesel manufacturing plant that will consist of two (2) 20,000 gallon methanol storage tanks, two (2) 10,000 gallon sodium methylate storage tanks, twelve (12) 6,300 gallon biodiesel reactor tanks, four (4) 6,300 gallon methanol and sodium methylate reactor tanks, two (2) 20,000 gallon glycerin processing tanks, two (2) 30,000 gallon biodiesel processing tanks, eight (8) 6,300 gallon biodiesel wash tanks, and the installation of a condenser at their facility in Lower Allen Township, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned

project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 21-03018A authorizes the construction of a biodiesel manufacturing plant and related equipment. Methanol emissions from the reactors will be controlled by a condenser. The facility includes equipment subject to 40 CFR Part 60, Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006. The Plan Approval and Operating permit will contain emission limits, along with monitoring, recordkeeping and reporting requirements to ensure the plant complies with the applicable air quality requirements. Potential VOC/HAP emissions from the facility are estimated approximately 1 ton per year.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE 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.

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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

PA: 63-00922B: Robinson Power Co., LLC (PO Box 127, 563 Route 18, Burgettstown, PA 15021) to allow the construction of a Gas Turbine Power Generating Facility, in Burgettstown Boro, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45 that Pennsylvania Department of Environmental Protection (PADEP) intends to issue an Air Quality Plan Approval to allow the construction of a Gas Turbine Power Generating Facility, in Burgettstown Boro, Washington County.

The proposed facility will consist of: a gas-fired, combined cycle, GE frame 7EA gas turbine, a heat recovery steam generator (HRSG) with a duct burner, a steam

turbine generator, condenser, and auxiliary equipment- a diesel powered fire water pump and a cooling tower. The gas and steam turbines will generate 82.3 MW and 65.5 MW, respectively, for a total of 147.8 MW. Robinson proposes to utilize locally available Marcellus Shale gas consisting of a mixture of methane and ethane.

The proposed facility is subject to the applicable requirements of 25 PA Code, Chapters 121 through 145, 40 CFR Part 60, Subparts KKKK and IIII, (related to standards of performance for Stationary Combustion Turbines and Stationary Compression Internal Combustion Engines), 40 CFR Parts 72 through 78 (related to acid rain), and 25 PA Code Chapter 145 (related to the NOx budget program). The Department believes that the facility will meet these requirements by complying with the emission limitation, testing, monitoring, recordkeeping, reporting and work practice standards established in the proposed Plan Approval

Annual emissions from this facility will not exceed 30 tons oxides of nitrogen (NOx), 80 tons of carbon monoxide (CO), 30 tons of non-methane organic compounds (NMOCs), 5 tons or sulfur dioxide (SO₂), 30 tons of particulate matter less than 10 microns in size (PM₁₀), 0.4 tons formaldehyde, 5 tons of all HAPs (hazardous air pollutants) and 620,000 tons of carbon dioxide equivalents (CO₂e).

In accordance with 25 Pa. Code § 127.1, the Department has determined that best available technology (BAT) for the turbine/HRSG/duct burner includes the use of gas as a fuel, good combustion practices, dry low NOx combustors, low NOx burners, selective catalytic reduction (SCR) and catalytic oxidation (CatOx). BAT for the diesel-fired fire water pump is the use of ultra low sulfur diesel fuel, limitations on hours of operation and compliance with 60 CFR 60, Subpart IIII. BAT for the cooling tower is the use of a source designed to minimize drift to less than 0.0005%, and control of the solids content of the cooling tower fluid through testing and appropriate purge/makeup.

Application and other supporting documentation are available at the address shown below. Any person wishing to either object to issuance of the plan approval or a proposed condition thereof, or to provide the Department with additional information that they believe should be considered prior to the issuance of the plan approval, or to request a hearing may submit the information in writing to the Department. Written comments should be mailed to the Department at the address shown below. A comment period of 30 days from the date of publication of this notice shall exist. All comments must be received within thirty days of the date of this public notice. In accordance with PA Code Title 25 § 127.46, comments shall include the following:

1. Name, address, and telephone number of the person filing the comment.
2. Identification of the proposed plan approval issuance being opposed (PA-63000922B).
3. Concise statement of the objections to the plan approval issuance, and the relevant facts upon which the objections are based

Written comments should be mailed to Barbara R. Hatch, P.E., Environmental Engineer Manager, PADEP, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-4000.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

21-03004: ADM Milling Co. (PO Box 3100, Shiremans-town, PA 17011) for their flour milling facility in Camp Hill Borough, **Cumberland 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 potential particulate matter emissions of less than 10 tons per year. 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 plan approval, 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, 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.

67-03115: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17402) for their chromium electroplating facility in East Manchester Township, **York 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 potential chromium emissions of less than 1 ton per year. 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. Plating operations are subject to 40 CFR Part 63, Subpart N—National Emission Standards for Hazardous Air Pollutants for Source Categories. 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 plan approval, 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, 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.

44-05013: Eastern Industries, Inc. (220 Park Road, Winfield PA 17889) for a non-metallic mineral processing plant and asphalt plant at their Naginey Quarry in Armaugh Township, **Mifflin 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 4.92 tons per year of nitrogen oxides, 16.4 tons per year of carbon monoxide, 1.48 tons per year of volatile organic compounds, 3.61 tons per year of sulfur oxides and 1.11 tons per year of particulate matter/PM-10. 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 Part 60, Standards of Performance for Nonmetallic Mineral Processing Plants—Subpart OOO.

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 renewal, 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

24-00126: US Resistor, Inc. (1016 Delaun Road, Saint Marys, PA 15857-3360) for renewal of the State Only Operating Permit for the porcelain electrical supply facility in Saint Marys City, **Elk County**. The sources at the facility include, a pusher kiln, belt ovens, impregnation process, curing ovens, a heat treat oven, material mixing operations, a double arm mixer, batch cold cleaning machine, dentaflex table workstation, resistor mix material handling and processing, ceramic mix material handling and processing, and metallic wire spray application. The batch cold cleaning machine is subject to 40 CFR 63 Subpart T for halogenated solvents. The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal 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 such applications will also address the applicable permitting requirements of the following statutes:

the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—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 persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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. A separate notice will be provided after the draft NPDES permit is prepared.

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:

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

¹ 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 precipita-

tion 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

16831604 and NPDES No. PA0100196, RFI Energy, Inc., (1513 Shannon Tipple Road, PO Box 162, Sligo, PA

16255), to renew the permit for the Shannon Preparation Plant in Piney and Toby Townships, **Clarion County** and related NPDES permit. No additional discharges. Application received: December 17, 2010.

30841312 and NPDES No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Blacksville Mine No. 2 in Wayne, Jackson, and Gilmore Townships, **Greene County** and related NPDES permit. No additional discharges. Application received: July 27, 2010.

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

05110101 and NPDES No. PA0263231. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 216.0 acres. Receiving stream(s): Shreves Run and Longs Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 20, 2011.

56950103 and NPDES No. PA0213071. Heritage Mining Company, Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 78.5 acres. Receiving stream(s): UTS to/and Oven Run; UTS to/and Stonycreek Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2011.

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

16050113. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Revision to an existing bituminous strip and sandstone removal operation to change the post-mining land use from Forestland to Industrial/Commercial on lands of Timothy A. Keck & Robert C. Allison in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributary No. 1 to Sloan Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 27, 2011.

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

17000105 and NPDES No. PA0257630. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine located in Girard Township, **Clearfield County** affecting 233.9 acres. Receiving streams: unnamed tributaries to Bald Hill Run and Bald Hill Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 2011.

17050103 and NPDES No. PA0256196. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856). Renewal for the continued operation of an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 49.1 acres. Receiving stream: unnamed tributary to Little Anderson Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2011.

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

49871601R4 and 49871601GP104. Calvin V. Lenig Coal Prep & Sales, Inc., (5860 SR 225, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water fishes and cold water fishes. Application received: April 27, 2011.

49871601C3. Calvin V. Lenig Coal Prep & Sales, Inc., (5860 SR 225, Shamokin, PA 17872), correction of an existing anthracite coal preparation plant operation to update the post-mining land use in Little Mahanoy Township, **Northumberland County** affecting 3.2 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water fishes and cold water fishes. Application received: April 27, 2011.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams. Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16112803 and NPDES Permit No. PA0259071. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254) Commencement, operation and restoration of a small

industrial mineral operation in Elk Township, **Clarion County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Canoe Creek, classified for the following uses: HQ CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 26, 2011.

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

7373SM3C6 and NPDES Permit No. PA0593206. Lehigh Asphalt Paving & Construction Co., (P. O. Box 549, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry

operation in East Penn Township, **Carbon County**, receiving stream: unnamed tributary to Lizard Creek, classified for the following use: trout stock fishery. Application received: April 25, 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

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

E46-1068. Theodore Locker, Township Manager, Skippack Township, 4089 Heckler Road, Skippack, PA 19474, Skippack Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new 6-foot wide, 23-foot span pedestrian bridge across a tributary to Skippack Creek (TSF-MF) associated with expansion of the existing sidewalk/trail system.

The site is located approximately 200 feet southeast of intersection of Skippack Pike and Collegeville Road (Collegeville, PA USGS Quadrangle N: 17.5 inches; W: 3.25 inches).

E15-814. Norbertine Fathers, Inc., 220 S. Valley Road, Paoli, PA 19301, Willistown Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with a one-mile long walking trail through the Daylesford Abbey property.

1. To construct and maintain approximately 390-foot long boardwalk across Crum Creek and adjoining forested wetlands, impacting diminimus amount of wetlands.

2. To construct and maintain approximately 230-foot long boardwalk across the floodplain of an unnamed tributary to Crum Creek.

The site is located near the intersection of Route 30 and South Valley Road, (Valley Forge, PA, USGS Quadrangle N: 9.6 inches; W: 5.8 inches).

E15-813. Coldstream Crossing II LP, 209 N. Matlack Street, West Chester, PA 19380, East Pikeland Township, **Chester County**, ACOE Philadelphia District.

To extend and maintain the existing 23-foot span by 6-foot rise steel plate arch culvert by 79 feet on the upstream side along Powder Mill Creek associated with access road to Coldstream Crossing II subdivision. This work also includes the construction and maintenance of a proposed paved walking trail across the existing 36-inch culvert.

The site is located near the intersection of Kimberton Road (SR 0113) and Coldstream Road (Malvern, PA USGS Quadrangle N: 26 inches; W: 14 inches).

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

E64-287. White Mills Fire Co., Inc., 695 Texas Palmyra Highway, White Mills, PA 18473, in Texas Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 395-foot long by 40-foot wide stone parking lot in the floodway of the Lackawaxen River (HQ-TSF, MF) and in 0.11 acre of PEM wetlands. The project is located at 695 Texas Palmyra Highway (US Route 6) (White Mills, PA Quadrangle, Latitude: 41°31'36"; Longitude: -75°12'23").

E13-166. Jason R. & Judith A. Bretz, 306 Lauchnor Road, Lehigh, PA 18235, in East Penn Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide steel I-beam bridge having an 18-foot span and an underclearance of approximately 5 feet across a tributary to Lizard Creek (CWF) for the purpose of accessing a single family home. The project is located on the west side of Lauchnor Road near the intersection of Shelby Drive (Nesquehoning, PA Quadrangle Latitude: 40° 45' 31.0"; Longitude: -75° 45' 35.4").

E35-435. Buckeye Partners, L.P., 5002 Buckeye Road, Emmaus, PA 18049, in Newton Township, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To stabilize and maintain a 25-foot reach of a tributary to Falls Creek, locally known as Airport Drive Creek (CWF, MF) with articulating concrete revetment mats for the purpose of protecting an existing exposed 16-inch diameter and 14-inch diameter petroleum pipeline. The project is located on the east side of Airport Road approximatly 0.1 mile north of its intersection with SR 3001. (Ransom, PA Quadrangle, Latitude: 41°28'44.1"; Longitude: -75°45'46").

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

E01-297: PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, in Cumberland Township, **Adams County**, ACOE Baltimore District

To 1) extend and maintain an existing 9.7-foot wide, single span reinforced concrete slab bridge supported by reinforced concrete abutments having a normal span of 26.0 feet and an underclearance of 3.5 feet in kind by 10.0 feet at the upstream end and 14.0 feet at the downstream end across unnamed tributary to Rock Creek (WWF, MF), 2) construct and maintain a 15-inch stormwater outfall to the unnamed tributary to Rock Creek (WWF, MF) at the bridge location, 3) place and maintain fill in 0.03 acre of two separate PEM wetlands, and 4) temporarily impact 0.05 acre of two separate PEM wetlands all for the purpose of improving safety standards. The project is located at the intersection of Table Rock Road (SR 3019) and Boyd's School Road (Gettysburg, PA Quadrangle; N: 12.1 inches, W: 9 inches; Latitude: 39°51'26", Longitude: 77°13'43") in Cumberland Township, Adams County. The amount of wetland impact is considered a de minimus impact of 0.03 acre and wetland replacement is not required.

E01-299: PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Menallen Township, **Adams County**, ACOE Baltimore District

To 1) remove the existing structure, 2) construct and maintain a 36.0-foot 6.5-inch long, 1.0-foot depressed with baffles, 22.0-foot x 7.0-foot 6.0-inch, reinforced concrete box culvert in Quaker Run (TSF, MF) with depressed concrete aprons extending 12.0 feet upstream and 12.0 feet downstream, and depressed rock aprons extending an additional 5.0 feet upstream and 5.0 feet downstream, 3) relocate and maintain approximately 65.0 feet of an unnamed tributary to Quaker Run (TSF, MF), and 4) place and maintain fill in 0.02 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0034 (Carlisle Road) in Menallen Township, Adams County (Biglerville, PA Quadrangle; N: 9.2 inches, W: 7.1 inches; Latitude: 39°57'33", Longitude: 77°15'7.0"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

E07-437: Pennsylvania Game Commission (State Game Lands No. 108), 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, in Antis Township, **Blair County**, ACOE Baltimore District.

The applicant proposes the construction and maintenance of the following three new bridges located in State Game Lands No. 108 in Antis Township, Blair County: 1) a 14.0-foot wide, single span bridge having a normal span of 46.0 feet and an underclearance of approximately 5.0 feet across Bells Gap Run (TSF) (Blandburg, PA Quadrangle; N: 3.3 inches, W: 4.0 inches; Latitude: 40°38'32", Longitude: -78°24'18"), 2) a 14.0-foot wide, single span bridge having a normal span of 26.0 feet and an underclearance of approximately 4.0 feet across upper tributary to Bells Gap Run (TSF) (Blandburg, PA Quadrangle; N: 3.2 inches, W: 4.1 inches; Latitude: 40°32'34", Longitude: -78°23'56"), and 3) a 14.0-foot wide, single span bridge having a normal span of 16.0 feet and an underclearance of approximately 4.0 feet across lower tributary to Bells Gap Run (TSF) (Blandburg, PA Quad-

rangle; N: 2.41 inches, W: 3.1 inches; Latitude: 40°38'17.7", Longitude: -78°23'52.5"), all for the purpose of connecting game land roads.

E21-423: PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Dickinson Township, **Cumberland County**, ACOE Baltimore District

To 1) remove the existing structure and to construct and maintain a three-span precast reinforced concrete arch bridge skewed 74.58° having a total clear span of 88.0 feet, a width of 36.0 feet, and an underclearance of 5.9 feet across Yellow Breeches Creek (HQ-CWF, MF), 2) to construct and maintain two vegetated stormwater outfall channels with a rip rap aprons along Yellow Breeches Creek (HQ-CWF, MF), and 3) to place and maintain 19,337.5 cubic feet of fill in the left floodway approach and 27,625 cubic feet of fill in the right floodway approach all for the purpose of improving transportation safety and roadway standards along SR 3021. The project is located along Burnt House Road (SR 3021) in Dickinson Township, Cumberland County (Carlisle, PA Quadrangle N: 0.2 inches, W: 13.2 inches; Latitude: 40°7'34", Longitude: -77°13'9").

E31-222: Mr. John Taliff, John Taliff Carwash, 51 East Market Street, Mount Union, PA 17066, in Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District

The project proposes to construct and maintain an additional 41.0-foot long by 16.0-foot wide and 14.0-foot high carwash bay on the western end of the existing carwash building located partially in the 100-year floodway of Standing Stone Creek (HQ-CWF). The project is located at the southwest corner of the intersection of Standing Stone Creek (HQ-CWF) and Penn Street (Huntingdon, PA Quadrangle; N: 19.38 inches, W: 0.63 inches; Latitude: 40°28'54.2", Longitude: -78°0'16.2") in Huntingdon Borough, Huntingdon County.

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

E18-464. PA DCNR Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Equestrian Bridge, in East Keating Township, **Clinton County**, ACOE Baltimore District (Keating, PA Quadrangle N: 41°21'3.26"; W: -77°58'50.16").

To construct and maintain a fiberglass equestrian bridge having a 50-foot clear span, 6-foot width and a 4-foot underclearance over the 19-foot wide stream channel of Smith's Branch of Cook's Run located 1 mile upstream from Cook's Run. This project proposes to have no direct impact to Smith's Branch of Cook's Run, which is classified as Exceptional Value-Wild Trout waterway, and the Exceptional Value wetlands around the stream.

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

E02-79797-A3. Fox Chapel Marine, 1366 Old Freeport Road, Pittsburgh, PA 15238. The applicant proposes amend Permit No. E0279797-A2 to operate and maintain additional extensions to the existing boat docking facility located just upstream from the confluence of Squaw Run and the Allegheny River (Braddock, PA Quadrangle N: 19.9 inches; W: 16.5 inches; Latitude: 40°-29'-04"; Longitude: 79°-52'-07") in O'Hara Township, **Allegheny County**.

E63-631. Slusarczyk Excavating & Landscape Supply, 1 Sam Road, West Brownsville, PA 15417. To operate and maintain fill for an approximate length of 700 feet in the floodway of an unnamed tributary to Lilly Run (WWF) located along Wilson Road in West Brownsville Borough, **Washington County** (California, PA Quadrangle N: 6.00 inches; W: 2.85 inches; Latitude: 40° 01' 59", Longitude: 79° 53' 43").

E65-938. Hempfield Township Supervisors, 1132 Woodward Drive, Greensburg, PA 15601. To reconstruct and maintain two (2) unnamed tributaries to Township Line Run as stormwater management channels, which will cumulatively impact approximately 3,250 feet of watercourse; to construct and maintain storm sewer pipes underneath and along these reconstructed watercourses, including multiple stormwater inlets; to construct and maintain a stormwater management pond within the 100-yr floodplain of Township Line Run, and to place and maintain fill in two (2) small wetland areas, for the purpose of managing stormwater in the West Point area, and of stabilizing stream banks. The project is located in Hempfield Township, **Westmoreland County**. (Pittsburgh ACOE District, Greensburg, Pa Quadrangle, N 3.9", W 1.5" Latitude 40° 15' 58"; Longitude 79° 30' 40").

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

E10-468, PA DOT, District 10-0, 2550 Oakland Ave, PO Box 429, Indiana, PA 15701. S.R. 0308, Section 253 Boyers Bridge #1 Across Slippery Rock Creek, in Marion Township, **Butler County**, ACOE Pittsburgh District (West Sunbury, PA Quadrangle N: 41°, 06', 41"; W: 79°, 53', 52").

To remove the existing four span concrete T-beam bridge and to construct and maintain a 40.4-foot out to out steel I-beam bridge having three clear, normal spans totaling 146 feet and an underclearance of 4.9 feet across Slippery Rock Creek and impacting a total of 0.132 acre of EV wetlands within the flood plain associated with roadway approach on S.R. 0308, Segment 0310, Offset 1480 north of the village of Boyers. Project includes the installation of temporary causeways and cofferdams for removal of the existing bridge and construction of the new bridge. PA DOT proposes debiting from the Butler County Advanced Wetland Mitigation Bank for compensation for the 0.132 acre of permanent wetland impact

E25-740, BT Erie Casino, LLC., 116 Union Avenue, Altoona, PA 16602, Sheetz Development across from Presque Isle Downs Casino in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 03', 57.4"; W: 80°, 02', 12.5").

To fill a total of 1.299 acres of 3 wetland areas associated with the construction of a Sheetz commercial retail store, car wash and gas station along SR 97 in Summit Township, Erie County. The applicant proposes to construct 2.69 acres of replacement wetland on Lake Erie Regional Conservancy Property located in Fairview and McKean Townships, Erie County within the Elk Creek Watershed. Applicant also proposes payment of \$25,500 to Erie County Conservation District for acquisition of property within Walnut Creek Watershed for creation of future wetlands.

E25-727A, Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2413, Seaway Trail Roadway along Presque Isle Bay, Lake Erie in the City of Erie, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie North, PA Quadrangle Latitude: 42° 7' 50"; Longitude: 80° 6' 2").

The Erie-Western Pennsylvania Port Authority proposes to amend encroachment permit E25-727, which authorizes the Authority to fill a portion of Presque Isle Bay for construction of a road north of the Bayfront Highway between Walnut Street and Cherry Street, remove existing fill materials occupying the bottom of Presque Isle Bay and to construct one 12-foot wide by 50-foot long fishing pier. The proposed amendment will modify the project to eliminate the originally proposed soldier pile wall and sidewalk in favor of a rock riprap slope along the shoreline and modify the roadway to consist of a 12-foot wide, one-way, westbound roadway, with twenty-eight (28) 12-foot wide adjacent parallel parking spaces on the south side of the facility, and a 12-foot wide shared pedestrian/bike path on the north side of the facility. The curb-to-curb width of the facility with rain gardens, oil/grit separators and landscaping as originally permitted will be unchanged. The proposed project will include the construction of the originally authorized 12-foot wide by 50-foot long permanent, handicapped-accessible fishing pier and demolition of existing dock structures in Presque Isle Bay. The total disturbance within Presque Isle Bay will remain at 0.42 acres. All work is proposed to be done on water lots in Presque Isle Bay, owned by the Erie-Western Pennsylvania Port Authority and the Bayfront Access and Beautification Organization, Inc.

E42-299A, Bradford Economic Development Corp., P. O. Box 490, 20 Russel Boulevard, Bradford, PA 16701. Lafferty Hollow Industrial Park—Major Amendment, in Foster Township, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 41°, 57', 32.3"; W: -78°, 35', 51.2").

The applicant proposes to construct and maintain an extension of existing sewer and water line Permit No. E42-299 to include the crossing of Kendall Creek (1), Kendall Creek branch (1) and UNT Kendall Creek (1) for a total of 3 crossings along Lafferty Hollow Road in Foster Township, McKean County (N: 41°, 57', 32.3"; W: -78°, 35', 51.2"). All three streams are classified as warm water fisheries.

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

E4129-009: Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, TX 77251, Mifflin, Cogan House, and Lewis Townships, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

(1) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 2441 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'1"N 77°12'41"W).

(2) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 3 linear feet; (Salladasburg Quadrangle 41°17'2"N 77°12'43"W).

(3) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 7893 square feet of a palustrine forested (PFO) wetland adjacent to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'8"N 77°12'41"W).

(4) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 5 linear feet; (Salladasburg Quadrangle 41°17'7"N 77°12'44"W).

(5) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 11 linear feet; (Salladasburg Quadrangle 41°17'7"N 77°12'45"W).

(6) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Larrys Creek (EV) impacting 47 linear feet; (Salladasburg Quadrangle 41°17'8"N 77°12'45"W).

(7) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 13006 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV); (Salladasburg Quadrangle 41°17'14"N 77°12'45"W).

(8) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 22 linear feet; (Salladasburg Quadrangle 41°17'47"N 77°13'0"W).

(9) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 10 linear feet; (Salladasburg Quadrangle 41°18'24"N 77°12'49"W).

(10) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mash Run (EV) impacting 9 linear feet; (Salladasburg Quadrangle 41°19'4"N 77°12'51"W).

(11) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 227 square feet of a palustrine emergent (PEM) wetland; (Salladasburg Quadrangle 41°20'8"N 77°12'53"W).

(12) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 525 square feet of a water body (POW); (Salladasburg Quadrangle 41°22'29"N 77°13'57"W).

(13) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 856 square feet of a palustrine emergent (PEM) wetland; (White Pine Quadrangle 41°22'40"N 77°14'5"W).

(14) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 669 square feet of a palustrine forested (PFO); (White Pine Quadrangle 41°23'9"N 77°14'10"W).

(15) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 8467 square feet of a palustrine emergent (PEM) wetland adjacent to 2nd Fork Larrys Creek (EV); (White Pine Quadrangle 41°23'51"N 77°14'8"W).

(16) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 6455 square feet of a palustrine scrub-shrub (PSS) wetland adjacent to 2nd Fork Larrys Creek (EV); (White Pine Quadrangle 41°23'54"N 77°14'7"W).

(17) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across 2nd Fork Larrys Creek (EV) impacting 9 linear feet adjacent to state route 184; (White Pine Quadrangle 41°23'53"N 77°14'8"W).

(18) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Run (EV) impacting 3 linear feet; (White Pine Quadrangle 41°25'4"N 77°13'4"W).

(19) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Wendell Run (EV) impacting 34 linear feet adjacent to state route 184; (White Pine Quadrangle 41°24'49"N 77°11'48"W).

(20) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 2225 square feet of a palustrine forested (PFO) wetland adjacent to Wendell Run (EV); (White Pine Quadrangle 41°24'49"N 77°11'47"W).

(21) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 27 linear feet; (White Pine Quadrangle 41°25'6"N 77°10'54"W).

(22) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Wolf Run (EV) impacting 25 linear feet; (White Pine Quadrangle 41°25'22"N 77°10'22"W).

(23) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 5843 square feet of a palustrine forested (PFO) wetland adjacent to Wolf Run (EV); (White Pine Quadrangle 41°25'23"N 77°10'22"W).

(24) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wolf Run (EV) impacting 3 linear feet; (White Pine Quadrangle 41°25'29"N 77°10'11"W).

(25) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 7467 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Wolf Run (EV); (White Pine Quadrangle 41°25'28"N 77°10'11"W).

(26) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 500 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (White Pine Quadrangle 41°25'32"N 77°9'25"W).

(27) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 334 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV); (White Pine Quadrangle 41°25'30"N 77°9'24"W).

(28) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Larrys Creek (EV) impacting 15 linear feet; (White Pine Quadrangle 41°25'31"N 77°9'24"W).

(29) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 5379 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV); (White Pine Quadrangle 41°25'23"N 77°9'5"W).

(30) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Larrys Creek (EV) impacting 12 linear feet adjacent to state route 184; (White Pine Quadrangle 41°25'24"N 77°9'4"W).

(31) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line impacting 9380 square feet of a palustrine forested (PFO) wetland; (White Pine Quadrangle 41°24'53"N 77°7'32"W).

(32) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across Wolf Run (HQ-CWF) impacting 5 linear; (Trout Run Quadrangle 41°25'10"N 77°6'39"W).

The project will result in 240 linear feet of temporary stream impacts and 71667 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.16 acres of watercourse impacts and 1.65 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E4129-010: Pennsylvania General Energy, LLC, 120 Market Street, Warren, PA 16365, Cummings and McHenry Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting across an unnamed tributary to Little Pine Creek (EV) impacting 4 linear feet; (Waterville Quadrangle 41°19'11" N 77°20'49"W).

(2) 16 foot wide equipment matting across an unnamed tributary to Little Pine Creek (EV) impacting 10 linear feet; (Waterville Quadrangle 41°19'25" N 77°21'40"W).

(3) one 24 inch gas pipeline and two 6 inch waterlines across an unnamed tributary to Little Pine Creek (EV) impacting 3 linear feet; (Waterville Quadrangle 41°19'25" N 77°21'40"W).

(4) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 3578 square feet of a palustrine forested, (PFO) wetland adjacent to Little Pine Creek (HQ-TSF); (Waterville Quadrangle 41°19'26" N 77°21'41"W).

(5) one 24 inch gas pipeline and two 6 inch waterlines across Little Pine Creek (HQ-TSF) impacting 113 linear feet; (Waterville Quadrangle 41°19'27" N 77°21'41"W).

(6) one 24 inch gas pipeline and two 6 inch waterlines impacting 480 square feet of a palustrine forested, (PFO) wetland adjacent to Little Pine Creek (HQ-TSF); (Waterville Quadrangle 41°19'31" N 77°21'39"W).

(7) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 3130 square feet of a palustrine emergent, (PEM) wetland adjacent to Little Pine Creek (HQ-TSF); (Waterville Quadrangle 41°19'45" N 77°21'29"W).

(8) one 24 inch gas pipeline and two 6 inch waterlines impacting 315 square feet of a palustrine forested, (PFO) wetland adjacent to Little Pine Creek (HQ-TSF); (Waterville Quadrangle 41°19'45" N 77°21'30"W).

(9) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting across an unnamed

tributary to Pine Creek (HQ-TSF) impacting 3 linear feet; (Jersey Mills Quadrangle 41°20'09" N 77°22'40"W).

(10) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 1325 square feet of a palustrine emergent, (PEM) wetland adjacent to an unnamed tributary to Little Pine Creek (EV); (Jersey Mills Quadrangle 41°20'18" N 77°22'45"W).

(11) one 24 inch gas pipeline and two 6 inch waterlines across an unnamed tributary to Little Pine Creek (EV) impacting 4 linear feet; (Jersey Mills Quadrangle 41°20'29" N 77°22'51"W).

(12) one 24 inch gas pipeline, two 6 inch waterlines, and 16 foot wide equipment matting impacting 543 square feet of a palustrine emergent, (PEM) wetland; (Jersey Mills Quadrangle 41°21'12" N 77°22'57"W).

(13) one 24 inch gas pipeline and two 6 inch waterlines impacting 97 square feet of a palustrine emergent, (PEM) wetland; (Jersey Mills Quadrangle 41°21'24" N 77°23'11"W).

The project will result in 137 linear feet of temporary stream impacts and 9468 square feet of wetland impacts from utility line and temporary road crossings. These crossings will accumulate a total of 0.40 acres of water-course impacts and 0.22 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

ENVIRONMENTAL ASSESSMENTS

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

D46-353EA. Old York Road Country Club, 801 Tennis Avenue, Springhouse, PA 19462, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District. To remove 2.11-acres of accumulated silts and sediments from the reservoir impounded by the Old York Road Country Club Dam across Park Creek (WWF) in order to restore storage capacity. The dam is located approximately 2,000 feet southwest of the intersection of Tennis Road and SR 63 (Ambler, PA Quadrangle; Latitude: 40°11'03"; Longitude: - 75°12'10").

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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0061905 (Sewage)	HMSHost Hickory Run Turnpike Service Plaza HC 2 - Star Route Jim Thorpe, PA 18229	Carbon County Penn Forest Township	Stony Creek (02B)	Y
PA0060569 (Sewage)	CBH20, LP Camelback Ski & Mountain Resort STP P. O. Box 168 Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek (01E)	Y
PAS112206 (Industrial Stormwater)	Prime Conduit, Inc. 635 E Lawn Road Nazareth, PA 18064	Northampton County Upper Nazareth Township	Unnamed Tributary to Bushkill Creek (01F)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0096318 Sewage	Municipal Authority of the Township of Robinson PO Box 15539 Pittsburgh, PA 15244-0539	Allegheny County Robinson Township	UNT of Moon Run	Y
PA0217174 Sewage	Elmor R. Ernst 268 Harrison Road Elizabeth, PA 15037	Allegheny County Lincoln Borough	UNT to Wylie Run— "Harrison Hollow"	Y

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

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

NPDES Permit No. PA0056766, Amendment, Sewage, City of Philadelphia Division of Aviation, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Approval for amendment of an NPDES permit to discharge storm water runoff from the Philadelphia International Airport to Delaware River and Mingo Creek in Watershed 3F.

NPDES Permit No. PA0054895, Sewage, **Palmer International Inc.**, 2036 Lucon Road, Skippack, PA 19474.

This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Action/Activity: Approval to discharge non-contact cooling water, boiler blow down, water softener backwash water and storm water from Palmer International to unnamed tributary to Skippack Creek in Watershed 3E.

NPDES Permit No. PA0042021, Amendment 2, Sewage, Milford Trumbauersville Area Sewer Authority, P. O. Box 126, Spinnerstown, PA 18968-0126.

This proposed facility is located in Milford Township, **Bucks County**.

Description of Action/Activity: Approval for amendment of an NPDES permit to incorporate the results of several studies concerning copper submission to the department from Milford Trumbauersville STP & Sewer System to Unami Creek in Watershed 3E.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

WQM Permit No. 1505414, Sewage, Renewal, Coatesville Catholic Regional School, 2835 Manor Road, West Brandywine, PA 19320.

This proposed facility is located in West Brandywine Borough, **Chester County**.

Description of Action/Activity: Renewal of the existing Water Quality Management permit serving and elementary school, church, chapel, parish center and rectory.

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

WQM Permit No. 5411401, Sewerage, Tamaqua Borough Authority, 320 East Broad Street, Tamaqua PA 18252.

This proposed facility is located in Tamaqua Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for relocation/replacement of sewer line and Combined Sewer Overflow manhole/outfall.

WQM Permit No. 5811401, Sewage, SIC Code 4952, Longford Lake Association, Inc., 629 North Longford Lake Road, Brackney, PA 18812.

This proposed facility is located in Silver Lake Township, **Susquehanna County**.

Description of Proposed Action/Activity: This project involves replacement of the existing sewage treatment facility with a new treatment process, replacement of two pump stations with one new pump station and installation of approximately 2,000 LF of new 2.5" Schedule 40 PVC force main.

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: Permit amendment issuance.

WQM Permit No. 0210403, Sewerage, Borough of Sewickley, 601 Thorn Street, Sewickley, PA 15143

This proposed facility is located in Sewickley Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of interceptor and force main sewers, one (1) new pump station and upgrades to an existing pump station.

WQM Permit No. 1110412, Sewerage, West Branch Sewer Authority, 901 Maple Avenue, Suite 2, Northern Cambria, PA 15714

This proposed facility is located in Barr Township, **Cambria County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity collection and conveyance systems, addition of a chemical feed system and repairs to an existing SBR tank.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 151104	Uwchlan Township 715 North Ship Road Exton, PA 19341-1945	Chester	Uwchlan and West Whiteland Townships	Pine Cree (HQ) and West Valley Creek (CWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025210008	Route 6 Outparcels Advance Auto Parts 800 Mt. Vernon Highway Suite 140 Atlanta, GA 30328	Pike	Westfall Twp.	UNT to Delaware River, HQ-CWF, MF
PAI025210006	Milford Highlands, PA, LLC 301 S. College St. 4th Floor Charlotte, NC 28288	Pike	Milford Twp.	UNT to Delaware River, HQ-CWF, MF; Deep Brook, EV, MF; Crawford Branch, HQ-CWF, MF; and Vandermark Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032110007	Richard Jordan III, CEO Smith Land & Improvement Corporation (Silver Creek Plaza) 2010 State Road Camp Hill, PA 17011	Cumberland	Hampden Township	Trindle Spring Run (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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F073R(3)	Perry DeSiato Village of Nittany Glen, LP 1490 Durham Rd New Hope, PA 18938	Centre	Benner Township	UNT to Buffalo Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sadsbury Township Chester County	PAG0200 1505096-R	JYF Partners PO Box 10 Sadsburyville, PA 19369	Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
South Coatesville Borough Chester County	PAG0200 1511005	County of Chester— Office of Facilities, 2 North High Street, Ste 167, PO Box 2748 West Chester, PA 19380-0991	West Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Douglas Township Montgomery County	PAG0200 4611024	Stewart & Conti Development Co 3801 Germantown Pike Collegeville, PA 19426	Swamp Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4611022	Main Line Real Estate, LP 300 Conshohocken State Road West Conshohocken, PA 19428	Crobbs and Mill Creek (WWF-MF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4611005	Home Properties Whitemarsh, LLC 8229 Boone Boulevard Vienna, VA 22182	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511111	Pulaski RE Partners, LP 5004 State Road Drexel Hill, PA 19026	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Washington Twp., Schuylkill Co.	PAG02005411003	Mahlon Nolt 3638 Sweet Arrow Lake Rd. Pine Grove, PA 17963	Upper Little Swatara Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
St. Thomas Township Franklin County	PAG02002811008	Dave's Auto Salvage 45 Mount Pleasant Road Fayetteville PA 17222	UNT to Campbell Run (CWF/MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Antrim Township Franklin County	PAG02002811007	Manure Storage & Barn Frank Barr 133131 Hollowell Church Rd. Greencastle PA 17225	UNT to Marsh Run (WWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Greene Township Franklin County	PAG02002811011	Grand Point Crossing Ted Weis Columbia Builders PO Box 999 Columbia MD 21044	UNT to Conococheague Creek (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
East Cocalico Twp Lancaster County	PAG02003611001	James & Monger LP 57 N Maple Ave Leola PA 17540	Little Cocalico Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Hempfield Twp Lancaster County	PAG02003611016	Barry Kreider 612 Eby Chiques Rd Mount Joy PA 17552	Chiques Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
East Donegal Twp Lancaster County	PAG02003611019	Joe Hess 488 Anderson Ferry Rd Mount Joy PA 17552	Donegal Creek/TSF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Penn Twp Lancaster County	PAG02003611020	B2B Real Estate Holdings LLC 662 Ditz Dr Manheim PA 17545	Chiques Creek/ WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Warwick Twp Lancaster County	PAG02003611022	Gardel LLC 471 N Reading Rd Ephrata PA 17522	UNT Hammer Creek/ TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Little Britain Twp Lancaster County	PAG02003611023	Chester Water Authority 415 Welsh St Chester PA 19016	Octoraro Creek/ WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Manheim Twp Lancaster County	PAG02003611024	Lancaster Airport 500 Airport Rd STE G Lititz PA 17543	Bachman Run/Lititz Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Martic Twp Lancaster County	PAG02003611026	Robert Porterfield 29 Indian River Rd Conestoga PA 17516	Pequea Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Upper Leacock Twp Lancaster County	PAG02003611027	John K Stoltzfus 197 S Groffdale Rd Leola PA 17540	UNT Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Lampeter Twp Lancaster County	PAG02003611028	Andrew & Audrey Stinson 2712 Willow Street Pike Willow Street PA 17584	Mill Creek/WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Warwick Twp Lancaster County	PAG02003611029	Bottom Line Contracting Inc 952 Log Cabin Rd Leola PA 17540	UNT Lititz Run/ WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
East Donegal Twp Lancaster County	PAG02003611030	Donald Hess 832 Willow Rd Lancaster PA 17601	Donegal Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Donegal Twp Lancaster County	PAG02003611031	H-T Partners LLC 3050 Yellow Goose Rd Po Box 277 Landisville PA 17538	Conoy Creek/TSF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Columbia Township Bradford County	PAG2000811004	James VanBlarcom VanBlarcom Farms 934 Besley Rd Columbia Cross Roads, PA 16914	Wolfe Creek TSF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Patton Township Centre County	PAG2001411006	Jeremy Walter Faith Baptist Church 647 Valley Vista Dr State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
East Buffalo Township Union County	PAG2006006001R	William A. Moore 310 Market St Lewisburg, PA 17837	UNT to Limestone Run WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
East Buffalo Township Union County	PAG2006011001	James Hostetler Bucknell University Dept of Physical Plant Lewisburg, PA 17837	UNT to West Branch of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Kelly Township Union County	PAG2006011002	Anthony Cooper Albright Care Services 90 Maple Dr Lewisburg, PA 17837	West Branch of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Kelly Township Union County	PAG2006011003	Melissa Parkes-Miller 318 Salem Church Rd Lewisburg, PA 17837	UNT to West Branch of Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Kelly Township Union County	PAG2006011005	Kevin Gardner 535, Inc. PO Box 423 Lewisburg, PA 17837	UNT to Buffalo Creek WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Armstrong County East Franklin and North Buffalo Townships	PAG02000310007	West Hills Area Water Pollution Control Authority 257 Linde Road Kittanning, PA 16201-4719	Glade Run, Furnace Run & Allegheny River	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201
Armstrong County Kittanning Borough	PAG02000311001	YMCA 138 North Water Street Kittanning, PA 16201	Allegheny River (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Beaver County Economy Borough	PAG02000411005	Anthony T. Rosenberger Rosenberger Land Company 2921 Duss Avenue Ambridge, PA 15003	UNT to Big Sewickley Creek (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Beaver County Hopewell Township	PAG02000411004	John M. Wojtila Zaremba Land Development, LLC 14600 Detroit Avenue Lakewood, OH 44107	Trampmill Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Cambria County Blacklick Township	PAG02001110006	Thomas Martin Martin Oil Company 528 North First Street Bellwood, PA 16617	Simmons Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931
Washington County Chartiers Township	PAG02063110110	Chartiers Houston School District 2020 West Pike Street Houston, PA 15342	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301
Washington County South Strabane Township	PAG02006306010- 1-R	HCB Foundry, LLC c/o Goldberg, Kamin & Garvin 437 Grant Street Pittsburgh, PA 15219	UNT to Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301
Summit Township Erie County	PAR 10K 187R(2)	Bianchi Motors Inc 8430 Peach Street Erie PA 16509	UNT Walnut Creek CWF; MF	Erie Conservation District 814-825-6403
Grove City Borough Mercer County	PAG02 0043 11 003	Grove City College 100 Campus Drive Grove City PA 16127	Wolf Creek CWF	Mercer Conservation District 724-662-2242

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Adams County / Littlestown Borough	PAR203502	Littlestown Foundry, Inc. Box 69, 150 Charles Street Littlestown, PA 17340-0069	UNT Piney Creek / WWF / 13-D	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Spring Garden Township	PAR603593	First Capital Fibers, Inc. PO Box 867 York, PA 17405	Mill Creek /WWF / 7-H	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County / Fairview Township	PAR113537	Flight Systems, Inc. 505 Fishing Creek Road Lewisberry, PA 17339	UNT Fishing Creek / TSF / 7-E	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Mount Joy Township	PAR803726	Petermann, Ltd. (Northeast Elizabethtown Bus Facility) 8041 Hosbrook Road, Suite 330 Cincinnati, OH 45236	UNT of Little Chickies Creek / TSF / 7-G	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
PAR123566	Land O'Lakes Purina Feed LLC d/b/a Hess Mills 6 S. Vinage Road Paradise, PA 17562	Londonland Run / CWF / 7K	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
PAR213543	Hoover-Wilbert Burial Vault Company 216 Gartner Lane York, PA 17402-8634	UNT Kreutz Creek / WWF / 7-I	DEP—SCRO— Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
PAR806274	ECM Transport, LLC 15 27th Street Pittsburgh, PA 15222	UNT of Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
PAR206113	Joy Mining Machinery 610 Lucerne Road Homer City, PA 15748	UNT to Two Lick Creek	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*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
PAG046424	Gerard T. Benson 115 Snyder Road Venetia, PA 15367	UNT of Brush Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

*Facility County:
Municipality & County*

<i>Applicant Name & Address</i>	<i>Site Name</i>	<i>Permit Number</i>	<i>Contact Office & Phone No.</i>
Synagro 264 Prisani Street PO Box 35 Bovard, PA 15619	Crows Nest	PAG086106	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
PAG123700	Richard W. Rutt 375 Nissley Road Mount Joy, PA 17552	Donegal Creek / TSF / 7G	DEP—SCRO— Watershed Management 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>
Blevins Blue Mt. Swine Finishing Farm 10315 Otterbein Church Road Newburg, PA 17240	Franklin	65.1	629.6	Swine	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

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

Permit No. 0611505 MA, Minor Amendment, Public Water Supply.

Applicant	Hamburg Municipal Authority
Municipality	Windor Township
County	Berks
Responsible Official	Stephen Smith, Chairman 61 North 3rd Street Hamburg, PA 19526
Type of Facility	Well No. 2 pump replacement.
Consulting Engineer	Karen C. Pollock, P.E. Systems Design Engineering 1032 James Drive Lessport, PA 19533

Permit to Construct Issued: 4/27/2011

Operations Permit issued to: Hamburg Municipal Authority, 3060035, Hamburg Borough, Berks County

on 4/24/2011 for the operation of facilities approved under Construction Permit No. 0611508 MA.

Operations Permit issued to: **Red Lion Municipal Authority**, 7670086, Windsor Township, **York County** on 4/27/2011 for the operation of facilities submitted under Application No. 6711501 MA.

Operations Permit issued to: **Delta Borough Municipal Authority**, 7670070, Delta Borough, **York County** on 4/27/2011 for the operation of facilities submitted under Application No. 6710522.

Operations Permit issued to: **Borough of Shoemakersville**, 3060100, Shoemakersville Borough, Berks County on 4/27/2011 for the operation of facilities approved under Construction Permit No. 0610527 MA.

Operations Permit issued to: **Blue Ball Water Authority**, 7360005, East Earl Township, **Lancaster County** on 4/26/2011 for the operation of facilities approved under Construction Permit No. 3611510 MA.

Operations Permit issued to: **Fishtown Water Association**, 4050029, East St. Clair Township, **Bedford County** on 4/26/2011 for the operation of facilities submitted under Application No. 0510505 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	American Tempo Corporation
[Township or Borough]	Hepburn Township
County	Lycoming
Responsible Official	Bruce Gilbert, Operator American Tempo Corporation 528 Ruben Kehrer Road, Lot 100A Muncy, PA 17756
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	May 3, 2011
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well No. 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Timberend Estates, Inc.
[Township or Borough]	Fairfield Township
County	Lycoming
Responsible Official	Bruce Gilbert, Operator Timberend Estates, Inc. 528 Ruben Kehrer Road, Lot 100A Muncy, PA 17756
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	May 3, 2011
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well No. 1) and Entry Point 102 (Well No. 2).

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, PO Box 888, Hershey, PA 17033, (PWSID #5260005) Luzerne Township, **Fayette County** on April 29, 2011 for the operation of facilities approved under Construction Permit # 2690502A1.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, PO Box 888, Hershey, PA 17033, (PWSID #5260020) North Union Township, **Fayette County** on April 29, 2011 for the operation of facilities approved under Construction Permit # 2686503A1.

Permit No. 0310502GWR, Minor Amendment. Public Water Supply.

Applicant	Dayton Borough , PO Box 396, Dayton, PA 16222
[Borough or Township]	Dayton Borough
County	Armstrong
Type of Facility	Water supply system
Consulting Engineer	
Permit to Operate Issued	April 18, 2011

Permit No. 1110507GWR, Minor Amendment. Public Water Supply.

Applicant	Reade Township Municipal Authority 1032 Skyline Drive Blandburg, PA 16619
[Borough or Township]	Reade Township
County	Cambria
Type of Facility	Water supply system
Consulting Engineer	
Permit to Operate Issued	April 19, 2011

Permit No. 5611503GWR, Minor Amendment. Public Water Supply.

Applicant	Lincoln Township Municipal Authority PO Box 162 Sipesville, PA 15561
[Borough or Township]	Lincoln Township
County	Somerset
Type of Facility	Water supply system
Consulting Engineer	
Permit to Operate Issued	April 1, 2011

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

Permit No. 2510506, Public Water Supply

Applicant	Erie City Water Authority
Township or Borough	City of Erie
County	Erie County
Type of Facility	Public Water Supply Camphausen Pump Station
Consulting Engineer	Peter Hirneisen

Permit to Construct 04/27/2011
 Issued

Permit No. 2510505, Public Water Supply

Applicant **Erie City Water Authority**

Township or Borough City of Erie

County **Erie County**

Type of Facility Public Water Supply Wasielewski WTP

Consulting Engineer Edward J. StJohn, PE

Permit to Construct 04/29/2011
 Issued

Operations Permit issued to **Sisters of the Humility of Mary, Inc.**, Villa Maria Community Center, PWSID, #6370048, Pulaski Township, **Lawrence County**. Permit Number 3788503-C-MA2, issued April 27, 2011, for operation of Corrosion Control Treatment Facilities at the Community Center. This permit action is in response to a copper action level exceedance during the 2007 monitoring period.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West St Clair Township	PO Box 92 Alum Bank, PA 15521	Bedford County

Plan Description: The approved plan provides for the extension of sanitary sewer collection service to the Grandview area along Wayne Boulevard in West St. Clair Township. The project will serve 3 existing homes and will produce 1200 gallons per day of sewage flow. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Harrison Township	4747 Milligan's Cove Road Manns Choice, PA 15550	Bedford County

Plan Description: The approved plan provides for the construction of a new sewage treatment plant with a stream discharge for a new conference center at White Sulphur Springs-Heritage House. The facility will discharge effluent to an un-named tributary to Sulphur Springs Creek. This plan submission amends a previous approved plan to include a new discharge to Sulphur Springs Creek located near the site of the existing and to be abandoned sand mound. This proposal will be the ultimate method of sewage disposal for this property and is located along Milligan's Cove Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Heidelberg Township	720 Brownsville Road, Sinking Spring, PA 19608	Berks

Plan Description: The approved plan provides for the adoption and implementation of an on-lot disposal system (OLDS) management ordinance to address all OLDS in the municipality and extending public sewer to the Knollwood Drive/Faust Road and Valley View Mobile Home Park areas. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Middleton Township	520 Park Drive, Boiling Springs PA 17007	Cumberland

Plan Description: The approved plan provides for a biological nutrient reduction upgrade of the existing 1.5 MGD average daily flow sewage treatment plant in order to meet the Chesapeake Bay Tributary Strategy. The Plan also provides for an expansion of the sewer service area including serving 12 existing homes on Fairview Street. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concen-

tration 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:

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

Bolton Metal Products formerly Cerro Metal Products-North Yard Spring Township, Centre County. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison St., Chicago, IL 60602 has submitted a Cleanup Plan concerning site soil contaminated with metals at 2022 Axemann Road, Bellefonte, PA 16823. The report is intended to document remediation of the site to meet the Site-specific Standard.

James Sollick Property, Asylum Township, **Bradford County.** Sovereign Consulting Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 on behalf of Excalibur Energy Services, 5383 East Highway 67, Rainbow, TX 76077 has submitted a Final Report concerning remediation of site soil contaminated with brine, diesel fuel and motor oil at the James Sollick property, intersection of State Route 187 and Moody Road, Wyalusing, PA 18853. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Littlefield No. 1353, Hickory Township, **Forest County.** Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Catalyst Energy, Inc., 800 Cranberry Woods Drive, Suite 290, Cranberry Township, PA 16066 has submitted a Final Report concerning remediation of site soil contaminated with crude oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. This site is being remediated within 90 days of the release.

New Castle Industries—Tanner Plating Division, City of New Castle, **Lawrence County.** SE Technologies, LLC., 98 Vanadium Road, Building D 2nd Floor, Bridgeville, PA 15017, on behalf of New Castle Industries, Inc.—Tanner Plating Division, 925 Industrial Street, New Castle, PA 16102 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soils contaminated with Antimony, Chromium and site groundwater contaminated with Chromium, Antimony, and Arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard. Notice of the combined Remedial Investigation/Final Report was published in *The New Castle News* on April 13, 2011.

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

Westinghouse Specialty Coating Division Facility (Former), CBS Corporation, Manor Borough, **Westmoreland County.** Cummings Riter Consultants, Inc., 10 Duff road, Suite 500, Pittsburgh, PA 15235 on behalf of CBS Corporation, 20 Stanwix Street, 10th Floor, Pittsburgh, PA 15222 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The Final Report was noticed in the *Penn Trafford News* on April 11, 2011.

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:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Rodney Gilbert (McGuckin) Residence, 1542 Strauss Valley Drive, Mahoning Township, **Carbon County**. Christopher S. Green, AquaEter, Inc., 215 Jamestown Park, Suite 100, Brentwood, TN 37027 re-submitted a Final Report (on behalf of his client, Westfield Insurance Company, P. O. Box 5001, Westfield Center, OH 44251), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a spill from an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and groundwater and was approved on April 26, 2011.

George Long Property, 4271 Dillingersville Road, Upper Milford Township, **Lehigh County**. David Everitt and Mark Ellis, Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, George Long, 4271 Dillingersville Road, Zionsville, PA 18092), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking 275-gallon fuel oil aboveground storage tank. The report documented attainment of the Statewide Health Standard for soils and was approved on April 28, 2011.

Bethlehem Commerce Center-Slag Bank 4, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Remedial Investigation Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The report was submitted in partial fulfillment of the Site-Specific Standard and was approved by Central Office on April 27, 2011.

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

Former York International Corporation, Grantley Plant, Spring Garden Township, **York County**. GZA GeoEnvironmental, Inc., 20900 Swenson Drive, Suite 150, Waukesha, WI 53188, on behalf of Johnson Controls, Inc., 507 East Michigan Street, Milwaukee, WI 53202, and Patriot Richland Associates, LP, 1200 Liberty Ridge Drive, Suite 115, Wayne, PA 19087, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs, PAHs, PCBs, and inorganics resulting from past industrial activities. The Report was approved by the Department on April 27, 2011. The site is being remediated to a Site Specific Standard.

Becker's Lawn & Garden Equipment, Hanover Borough, **York County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Richard Becker, 4073 Grandview Road, Hanover, PA 17331, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline from underground storage tanks.

The combined report demonstrated attainment of the Site Specific Standard, and was approved by the Department on April 28, 2011.

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

Wysox Equities Facility (Old Stroud Supply) Niemiec Bldg., Wysox Township, **Bradford County**. ATC Associates Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462-2453 on behalf of Michael Niemiec, Wysox Equities LLC, 427 Main St., Towanda, PA has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 26, 2011.

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

Former Invensys Appliance Controls Facility, Former Robertshaw Controls, Mercury Impacted Act 2 Site, New Stanton Borough, **Westmoreland County**. Shaw Environmental Inc., 2970 Mossie Boulevard, Monroeville, PA 15146 on behalf of the Invensys Inc., 33 Commercial Street, Foxboro, Massachusetts, 02035 has submitted a Final Report for the Mercury Impacted Act 2 Site concerning the remediation of site soil contaminated with Mercury. The Final Report was approved on April 27, 2011.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

General Permit ID No. WMGM017SW001. Lockwood Farm, 610 Valley Road, Darlington, PA 16115. On-farm composting of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper, and source-separated corrugated paper (cardboard) for beneficial use as a soil amendment, soil substitute, soil conditioner, fertilizer or mulch. Permit is deemed administratively complete and was issued in the Regional Office on May 2, 2011.

General Permit ID No. WMGM017SW002. Enon Valley Garlic, 214 Little Beaver Road, Enon Valley, PA 16120. On-farm composting of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper, and source-separated corrugated paper (cardboard) for beneficial use as a soil amendment, soil substitute, soil conditioner, fertilizer or mulch. Permit is deemed administratively complete and was issued in the Regional Office on May 2, 2011.

Persons interested in reviewing the general permit may contact Diane McDaniel Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-

4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP3-09-0100: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 25, 2011, was authorized to construct and operate a portable nonmetallic mineral processing plant in Warrington Township, **Bucks County**.

GP9-09-0030: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 25, 2011, was authorized to construct and operate diesel-fired internal combustion engines in Warrington Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

35-302-124GP1: General Dynamics (156 Cedar Avenue, Scranton, PA 18505) on April 20, 2011, operation of a 20MMBTU Burnham boiler at their site in Scranton, **Lackawanna County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-42-234A: MSL Oil & Gas Corp.—Pipe Bridge Compressor Station (Chappel Fork Road, Ludlow, PA 16333) on April 21, 2011, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Hamilton Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0040: National Label Co., Inc. (2025 Joshua Road, Lafayette Hill, PA 19444) on April 27, 2011, to install a custom rotogravure laminator onto an existing UV curable combination printing press in Whitemarsh Township, **Montgomery County**. The plan approval is for a non-Title V facility and will consist of the existing press with a new final station capable of laminating (surface coating). Air emissions will be routed to an existing regenerative thermal oxidizer (Source ID C01). Pre-controlled Potential VOC emissions are calculated to be 7.92 tons. Based on the current State-Only Permit limit of a minimum destruction efficiency of 90%, post-control po-

tential emissions are calculated to be 0.79 tons/yr. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-304-027: Bridesburg Foundry Co. (PO Box 269, Whitehall, PA 18052-0269) on March 28, 2011, to install a new thermal sand reclaimer at their facility in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

01-05039A: Tucker Surface Finishing Center, Inc. (224 East King Street, East Berlin, PA 17316-9512) on April 26, 2011, for construction and temporary operation of six (6) conveyor painting lines, two (2) enclosed truck booths, a preparation booth, facility pretreatment wash operations, a cure oven, solvent cleaning operations and dry panel filters at their surface coating facility in East Berlin Borough, **Adams 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0111A: Centocor Research and Development, Inc. (145 King of Prussia Road, Radnor, PA 19087) on April 27, 2011, to operate a diesel/#2 internal combustion engine(s) in Radnor Township, **Delaware 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

PA-30-00150A: Wellington Development - WVDT, LLC (1620 Locust Avenue, Fairmont, WV 26554) on April 6, 2011, for a Plan Approval modification and extension for two (2) waste coal fired, circulating fluidized bed boilers with a net generating capacity of 525 megawatts at their Greene Energy Resource Recovery Project in Cumberland Township, **Greene County**. The plan approval has been modified to require more restrictive allowable emission rates, to require additional ambient modeling, to require additional performance testing, and to require additional emission reporting. The plan approval has also been extended effective April 6, 2011 and expires on April 6, 2016.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-161B: Greentree Landfill Gas Co., LLC (Tower Road, Brockway, PA 15824) on April 30, 2011, to construct two (2) natural gas compressor engines to replace the existing two (2) compressor engines for boosting natural

gas production into the custody transfer point in Horton Township, **Elk County**. This is a State Only facility.

37-181B: Xaloy Inc.—Tanner Plating Division (925 Industrial Street, New Castle, PA 16102) on April 30, 2011, to construct Chrome Tank No. 1 subject to 40 CFR 63 Subpart N in New Castle City, **Lawrence County**. This is a State Only facility.

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) on April 30, 2011, to modify Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

Title V Operating Permits Issued 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

06-05069: East Penn Manufacturing Co., Inc. (PO Box 147, Deka Road, Lyon Station, PA 19536) on April 29, 2011, to operate a lead/acid storage battery manufacturing facility in Richmond Township, **Berks County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

33-00002: Owens-Brockway Glass—Plant 19 (Two O-I Plaza—One Michael Owens Way, Perrysburg, OH 43551-2999) on April 28, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official to Al Martin—Plant Manager for their facility in Snyder Township, **Jefferson County**.

33-00033: Owens-Brockway Glass—Plant 18 (Two O-I Plaza—One Michael Owens Way, Perrysburg, OH 43551-2999) on April 28, 2011, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official to Al Martin—Plant Manager for their facility in Brockway Borough, **Jefferson County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00076: Greene, Tweed & Co., Inc. (2075 Detwiler Road, Kulpsville, PA 19443) on April 26, 2011, to renew 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.

46-00012: Philadelphia Media Network, LLC (800 River Road, West Conshohocken, PA 19428) on April 28, 2011, for a non-Title V, State Only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. This action replaces the existing Title V Operating Permit. The permit is for the operation of nine (9) lithographic printing presses, four (4) main natural gas-fired boilers and other miscellaneous or insignificant sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00174: Liberty Coating Co., LLC. (21 Steel Road South, Morrisville, PA 19067) on April 28, 2011, for a State-Only, Synthetic Minor Permit in Falls Township, **Bucks County**. The Company has a surface coating operation. This facility is a Synthetic Minor facility for VOC. Total VOC emissions from the facility are limited to 24.90 tons per year, on a 12-month rolling sum basis. Plan Approval No. 09-0174C and RFD No. 1081 are being incorporated into this State Only Operating Permit. The permit will contain monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

64-00010: John Sexton Sand & Gravel Corp.—Rosencranse Landfill (2801 Lakeside Drive, Suite No. 100, Bannockburn, IL 60015) on March 8, 2011, to operate a landfill gas flare in Berlin Township, **Wayne County**.

48-00001: Columbia Gas Transmission, LLC—Forks Township Facility (1700 MacCorkle Avenue SE, Charlestown, WV 25314-1518) on April 28, 2011, for natural gas transmission in Forks Township, **Northampton County**. This is an initial State-Only Synthetic Minor operating permit for this facility. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-03115: Pennsy Supply Inc. (P. O. Box 3331, Harrisburg, PA 17105-3331) on April 25, 2011, for their stone crushing operation at their Landisville Quarry in West Hempfield Township, **Lancaster County**. The State-only permit was renewed.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00025: New Enterprise Stone & Lime Co.—Bakersville Quarry (Route 31 Somerset, PA 15501) on April 28, 2011, to operate a sand and lime processing facility in Jefferson Township, **Somerset County**. The subject facility consists of seven crushers, eight screens, one wet screen, three water spray systems, two baghouses and various transfer conveyors and stockpiles. The facility has the potential to emit, based on a seasonal schedule,

93.221 tons per year of PM and 36.319 tons per year PM10. The facility is required to conduct a weekly survey of the facility to ensure compliance with the fugitive emission and malodor restrictions. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart 000). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements. This is a State Only Permit Reissue.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

24-00150: Horizon Wood Products (PO Box 471, Ridgway, PA 15853) on April 29, 2011, to issue a new State Only Operating Permit for their facility in Fox Township, **Elk County**. The facility is a Natural Minor. The primary sources at the facility are a Biomass Wood Boiler and a Natural-Gas Boiler. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00210: Glenn O. Hawbaker, Inc. (1041 Stevenson Road, Harrisville, PA 16038) on April 26, 2011, to issue an initial Synthetic Minor Permit to operate an asphalt paving mixture and block manufacturing and mineral processing facility in Barkeyville Borough, **Venango County**. The facility's major emission sources include, Cummins QSL diesel engine 661 CID, C-12 DITA Diesel engine, CAT 3052 Diesel engine, counter flow drum mix asphalt plant, Kohlberg FT 4250 mineral processing plant, Nordberg LT 1213 Mineral processing plant, Warrior 1800 mineral processing plant and RAP system. The facility has taken a restriction on production of hot mix asphalt not more than 560,000 tons per year and limitations on hours of operation not more than 250 hours a year for Kolberg FT 4250, Nordberg LT 1213 and Warrior 1800, mineral processing plants to keep the emissions of NO_x, SO_x, CO, VOC, PM10 and PM less than Title V threshold. After these restrictions the facility becomes Synthetic minor. The facility is subject to 40 CFR Part 60, Subpart 000.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S09-024: Friends Hospital (4641 Roosevelt Boulevard, Philadelphia, PA 19124) on April 27, 2011 to operate a hospital and health care facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 400 horsepower (HP) boiler firing No. 6 oil or natural gas, one (1) 300 Btu/hr boiler firing natural gas, three (3) 85-100 kilowatt (kw) emergency generators firing No. 2 oil, and one (1) 15 kw emergency generator firing propane.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00107: ITW Philadelphia Resins (130 Commerce Drive, Montgomeryville, PA 18936) ITW Philadelphia Resins manufactures a variety of adhesives and specialty coatings for industrial and marine applications. The facility has seven (7) mixers that manufacture both VOC and non-VOC containing materials at its facility located in Montgomery Twp., **Montgomery County**.

On April 28, 2011, the issued State Only Operating Permit was administratively amended to identify a change in the name of the Responsible Official identified in the permit.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—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 persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Permits Actions

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

30841316 and NPDES No. PA0213535, Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** to add surface acreage for installation of the 1A airshaft and four associated boreholes. Surface Acres Proposed 10.8. No additional discharges. Application received: December 29, 2009. Permit issued: April 25, 2011.

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

11100103 and NPDES Permit No. PA0263028, E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 86.0 acres. Receiving stream(s): unnamed tributaries to/and Clear Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Permit No. 11100103 also authorizes three Chapter 105 encroachment permits for conducting the following activities: 1) mining through and reconstructing unnamed tributary 1 to Clear Creek, which was previously affected by an unreclaimed abandoned mine operation; 2) mining through and reconstructing a portion of Clear Creek, which was previously affected by an unreclaimed abandoned mine operation; 3) affecting 0.14 acres of wetland and permanently replacing it with 0.28 acres of wetland with similar functions and values. Application received: May 28, 2010. Permit issued: April 20, 2011.

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

24960101 and NPDES Permit No. PA0227170. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650) Renewal of an existing bituminous strip and auger operation in Horton Township, **Elk County** affecting 235.0 acres. Receiving streams: Four unnamed tributaries of Mead Run and Mead Run. Application received: November 12, 2010. Permit Issued: April 22, 2011.

33050108. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an existing bituminous strip operation in Ringgold Township, **Jefferson County** affecting 16.5 acres. Receiving streams: Eagle Run. This renewal is issued for reclamation only. Application received: March 9, 2011. Permit Issued: April 29, 2011.

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

40-305-008GP12. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), general operating permit to operate a coal preparation plant on Mammoth Anthracite, LLC Surface Mining Permit No. 40930102 in Hazle & Butler Townships, **Luzerne County**. Application received: March 28, 2011. Permit issued: April 26, 2011.

54820203C and NPDES Permit No. PA0612286. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite coal refuse reprocessing operation to update the post-mining land use from forestland to unmanaged natural habitat in Hegins and Porter Township, **Schuylkill County** affecting 200.0 acres, receiving stream: East Branch Rausch Creek. Application received: March 3, 2011. Correction issued: April 27, 2011.

Noncoal Permits Actions

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

13760301C6 and NPDES Permit No. PA0124214. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Towamensing Township, **Carbon County**, receiving stream: unnamed tributary to Aquashicola Creek. Application received: December 15, 2010. Renewal issued: April 26, 2011.

58112801. Frank Kamarauskas, Jr., (5748 State Route 367, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Apolacon Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: September 17, 2010. Permit issued: April 27, 2011.

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

NPDES No. PA0234184 (Mining Permit No. 11960107), T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, renewal of an NPDES permit for bituminous surface mine in Cresson Township, **Cambria County**, affecting 62 acres. Receiving stream(s): unnamed tributary Burgoon Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received April 15, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to an unnamed tributary to Burgoon Run.

Outfall Nos.
001

New Outfall (Y/N)
N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	2.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90

pH no less than 6.0 standard units nor greater than 9.0 standard units at all times

Alkalinity must exceed acidity at all times

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

NPDES No. PA0249769 (Mining Permit No. 56050109), PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for a surface mine in Somerset Township, **Somerset County**, affecting 43 acres. Receiving stream(s): Kimberly Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Coxes Creek TMDL. Application received April 1, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Kimberly Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004 S-3(R)	yes

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

NPDES No. 0257443 (Mining permit no. 08100305). Eastern Industries, Inc., 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18304-9454, new of an NPDES permit for a sand and gravel quarry in Sheshequin Township, **Bradford County**, affecting 42.96 acres. Receiving stream(s): Susquehanna River classified for the following use(s): Warm Water Fisheries. Application received: August 9, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to [list receiving stream]:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	yes

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

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

33114001. Dynamic Drilling, LLC (10373 Taylor Hawks Road, Herron, MI 49744) Blasting activity permit for seismic exploration in Washington Township, **Jefferson County**. This blasting activity permit will expire on August 1, 2011. Permit Issued: April 25, 2011.

24114002. Tidelands Geophysical Co., Inc. (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting activity permit for seismic exploration in Highland, Spring Creek and Ridgway Townships, **Elk County**. This blasting activity permit will expire on December 31, 2011. Permit Issued: April 25, 2011.

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

14114016. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Blasting for a house foundation located in Miles Township, **Centre County**. Permit issued: April 26, 2011. Permit expires: June 30, 2011.

57114105. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036). Construction blasting for a water impoundment located in Elkland Township, **Sullivan County**. Permit issued: April 28, 2011. Permit expires: October 31, 2011.

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

64114103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Bunnell Waste Removal Transfer Station in Berlin Township, **Wayne County** with an expiration date of April 16, 2012. Permit issued: April 25, 2011.

06114103. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Glenn Horst Field in Marion Township, **Berks County** with an expiration date of December 30, 2011. Permit issued: April 26, 2011.

36114125. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Phillip Hursh Dairy Barn and pit in Ephrata Township, **Lancaster County** with an expiration date of July 30, 2011. Permit issued: April 27, 2011.

54114101. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for Green Mountain expansion in East Union Township, **Schuylkill County** with an expiration date of April 26, 2012. Permit issued: April 27, 2011.

39114101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of May 31, 2012. Permit issued: April 29, 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 con-

struction and operation described will comply with sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-489. Aqua PA, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Middletown Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a new filter building and related underground piping in the 100-year floodplain of Ridley Creek associated with existing Ridley water treatment plant.

The site is located near the intersection of Elwyn Road and Baltimore Pike (Media, PA USGS man, N: 4.1 inches; W: 7.5 inches).

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

E22-570: Hershey Entertainment & Resorts, 300 Park Boulevard, Hershey, PA 17033, Derry Township, **Dauphin County**, ACOE Baltimore

To remove and restore an existing 74.0-foot long by 24.0-foot wide rock low flow channel crossing, a 116.0-foot long by 63.0-foot wide rock staging area in the floodway of Spring Creek (WWF), and an existing 535.0-foot long

cofferdam; also to construct and maintain: 1) thirty-two (32) 42.0-inch diameter concrete support columns in Spring Creek (WWF), 2) fifty-seven (57) 42.0-inch diameter concrete support columns in the floodway of Spring Creek (WWF), 3) a 37.3-foot long by 21.7-foot wide by 12.0-foot high lift motor enclosure in Spring Creek (WWF) and its floodway, 4) an 18.0-foot long by 8.0-foot wide by 12.0-foot high building in the floodway of Spring Creek (WWF), 5) a 3.0-foot high by 72.0-foot long masonry retaining wall in the floodway of Spring Creek (WWF), 6) a 33.0-foot long by 7.4-foot wide by 7.3-foot high concrete open stairway in the floodway of Spring Creek (WWF), 7) a 74.0-foot long by 24.0-foot wide stone ramp in Spring Creek (WWF), 8) a 451.0-foot long by 20.0-foot wide AASHTO No. 1 rock maintenance path in Spring Creek (WWF), 9) a 507.0-foot long by 8.0-foot wide on-grade asphalt walkway in the floodway of Spring Creek (WWF), 10) three (3) log basking structures in Spring Creek (WWF), 11) to place and maintain 234.0 cubic yards of fill in the floodway of Spring Creek (WWF), and 12) to repair and maintain 1115.0 feet of an existing stone retaining wall in the floodway of Spring Creek (WWF); all for the purpose of constructing a proposed amusement park attraction. The project is located 0.25 mile west of the intersection of Park Boulevard and S.R. 743 (Hershey, PA Quadrangle; N: 6.72 inches, W: 4.49 inches; Latitude: 40°17'10.25", Longitude: -76°39'24.15") in Derry Township, Dauphin County. No wetlands will be impacted by this project.

E36-871: PPL Brunner Island LLC, 2 North 9th Street, GENPL6, Allentown, PA 18101-1139, Conoy Township, **Lancaster County** and East Manchester Township, **York County**, ACOE Baltimore District

To construct and maintain: 1) a 279.0-foot long, 18.0-foot x 5.0-foot permeable trash rack with twenty-eight (28) 30.0-inch diameter concrete caissons in the floodway of the Susquehanna River (WWF, MF), 2) a 545.0-foot long, 4.0-foot x 8.0-foot floating trash boom with six (6) 30.0-inch diameter concrete caissons in the floodway of the Susquehanna River (WWF, MF), and 3) a temporary access road and barge deployment platform in and along the Susquehanna River (WWF, MF) (York Haven, PA Quadrangle; N: 18 inches, W: 9.5 inches; Latitude: 40°05'54", Longitude: -76°41'35"), for the purpose of protecting an existing intake structure at the PPL Bruner Island facility in East Manchester Township, York County and Conoy Township, Lancaster County.

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX11-019-0067—Voll Compressor Station Project

Applicant Keystone Midstream Services, LLC

Contact Mr. Mike Brinkmeyer

Address 11400 Westmoor Circle, Suite 325

City Westminster State CO Zip Code 80021

County Butler Township(s) Connoquenessing(s)

Receiving Stream(s) and Classification(s) Unnamed Tributary to Little Connoquenessing Creek (CWF)

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

Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. (814-472-2120)

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1111801	Peoples Natural Gas Company, LLC 1201 Pitt Street Pittsburgh, PA 15221	Cambria	Jackson Township	Findley Run (HQ-CWF)

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-49-003	National Oilwell Varco, L.P. 1078 Matthew Street Watsontown, PA 17777 Attn: James Eckhardt	Northumberland	Borough of Watsontown	6 ASTs storing drilling fluids	126,000 gallons total
11-21-009	Keystone Biofuels, Inc. 2850 Appleton Street, Suite E Camp Hill, PA 17011 Attn: John A. Erikson	Cumberland	Lower Allen Township	8 ASTs storing biodiesel	1,216,000 gallons total

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2011 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001-2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joe Amati	7 Rabe Lane Donora, PA 15033	Testing
Matthew Beinhaur Harris Environmental, Inc.	600 Stone House Road Clarion, PA 15214	Mitigation
Chuck Berthoud	47 Brookside Avenue Hershey, PA 17033	Testing
Scott Bobowicz Historic Home Inspections, LP	2865 South Eagle Road #334 Newtown, PA 18940	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jason Boni	8470 Ridgmont Road Pittsburgh, PA 15237	Testing
Terry Campbell	6192 Boxer Drive Bethel Park, PA 15102	Testing
James Cortez	134 Gary Drive Sewickley, PA 15143	Testing
George Curry	505 Philmar Court Unit B Springfield, PA 19064	Testing
Curt DeWolf	1261 Surrey Road West Chester, PA 19382	Testing
Bill Ditchey	401 South Pine Street Mt. Carmel, PA 17851	Testing
Kim Fella	109 North Richmond Street P. O. Box 543 Fleetwood, PA 19522	Testing
Michael Fella	109 North Richmond Street P. O. Box 543 Fleetwood, PA 19522	Testing
Casey Field	5632 Sullivan Trail Easton, PA 18064	Mitigation
Chad Flakker	531 North Lafayette Street Allentown, PA 18104	Mitigation
Timothy Gentry	474 Eastern Road Horsham, PA 19044	Mitigation
Guardian Home Inspection, LLC	P. O. Box 882 Wexford, PA 15090	Testing
Frank Klopp	230 South Brobst Street Shillington, PA 19607	Testing
Ray Knecht	3544 North Progress Avenue Harrisburg, PA 17110	Testing
Marc Marino	P. O. Box 1587 Skippack, PA 19474	Testing
Marc Marino Radon-Rid, LLC	P. O. Box 1587 Skippack, PA 19475	Mitigation
Karl May, Jr.	82 Walnut Street Wellsboro, PA 16901	Mitigation
Troy Mickle	2122 Valley Road Schellsburg, PA 15559	Mitigation
Brian Mishler	212 West Grant Street Latrobe, PA 15650	Testing
Philip Parke	P. O. Box 30308 Wilmington, DE 19805	Testing
Robert Pecca	404 Richmond Road Bangor, PA 18013	Testing
Radon X	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Harvey Ricci SPY Inspection Service, Inc.	16 East Main Street Lansdale, PA 19446	Testing
Laird Ritter	717 Oak Hall Street Boalsburg, PA 16827	Testing
Ronald Rusnock	P. O. Box 2245 Hazleton, PA 18201	Testing
Howard Shanker	P. O. Box 1587 Philadelphia, PA 19147	Testing
Mike Sheely	1000 Wolfe Road Enola, PA 17025	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Dennis Swindell	47 Brookside Avenue Hershey, PA 17033	Testing
Peter Weber Atlantic Radon Systems, Inc.	6 Boor Cove Lane West Grove, PA 19390	Mitigation

[Pa.B. Doc. No. 11-805. Filed for public inspection May 13, 2011, 9:00 a.m.]

Annual Monitoring Network Plan for the City of Philadelphia; Availability for Public Comment

Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) on July 1, 2011. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection for at least 30 days prior to submission to the EPA.

Air Management Services is the local air pollution control agency for the City of Philadelphia under the Department of Public Health. Philadelphia has an air monitoring network of 11 air monitoring stations that house instruments that measure ambient levels of air pollutants.

The proposed AMNP is available for public inspection on the City's web site at <http://www.phila.gov/health/AirManagement/index.html> and at the office of Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information, contact Henry Kim, Chief of Program Services at (215) 685-9439.

Written comments on the proposed AMNP should be sent to Henry Kim, Chief of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, henry.kim@phila.gov. Only written comments will be accepted. Comments received by facsimile will not be accepted. Persons wishing to file comments on the proposed AMNP must submit comments by June 14, 2011.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-806. Filed for public inspection May 13, 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: 383-0810-101. Title: Summary of Key Requirements for Community Water Systems. Description: The Department's Bureau of Water Standards and Facility Regulation (Bureau) provided information relating to monitoring requirements for community water systems to support public water systems and the Department staff in implementing the Safe Drinking Water Program (Program). The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, requirements for newer regulations are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-102. Title: Summary of Key Requirements for Total Coliform Rule. Description: The Department's Bureau provided information relating to monitoring requirements for the Total Coliform Rule to support public water systems and the Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-106. Title: Summary of Key Requirements for Surface Water Filtration. Description: The Department's Bureau provided information relating to monitoring requirements for the Surface Water Filtration Rule to support public water systems and Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, requirements for newer regulations are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-107. Title: Summary of Key Requirements for the Lead and Copper Rule. Description: The

Department's Bureau provided information relating to monitoring requirements for the Lead and Copper Rule to support public water systems and Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, the revisions to the Lead and Copper Rule are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-201. Title: Summary of Key Requirements for Transient Noncommunity Water Systems. Description: The Department's Bureau provided information relating to monitoring requirements for transient noncommunity water systems to support public water systems and Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, requirements for newer regulations are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-203. Title: Summary of Key Requirements for Bottled Water Systems. Description: The Department's Bureau provided information relating to monitoring requirements for bottled water systems to support public water systems and Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, requirements for newer regulations are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

DEP ID: 383-0810-301. Title: Summary of Key Requirements for Nontransient Noncommunity Water Systems. Description: The Department's Bureau provided information relating to monitoring requirements for nontransient noncommunity water systems to support public water systems and Department staff in implementing the Program. The guidance document is being rescinded because it contains outdated information that is now incorrect. Additionally, requirements for newer regulations are not included. Contact: Questions regarding the policy document should be directed to Joanne Nardone at jonardone@state.pa.us or (717) 772-4018.

Effective Date: May 14, 2011

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-807. Filed for public inspection May 13, 2011, 9:00 a.m.]

Pennsylvania's 2012 Ambient Air Monitoring Network Plan; Availability for Public Comment

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires

state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air-monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due July 1, 2011, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a State's Monitoring Network Plan.

On May 14, 2011, the 2012 Annual Air Monitoring Network Plan will be made available for public review and comment on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm. The plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in 2012.

The public is invited to submit comments on this network plan. Written comments should be sent to the attention of Nicholas Lazor, Chief, Division of Air Quality Monitoring, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, nlazor@state.pa.us. Use "Annual Monitoring Network Plan" as the subject line. All comments must be received by the Department on or before June 14, 2011.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-808. Filed for public inspection May 13, 2011, 9:00 a.m.]

Water Resources Advisory Committee Special Meeting

The Water Resources Advisory Committee will hold a special meeting on Wednesday, June 15, 2011, beginning at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to discuss regulatory and guidance initiatives.

Questions concerning this schedule or agenda items can be directed to Marcus Kohl at (717) 783-4693 or mkohl@state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-809. Filed for public inspection May 13, 2011, 9:00 a.m.]

Water Resources Advisory Committee Special Meeting

The Water Resources Advisory Committee will hold a special meeting on Thursday, August 25, 2011, beginning at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to discuss regulatory and guidance initiatives.

Questions concerning this schedule or agenda items can be directed to Marcus Kohl at (717) 783-4693 or mkohl@state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-810. Filed for public inspection May 13, 2011, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Northampton County

The Department of General Services will accept bids for the purchase of 0.48 acre ± of land and building formerly known as the Easton Job Center located at 220 Ferry Street, City of Easton, Northampton County. Bids are due Monday, June 20, 2011. Interested parties wishing to receive a copy of Solicitation No. 94422 should view the Jackson Cross Partners, LLC web site at <http://www.jacksoncross.com/resource-center/additional-materials/> or call John Morrissey at (610) 265-7700, Ext. 124.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 11-811. Filed for public inspection May 13, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of The Center for Cosmetic Surgery, PC, d/b/a The Skin Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Center for Cosmetic Surgery, PC, d/b/a The Skin Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this

publication: 3.7-3.4.1 (relating to preoperative patient holding areas), 3.7-3.4.2.2 (relating to post anesthesia recovery positions) and 3.7-3.8.1 (relating to outpatient surgery change areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-812. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application of Center for Specialized Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for Specialized Surgery has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-813. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application of Children's Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code §§ 553.31(a) and 559.2 (relating to administrative responsibilities; and director of nursing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-814. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application of Digestive Disease Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Digestive Disease Institute has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-815. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 29.33(6)

Under 28 Pa. Code § 29.42 (relating to exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 29.33(6) (relating to requirements for abortion):

Allentown Women's Center, Inc.
Philadelphia Women's Center

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-816. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application of Grant Surgicenter, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grant Surgicenter, LLC has requested an exception to the requirements of 28 Pa. Code § 565.13 (relating to organization and staffing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-817. Filed for public inspection May 13, 2011, 9:00 a.m.]

Application of Surgery Center of Lebanon, LP, d/b/a Physicians Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Lebanon, LP, d/b/a Physicians Surgical Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-818. Filed for public inspection May 13, 2011, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.28(a), (b), (c)(1) and (c)(3) (relating to nurses' station):

Rolling Fields, Inc.
9108 State Highway 198
Conneautville, PA 16406
FAC ID 183302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Moravian Manor
300 West Lemon Street
Lititz, PA 17543
FAC ID 135202

These 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,
Secretary

[Pa.B. Doc. No. 11-819. Filed for public inspection May 13, 2011, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 2, 2011, from 10 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-820. Filed for public inspection May 13, 2011, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appels Board will hold a public meeting on Tuesday, May 17, 2011, at 10 a.m. in the

Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disabilities Act contact is Gina Meckley, (717) 783-9276.

JULIA HEARTHWAY,
Acting Secretary

[Pa.B. Doc. No. 11-821. Filed for public inspection May 13, 2011, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Payments for Burn Center Services

The Department of Public Welfare (Department) is announcing its intent to increase the funding allocation for Fiscal Year (FY) 2010-2011 for disproportionate share hospital payments to certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

Fiscal Impact

The FY 2010-2011 fiscal impact is \$11.150 million (\$4.946 million in State funds). These payments are provided for in the FY 2010-2011 Hospital Based Burn Center appropriation.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Acting Secretary

Fiscal Note: 14-NOT-686. (1) General Fund; (2) Implementing Year 2010-11 is \$4,946,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2007-08 Program—\$5,000,000; 2008-09 Program—\$5,170,000; 2009-10 Program—\$4,630,000; (7) Hospital Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-822. Filed for public inspection May 13, 2011, 9:00 a.m.]

Payments to County Nursing Facilities; Final Rates for State Fiscal Year 2010-2011

This notice announces the Department of Public Welfare's (Department) final annual rates for State Fiscal

Year (FY) 2010-2011 for county nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department annually sets an annual MA per diem rate for each county nursing facility provider. As stated in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem rate multiplied by a budget adjustment factor (BAF).

In addition, as required by 55 Pa. Code § 1189.91(d), the Department followed the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2010-2011 for county nursing facilities is 1.0097. The Federal Centers for Medicare and Medicaid Services (CMS) approved State Plan Amendment (SPA) 09-017 on September 22, 2010.

SPA 09-017 states that for rate setting years 2009-2010 and 2010-2011, the BAF shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the aggregate percentage rate of increase for the period that begins July 1, 2005, and ends on June 30, 2011, is limited to the amount permitted by the funds appropriated by the General Appropriations Acts. The formula for this BAF as it applies to county nursing facilities is $BAF = 1.00 + 0.0097$.

The final FY 2010-2011 annual per diem rates are available on the Department's web site at: www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcare/casemixinformation/index.htm and at local county assistance offices throughout this Commonwealth or by contacting Yvette Sanchez-Roberts, Department of Public Welfare, Office of Long-Term Living at (717) 705-3705.

Public Process

The Department published a notice in the *Pennsylvania Bulletin* announcing its proposed county per diem payment rates for FY 2010-2011 at 40 Pa.B. 3630 (June 26, 2010) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rate notice.

Appeals

Following publication of this notice, the Department will send rate letters to each county MA nursing facility to notify the facilities of their final rates for FY 2010-2011. The rate letter will also advise the facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2010-2011. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, 2nd Floor, Harrisburg, PA 17110-9721, within 33 days of the date of the Department's letter notifying the facility of its final rates. 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 written appeals.

Fiscal Impact

The change in payment rates will result in an estimated increased cost of \$5.385 million (\$1.809 million in

State funds) for per diem rate payments for county nursing facilities' FY 2010-2011 rates compared to the facilities' final FY 2009-2010 per diem rates.

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, Forum Place, 5th Floor, 555 Walnut Street, Attention: Yvette Sanchez-Roberts, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Acting Secretary

Fiscal Note: 14-NOT-687. (1) General Fund; (2) Implementing Year 2010-11 is \$1,809,000; (3) 1st Succeeding Year 2011-12 is \$1,809,000; 2nd Succeeding Year 2012-13 is \$1,809,000; 3rd Succeeding Year 2013-14 is \$1,809,000; 4th Succeeding Year 2014-15 is \$1,809,000; 5th Succeeding Year 2015-16 is \$1,809,000; The fiscal impact for 2011-12 and beyond assumes that the budget adjustment factor provided for in section 443.1 of the Public Welfare Code, which expires June 30, 2011, is not reauthorized beyond that date; (4) 2009-10 Program—\$540,266,000; 2008-09 Program—\$672,597,000; 2007-08 Program—\$692,585,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-823. Filed for public inspection May 13, 2011, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Hot \$100,000 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 Hot \$100,000.

2. *Price:* The price of a Pennsylvania Hot \$100,000 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Hot \$100,000 instant lottery game ticket will contain one play area and a separate "BONUS GAME" area containing two prize symbols. The play symbols and their captions printed in black ink, located in the play area are: Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Berry (BERRY) symbol, Bow Tie (BOW) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coat (COAT) symbol, Coins (COINS) symbol, Crown (CROWN) symbol, Diamond (DMND) symbol, Gift (GIFT) symbol, Grapes (GRAPES) symbol, House (HOUSE) symbol, Key (KEY) symbol, Lemon (LEMON) symbol, Melon (MELON) symbol, Money (MONEY) symbol, Necklace (NKLACE) symbol, Piggy Bank (PIGBNK) symbol, Pineapple (PINAPLE)

symbol, Pot of Gold (POT) symbol, Rainbow (RAINBW) symbol, Ring (RING) symbol, Safe (SAFE) symbol, Horse Shoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol, Wallet (WALLET) symbol, Money Bag (MNYBAG) symbol and a Black \$ (BLK\$) symbol. The play symbols and their captions printed in red ink, located in the play area are: Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Berry (BERRY) symbol, Bow Tie (BOW) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coat (COAT) symbol, Coins (COINS) symbol, Crown (CROWN) symbol, Diamond (DMND) symbol, Gift (GIFT) symbol, Grapes (GRAPES) symbol, House (HOUSE) symbol, Key (KEY) symbol, Lemon (LEMON) symbol, Melon (MELON) symbol, Money (MONEY) symbol, Necklace (NKLACE) symbol, Piggy Bank (PIGBNK) symbol, Pineapple (PINAPLE) symbol, Pot of Gold (POT) symbol, Rainbow (RAINBW) symbol, Ring (RING) symbol, Safe (SAFE) symbol, Horse Shoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol, Wallet (WALLET) symbol and a HOT (REDHOT) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO). The prize symbols and their captions located in the "BONUS GAME" area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$400, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "BONUS GAME" are: \$10, \$15, \$20, \$25, \$50, \$100, \$250 and \$500. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Hot \$100,000 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100,000 (ONEHUNTHO) appearing in the "PRIZE" area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appearing in the "PRIZE" area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appearing in the "PRIZE" area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Money Bag (MNYBAG) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "PRIZE" areas, and a prize symbol of \$250 (TWOHUNFTY) appears in two of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appearing in the

“PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a HOT (REDHOT) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$250 (TWOHUNFTY) appearing in the “PRIZE” area to the right of that HOT (REDHOT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Money Bag (MNYBAG) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “PRIZE” areas, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “PRIZE” areas and a prize symbol of \$100 (ONE HUN) appears in two of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with two \$500 (FIV HUN) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets with a Money Bag (MNYBAG) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “PRIZE” areas, and a prize symbol of \$100 (ONE HUN) appears in two of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$250 (TWOHUNFTY) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets with a Money Bag (MNYBAG) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “PRIZE” areas, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in two of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets with two \$250 (TWOHUNFTY) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets with a HOT (REDHOT) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appearing in the “PRIZE” area to the right of that HOT (REDHOT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets with a HOT (REDHOT) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$50⁰⁰ (FIFTY) appearing in the “PRIZE” area to the right of that HOT (REDHOT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a Money Bag (MNYBAG) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the “PRIZE” areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “PRIZE” areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with two \$100 (ONE HUN) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets with a HOT (REDHOT) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$25⁰⁰ (TWY FIV) appearing in the “PRIZE” area to the right of that HOT (REDHOT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets with two \$50⁰⁰ (FIFTY) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$40⁰⁰ (FORTY) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$25⁰⁰ (TWY FIV) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$25.

(x) Holders of tickets with two \$25⁰⁰ (TWY FIV) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets with two \$20⁰⁰ (TWENTY) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets with two \$15⁰⁰ (FIFTN) prize symbols in the “BONUS GAME” area, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the “PRIZE” area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets with a HOT (REDHOT) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the “PRIZE” area to the right of that HOT (REDHOT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets with two \$10⁰⁰ (TEN DOL) prize symbols in the "BONUS GAME" area, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets with a Black \$ (BLK\$) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE"

area to the right of that Black \$ (BLK\$) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get a "Black \$" (BLK\$) Symbol, Win Prize Shown To The Right Of It. Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$5	\$5	8.57	1,120,000
\$5 × 2	\$10	120	80,000
\$5 w/HOT	\$10	60	160,000
2-\$10's w/BONUS GAME	\$10	75	128,000
\$10	\$10	60	160,000
\$5 × 4	\$20	300	32,000
(\$5 × 2) + \$10	\$20	300	32,000
\$10 × 2	\$20	300	32,000
(2-\$10's w/BONUS GAME) + \$10	\$20	300	32,000
\$20	\$20	200	48,000
\$5 × 5	\$25	600	16,000
(\$5 w/HOT) + (\$5 × 3)	\$25	300	32,000
(\$10 × 2) + \$5	\$25	300	32,000
\$20 + \$5	\$25	600	16,000
(2-\$15's w/BONUS GAME) + \$10	\$25	300	32,000
\$25	\$25	300	32,000
(\$5 w/HOT) + (\$5 × 6)	\$40	600	16,000
\$10 × 4	\$40	600	16,000
\$20 × 2	\$40	600	16,000
(2-\$20's w/BONUS GAME) + \$20	\$40	600	16,000
\$40	\$40	600	16,000
\$5 × 10	\$50	600	16,000
\$25 w/HOT	\$50	600	16,000
2-\$50's w/BONUS GAME	\$50	600	16,000
(2-\$25's w/BONUS GAME) + \$25	\$50	600	16,000
\$50	\$50	300	32,000
MONEY BAG w/(\$5 × 6) + (\$10 × 5) + \$20	\$100	2,000	4,800
\$10 × 10	\$100	4,800	2,000
\$50 w/HOT	\$100	2,400	4,000
\$25 × 4	\$100	4,800	2,000
\$50 × 2	\$100	4,800	2,000
(2-\$50's w/BONUS GAME) + \$50	\$100	2,400	4,000
(2-\$20's w/BONUS GAME) + (\$20 × 4)	\$100	2,308	4,160
\$100	\$100	1,600	6,000
MONEY BAG w/(\$20 × 10) + (\$25 × 2)	\$250	12,000	800
(\$40 × 5) + (\$10 × 5)	\$250	24,000	400
(\$50 w/HOT) + (\$50 × 3)	\$250	12,000	800
(2-\$50's w/BONUS GAME) + (\$50 × 4)	\$250	12,000	800
(2-\$100's w/BONUS GAME) + (\$25 × 6)	\$250	8,000	1,200
\$250	\$250	8,000	1,200
MONEY BAG w/(\$20 × 10) + (\$100 × 2)	\$400	40,000	240
\$40 × 10	\$400	120,000	80
(\$50 w/HOT) + (\$50 × 6)	\$400	40,000	240
(2-\$50's w/BONUS GAME) + (\$50 × 7)	\$400	40,000	240
(2-\$100's w/BONUS GAME) + (\$50 × 4) + (\$25 × 4)	\$400	40,000	240
\$100 × 4	\$400	40,000	240
\$400	\$400	40,000	240
MONEY BAG w/(\$20 × 5) + (\$40 × 5) + (\$100 × 2)	\$500	60,000	160
\$50 × 10	\$500	60,000	160
(2-\$50's w/BONUS GAME) + (\$50 × 9)	\$500	60,000	160
\$250 w/HOT	\$500	120,000	80
(2-\$250's w/BONUS GAME) + (\$50 × 5)	\$500	120,000	80
\$250 × 2	\$500	60,000	160
\$500	\$500	60,000	160
MONEY BAG w/(\$50 × 10) + (\$250 × 2)	\$1,000	60,000	160
(\$40 × 5) + (\$50 × 6) + \$500	\$1,000	120,000	80

Get a "Black \$" (BLK\$) Symbol, Win Prize Shown To The Right Of It. Win With Prizes Of:

- (\$100 w/HOT) + (\$100 × 8)
- \$250 × 4
- (2-\$500's w/BONUS GAME) + (\$100 × 5)
- \$500 × 2
- \$1,000
- \$1,000 × 10
- \$10,000
- \$100,000

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,600,000 Tickets:
\$1,000	60,000	160
\$1,000	60,000	160
\$1,000	120,000	80
\$1,000	120,000	80
\$1,000	120,000	80
\$10,000	1,371,429	7
\$10,000	1,600,000	6
\$100,000	960,000	10

Get a "HOT" (REDHOT) symbol, win double the prize shown to the right of it.
 Get a "MONEY BAG" (MNYBAG) symbol, win all 12 prizes shown.
 BONUS GAME: Get two like amounts, win that amount. Bonus played separately.

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 Hot \$100,000 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 Hot \$100,000, prize money from winning Pennsylvania Hot \$100,000 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 Hot \$100,000 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), the regulations contained in 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 Hot \$100,000 or through normal communications methods.

DANIEL MEUSER,
Acting Secretary

[Pa.B. Doc. No. 11-824. Filed for public inspection May 13, 2011, 9:00 a.m.]

FISH AND BOAT COMMISSION

Special Regulation Redesignations; Big Bass Special Regulations; Susquehanna and Juniata Rivers

The Fish and Boat Commission has removed 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). These redesignations are effective upon publication of this notice in the *Pennsylvania Bulletin*.

<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

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 11-825. Filed for public inspection May 13, 2011, 9:00 a.m.]

Temporary Changes to Fishing Regulations; Owl Creek Reservoir, Schuylkill County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Owl Creek Reservoir, Schuylkill County, in anticipation of a complete drawdown of the lake this summer (2011). The Executive Director is lifting all seasons, sizes and creel limits for all species, effective immediately and until the lake is drained. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after January 1, 2012.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 11-826. Filed for public inspection May 13, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, April 28, 2011, and announced the following:

Action Taken—Regulations Approved:

Department of Labor and Industry #12-93: Responsibilities of Employers (amends 34 Pa. Code Chapter 63)

Environmental Quality Board #7-458: Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remining Financial Guarantees (amends 25 Pa. Code Chapters 86, 87, 88, 89 and 90)

Joint Committee on Documents #53-9: Preliminary Provisions; Definitions (amends 1 Pa. Code Chapter 1)

Approval Order

Public Meeting held
April 28, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Department of Labor and Industry—
Responsibilities of Employers;
Regulation No. 12-93 (#2869)*

On August 26, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 63. The proposed regulation was published in the September 11, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 24, 2011.

This regulation is a comprehensive update of 34 Pa. Code Chapter 63 titled "Responsibilities of Employers" to conform it to current law and practice.

We have determined this regulation is consistent with the statutory authority of the Department (43 P.S. § 761(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
April 28, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., Dissenting; Lawrence J. Tabas, Esq., Dissenting

*Environmental Quality Board—
Incidental Coal Extraction, Bonding, Enforcement,
Sediment Control and Remining Financial Guarantees;
Regulation No. 7-458 (#2842)*

On April 21, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 86, 87, 88, 89 and 90. The proposed regulation was published in the May 1, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 23, 2010, and then resubmitted again on February 28, 2011, at the conclusion of sine die adjournment.

This final-form rulemaking amends the Coal Mining Program to address regulatory program deficiencies identified by the Federal Office of Surface Mining Reclamation and Enforcement. It also amends the Remining Financial Guarantee Program regulations to reflect changes to the bonding systems.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. § 691.5, and 52 P.S. §§ 30.53b, 1396.4(a) and 1396.4(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
April 28, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Joint Committee on Documents—
Preliminary Provisions; Definitions;
Regulation No. 53-9 (#2861)*

On July 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Joint Committee on Documents (Committee). This rulemaking amends 1 Pa. Code Chapter 1. The proposed regulation was published in the August 7, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 22, 2011.

This regulation amends 1 Pa. Code Chapter 1 to add a definition of "copy" to include a printed or electronic version.

We have determined this regulation is consistent with the statutory authority of the Committee (45 Pa.C.S. § 503) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-827. Filed for public inspection May 13, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark Blue Cross Blue Shield; CompleteCare Program (Western Region); Rate Filing

By filing No. 1A-CCP-11-HBCBS, Highmark, Inc., doing business as Highmark Blue Cross Blue Shield, requested approval to increase the premium rates for its CompleteCare Program. The filing requests an average rate increase of about 7.1% or \$24.18 per contract per month. The proposed rate increase would affect approximately 16,800 contract holders and will produce additional annual income of about \$4.9 million. The requested effective date of the change is October 1, 2011.

Unless formal administrative action is taken prior to July 28, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-828. Filed for public inspection May 13, 2011, 9:00 a.m.]

Highmark Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO Plan (Western Region); Rate Filing

By filing No. 1A-MUPPO-11-HBCBS, Highmark, Inc., doing business as Highmark Blue Cross Blue Shield, requested approval to adjust the premium rates for its medically underwritten Direct Pay PPO Plan. The filing requests an average rate change of about 7.4% or \$19.45 per contract per month. The proposed rate increase would affect approximately 16,100 contract holders and will produce additional annual income of about \$3.7 million. The requested effective date of the change is October 1, 2011.

Unless formal administrative action is taken prior to July 28, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-829. Filed for public inspection May 13, 2011, 9:00 a.m.]

Highmark Blue Shield; Medically Underwritten Direct Pay PPO (Central Region); Rate Filing

On April 26, 2011, Highmark Blue Shield submitted a rate filing (No. 1A-BSMUPPO-11-HBS) to adjust the rates for the medically underwritten Direct Pay PPO Plan in the Central Pennsylvania Region. This filing requests an average rate change of 3.9% or \$13.43 per contract per month and will affect approximately 6,500 contract holders. The requested increase will produce additional premium income of \$1.04 million annually. The requested effective date of the change is October 1, 2011.

Unless formal administrative action is taken prior to July 27, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-830. Filed for public inspection May 13, 2011, 9:00 a.m.]

Highmark Blue Shield; Medically Underwritten Direct Pay PPO; High Deductible Health Plan (Central Region); Rate Filing

On April 26, 2011, Highmark Blue Shield submitted a rate filing (No. 1A-HDHP/CDP/MU-11-HBS) to adjust the rates for the medically underwritten Direct Pay PPO High Deductible Health Plans in the Central Pennsylvania Region. This filing requests an average rate change of 9.7% or \$24.72 per contract per month and will affect approximately 10,600 contract holders. The requested increase will produce additional premium income of \$3.13 million annually. The requested effective date of the change is October 1, 2011.

This filing also requests benefit revisions for vision and pharmacy benefits.

Unless formal administrative action is taken prior to July 27, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-831. Filed for public inspection May 13, 2011, 9:00 a.m.]

Scott Savett; Prehearing

Appeal of Scott Savett under Quality Health Care Accountability and Protection Article and Autism Insurance Act; Independence Blue Cross; Doc. No. HC11-04-019

Under Section 635.2 and Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 764h and 991.2101—991.2194), regarding autism spectrum disorders coverage and quality health care accountability and protection, notice is given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on May 10, 2011, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 6, 2011. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

On or before May 4, 2011, each party shall file with the Administrative Hearings Office by facsimile (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 6, 2011, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 13, 2011.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-832. Filed for public inspection May 13, 2011, 9:00 a.m.]

Use of Misleading Professional Designations by Insurance Producers Selling Life Insurance or Annuities to Seniors; Notice No. 2011-03

The Insurance Department (Department) issues this notice to caution insurance producers selling life insurance or annuities to seniors not to make use of any professional designations that may be misleading to seniors and to otherwise comply with their obligations under Pennsylvania law. Specifically, Article IV-A of The Insurance Company Law of 1921 (act) (40 P. S. §§ 625-1—625-11) provides standards that producers must follow in the solicitation, sale, issuance and delivery of life insurance products and annuities in this Commonwealth. In doing so, the act prohibits certain unfair financial planning practices. Among these practices, the act prohibits an insurance producer from using a professional designation if the designation is not a formally recognized financial planning or consulting designation and would lead the consumer to believe that the producer is a financial planner, investment adviser, consultant, financial counselor or any other "specialist" engaged in the business of giving financial planning or advice relating to investments, insurance, tax matters or trust and estate matters when in fact that person is engaged only in the sale of life insurance or annuity policies. See section 3(a) of the act (40 P. S. § 625-3(a)). Further, section 5(a)(1)(i) and (2) of the Unfair Insurance Practices Act (40 P. S. § 1171.5(a)(1)(i) and (2)) prohibits producers from making any statement with respect to the business of insurance that is deceptive or misleading or that misrepresents the benefits or advantages of any insurance policy.

While persons holding a formally recognized financial planning or consultant designation are not prohibited from using these designations when selling insurance, they may not charge an additional fee for services that are customarily associated with the solicitation, negotiation or servicing of the insurance or annuity policies. See section 3(a) of the act.

The act places additional disclosure requirements and fee limitations on insurance producers engaging in financial planning activities, and the Department encourages all producers selling life insurance or annuities to review the provisions of the act to ensure that they are operating in compliance with Pennsylvania law. Producers violating the act may be subject to significant penalties, including license revocation and a civil penalty of up to \$5,000.00 for each violation.

Questions regarding this notice should be addressed to Ronald A. Gallagher, Jr., P.E., Deputy Insurance Commissioner, Office of Market Regulation, Insurance Department, 13th Floor, Strawberry Square, Harrisburg, PA 17120, rgallagher@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-833. Filed for public inspection May 13, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandon Steam Service

A-2011-2239521. NRG Energy Center Harrisburg, LLC. Application of NRG Energy Center Harrisburg,

LLC for approval to abandon steam service on the following seven segments of its low pressure steam system in the City of Harrisburg, Dauphin County: a) North Third Street between Forster and Reily Streets; b) Green Street between North and Forster Streets; c) Locust Street between North Second and Court Streets; d) North Second Street between North and Herr Streets; e) Forster Street between North Second and Bartine Streets; f) Bartine Street between Briggs and Union Streets; and g) Briggs Street between North Second and Green Streets.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 31, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: NRG Energy Center Harrisburg, LLC

Through and By Counsel: David P. Zambito, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601
ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-834. Filed for public inspection May 13, 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 May 31, 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.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2011-2233206. David R. Zembrzuski (220 Altermoor Drive, Natrona Heights, PA 15065)—persons, in limousine service, from points in the Counties of Allegheny, Westmoreland, Armstrong and Butler, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2011-2235592. Keyser Van Service (1308 North Keyser Avenue, Scranton, PA 18504-9733), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, from points in the Counties of Lackawanna, Luzerne and Wayne, to points in Pennsylvania, and return.

A-2011-2235918. Hummelstown Taxi Cab, LLC (924-A East Chocolate Avenue, Hershey, Dauphin County,

PA 17033)—a limited liability corporation of the Commonwealth of Pennsylvania—in person, in call or demand service, in the Borough of Hummelstown and the Township of Derry, both located in Dauphin County.

A-2011-2237801. Clarence A. Musser (12734 Lurgan Road, Orrstown, Franklin County, PA 17244)—in paratransit service, between points in the City of Lurgan, Franklin County, and between points within a 50 mile radius of the limits of said city.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-2011-2233612. Melo Property Services, LLC (1314 Astor Street, Norristown, Montgomery County, PA 19401)—household goods in use, between points in the Counties of Montgomery, Bucks, Berks, Chester, Delaware and the City and County of Philadelphia.

A-2011-2237122. Nikos Movers, Inc. (2975 Coleman Street, North Las Vegas, NV 89032)—household goods in use, between points in Pennsylvania.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2011-2229076. Cypress Care, Inc. (2736 Meadow Church Road, Suite 300, Duluth, GA 30097), a corporation of the State of Delaware—brokerage license—for the transportation of persons between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

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Transfer of Assets

A-2011-2239524. Sergeant Gas Company. Application of Sergeant Gas Company for approval of the transfer of its distribution system assets to Utility Pipeline Ltd., and immediately thereafter to Knox Energy Cooperative Association, Inc., a Bona Fide Cooperative, and for the abandonment of all Pennsylvania regulated service by Sergeant Gas Company, with the immediate commencement of service by Knox Energy Cooperative Association, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 31, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the Applicant's business address.

Applicant: Sergeant Gas Company

Through and By Counsel: Edmund J. Berger, Esquire, Berger Law Firm, PC, 2104 Market Street, Camp Hill, PA 17011

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-836. Filed for public inspection May 13, 2011, 9:00 a.m.]

