

# PENNSYLVANIA BULLETIN

Volume 41

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Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Public Welfare

Department of Revenue

Environmental Quality Board

Executive Board

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Independent Regulatory Review Commission

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Legislative Reference Bureau

Liquor Control Board

Pennsylvania Public Utility Commission

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State Employees' Retirement Board

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

**No. 439, June 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 25—LOCAL COURT RULES

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 22 Misc. 2011

#### Adopting Order

Now, this 31st day of May, 2011, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Civil Procedure 205.4, a copy of which follows, is rescinded effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. The Somerset County Court Administrator is directed to:

A. Seven (7) certified copies of the following Order shall be forwarded to the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of the Order and one diskette, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File proof of compliance with the Order in the docket of the Prothonotary of the Court of Common Pleas of Somerset County, which shall include a copy of each transmittal letter.

*By the Court*

JOHN M. CASCIO,  
*President Judge*

### Rules of Court

Civil Procedure  
Business of Courts  
Som.R.C.P. 205.4

#### Motions Court

Somerset County Rule Of Civil Procedure 205.4, Motions Court, is hereby rescinded, having been superseded by Somerset County Rule Of Civil Procedure 208.3(a), adopted November 21, 2006, effective February 2, 2007.

[Pa.B. Doc. No. 11-1006. Filed for public inspection June 17, 2011, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Henry A. Walsh, Jr., having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated June 15, 2010, the Supreme Court of Pennsylvania issued an Order on June 1, 2011, disbaring Henry A. Walsh, Jr., from the Bar of this Commonwealth, effective July 1, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1007. Filed for public inspection June 17, 2011, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 86, 87, 88, 89 AND 90 ]

#### Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remining Financial Guarantees

The Environmental Quality Board (Board) amends Chapters 86, 87, 88, 89 and 90 to read as set forth in Annex A. The final-form rulemaking incorporates amendments necessary to bring the Commonwealth's regulatory program into conformance with Federal standards for state coal mining regulatory programs. In addition, the final-form rulemaking amends some requirements for the Remining Financial Guarantee Program. The final-form rulemaking affects requirements relating to incidental coal extraction, bonding, enforcement, sediment control and remining financial guarantees.

This order was adopted by the Board at its meeting of November 16, 2010.

#### A. *Effective Date*

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

#### B. *Contact Persons*

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

#### C. *Statutory Authority*

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

#### D. *Background and Purpose*

This final-form rulemaking is intended to satisfy requirements for maintaining a state primacy program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C.A. §§ 1201—1328). The amendments in this final-form rulemaking pertain to Federally required program changes in 30 CFR 938.16(rr), (tt), (vv), (ww), (xx), (zz), (aaa), (ccc), (iii), (jjj), (nnn), (ppp) and (ttt) (relating to required regulatory program amendments). These requirements were imposed by the Federal Office of Surface Mining Reclamation and Enforcement (OSM) on April 8, 1993 (subsections (aaa), (ccc), (iii) and (jjj)), December 29, 1993 (subsections (rr), (tt), (vv), (ww), (xx) and (zz)), July 20, 1994 (subsection (nnn)) and November 7, 1997 (subsections (ppp) and (ttt)).

Resolving these required amendments is necessary for the Commonwealth to maintain primacy in regulating coal mining. Failure to resolve these program deficiencies could result in the OSM asserting their jurisdiction over all or part of the mining regulatory program. There is also a risk that the Federal funding for the Abandoned Mine Land Reclamation Program could be reduced or eliminated if these deficiencies persist.

These requirements relate to notification of the decision by the Department to approve the continuation of an exemption from the permitting requirements for coal that is mined incidental to noncoal mining, violation review for permit approval, permitting exploration on land designated as unsuitable for mining, self-bonding and the stability of large impoundments. The Federal regulations noting these program deficiencies provided deadlines for the Commonwealth to correct them. These deadlines are long overdue.

The amendments in this final-form rulemaking represent the outcome of discussions between the Department and the OSM relative to the fulfillment of requirements in the Federal rules. The amendments in this final-form rulemaking have been informally approved by the OSM. These changes will be formally submitted to the OSM as an amendment to the Pennsylvania coal mining program and the Department will request that the OSM determine that the outstanding deficiencies previously noted have been satisfied.

In addition, this final-form rulemaking addresses issues that have surfaced in administering the Remining Financial Guarantee Program. These issues are related to operational requirements and the conversion to a conventional bonding system (CBS) undertaken beginning in August 2001.

When the current remining financial guarantee regulations were finalized in 1996, the Department used an alternate bonding system (ABS). The Department initiated the transition from an ABS to a CBS in 2001 and completed the implementation of the program in 2002. Under the ABS, bond amounts were based on per-acre rates and bond funds were supplemented by a per-acre reclamation fee and other funds to assure that the Commonwealth had enough bond money to complete the reclamation in the case of forfeiture.

Under the CBS, the reclamation cost is calculated using bond rate guidelines for the specific reclamation tasks. Bond rate guidelines are updated routinely to keep up with changes in reclamation costs. The CBS is also referred to as full-cost bonding because the bond amount is determined based on the total projected reclamation cost. Bond amounts are no longer calculated on a per-acre basis. The regulations governing the Remining Financial Guarantee Program are being amended to better align with the transition to full-cost bonding for all mining operations.

Finally, the final-form rulemaking includes several minor editorial changes needed to correct spelling, spacing and punctuation errors.

The final-form rulemaking was reviewed by the Mining and Reclamation Advisory Board (MRAB) at their September 7, 2010, meeting. The MRAB unanimously recommended that the final-form rulemaking proceed.

*E. Summary of Changes to the Proposed Rulemaking*

§ 86.1. *Definitions*

The definition of “owned or controlled and owns or controls” is being corrected to include the reference to the term defined in the Federal regulations, which is “own, owner, or ownership” rather than “owned or controlled and owns or controls” as proposed.

§ 86.133. *General requirements*

Subsection (d) is being revised to clarify that the permit application for exploration on areas designated as unsuitable for mining and the documentation of the decision to approve or deny the application are available for review by the public. This change is the result of analysis that concluded that the proposed rulemaking did not address the requirement in 30 CFR 772.12(e) (relating to permit requirements for exploration that will remove more than 250 tons of coal or that will occur on lands designated as unsuitable for surface coal mining operations) that these materials be available to the public.

§ 88.321. *Disposal of noncoal wastes*

This section is being revised to more closely reflect the Federal regulation. This is accomplished by changing the phrase “on or near” to “in.”

§ 90.112. *Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance*

Subsection (c)(2) has been revised to include the phrase “runoff from” as it relates to a storm event.

§ 90.133. *Disposal of noncoal wastes*

This section is being revised to more closely reflect the Federal regulation. This is accomplished by changing the phrase “on or near” to “in.”

*Remining financial guarantees*

§ 86.282. *Participation requirements*

Subsection (a)(2) is being revised to clarify that the reclamation liability is for a proposed mining area rather than the permitted area. This change was made in response to comments.

Subsection (a)(4) is being added to clarify that an operator who has participated in the Remining Financial Guarantee Program and has met its obligations is eligible for subsequent remining financial guarantees.

*F. Summary of Comments and Responses on the Proposed Rulemaking*

§ 86.1. *Definitions*

*Comment:* Section 701.5 of 30 CFR (relating to definitions) contains a definition for “own, owner, or ownership” and not a definition for “owned or controlled and owns or controls.”

*Response:* The wording of clause (E) in the definition of “owned or controlled and owns or controls” has been changed to match the defined term “own, owner, or ownership” in the Federal regulations.

§ 86.37. *Criteria for permit approval or denial*

*Comment:* The definition of “violation” is unclear as 30 CFR 701.5 includes two definitions of “violation.”

*Response:* The Federal regulations contain a definition for the term “violation,” which is being referenced in this final-form rulemaking, and the additional defined term “violation, failure or refusal.” The term “violation, failure or refusal” is a separate term in the Federal regulations. Therefore, a change is not needed.

§ 86.129. *Coal exploration on areas designated as unsuitable for surface mining operations*

*Comment:* The permit term for this permit should be consistent with other 5-year permits issued by the Department.

*Response:* This permit is for exploration only and is limited to no more than 250 tons of coal extraction; therefore, the 2-year permit term is appropriate.

§ 86.133. *General requirements*

*Comment:* The proposed amendments to this section prevent the Department from waiving the unsuitable for mining permit requirement.

*Response:* Section 772.12 of 30 CFR requires a permit for exploration on areas designated as unsuitable for mining, therefore waiving the permit requirement is not an option.

§ 86.159. *Self-bonding*

*Comment:* Subsection (a)(2) contains overly broad language relating to “all applicable Federal and State laws.”

*Response:* This language is taken verbatim from the Federal regulations. Therefore, a change has not been made because the State regulation is intended to mirror the Federal regulation.

§§ 86.165 and 86.281 to 86.284—*Remining financial guarantees*

*Comment:* The language in § 86.282(a) (relating to participation requirements) does not clarify that an operator who demonstrates that it meets the requirements to participate in the Remining Financial Guarantee Program for the first time will be automatically eligible for future remining financial guarantees for future permits from the Department.

*Response:* The regulation has been amended by adding subsection (a)(4) to address this.

*Comment:* The Department proposed to remove the letter of credit option for the operator to demonstrate financial responsibility under § 86.282(a)(2). The Department should not undermine a bank’s (or other lending institution’s) ability to evaluate an operator’s financial stability and issue a letter of credit based on that informed and highly regulated decision.

*Response:* These regulations do not apply to banking operations and cannot impact how a bank operates or makes lending determinations.

*Comment:* The option to post a letter of credit should not be eliminated. The Department and the Board should provide some evidence from the program’s experience to provide justification for this change or retain the existing language in the final-form rulemaking.

*Response:* A letter of credit can still be used as a bond. This regulation only eliminates the use of a letter of credit as the financial responsibility demonstration for a remining financial guarantee. While there have only been four guarantees for which the Commonwealth was required to spend money for the reclamation, three of these four were supported by letters of credit.

*Comment:* The following proposed amendment to § 86.282(a)(2) is vague and open to interpretation. The Department does not define “permitted remining site.” It is not clear what area would be included in a “permitted remining site.”

*Response:* The regulation has been amended to change the word “permitted” to “proposed.” This will clarify that the posting of the surety bond is an option for the initial bonding transaction on a permit application when a remining financial guarantee is requested and approved.



*Comment:* Regarding proposed § 86.283(f) (relating to procedures), the Department should clarify the proposed subpart to limit the circumstances to when a discharge is related to the remining activities.

*Response:* The intent of the regulation is to require a replacement of a remining financial guarantee at any time liability for a pollutorial discharge is incurred for that permit, not only when it is related to the remining activities. This will protect the remining financial guarantee program from the liability associated with long-term treatment.

§ 87.119. *Hydrologic balance: water rights and replacement*

*Comment:* A surface mine operator or mine owner who incurs costs necessary to successfully appeal a Department order for a water supply replacement should be afforded the same cost recovery rights as the Department. The preamble to the proposed rulemaking stated that “[t]his correction is necessary due to a revision to the SMCRA.” The commentator stated that “section 525(e) of the SMCRA” allows for the recovery of costs and expenses, including attorney fees, by either party. The Department should not, by way of the proposed regulation, unilaterally eliminate a surface mine operator’s or mine owner’s cost recovery rights.

*Response:* The commenter has confused the Federal SMCRA with the Surface Mining Conservation and Reclamation Act, which was referred to in the preamble to the proposed rulemaking. In December 2000, the operator cost recovery language was repealed from the Surface Mining Conservation and Reclamation Act. The regulation revision reflects the amendment of Surface Mining Conservation and Reclamation Act by the repeal of section 4.2(f)(5).

§§ 88.321 and 90.133. *Disposal of noncoal wastes*

*Comment:* According to 30 CFR 938.16(ttt), “Pennsylvania shall submit a proposed amendment to sections 88.321 and 90.133, or otherwise amend its program, to require that no noncoal waste be deposited in a coal refuse pile or impounding structure,” rather than “on or near” a refuse pile or impounding structure.

*Response:* The regulations have been revised to change the phrase “on or near” to the word “in.”

§ 90.112. *Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance*

*Comment:* The proposed amendments to subsection (c)(2) omit the term “runoff.”

*Response:* The language in this subsection has been revised to include the term “runoff.”

*Remining financial guarantees generally*

*Comment:* The Remining Financial Guarantee Program has resulted in reclamation of abandoned mine lands. It is of great importance that the Commonwealth continues to facilitate reclamation of abandoned mine lands whenever possible. The commentator requested that the Board inform the commentator when it moves to adopt the final-form rulemaking.

*Response:* The Department agrees that the Remining Financial Guarantee Program has been effective at encouraging reclamation of abandoned mine lands. The amendments are focused on protecting the Remining Financial Guarantee Program so that it can continue doing so. The Department will keep in contact with the commentator as the rulemaking process progresses.

G. *Benefits, Costs and Compliance*

The final-form rulemaking will enable the Commonwealth to fulfill its primacy obligations and retain primary enforcement responsibility over coal mining operations. The final-form rulemaking will also allow for more effective management of the Remining Financial Guarantee Program.

*Compliance Costs*

It is not anticipated that the final-form rulemaking will impose any total additional compliance costs on the regulated community.

*Compliance Assistance Plan*

The Department will provide written notification to all coal mine operators to inform them of the final-form rulemaking. The Department may also hold roundtable meetings with mine operators and consultants to explain program changes and answer questions.

The Department will update its fact sheets explaining the regulations. The Department will meet with affected landowners and assist them in understanding the amended regulations.

*Paperwork Requirements*

The final-form rulemaking will require the Department to update its fact sheets explaining the law and regulations.

H. *Pollution Prevention*

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

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 21, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2373 (May 1, 2010), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 27, 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 April 28, 2011, and approved the final-form rulemaking.

K. *Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 2373.

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

*L. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 86, 87, 88, 89 and 90, are amended by amending §§ 86.1, 86.5, 86.36, 86.37, 86.62, 86.103, 86.129, 86.133, 86.159, 86.165, 86.195, 86.211, 86.281, 86.282, 86.283, 86.284, 87.112, 87.119, 88.321, 89.111, 90.112 and 90.133 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 submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

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

(e) This order shall take effect immediately.

MICHAEL L. KRANCER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 2502 (May 14, 2011).)*

**Fiscal Note:** Fiscal Note 7-458 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 86.1. Definitions.**

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

*ABS Legacy Sites*—Mine sites, permitted under the Primacy Alternate Bonding System, that have a postmining polluttional discharge where the operator has defaulted on its obligation to adequately treat the discharge and, either the bond posted for the site is insufficient to cover the cost of treating the discharge, or a trust to cover the costs of treating the discharge was not fully funded and is insufficient to cover the cost of treating the discharge.

*Acts*—Include the following:

(i) The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a).

(ii) The Air Pollution Control Act (35 P. S. §§ 4001—4015).

(iii) The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

(iv) The Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66).

(v) Article XIX-A of The Administrative Code of 1929 (71 P. S. §§ 510.1—510.108).

(vi) The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).

(vii) The Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

(viii) The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

(ix) The Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326).

\* \* \* \* \*

*Owned or controlled and owns or controls*—One or a combination of the relationships specified in subparagraphs (i)—(iv):

(i) Being a permittee of a coal mining activity.

(ii) Based on instruments of ownership or voting securities, owning of record in excess of 50% of an entity.

(iii) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant coal mining activity is conducted:

(A) Being an officer or director of an entity.

(B) Being the operator or contractor of a coal mining activity.

(C) Having the ability to commit the financial or real property assets or working resources of an entity.

(D) Being a general partner in a partnership.

(E) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record a percentage of the entity as established in the definition of “own, owner, or ownership” in 30 CFR 701.5 (relating to definitions).

(F) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive the coal after mining or having authority to determine the manner in which that person or another person conducts a coal mining activity.

(iv) Having another relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator or other entity conducts coal mining activities.

\* \* \* \* \*

**§ 86.5. Extraction of coal incidental to noncoal surface mining.**

\* \* \* \* \*

(m) If the Department has reason to believe that a specific mining area was not exempt under this section at the end of the previous reporting period, is not exempt or will be unable to satisfy the exemption criteria at the end of the current reporting period, the Department will notify the operator that the exemption may be revoked and the reasons therefore. The exemption will be revoked unless the operator demonstrates to the Department within 30 days that the mining area in question should continue to be exempt. The operator and interested

parties will be immediately notified of the revocation or of the decision not to revoke the exemption.

\* \* \* \* \*

### Subchapter B. PERMITS

#### REVIEW, PUBLIC PARTICIPATION AND APPROVAL, DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS

##### § 86.36. Review of permit applications.

(a) The Department will review the complete application, written comments, written objections and records of a public hearing or informal conference held under §§ 86.32 and 86.34 (relating to opportunity for submission of written comments or objections on the permit application; and informal conferences).

(b) If the Department decides to approve the application, it will require that the applicant file the bond in accordance with Subchapter F (relating to bonding and insurance requirements) before the permit is issued.

(c) The Department will verify from the schedule submitted under § 86.63 (relating to compliance information) or other information available to the Department that coal mining activities owned or controlled by the applicant, a person owned or controlled by the applicant or a person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1 (relating to definitions) are not currently in violation of the acts or the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328), or that the violation is in the process of being corrected to the satisfaction of the regulatory authority, department or agency which has jurisdiction over the violation of the acts or the Surface Mining Control and Reclamation Act of 1977 and a law, rule or regulation of a department or agency of the United States or of a state in the United States pertaining to air or water environmental protection incurred by the applicant in connection with a coal mining activity.

##### § 86.37. Criteria for permit approval or denial.

(a) A permit or revised permit application will not be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of the information in the application or from information otherwise available, which is documented in the approval, and made available to the applicant, that the following apply:

\* \* \* \* \*

(8) The applicant has submitted proof that a violation related to the mining of coal by the applicant, a person owned or controlled by the applicant or a person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1 (relating to definitions) or by a related party of the acts, a rule, regulation, permit or license of the Department has been corrected or is in the process of being corrected to the satisfaction of the Department, whether or not the violation relates to an adjudicated proceeding, agreement, consent order or decree, or which resulted in a cease order or civil penalty assessment. For the purpose of this section, the term "violation" includes the types of violations listed in the definition of "violation" in 30 CFR 701.5 (relating to definitions). A permit issued under this paragraph on the basis that a violation is in the process of being corrected or pending the outcome of an appeal, and the appropriate regulatory authority program having jurisdiction over the violation provides for a stay of

execution of the abatement procedure or a court of competent jurisdiction has issued a supersedeas providing that relief, will be issued conditionally.

\* \* \* \* \*

#### MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL COMPLIANCE AND RELATED INFORMATION

##### § 86.62. Identification of interests.

(a) *Application information.* An application shall contain the following information, except that the submission of a social security number is voluntary:

(1) The name, address, telephone number and, as applicable, social security number and employer identification number of the following:

(i) The permit applicant.

(ii) The resident agent of the applicant who will accept service of process.

(iii) The person who will pay the abandoned mine land reclamation fee.

(2) The names and addresses of the owners of record of the following:

(i) Surface and subsurface areas contiguous to any part of the proposed permit area.

(ii) Every legal or equitable owner of record of the coal to be mined and areas to be affected by surface operations and facilities, including legal and equitable owners of the surface area within the proposed permit area.

(iii) The holders of record of a leasehold interest in the coal to be mined and areas to be affected by surface operations and facilities.

(iv) A purchaser of record under a real estate contract of the coal to be mined and the areas to be affected by surface operations and facilities.

(3) The name of the proposed mine and the Mine Safety and Health Administration (MSHA) Identification Number, with the date of issuance, for the mine and all mine-associated structures that require MSHA approval.

(4) A listing of lands contiguous to the proposed permit area for which it is anticipated that individual permits for mining will be sought as a result of interest in lands, options or pending bids on interest held or made by the applicant.

(b) *Statement.* An application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association or other business entity. For all entities, the application shall contain the following information, as applicable, for each person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1 (relating to definitions) except that the submission of a social security number is voluntary:

(1) The name, address, social security number and employer identification number of every:

(i) Officer.

(ii) Partner.

(iii) Associate.

(iv) Shareholder of at least 10% of the voting stock.

(v) Director.

(vi) Other person performing a function similar to director of the applicant.

(vii) Contractor and subcontractor.

(viii) Person having the ability to commit the financial or real property assets or working resources of an entity.



(ix) Person owning or controlling the coal to be mined under the proposed permit under a lease, sublease or other contract, and having the right to receive the coal after mining or having authority to determine the manner in which the proposed coal mining activity is to be conducted.

(x) Person who has another relationship with the permit applicant which gives the person authority directly or indirectly to determine the manner in which the proposed coal mining activity is to be conducted.

(xi) Person who owns or controls the persons specified in subparagraphs (i)—(x), either directly or indirectly through intermediary entities.

(2) For each person listed in paragraph (1), list the following:

- (i) The title of the person’s position.
- (ii) The date the position or stock ownership was assumed, and when submitted under § 86.212(c) (relating to Federal minimum enforcement action), the date of departure from the position.
- (iii) The percentage of ownership.
- (iv) The location in the organizational structure.
- (v) The relationship to the applicant.

(c) *Related entity information.* Include the following:

(1) List the names of entities who, under the definition of “owned or controlled” or “owns or controls” in § 86.1, own or control the applicant or who are owned or controlled by the applicant and provide the following information for each entity:

(i) Identifying numbers, including employer identification number, Federal or State permit numbers, permittee name and address and the MSHA numbers with date of issuance for each permit.

(ii) The application number or other identifier of and the regulatory authority for other issued or pending mining operation permit applications filed by the entity in any State in the United States.

(iii) The name, address, social security number and employer identification number of every officer, partner, associate, principal shareholder, director or other person performing a function similar to director of the entity, including the title of the person’s position and the date the position was assumed.

(2) For each person listed in subsection (b)(1), who is, or has been, associated with another entity as an owner or controller, under the definition of “owned or controlled” or “owns or controls” in § 86.1, within the 5-year period preceding the date of application, provide the following information:

- (i) The name of each entity they are, or were, associated with.
- (ii) Identifying numbers, including employer identification number, Federal or State permit number and the MSHA number with date of issuance for each permit.
- (iii) The application number or other identifier of and the regulatory authority for other issued or pending mining operation permit applications filed by the entity with which the person is affiliated in any state in the United States.

(d) After an applicant is notified that the application is approved, but before the permit is issued, the applicant shall either update, correct or submit a statement that no change has occurred in the information previously submitted under this section.

**Subchapter D. AREAS UNSUITABLE FOR MINING  
GENERAL PROVISIONS**

**§ 86.103. Procedures.**

\* \* \* \* \*

(f) If the Department determines that the proposed surface mining operations are not prohibited under § 86.102, it may nevertheless, pursuant to appropriate petitions, designate the lands as unsuitable for all or certain types of surface mining operations under §§ 86.121—86.129.

(g) An application that includes an assertion of valid existing rights must meet the requirements and follow the procedures established in 30 CFR 761.16 (relating to submission and processing of requests for valid existing rights determinations).

**CRITERIA AND PROCEDURES FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE MINING**

**§ 86.129. Coal exploration on areas designated as unsuitable for surface mining operations.**

(a) Designation of an area as unsuitable for all or certain types of surface mining operations under this chapter does not prohibit coal exploration operations in the area.

(b) Coal exploration may be conducted on an area designated as unsuitable for surface mining operations in accordance with this chapter if the following apply:

(1) The person conducting coal exploration obtains an exploration permit from the Department under this section which meets the following conditions:

(i) The permit application demonstrates that the requirements of this section and § 86.134 (relating to coal exploration performance and design standards) will be met.

(ii) Public notice of the application and opportunity to comment is provided in accordance with §§ 86.31 and 86.32 (relating to public notices of filing of permit applications; and opportunity for submission of written comments or objections on the permit application).

(2) The permit application must contain the following information:

(i) The name, address and telephone number of the applicant.

(ii) The name, address and telephone number of the applicant’s representative who will be present at, and responsible for, conducting the exploration activities.

(iii) A narrative describing the proposed exploration area.

(iv) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation.

(v) An estimated timetable for conducting and completing each phase of the exploration and reclamation.

(vi) The estimated amount of coal to be removed and a description of the methods to be used to determine the amount.

(vii) A description of the following:

(A) Cultural or historical resources listed on the National Register of Historic Places.

(B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places.

(C) Known archeological resources located within the proposed exploration area.

(D) Other information which the regulatory authority may require regarding known or unknown historic or archeological resources.

(viii) A description of any endangered or threatened species listed under the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1544) identified within the proposed exploration area.

(ix) A description of the measures to be used to comply with the applicable requirements of § 86.134 (relating to coal exploration performance and design standards).

(x) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored.

(xi) A map or maps at a scale of 1:24,000, or larger, showing the areas of land to be disturbed by the proposed exploration and reclamation. The map must specifically show the following:

(A) Existing roads, occupied dwellings, topographic and drainage features, bodies of surface water and pipelines.

(B) Proposed locations of trenches, roads and other access routes and structures to be constructed.

(C) The location of proposed land excavations.

(D) The location of exploration holes or other drill holes or underground openings.

(E) The location of excavated earth or waste-material disposal areas.

(F) The location of critical habitats of any endangered or threatened species listed under the Endangered Species Act of 1973.

(xii) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation.

(xiii) For any lands listed in § 86.102 (relating to areas where mining is prohibited or limited), a demonstration that, to the extent technologically and economically feasible, the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. The application must include documentation of consultation with the owner of the feature causing the land to come under the protection of § 86.102, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of § 86.102.

(3) The exploration is consistent with the designation.

(4) The exploration will be conducted to preserve and protect the applicable values and uses of the area under Subchapter E (relating to coal exploration).

(5) The permit term may not exceed 2 years and the permit may not be renewed or transferred.

(6) The amount of coal removed shall be limited to the quantity needed for testing and analysis and may not exceed 250 tons.

(7) The application shall be subject to the criteria for permit approval or denial in § 86.37 (relating to criteria for permit approval or denial) and 30 CFR 772.12(d) (relating to permit requirements for exploration that will remove more than 250 tons of coal or that will occur on lands designated as unsuitable for surface coal mining operations) and the requirements for final permit action in § 86.39 (relating to final permit action).

#### **Subchapter E. COAL EXPLORATION**

##### **§ 86.133. General requirements.**

(a) A person who intends to conduct coal exploration shall, prior to conducting the exploration, file with the

Department one copy of a written notice of intention to explore for each exploration area at least 10 days prior to the exploration on forms provided by the Department.

(b) The notice shall include:

(1) The name, address and telephone number of the person seeking to explore.

(2) The name, address and telephone number of the representative who will be present at and responsible for conducting the exploration activities.

(3) A map, at a scale of 1:24,000, of the exploration area showing the extent of the exploration, location of drill holes and exploration trenches, existing and proposed roads, occupied dwellings, topographic features, bodies of water and pipelines.

(4) A statement of the period of intended exploration.

(5) A description of the practices proposed to be followed to protect the environment from adverse impacts as a result of the exploration activities.

(c) A person who conducts coal exploration which substantially disturbs the natural land surface shall comply with § 86.134 (relating to coal exploration performance and design standards).

(d) The Department will, except as otherwise provided in § 86.137(b) (relating to public availability of information), place the notices and the exploration permit documents, as required under subsection (f) for exploration on areas designated as unsuitable for mining, on public file and make them available for public inspection and copying during regular office hours at the established fee. For the purpose of this section, the exploration permit documents include the application and documents relating to the decision to approve or deny the application.

(e) A person who intends to conduct coal exploration in which coal will be removed shall, prior to conducting the exploration, obtain a permit under this chapter. Prior to removal of coal, the Department may waive the requirements for the permit to enable the testing and analysis of coal properties, if 250 tons (226 metric tons) or less are removed. The removal of more than 250 tons (226 metric tons) of coal during coal exploration requires a permit under this chapter.

(f) Coal exploration on lands where a petition to declare an area unsuitable for mining has been received by the Department or on lands designated unsuitable for mining shall be conducted only after a permit has been obtained from the Department. This permit requirement may not be waived. The Department may prescribe conditions and requirements necessary to preserve the values sought to be protected in the petition before approving coal exploration in these areas. The exploration activities shall be conducted in accordance with § 86.129 (relating to coal exploration) to insure that the exploration activity does not interfere with a value for which the area has been designated unsuitable for mining.

(g) A person who conducts coal exploration by means of boreholes or coreholes shall case, line, seal or otherwise manage the hole to prevent degradation of the quality of groundwater and surface water, minimize disturbance to the prevailing hydrologic balance and ensure the safety of people, livestock, fish and wildlife, and machinery in the permit and adjacent area, and meet the requirements of §§ 89.54 and 89.83 (relating to preventing discharges from underground mines; and closing of underground mine openings).

**Subchapter F. BONDING AND INSURANCE REQUIREMENTS**

**FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE**

**§ 86.159. Self-bonding.**

\* \* \* \* \*

- (1) The self-bond shall be executed by:
  - (1) The applicant, except as provided in paragraphs (2) and (3).
  - (2) If the applicant is a subsidiary corporation, the applicant's parent corporation shall be a party to the self-bond which shall establish the applicant and its parent corporation as co-indemnitors under the self-bond. Corporations applying for a self-bond, and parent and nonparent corporations guaranteeing an applicant's self-bond, shall submit an indemnity agreement signed by two corporate officers who are authorized to bind their corporations. A copy of the authorization shall be submitted to the Department along with an affidavit certifying that the agreement is valid under all applicable Federal and State laws. In addition, the corporate guarantor shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the guarantee agreement. The parent corporation may cancel its obligations under the self-bond upon 120 days written notice to the Department, but the cancellation will not be effective until the self-bond is replaced with an alternate form of bonding authorized by this subchapter and approved by the Department.
  - (3) If the applicant is a partnership, joint venture or syndicate, each person with a beneficial interest in the same shall be a party to the self-bond and shall be established as a co-indemnitor under the self-bond.

\* \* \* \* \*

**§ 86.165. Failure to maintain proper bond.**

- (a) If a permittee fails to promptly post additional bond required under § 86.152 (relating to adjustments), or fails to make timely deposits of bond according to the schedule submitted under § 86.161 (relating to phased deposits of collateral), or fails to make payments under § 86.162a (relating to Anthracite Deep Mine Operators Emergency Bond Fund) or fails to maintain subsidence insurance provided in § 86.162 (relating to subsidence insurance in lieu of bond), or fails to make annual payments for financial guarantees as required under § 86.283(a) (relating to procedures), the Department will issue a notice of violation to the permittee, and if the permittee fails to correct the violation within 15 days of the notice, the Department will issue a cessation order for the permittee's permit areas and thereafter take actions that may be appropriate.
  - (b) The permittee shall maintain bonds in an amount and with sufficient guarantee as required by this chapter. If a surety company who had provided surety bonds, or a bank who had provided letters of credit or certificates of deposit for a permittee, enters into bankruptcy or liquidation, or has its license suspended or revoked or for another reason indicates an inability or unwillingness to provide an adequate financial guarantee of the obligations under the bond or instrument, the Department will issue a notice of violation to the permittee requiring that affected permits be rebonded according to the requirements of this subchapter and, if the permittee fails to correct the violation within 90 days of the notice, the Department will issue a cessation order for the permittee's permit areas and thereafter take appropriate action.

**Subchapter G. CIVIL PENALTIES FOR COAL MINING ACTIVITIES**

**GENERAL PROVISIONS**

**§ 86.195. Penalties against corporate officers.**

- (a) The Department may assess a civil penalty against a corporate officer who participates in a violation or whose misconduct or intentional neglect causes or allows a violation.
  - (b) Whenever the Department issues an order to an operator for failing to abate violations contained in a previous order, it will send by certified mail to each corporate officer listed in the surface mining operator's license application under § 86.353 (relating to identification of ownership), or to each corporate officer listed in a coal mining activities application under § 86.62 (relating to identification of interests), a copy of the failure to abate order and a notice of the officer's liability under this section. If the violations are not abated within 30 days of issuance of the failure to abate order, the Department may assess a civil penalty against each officer receiving the notice provided by this subsection.
    - (c) When the Department and the permittee or corporate officer have agreed in writing on a plan for the abatement of or compliance with the failure to abate order, the corporate officer may postpone payment until receiving a decision under § 86.203 (relating to final assessment and payment of penalty), or written notice that abatement or compliance is satisfactory and the penalty has been withdrawn.

**Subchapter H. ENFORCEMENT AND INSPECTION GENERAL PROVISIONS**

**§ 86.211. Enforcement—general.**

- (a) Violations, once identified by a State Inspector or other appropriate State official, shall be cited and shall be corrected in a reasonable time, prescribed by the Department, not to exceed 90 calendar days, except upon a showing by the operator that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances described in subsection (b). An extended abatement date under this section will not be granted when the operator's failure to abate within 90 days has been caused by a lack of diligence or intentional delay by the operator in completing the remedial action requested, nor will an extension be granted for financial or economic reasons.
  - (b) Circumstances which may qualify a surface coal mining operation for an abatement period of more than 90 days are limited to the following:
    - (1) If the Department has required the operator of an existing operation to apply to the Department for a permit renewal or other necessary approval of designs or plans, and if the operator has submitted necessary materials to the Department in an expeditious manner, but the Department is unable, through no fault of the operator to issue the permit or approval 90 days from the date of submission of required documentation.
      - (2) If climatic conditions preclude abatement within 90 days, or if, due to climatic conditions, abatement within 90 days clearly does one or more of the following:
        - (i) Causes more environmental harm than it would prevent.
        - (ii) Requires action that would violate Federal or State mine health or safety laws.
        - (3) If there is a valid judicial order precluding abatement within 90 days as to which the permittee has



diligently pursued rights of appeal and as to which the permittee has no other effective legal remedy.

(4) If the permittee cannot abate within 90 days due to a labor strike, except for a violation that is causing or has the potential to cause off permit impacts such as environmental harm to air, water or land resources or danger to the public health or safety.

(c) When an abatement in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(d) If one or more of the conditions in subsection (b) exist, the operator may request the Department to grant an abatement period exceeding 90 days. The abatement period granted will not exceed the shortest possible time necessary to abate the violation. The operator has the burden of establishing by clear and convincing proof that he is entitled to an extension under this section. In determining whether or not to grant an abatement period exceeding 90 days, the Department may consider relevant written information from the operator or other sources.

#### **Subchapter J. REMINING AND RECLAMATION INCENTIVES**

##### **BONDING INCENTIVES**

#### **§ 86.281. Financial guarantees to insure reclamation—general.**

(a) In the Remining Financial Assurance Fund there is a special account providing financial guarantees for qualified operators who conduct remining. Funds in this special account may be used to financially assure bonding obligations under § 86.143 (relating to requirement to file a bond) of a qualified operator engaged in remining.

(b) The financial guarantee applies to a permit with remining areas approved by the Department. Operators who wish to participate in this program shall demonstrate, for each permit, their eligibility under §§ 86.253 and 86.282 (relating to operator and project qualification; and participation requirements).

(c) For each approved permit of an eligible operator for a remining area, the Department will designate a specified amount of the financial guarantees special account in the Remining Financial Assurance Fund to financially assure reclamation obligations on the permit with an approved remining area. The specific amount designated will be the estimated cost for the Department to reclaim the remining area.

(d) The Department may not issue financial guarantees on a permit in excess of 10% of the then current amount in the special account in the Remining Financial Assurance Fund. The Department will not issue financial guarantees to a mine operator if the aggregate amount of financial guarantees on permits issued to the operator will exceed 30% of the then current amount in the special account in the Remining Financial Assurance Fund. The Department will not issue additional financial guarantees when the aggregate amount of outstanding financial guarantees exceeds that amount resulting from dividing the current amount in the special account in the Remining Financial Assurance Fund by the historical rate of bond forfeiture under § 86.181 (relating to bond forfeiture—general) with a margin of safety determined by the Department.

(e) Upon declaration of forfeiture, the specified amount of the financial guarantee from the financial guarantee special account will be used with other bonds forfeited on the permit by the Department to complete reclamation of the mine site in accordance with the procedures and

criteria in §§ 86.187—86.190. If the actual cost of reclamation by the Department exceeds the specified amount of the financial guarantee, additional funds from the Remining Financial Assurance Fund may be used to complete reclamation.

#### **§ 86.282. Participation requirements.**

(a) Upon completion of the technical review of a permit application and receipt of a request for bond, an operator may apply to participate in the financial guarantees program for a remining area if the requirements of § 86.253 (relating to operator and project qualification) are met. To participate in this program, an operator shall demonstrate to the Department's satisfaction one of the following:

(1) The operator would be able to post a collateral bond otherwise required by this chapter and demonstrate appropriate experience in coal mining and reclamation.

(i) The operator shall demonstrate ability to post a collateral bond by meeting the following conditions for the operator's most recently completed fiscal year and the 2 preceding fiscal years:

(A) A ratio of current assets to current liabilities of 1.5 or greater.

(B) A ratio of total liabilities to tangible net worth of 3 or less.

(ii) The operator shall submit a notarized statement signed by the operator and an independent certified public accountant (CPA), an officer of a financial institution with which the operator conducts business or other person or entity responsible for the accounts of the operator. The statement shall list the operator's ratio of current assets to current liabilities and the operator's ratio of total liabilities to tangible net worth for the most recently completed fiscal year and the 2 preceding fiscal years.

(iii) The operator shall demonstrate appropriate experience in coal mining and reclamation by showing that he has had a coal mining license under section 3.1 of the act (52 P. S. § 1396.3a) for 5 years or the person designated by the operator to manage the operation has a minimum of 5 years of experience in coal mining and reclamation.

(2) The operator would be able to obtain a surety bond otherwise required under this chapter. The operator will demonstrate this by submitting a letter of acceptance from a surety company licensed to do business in this Commonwealth and which writes bonds for reclamation of mine sites located in this Commonwealth or by submitting a surety bond for an equal portion of the remaining reclamation liability for the proposed remining site. The acceptance letter shall indicate the complete name and address of the surety company and state that the surety company would write the bond.

(3) The operator would be eligible to self-bond under § 86.159 (relating to self-bonding).

(4) The operator has previously participated in the remining financial guarantee program and met its reclamation obligations and made timely payments.

(b) Notwithstanding subsection (a), an operator will not be approved to participate in the financial guarantees program when the financial guarantees exceed the limits established in § 86.281(d) (relating to financial guarantees to insure reclamation—general).

(c) If an operator, CPA or other person submits false information in the financial test or falsifies other information required by this section, the operator shall be ineligible to participate in the financial guarantees program. In addition, the operator, the CPA or other person

are subject to 18 Pa.C.S. §§ 4903 and 4904 (relating to false swearing; and unsworn falsification to authorities).

**§ 86.283. Procedures.**

(a) An operator's participation in the financial guarantees program is subject to the following:

(1) Annual payments will be 1% of the total amount of the remaining financial guarantee.

(2) The first payment is due upon receipt of notice of the Department's approval of the operator's application to participate in the program. Payments shall be made annually thereafter concurrent with the license renewal or in accordance with a schedule determined by the Department.

(3) Payments are not refundable and will be deposited into the financial guarantees special account in the Remining Financial Assurance Fund to be used in case of operator forfeiture. When the special account becomes actuarially sound, excess payments may be used under section 18(a.1) and (a.2) of the act (52 P. S. § 1396.18(a.1) and (a.2)).

(4) The operator may not substitute financial guarantees for existing collateral or surety bonds.

(b) The operator is responsible for making the annual payment as calculated by the Department, until the amount of the bond is reduced or released in accordance with §§ 86.170—86.172 (relating to scope; procedures for seeking release of bond; and criteria for release of bond).

(c) An operator approved to participate in the financial guarantees program is not required to pay the per acre reclamation fee required by § 86.17(e) (relating to permit and reclamation fees) for the remaining area.

(d) The Department will issue a letter to the operator specifying the amount of money in the financial guarantees special account in the Remining Financial Assurance Fund allocated as financial assurance for the operator's reclamation obligations on the remaining area. A copy of the letter will be kept in the operator's permit application file.

(e) The obligation covered by the financial guarantees program bond will be reduced or released prior to any other bond submitted by the operator to cover the reclamation obligations of that permit.

(f) If a discharge not meeting the effluent criteria in § 87.102, § 88.92, § 88.187, § 88.292, § 89.52 or § 90.102 develops on a permit on which a financial guarantee is being used, the operator shall within 90 days of receipt of written notice by the Department replace the financial guarantee with other types of financial assurance mechanisms authorized for the purpose of covering the costs of treating the discharge. If an acceptable bond has not been received and approved by the Department within the specified time limit, the Department will issue a cessation order for mining activities except for reclamation and other activities required to maintain the permit area.

**§ 86.284. Forfeiture.**

(a) Upon forfeiture under § 86.181 (relating to general), the Department will declare forfeit the specified amount of the financial guarantee for the permit in the financial guarantees special account in the Remining Financial Assurance Fund in addition to other bonds posted by the operator to cover the reclamation obligation on the permit.

(b) The Department's declaration of forfeiture under this section does not excuse the operator from meeting the requirements of this chapter or other requirements under the act.

(c) Upon declaration of forfeiture, the Department will use the bond money posted by the operator and the specified amount of the financial guarantee to complete the reclamation of the mine site in accordance with the procedures and criteria in §§ 86.187—86.190.

(d) The financial guarantees program will be discontinued immediately and notice published in the *Pennsylvania Bulletin*, if 25% or greater of the total outstanding financial guarantees are declared forfeit. If the financial guarantees program is discontinued, no additional financial guarantees may be approved. Outstanding financial guarantees will remain in effect until released under §§ 86.170—86.175.

(e) The financial guarantees program may be suspended upon notice in the *Pennsylvania Bulletin* when the number of participating permits declared forfeit is equal to that number of permits calculated by multiplying the historical rate of forfeiture plus a margin of safety times the number of permits participating in the program. No additional financial guarantees will be approved until the total amount of financial guarantees declared forfeit has been replaced through the accumulation of annual payments or by other means.

**CHAPTER 87. SURFACE MINING OF COAL**

**Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 87.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(c) If the embankment is more than 20 feet in height as measured from the upstream toe of embankment to the crest of the emergency spillway or has a storage volume of 20 acre-feet or more, is located where failure could cause loss of life or serious property damage or otherwise poses a hazard to miners or the public, it must:

(1) Be stable under all probable conditions of operation and be designed and constructed to achieve a static safety factor of 1.5 or other higher static safety factor required by the Department and a seismic safety factor of at least 1.2.

\* \* \* \* \*

**§ 87.119. Hydrologic balance: water rights and replacement.**

\* \* \* \* \*

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, and restoration or replacement costs from the Department.

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**CHAPTER 88. ANTHRACITE COAL**

**Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 88.321. Disposal of noncoal wastes.**

Noncoal wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage and other hazardous wastes shall be disposed of or stored temporarily in accordance with the Solid Waste Management

Act (35 P. S. §§ 6018.101—6018.1003) and the regulations promulgated thereunder. Storage shall be in a manner that fires are prevented and the area remains stable and suitable for reclamation and revegetation. Noncoal waste materials including, but not limited to, wood, cloth, waste paper, oil, grease and garbage may not be deposited in a coal refuse disposal pile or impounding structure.

#### CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

##### Subchapter D. STRUCTURAL REQUIREMENTS FOR IMPOUNDMENTS

##### PERFORMANCE STANDARDS

##### § 89.111. Large impoundments.

(a) Large impoundments are those where:

(1) The structures are located on a water course, and one of the following applies:

- (i) The contributory drainage area exceeds 100 acres.
- (ii) The greatest depth of water at maximum storage elevation exceeds 15 feet.
- (iii) The impounding capacity at maximum storage elevation exceeds 50 acre-feet.

(2) The structures are not located on a watercourse and have no contributory drainage, but the greatest depth of water at maximum storage elevation exceeds 15 feet and the impounding capacity at maximum storage elevation exceeds 50 acre feet.

(b) Large impoundments shall be designed, constructed and maintained in accordance with the Dam Safety and Encroachment Act (32 P. S. §§ 693.1—693.27) and Chapter 105 (relating to dam safety and waterway management).

(c) If the embankment is more than 20 feet in height as measured from the upstream toe of the embankment to the crest of the emergency spillway, or has a storage volume of 20 acre feet or more, is located where failure could cause loss of life or serious property damage or otherwise poses a hazard to miners or the public, it must:

(1) Be stable under all probable conditions of operation and be designed and constructed to achieve a static safety factor of 1.5, or higher if required by the Department and a seismic safety factor of at least 1.2.

(2) Have an appropriate combination of principal and emergency spillway to discharge safely the runoff from a 100-year, 24-hour precipitation event, or larger if required by the Department.

(3) Have a foundation investigation, as well as any necessary laboratory testing of foundation material to determine the design requirements for foundation stability.

#### CHAPTER 90. COAL REFUSE DISPOSAL

##### Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL

##### § 90.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.

\* \* \* \* \*

(c) If the embankment is more than 20 feet in height as measured from the upstream toe of embankment to the crest of the emergency spillway, or has a storage volume of 20 acre feet or more, is located where failure could cause loss of life or serious property damage or otherwise poses a hazard to miners or the public, it must:

(1) Be stable under probable conditions of operation and be designed and constructed to achieve a static safety factor of 1.5 or a higher static safety factor required by the Department.

(2) Have an appropriate combination of principal and emergency spillways to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control, the probable maximum runoff from precipitation of a 6-hour precipitation event.

(3) Have a foundation investigation, as well as necessary laboratory testing of foundation material to determine the design requirements for foundation stability.

\* \* \* \* \*

##### § 90.133. Disposal of noncoal wastes.

Noncoal wastes, including, but not limited to, grease, lubricants, paints, flammable liquids, garbage and other hazardous wastes, shall be disposed of or stored temporarily in accordance with the Solid Waste Management Act and the regulations promulgated thereunder. Storage must be of a type that fires are prevented and that the area remains stable and suitable for reclamation and revegetation. Noncoal waste materials including, but not limited to, wood, cloth, waste paper, oil, grease and garbage may not be deposited in a coal refuse disposal pile or impounding structure.

[Pa.B. Doc. No. 11-1008. Filed for public inspection June 17, 2011, 9:00 a.m.]

## Title 34—LABOR AND INDUSTRY

### DEPARTMENT OF LABOR AND INDUSTRY

#### [ 34 PA. CODE CH. 63 ]

#### Responsibilities of Employers

The Department of Labor and Industry (Department), Office of Unemployment Compensation Tax Services (UCTS), amends Chapter 63 (relating to responsibilities of employers).

##### A. Statutory Authority

These regulations are promulgated under section 201(a) of the Unemployment Compensation Law (law) (43 P. S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the law.

##### B. Background and Description of Proposed Rulemaking

The purpose of this final-form rulemaking, which covers 50 sections of the Department's regulations, is to update the regulations to conform to current law and practice.

This final-form rulemaking rescinds 12 sections of Chapter 63 and partially deletes additional sections. The Department is deleting provisions that are obsolete, inconsistent with the law or superseded by a subsequent statutory enactment. In some cases, the Department is deleting a provision and combining its contents with other regulatory provisions to consolidate regulations with similar subject matter. In cases when a regulation is superfluous because it merely repeats an existing statutory provision, the regulation is rescinded or amended to refer to the law.



References to obsolete subdivisions of the Department are deleted or replaced with references to the current agency or the Department generally. References to specific forms, some of which are outdated, are deleted whenever possible.

In addition to the foregoing types of changes that occur throughout the final-form rulemaking, there are particular changes as described as follows.

The law requires the Department to transfer the experience record and reserve account balance of a predecessor to its successor-in-interest if they share common ownership, control or management. The Department had interpreted this provision of the law to apply if there was common ownership at the time of the business transfer and without regard to the duration of that common ownership. See *Armco Inc. v. Department of Labor and Industry*, 713 A.2d 1208 (Pa. Cmwlth. 1998). Section 63.1a (relating to determining common ownership, control or management) modifies the Department's interpretation of the law. It provides that the Department will not transfer a predecessor's employment experience to its successor-in-interest if the entities' common ownership, control or management commenced immediately before the business transfer.

Section 63.2 (relating to part transfers of organization, trade or business), regarding part transfers of an employer's experience record and reserve account balance, applies only to transfers that occurred before July 1, 2005. Subsequent transfers will be governed by the regulations that deal with transfers generally and the 2005 amendments to the law.

Section 63.3 (relating to required forms and time limits for applications) is amended to clarify that an application for transfer of an employer's experience record and reserve account balance is necessary in cases when a transfer is desired and to specify when the Department will consider an untimely application for transfer to be filed *nunc pro tunc*.

Section 63.4 (relating to disapproval of applications for delinquency) is amended to delete a subsection that allowed a redundant 30-day period to pay the predecessor's delinquency to obtain a transfer of the predecessor's experience record and reserve account balance to the successor.

Section 63.15 (relating to determination under combined experience provisions) has been extensively amended to consolidate the provisions that determine the earliest calendar year for which a combination of the predecessor's experience and successor's experience apply to the contribution rate of the successor. Under certain circumstances, the combined experience applies to the successor's rate for the year in which the transfer of business or workforce to the successor occurred. These provisions apply to a transfer of the predecessor's experience record and reserve account balance that is requested by the successor.

Section 63.21 (relating to notification of rate and prerequisites for applications for review and redetermination) is amended to provide that an employer is not notified of its contribution rate until the Department issues a contribution rate notice to the employer. As amended, this section also provides that an employer may not assert a reason for objecting to the Department's rate determination that it has not included in its appeal.

In § 63.22 (relating to supporting data), the supporting data to be furnished with a rate appeal is expanded to address types of delinquency rates that exist as a result of recent amendments to the law.

In § 63.23 (relating to unacceptable reasons), unacceptable reasons for filing a rate appeal are expanded to include a challenge to the reserve account balance based on an alleged error that is more than 4 years old. New provisions addressing the consequences of a payment plan default are added. A rate that is revised upwards due to a default may be appealed, but the only issue that may be raised is whether there was a default justifying the increase.

Adopted § 63.25 (relating to filing methods) enumerates acceptable methods for filing documents with the UCTS. Also, it specifies the dates on which documents submitted to the Department by these methods will be deemed to be filed.

Adopted § 63.26 (relating to appeal to the Secretary) provides procedures for appeals of UCTS decisions to the Secretary. It concerns rate appeals, petitions for reassessment and applications for refund or credit.

Sections 63.31—63.36, concerning relief from charges, are amended and § 63.36a (relating to duration of relief from benefit charges and notice of changed circumstances) is adopted. New definitions and a list of circumstances under which an employer will be granted relief are provided. The method to be used, and time limit, for filing requests for relief are amended. Section 63.36a addresses termination of relief from benefit charges.

Section 63.51 (relating to initial and renewed registration) is amended to include the circumstances under which an employer shall file a renewed registration document with the Department.

Section 63.52 (relating to quarterly reports from employers) requires that employers file quarterly reports electronically.

Adopted § 63.59 (relating to PEO quarterly reports) specifies the method of filing and the filing date of Professional Employer Organization reports. It will replace a statement of policy issued on this subject.

Under adopted § 63.60 (relating to mass layoff report), if an employer lays off 50 or more individuals within a 7-day period; the employer is required to provide information to assist the Department to process the workers' benefit claims.

Section 63.63 (relating to agreement to compromise), regarding agreements to compromise tax liability, is amended to specify when an application to compromise is effective.

Section 63.64 (relating to records to be kept by employer), regarding records that an employer shall retain for unemployment compensation (UC) purposes, is amended to include workers whom the business believes are not "employees" and workers covered by a professional employer arrangement. In addition, more types of records are required.

Adopted § 63.66 (relating to power of attorney) provides that a business may empower an agent to represent it before the Department.

Section 63.91 (relating to elections) specifies the minimum and maximum periods of an election of reimbursable status.

Section 63.93 (relating to filing of surety bond) specifies the term of a surety bond and clarifies that the bond applies to benefits that are based on wages paid during the period of reimbursable status, including benefits paid after that status has ended.

Under § 63.94 (relating to filing of security deposit), a nonprofit organization that provides money or securities as collateral in connection with an election of reimburs-

able status shall provide new collateral if it renews its reimbursable status when the current election expires. This section also specifies the reimbursement obligations that are secured by collateral in the form of money or securities.

Adopted § 63.96a (relating to conversion to contributory status) establishes procedures for situations when an employer elects reimbursable status but fails to provide collateral or a surety bond ceases to be effective during the period of an election. It also provides that unpaid reimbursement obligations are a basis for a delinquent contribution rate if the employer converts to contributory status. Also, this section clarifies that a reimbursable employer that becomes a contributory employer remains liable for benefits that are based on wages paid during reimbursable status.

If a reimbursable employer provides securities as collateral, the Department may sell the securities to satisfy any amount owed by the employer. Section 63.97 (relating to return or sale of money or securities) clarifies that any interest or increase in value accruing on the security may also be applied to the employer's debt.

Section 63.99 (relating to assignment of rate of contribution) contains updated provisions specifying how the Department will determine an employer's contribution rate if the employer previously had been a reimbursable employer.

Subchapter D (relating to payment by electronic transfer) specifies the circumstances in which an employer shall pay liabilities by electronic transfer. An employer that is not required to pay by electronic transfer and a claimant who is repaying an overpayment of benefits may use electronic transfer voluntarily.

### C. Comments

The notice of proposed rulemaking was published at 40 Pa.B. 5179 (September 11, 2010). The Department received comments from the Independent Regulatory Review Commission (IRRC). The Senate Labor and Industry Committee and the House Labor Relations Committee did not comment.

#### § 63.25. Filing methods

*Comment:* Subsections (b)–(f) specify certain methods to file documents with the UCTS. Subsection (g) would allow the Department to prescribe additional methods to file documents and, if an additional method is prescribed, require the Department to designate the date on which a document is filed using that method. Subsection (g) also would allow the Department to suspend use of one or more filing methods under certain circumstances. IRRC commented that changing filing methods and determining when a document is filed must be done through the rulemaking process and recommended that the Department delete subsection (g).

*Response:* In accordance with IRRC's comments, the Department deleted subsection (g) from the final-form rulemaking.

#### § 63.31. Applicability and definitions

*Comment:* Sections 63.31–63.37 concern relief from benefit charges. Section 63.31(c) (relating to applicability and definitions) defines the term “material change.” Because this term does not otherwise appear in the relief-from-charges regulations, as amended, IRRC commented that the Department should delete the definition or explain why it is needed.

*Response:* Under section 302(a)(2) of the law (43 P. S. § 782(a)(2)), if a claimant has a part-time job in addition to other employment and is separated from the other

employment, the part-time employer may be relieved of charges for the claimant's benefits “while such part-time work continues without *material change* . . .” (emphasis added). The definition of “material change” is relevant to this relief-from-charges provision. However, when describing section 302(a)(2) of the law in § 63.32(b) (relating to reasons for relief from benefit charges), the Department inadvertently omitted the phrase “without material change.” The Department has included that phrase in final-form § 63.32(b) to clarify the relevance of the definition of “material change.”

*Comment:* “Material change” is defined in § 63.31(c) as “[a] substantial reduction in wages or in the number of hours or days ordinarily worked by the claimant employed in part-time work.” IRRC commented that the meaning of the phrase “substantial reduction” in this definition is unclear and suggested that the Department replace the phrase “substantial change” with a quantifiable provision.

*Response:* Whether a reduction in a claimant's wages is substantial has been addressed by Commonwealth Court in numerous cases concerning eligibility for benefits. The Court has held that a substantial reduction in compensation constitutes a necessitous and compelling cause to terminate employment for purposes of section 402(b) of the law (43 P. S. § 802(b)). *A-Positive Electric v. UCBR*, 654 A.2d 299 (Pa. Cmwlth. 1995); *Steinberg Vision Associates v. UCBR*, 624 A.2d 237 (Pa. Cmwlth. 1993). The Court also has stated that “there is no talismanic percentage figure that separates a substantial reduction from one that is not. Each case must be measured by its own circumstances.” *Ship Inn Inc. v. UCBR*, 412 A.2d 913, 915 (Pa. Cmwlth. 1980). The Court applies a similar analysis for purposes of the labor dispute provision in section 402(d) of the law in cases where there is not a collective bargaining agreement between the employer and the employees. If the employees engage in a work stoppage in response to a substantial change in the terms and conditions of employment, the employees are eligible under section 402(d) of the law. *Chavez v. UCBR*, 738 A.2d 77 (Pa. Cmwlth. 1999). Again, “[t]here is no talismanic percentage to determine when an employer's unilateral changes in the terms and conditions of employment are substantial; rather each case must be examined under its own attendant circumstances.” *Chavez v. UCBR*, 738 A.2d 77, 82. To be consistent with case law indicating that “substantial” is not determined by reference to a fixed standard, but instead is determined by the facts and circumstances at hand, the Department believes that the definition should remain as it is currently worded.

#### § 63.63. Agreement to compromise

*Comment:* Subsection (a) as proposed provided that “[a]n employer's application for compromise of contributions, interest or penalties under the provisions of section 309.1 of the law (43 P. S. § 789.1) shall be made in the manner that the Department prescribes, and containing all information that the Department requires.” IRRC questioned how a person reading this provision would know how to comply and suggested that the Department amend this provision to provide clear direction on how to file the document and how the applicant will know what information to provide.

*Response:* To implement IRRC's suggestions, the Department revised the subsection in this final-form rulemaking to read as follows: “An employer's application for compromise of contributions, interest or penalties under the provisions of section 309.1 of the law (43 P. S. § 789.1) shall be filed in the manner prescribed in § 63.25 (relating to filing methods). The employer shall

provide all information requested by the Department to determine whether the application will be granted.” This revised language provides clear direction to an applicant on how to file the application; that is, the applicant is directed to use the filing methods in § 63.25. This new language also ensures that an employer will know what information to provide, because the employer is only required to supply information that the Department requests. The Department has an application form that elicits the information generally needed to evaluate a compromise request. If information beyond what is supplied on the form is needed, or if the employer does not use the application form, the Department would identify and request additional information that is needed.

*D. Affected Persons*

This final-form rulemaking potentially affects all of the approximately 280,000 employers covered by the law.

*E. Fiscal Impact*

*Commonwealth and the regulated community*

This final-form rulemaking will allow the Department, under certain circumstances, to use the UC employer experience of both the predecessor and the successor-in-interest to calculate the successor’s contribution rate for the year in which the transfer of business or workforce occurred. Although the amount of UC tax savings for successor employers and the corresponding decrease in tax revenues for the UC Fund cannot be estimated, the Department expects the number of affected employers to be small and the overall monetary impact to be minimal. The Department is unable to estimate the cost to non-profit, reimbursable employers of the provision requiring them to increase the value of their security as payrolls increase.

*Political subdivisions*

This final-form rulemaking does not affect political subdivisions, except to the extent that they are employers covered by the law.

*General public*

This final-form rulemaking does not affect the general public.

*F. Paperwork Requirement*

If an employer ceases to provide employment and subsequently resumes providing employment, § 63.51 requires the employer, under certain circumstances, to renew its UC registration. While § 63.64 requires employers to keep employment records on all workers and to preserve additional types of records, it does not require employers to create records or information that they would not have created otherwise and does not impose additional reporting requirements.

*G. Sunset Date*

The regulations will be monitored through practice and application. Therefore, a sunset date is not designated.

*H. Effective Date*

With the exception of §§ 63.52(e) and 63.110—63.114, this final-form rulemaking will be effective June 18, 2011. The amendments to §§ 63.11—63.17 apply to transfers of organization, trade, business or workforce under section 301(d)(1)(A) of the law (43 P. S. § 781(d)(1)(A)) that occur on or after June 18, 2011. Section 63.59 applies to reports filed on or after June 18, 2011. The amendments to § 63.64(a) apply to employment occurring on or after June 18, 2011. The amendments to § 63.94 apply to elections to make payments in lieu of contributions that take effect on or after June 18, 2011. Because § 63.2 has

been superseded by the act of June 15, 2005 (P. L. 8, No. 5) with regard to transfers of organization, trade, business or workforce that occur on or after July 1, 2005, § 63.2 is amended to restrict its applicability to transfers that occurred before that date.

At this time, the Department is not yet able to implement §§ 63.52(e) and 63.111—63.115. Sections 63.52(e) and 63.111—63.115 will take effect on the date designated by the Department in a notice published in the *Pennsylvania Bulletin* and will apply to calendar quarters and billing periods that begin on or after the effective date.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 26, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 5179, to IRRC and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 27, 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 April 28, 2011, and approved the final-form rulemaking.

*J. Findings*

The Department finds that:

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

(2) A public comment period was provided as required by law and all comments received were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 5179.

(4) This final-form rulemaking is necessary and suitable for the administration of the law.

*K. Order*

The Department, acting under the authority of the law, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 63, are amended by adding §§ 63.1a, 63.26, 63.36a, 63.59, 63.60, 63.66, 63.96a and §§ 63.111—63.115, by amending §§ 63.2—63.4, 63.15, 63.17, 63.21, 63.22—63.24, 63.31, 63.33, 63.36, 63.41, 63.42, 63.51, 63.64, 63.91, 63.93—63.95, 63.97 and 63.99 and by deleting §§ 63.11—63.14, 63.16, 63.34, 63.35, 63.43, 63.58, 63.61, 63.62 and 63.75 to read as set forth at 40 Pa.B. 5179; and by adding § 63.25 and by amending §§ 63.32, 63.52 and 63.63 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order, 40 Pa.B. 5179 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of the Department shall certify this order, 40 Pa.B. 5179 and Annex A and deposit them with the Legislative Reference Bureau as required by law.



(d) With the exception of §§ 63.52(e) and 63.110—63.114, this final-form rulemaking will be effective June 18, 2011. The amendments to §§ 63.11—63.17 apply to transfers of organization, trade, business or workforce under section 301(d)(1)(A) of the law (43 P. S. § 781(d)(1)(A)) that occur on or after June 18, 2011. Section 63.59 applies to reports filed on or after June 18, 2011. The amendments to § 63.64(a) apply to employment occurring on or after June 18, 2011. The amendments to § 63.94 apply to elections to make payments in lieu of contributions that take effect on or after June 18, 2011. Because § 63.2 has been superseded by the act of June 15, 2005 (P. L. 8, No. 5) with regard to transfers of organization, trade, business or workforce that occur on or after July 1, 2005, § 63.2 is amended to restrict its applicability to transfers that occurred before that date. At this time, the Department is not yet able to implement §§ 63.52(e) and 63.111—63.115. Sections 63.52(e) and 63.111—63.115 will take effect on the date designated by the Department in a notice published in the *Pennsylvania Bulletin* and will apply to calendar quarters and billing periods that begin on or after the effective date.

JULIA K. HEARTHWAY,  
Acting Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 2502 (May 14, 2011).)

**Fiscal Note:** Fiscal Note 12-93 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 34. LABOR AND INDUSTRY

#### PART II. BUREAU OF EMPLOYMENT SECURITY

##### Subpart A. UNEMPLOYMENT COMPENSATION

#### CHAPTER 63. RESPONSIBILITIES OF EMPLOYERS

##### Subchapter A. GENERAL FUNCTIONS

#### FILINGS AND APPEALS

##### § 63.25. Filing methods.

(a) *Applicability.* Except as otherwise provided in the law or this chapter, a document shall be filed with the Office of Unemployment Compensation Tax Services (UCTS) in accordance with subsections (b)—(g).

(b) *United States mail.* The filing date will be determined as follows:

(1) The date of the official United States Postal Service postmark on the envelope containing the document, a United States Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt.

(2) If there is no official United States Postal Service postmark, United States Postal Service Form 3817 or United States Postal Service certified mail receipt, the date of a postage meter mark on the envelope containing the document.

(3) If the filing date cannot be determined by any of the methods in paragraph (1) or (2), the filing date will be the date recorded by UCTS when it receives the document.

(c) *Common carrier.* A document may be delivered by a common carrier of property that is subject to the authority of the Pennsylvania Public Utility Commission or the United States National Surface Transportation Board. The date of filing is the date the document was delivered to the common carrier, as established by a document or other record prepared by the common carrier in the

normal course of business. If the date of delivery to the common carrier cannot be determined by the documents in the record, the date of filing will be the date recorded by UCTS when it receives the document.

(d) *Fax transmission.*

(1) The filing date will be determined as follows:

(i) The date of receipt imprinted by the UCTS fax machine.

(ii) If the UCTS fax machine does not imprint a legible date, the date of transmission imprinted on the faxed document by the sender's fax machine.

(iii) If the faxed document is received without a legible date of transmission, the filing date will be the date recorded by UCTS when it receives the document.

(2) A party filing a document by fax transmission is responsible for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the document may not be properly or timely filed.

(e) *Electronic transmission other than fax transmission.* The filing date is the receipt date recorded by the UCTS electronic transmission system, if the electronic record is in a form capable of being processed by that system. A party filing by electronic transmission shall comply with UCTS instructions concerning format. A party filing by electronic transmission is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the document may not be properly or timely filed.

(f) *Personal delivery.* The filing date will be the date the document was personally delivered to UCTS during its normal business hours.

#### RELIEF FROM BENEFIT CHARGES

##### § 63.32. Reasons for relief from benefit charges.

(a) Under section 302(a)(1) of the law (43 P. S. § 782(a)(1)), an employer may be granted relief from benefit charges in the following circumstances:

(1) When the claimant was separated from employment with the employer under conditions that would be disqualifying under section 402(e) of the law (43 P. S. § 802(e)), which provides that an individual is ineligible for benefits if the individual is unemployed due to willful misconduct.

(2) When the claimant was separated from employment with the employer under conditions that would be disqualifying under section 402(b) of the law, which provides that an individual is ineligible for benefits if the individual voluntarily left work without a necessitous and compelling reason.

(3) When the claimant was separated from employment with the employer under conditions that would not be disqualifying under section 402(b) of the law, but do not involve good cause attributable to the claimant's employment.

(4) When the claimant was separated from employment with the employer under conditions that would be disqualifying under section 3 of the law (43 P. S. § 752)), which provides that an individual must be unemployed through no fault of his own to be eligible for benefits.

(5) When the claimant was separated from employment with the employer under conditions that would be disqualifying under section 402(e.1) of the law, which provides that an individual is ineligible for benefits if the individual is unemployed due to failure to submit to or pass a drug test.

(6) When the claimant was separated due to a major natural disaster declared by the President of the United States.

(b) Under section 302(a)(2) of the law, an employer may be granted relief from benefit charges when the claimant continues to work part-time for the employer without material change after being separated from other employment.

(c) Under section 302(a)(2.1) of the law, an employer may be granted relief from benefit charges when the claimant was separated due to a cessation of business of 18 months or less caused by a disaster.

**REPORTS TO BE FILED**

**§ 63.52. Quarterly reports from employers.**

(a) *Required reports.* An employer shall file the following reports for each calendar quarter, regardless of whether the employer has paid wages during the calendar quarter:

(1) The periodic report to establish the amount of contributions due, known as the Employer's Report for Unemployment Compensation.

(2) The periodic report showing the amount of wages paid to each employee, known as the Employer's Quarterly Report of Wages Paid to Each Employee.

(b) *Termination of reporting.* An employer may stop filing reports required under subsection (a) if it certifies in writing that it no longer provides employment as defined in section 4 of the law (43 P.S. § 753) or the Department determines that the employer no longer provides the employment.

(c) *Contents of reports.* An Employer's Report for Unemployment Compensation must contain the total amount of wages paid during the calendar quarter, the amount of wages paid during the calendar quarter that does not exceed the limitation in section 4(x)(1) of the law, the amount of contributions due, and other information the Department requires. An Employer's Quarterly Report of Wages Paid to Each Employee must contain the following:

(1) The name and Social Security number of each employee to whom wages were paid during the calendar quarter.

(2) The amount of wages paid to each employee.

(3) The number of credit weeks for each employee.

(4) Other information the Department requires.

(d) *Due date.*

(1) An employer shall file reports required under subsection (a) on or before the last day of the month that immediately follows the end of the calendar quarter for which the reports are filed. If the day on which the reports are required to be filed is a Saturday, Sunday or legal holiday, the employer may file them on the first subsequent day that is not a Saturday, Sunday or legal holiday.

(2) The Department may require an employer that has discontinued operation of its organization, trade or business in this Commonwealth to file the reports required under subsection (a) immediately.

(e) *Reporting methods.* Except as otherwise prescribed by the Department under subsection (g), for calendar quarters beginning on or after the effective date of this subsection an employer shall make the reports required under subsection (a) through an electronic filing system that the Department prescribes.

(f) *Filing date.* The filing date of a report made under subsection (e) is the receipt date recorded by the electronic filing system.

(g) *Additional reporting methods.*

(1) The Department may prescribe additional methods for employers to make the reports required under subsection (a). If the Department prescribes an additional method to make a report, it will designate the date on which a report made by that method is filed. The Department may suspend use of one or more of the methods of making reports prescribed in subsection (e) or under this paragraph when it determines, in its discretion, that the method is obsolete, impractical or infrequently used.

(2) The Department may limit a class of employers to one or more methods of making the reports required under subsection (a), or limit a method of making the reports to a class or classes of employers.

(h) *Waiver.* Upon a showing of good cause, the Department may allow an employer to make the reports required under subsection (a), to file the reports, or both, by a method other than as provided in subsections (e), (f) and (g).

**MISCELLANEOUS PROVISIONS**

**§ 63.63. Agreement to compromise.**

(a) An employer's application for compromise of contributions, interest or penalties under section 309.1 of the law (43 P.S. § 789.1) shall be filed in the manner prescribed in § 63.25 (relating to filing methods). The employer shall provide all information requested by the Department to determine whether the application will be granted.

(b) An application for compromise is effective only if both of the following occur:

(1) The Department notifies the employer that the application is approved.

(2) The employer pays the contributions, reimbursement, interest, penalties and legal costs that it owes, other than those amounts the Department has agreed to forgo in the compromise, within the time and in the manner that the Department specifies.

[Pa.B. Doc. No. 11-1009. Filed for public inspection June 17, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective May 18, 2011.

The organization chart at 41 Pa.B. 3101 (June 18, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 11-1010. Filed for public inspection June 17, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective May 18, 2011.

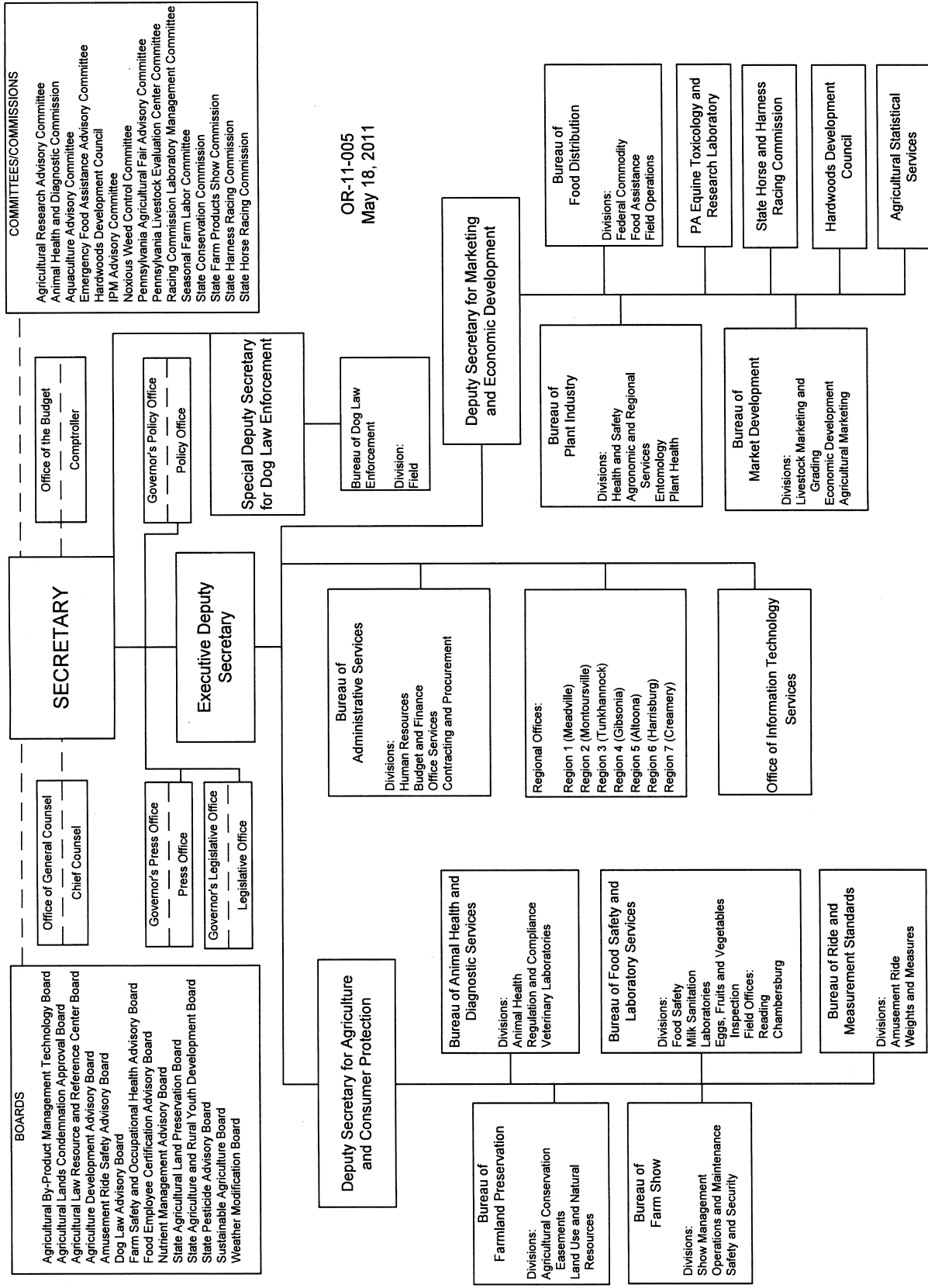
The organization chart at 41 Pa.B. 3102 (June 18, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

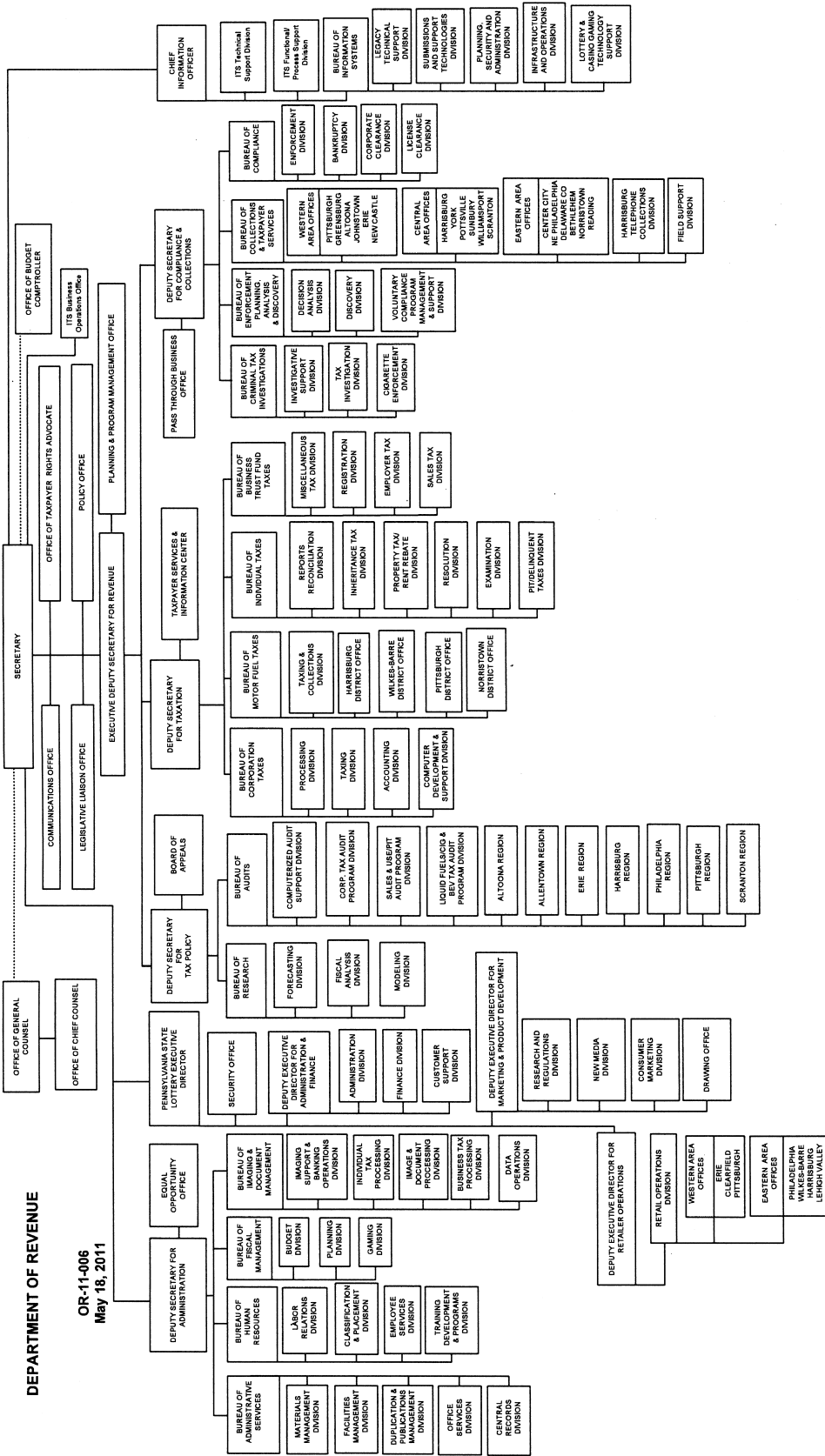
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 11-1011. Filed for public inspection June 17, 2011, 9:00 a.m.]



DEPARTMENT OF AGRICULTURE





# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 31, 2011.

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

#### BANKING INSTITUTIONS

##### Incorporations

##### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-31-2011	GNB Financial Services, Inc. Gratz Dauphin County  Application for approval to acquire 100% of The Herndon National Bank, Herndon.	Filed

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-27-2010	Monument Bank Doylestown Bucks County	33 Swamp Road Newtown Bucks County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-24-2011	Reliance Savings Bank Altoona Blair County	1824 South Atherton Street State College Centre County	Effective

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1012. Filed for public inspection June 17, 2011, 9:00 a.m.]

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 7, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments

must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-7-2011	New Century Interim Bank Phoenixville Chester County	Approved

The purpose of New Century Interim Bank, Phoenixville, is to merge with New Century Bank (d.b.a. Customers Bank), Phoenixville, to facilitate the proposed reorganization of New Century Bank into a bank holding company structure whereby New Century Bank will become the wholly-owned subsidiary of Customers Bancorp, Inc., Phoenixville, a new bank holding company in formation.

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-31-2011	Wayne Bank Honesdale Wayne County	Effective

Application for approval to merge North Penn Bank, Scranton, with and into Wayne Bank, Honesdale.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-19-2011	Monument Bank Doylestown Bucks County	Newtown Plaza 33 Swamp Road Newtown Bucks County	Opened
6-3-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	733 West Lancaster Avenue Bryn Mawr Montgomery County	Approved
6-7-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	900 Welsh Road Maple Glen Montgomery County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-20-2011	Royal Asian Bank Philadelphia Philadelphia County	<i>To:</i> 449 Broad Avenue Palisades Park Bergen County, NJ  <i>From:</i> 232 Broad Avenue Palisades Park Bergen County, NJ	Effective

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-20-2011	Reliance Savings Bank Altoona Blair County	1824 South Atherton Street State College Centre County	Closed
5-31-2011	First Commonwealth Bank Indiana Indiana County	363 Butler Street Pittsburgh Allegheny County	Closed
5-31-2011	First Commonwealth Bank Indiana Indiana County	608 Miller Avenue Clairton Allegheny County	Closed
5-31-2011	First Commonwealth Bank Indiana Indiana County	250 Summit Park Drive Pittsburgh Allegheny County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-31-2011	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Route 61 Schuylkill Haven Schuylkill County	Closed
5-31-2011	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Gold Star Highway Shenandoah Schuylkill County	Closed
6-3-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	345 East Beaver Avenue State College Centre County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-7-2011	Royal Asian Bank Philadelphia Philadelphia County	Approved and Effective
Articles of Incorporation amended and restated in their entirety to change the name of the institution to "Noah Bank" and to relocate the institution's principal place of business <i>From</i> : 418 Oak Lane, Philadelphia, Pennsylvania 19126 <i>To</i> : 7301 Old York Road, Elkins Park, Pennsylvania 19027		

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-7-2011	Spojnia Credit Union Scranton Lackawanna County	Approved and Effective
Amendment to Article 2 of the credit union's Articles of Incorporation provides for a statement that the credit union is organized and operated as a nonprofit corporation.		

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-10-2010	Crayola, LLC Employees Credit Union Easton Northampton County	2475 Brodhead Road Bethlehem Northampton County	Opened
6-3-2011	TruMark Financial Credit Union Trevose Bucks County	333 Centennial Road Warminster Bucks County	Filed

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1013. Filed for public inspection June 17, 2011, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2011**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2011, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No.

96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.59 to which was added 2.50 percentage points for a



total of 6.09 that by law is rounded off to the nearest quarter at 6%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1014. Filed for public inspection June 17, 2011, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Trinity International University for Approval to Offer a Degree and Certificate Program

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Trinity International University of Deerfield, IL, by means of its Trinity Evangelical Divinity School to offer a program in Christian Studies leading to a Master of Arts degree and a program in Christian Studies leading to a certificate of completion at the site of North Way Christian Community in Wexford, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448, on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 11-1015. Filed for public inspection June 17, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges 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.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0061361 (Sewage)	Smithfield Sewer Authority WWTP 1155 Red Fox Road East Stroudsburg, PA 18301-9106	Monroe County Smithfield Township	Little Sambo Creek (01E)	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 3717-705-4707.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0029939 (Sew—Transfer / Renewal)	Cromwell Township Board of Supervisors 10999 Valley Street Shirleysburg, PA 17260	Huntingdon County Cromwell Township	Aughwick Creek / 12-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114766 (Sewage)	Behavioral Specialists, Inc. 184 E Village Drive Williamsport, PA 17702	Lycoming County Susquehanna Township	Bender Run (10-A)	Y
PA0033316 (Sewage)	Pine Crest Village MHP 170 Pinecrest Drive Williamsport, PA 17701-9730	Lycoming County Eldred Township	Unnamed Tributary of Millers Run (10-B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0005762 (Industrial Waste)	G. O. Carlson Inc. d/b/a Electralloy 176 Main Street Oil City, PA 16301	Venango City of Oil City	Allegheny River 16-E	Y
PA0209902 (Sewage)	Ina B. & Michael J. Mailliard Sunol road Cochranton, PA 16314	Crawford County Greenwood Township	Sandy Creek 16-G	Y

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

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

**PA0051250**, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Kings Plaza STP, located on Almhouse Road east of Easton Road.

The receiving stream, Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: TSF, MF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for the Aqua Pennsylvania Neshaminy Plant is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.425 MGD.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(05-01 to 10-31)	15	23		30
(11-01 to 04-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(05-01 to 10-31)	2.0			4.0
(11-01 to 04-30)	6.0			12.0
NO <sub>2</sub> +NO <sub>3</sub> as N				
(07-01 to 10-31)	9.0			
(11-01 to 06-30)	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorous (as P)				
first 12 months				
(04-01 to 10-31)	1.0			2.0
(11-01 to 03-31)	Monitor/Report			
after 12 months				
(04-01 to 10-31)	0.8			1.6
(11-01 to 03-31)	1.6			3.2
Fecal Coliform			200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml	
Dissolved Oxygen			Minimum of 5.0 mg/l at all times	
pH			Within limits of 6.0-9.0 Standard Units at all times	
Total Residual Chlorine	0.5			1.6

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

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Chlorine Minimization
8. Proper Sludge Disposal
9. TMDL/WLA Analysis
10. Operator Training
11. Instantaneous Maximum Limits
12. Laboratory Certification

**PA0053651**, SIC Code 3341, **Johnson Matthey Inc.**, 1401 King Road, West Chester, PA 19380-1467. Facility Name: Johnson Matthey GWCU. This existing facility is located in West Whiteland Township, **Chester County**.

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

The receiving stream(s), Valley Creek, is located in State Water Plan watershed 3H and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
1,1,2-Trichloroethane Influent	XXX	XXX	XXX	Report	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Instant. Minimum	Instant. Maximum	Average Monthly	Daily Maximum	Instant. Maximum
1,1,2-Trichloroethane	XXX	XXX	XXX	0.002	0.004	0.005
1,1,2,2-Tetrachloroethane	XXX	XXX	XXX	0.0007	0.0014	0.0017
1,1,2,2-Tetrachloroethane Influent	XXX	XXX	XXX	Report	XXX	XXX
Tetrachloroethylene	XXX	XXX	XXX	0.0025	0.005	0.0062
Tetrachloroethylene Influent	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene Influent	XXX	XXX	XXX	0.01	0.02	0.025

The proposed effluent limits for Outfall 002 are based on an average stormwater flow.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Minimum	Instant. Maximum	Average Monthly	Maximum	Instant. Maximum
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

1. Remedial Measures if Unsatisfactory Effluent
2. Small Stream Discharge
3. BAT/ELG Reopener
4. Test Methods
5. Change of Ownership
6. Proper Sludge Disposal
7. TMDL/WLA Analysis
8. Groundwater Monitoring
9. No Stripper Tower Cleaning Water Discharge
10. Laboratory Certification
11. Stormwater Only Outfall

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.

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

**PA0047325**, Industrial Waste, SIC Code 4911, **PPL Electric Utilities Corp**, 769 Salem Boulevard, Berwick, PA 18603-6828. Facility Name: Susquehanna Steam Electric Station. This existing facility is located in Salem Township, **Luzerne County**.

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

The receiving stream, Susquehanna River, is located in State Water Plan watershed 5-B 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 070 Stormwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	report	XXX	XXX

The proposed effluent limits for Outfall 071 are based on a design flow of 13.89 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	report	report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.50
Ammonia-Nitrogen				Report		
Total Phosphorus	XXX	XXX	XXX	Avg Mo	XXX	XXX
Total Chromium	XXX	XXX	XXX	Report		
Total Zinc	XXX	XXX	XXX	Avg Mo	XXX	XXX
				0.2	0.2	XXX
				1.0	1.0	XXX

The proposed effluent limits for Outfall 072 are based on a design flow of 0.009 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report	report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0

The proposed effluent limits for Outfall 073 are based on a design flow of 0.008 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report	report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0

The proposed effluent limits for Outfall 074 are based on a design flow of 0.008 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	report	report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0

The proposed effluent limits for Outfall 075 Stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	report	XXX	XXX

The proposed effluent limits for Outfall 079 are based on a design flow of 0.08 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	1,000	XXX
				2000		
	XXX	XXX	XXX	Geo Mean	10,000	XXX



The proposed effluent limits for Outfall 080 Stormwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	report	XXX	XXX

The proposed effluent limits for Outfall 371 are based on a design flow of 0.001 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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

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

- Chemical Additives
- Stormwater
- 316(b)
- ELG 423 Specific Special Conditions

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

**PA0032051**, Sewage, SIC Code 4952, **Granville Township**, Mifflin County, 100 Helen Street, Lewistown, PA 17044-2437. Facility Name: Junction STP. This existing facility is located in Granville Township, **Mifflin 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), Juniata River, is located in State Water Plan watershed 12-A and is classified for High Quality Waters - Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	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	1.6
CBOD <sub>5</sub>	156	250	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	188	282	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report					
Total Nitrogen	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report					
Total Nitrogen	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	XXX	15,796 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	XXX	1,899 Total Annual	XXX	XXX	XXX	XXX

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 not in effect.

**PA0261661**, Sewage, SIC Code 1522, **Patel Mangla P & Patel Pravin M**, 2845 Lebanon Road, Manheim, PA 17545. Facility Name: Red Carpet Inn. This proposed facility is located in Rapho Township, **Lancaster County**.

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

The receiving stream(s), Unnamed tributary to Shearers Creek, is located in State Water Plan watershed 7-G and is classified for High Quality Waters - Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0048 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	20	25
Total Suspended Solids	XXX	XXX	XXX	10	20	25
Total Dissolved Solids	XXX	XXX	XXX	500	1000	1250
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	1000	1250
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean	XXX	1000
Nitrate-Nitrite as N	Report Total Mo	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	5	10	12.5
Total Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Nitrogen Effluent Net (Final)		181				
	XXX	Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	1.0	2.0	2.5
Ammonia-Nitrogen		Report				
Total Kjeldahl Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report					
Total Phosphorus	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	0.5	1	1.25
Total Phosphorus	Report					
Total Phosphorus	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report					
Total Phosphorus Effluent Net (Interim)	Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Final)	XXX	Total Annual	XXX	XXX	XXX	XXX
Total Copper	XXX	0.0	XXX	XXX	XXX	XXX
Total Lead	XXX	Total Annual	XXX	0.053	0.106	0.13
Total Zinc	XXX	XXX	XXX	0.098	0.196	0.25
	XXX	XXX	XXX	0.244	0.288	0.61

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

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.

**PA0014648**, Industrial Waste, SIC Code 4941, **United Water PA Inc.**, 4211 E Park Circle, Harrisburg, PA 17111-2806. Facility Name: United Water PA Harrisburg System. This existing facility is located in Hummelstown Borough, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10
Total Iron	Report	Report	XXX	2.0	4.0	5.0
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and

Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0028461**, Sewage, SIC Code 4952, **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844-1348. Facility Name: Mifflinburg Borough Wastewater Treatment Plant. This existing facility is located in Mifflinburg Borough, **Union 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), Buffalo Creek, is located in State Water Plan watershed 10-C 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 1.4 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)		Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	99	140	XXX	8.5	12	17
Nov 1 - Apr 30	292	467	XXX	25	40	50
Total Suspended Solids	350	525	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	91	128	XXX	7.8	11	15
Nov 1 - Apr 30	30	45	XXX	2.6	3.9	5.2
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Chronic toxicity (TUc) (ceiodaphnia) (Interim) *	XXX	XXX	XXX	XXX	Report Max	XXX
(ceriodaphnia) (Final) *	XXX	XXX	XXX	XXX	2.21 Max	XXX
(pimephales) (Interim) *	XXX	XXX	XXX	XXX	Report Max	XXX
(pimephales) (Final) *	XXX	XXX	XXX	XXX	2.21 Max	XXX

\* The chronic toxicity effluent limitation does not go into effect until September 1, 2014 pending the results of a toxics reduction evaluation.

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	25,570			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	3,409			



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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR - Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

**PA0093203**, Sewage, SIC Code 9999, **The Pennsylvania State University**, Engineering Services, 101P Physical Plant Building, University Park, PA 16802. Facility Name: Penn State New Kensington Campus STP. This existing facility is located in Upper Burrell Township, **Westmoreland 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), Unnamed Tributary to Pucketa Creek, is located in State Water Plan watershed 18-A and is classified for Trout Stocking, 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 0.015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily	Minimum	Average Monthly	Daily	
Flow (MGD)	0.015	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Ammonia-Nitrogen				2000		
May 1 - Oct 31	XXX	XXX	XXX	Geo Mean	XXX	10000
Nov 1 - Apr 30	XXX	XXX	XXX	4.0	XXX	8.0
	XXX	XXX	XXX	12.0	XXX	24.0

The EPA Waiver is in effect.

**PA0205419, Industrial Waste**, SIC Code 3312, **Carpenter Powder Products, Inc.**, 600 Mayer Street, Bridgeville, PA 15017. Facility Name: Bridgeville Facility. This existing facility is located in Collier Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of furnace and vacuum pump non-contact cooling water, blowdown from closed-loop cooling water system, storm water, groundwater seepage, and air compressor condensate.

The receiving stream(s), Unnamed Tributary to Chartiers Creek, is located in State Water Plan watershed 20-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 0.029 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Temperature (° F)	XXX	XXX	XXX	XXX	XXX	110
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

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

- Requirement to implement best management practices and develop a storm water pollution prevention plan to reduce contaminants in storm water discharges; record use of chemical additives; prevent pollutant additions to non-contact

cooling water over intake values except heat and water conditioning additives; prohibition on discharges that would change the temperature of the receiving stream more than 2°F in any one hour period.

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.

**PA0254401**, Sewage, **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658. Facility Name: Darlington STP. This proposed facility is located in Ligonier Township, **Westmoreland County**.

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

The receiving stream(s), Loyalhanna Creek, is located in State Water Plan watershed 18-C and is classified for Trout Stocking, 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 0.154 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	0.154	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub>	32.1	48.2	XXX	25	37.5	50
Total Suspended Solids	38.6	57.8	XXX	30	45	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 412-442-4000.

The EPA Waiver is in effect.

**PA0033456**, Sewage, SIC Code 6515, **UMH PA II, LLC**, 3499 Route 9 North, Freehold, NJ 07724. Facility Name: Sunny Acres Mobile Home Park STP. This existing facility is located in Somerset Township, **Somerset 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), Unnamed Tributary to East Branch Coxes Creek, is located in State Water Plan watershed 19-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 0.0375 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	0.0375	XXX	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	0.05	XXX	0.12
CBOD <sub>5</sub>	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
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.5	XXX	7.0

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

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.

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**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law**

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

**WQM Permit No. 3611401**, Sewage, **Pravin & Mangla Patel**, The Red Carpet Inn, 2845 Lebanon Road, Manheim, PA 17545.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new sewage treatment plant to serve a 50 room hotel and their single residence.

**WQM Permit No. 3604401, Amendment 11-1**, Sewage, **Marietta-Donnegal Joint Authority**, PO Box 167, Marietta, PA 17547.

This proposed facility is located in Marietta Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of the existing SBR system, the addition of a fourth blower, and the installation of a mechanical bar screen at the main pump station.

**WQM Permit No. 3811402**, Sewage, **Heidelberg Township**, PO Box 188, Schaefferstown, PA 17088.

This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of four sewage lift stations.

**WQM Permit No. 2211401**, Sewage, **Williams Valley School District**, 10330 Route 209, Tower City, PA 17098-9474.

This proposed facility is located in Williamstown Township, Dauphin County and Porter Township, **Schuylkill County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a pump station to serve their existing school with sewage being conveyed to the Porter Township Joint Municipal Authority. Upon completion, they will be abandoning their private sewage treatment plant.

**WQM Permit No. 3111401**, Sewage, **Kurt & Delores Herzberg**, 25 Grandview Drive, Duncannon, PA 17020.

This proposed facility is located in Tell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence located at 17922 Shade Valley Road, Blairs Mill, PA 17213.

**WQM Permit No. 2111402**, Sewage, **Marjorie Greeger**, 1 Alliance Drive, Room 202, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence located at 151 Shatto Drive, Carlisle, PA 17013.

**WQM Permit No. 4472401 11-1**, Sewage, **McVeytown Borough Authority**, 10 North Queen Street, PO Box 321, McVeytown, PA 17051-7436.

This proposed facility is located in McVeytown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Seeking approval for modifications to the existing treatment facility including upgrades to the aeration systems and aerobic digester.

**WQM Permit No. 3611402**, Sewage, **City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599.

This proposed facility is located in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the expansion of the Conestoga Gardens Sewage Pumping Station.

**WQM Permit No. 2111402**, Sewage, **Lewis M. Burkholder**, 100 Gephart Road, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of an individual spray irrigation system.

**WQM Permit No. 0111402**, Sewage, **Reading Township Municipal Authority**, 235 Browns Dam Road, New Oxford, PA 17350.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction of a replacement pumping station for the current Browns Dam Pumping Station.

**WQM Permit No. 3111402**, Sewage, **Cromwell Township Board of Supervisors**, 10999 Valley Street, Shirleysburg, PA 17260.

This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrades to the Southern Huntingdon County High School Treatment Facility to allow treatment of wastewater from Cromwell Township.

**WQM Permit No. 0690411 11-1**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Upgrades to the wastewater treatment plant including the disinfection system, hydraulic changes for relief from peak flows and some minor equipment repairs and replacement.

**WQM Permit No. 2177403 11-1**, Sewage, **Mount Holly Springs Borough Authority**, 200 Harman Street, Mount Holly Springs, PA 17065.

This proposed facility is located in Mount Holly Springs Borough, **Cumberland County**.

Description of Proposed Action/Activity: Upgrades to the Authority's existing WWTP with biological nutrient removal technology so that the Authority will be in compliance of nutrient discharge limitations as imposed by the Chesapeake Bay Tributary Strategy.

**WQM Permit No. 0787401 11-1**, Sewage, **Williamsburg Municipal Authority**, 305 East Second Street, Williamsburg, PA 16693-1041.

This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Action/Activity: Upgrades to provide the necessary equipment and processes to reduce the nutrient discharge to limits that comply with the Chesapeake Bay Tributary Strategy.

**WQM Permit No. 2811201, CAFO, Leon Snyder**, New Hope Sow Farm, 230 Poplar Road, Fleetwood, PA 19522.

This proposed facility is located in Fannett Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval to construct three swine barns with underneath manure storage.

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

**WQM Permit No. 2011402**, Sewerage, **PA DCNR Bureau of State Parks**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551

This proposed facility is located in West & South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a WQ Permit for installation of a dual sewage pump station and an underground sewer force main in Pymatuning State Park. This project will phase out and re-direct sewage from an old sub-standard sewage treatment plant (Pymatuning State Park's Jamestown Sewage Treatment Facility) to a more modern treatment facility (North & South Shenango Joint Municipal Authority WWTP).

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#### IV. NPDES Applications for Stormwater Discharges from MS4

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#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091002-1	Robert J. Mockoviak 2727 Aquetong Road New Hope, PA 18938	Bucks	Solebury Township	Aquetong Creek (HQ-CWF)
PAI01 1505074-R	The Rutt Family Sonshine, LP 227 Granite Run Drive, Ste 100 Lancaster, PA 17601	Chester	Honey Brook Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF)
PAI01 1506076-A3	St. Peters Town, LP 401 South Schuylkill Avenue Norristown, PA 19403	Chester	Warwick Township	French Creek (EV)
PAI01 151112	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Chester	West Brandywine Township	Indian Run Creek (HQ-CWF-MF)
PAI01 151113	Philips Brothers Electrical Contractors, Inc. 235 Sweet Spring Road Glenmoore, PA 19343	Chester	East Nantmeal Township	Lyons Run (HQ-TSF-MF)
PAI01 151114	Diament Building Corporation 144 Byers Road PO Box 471 Uwchland, PA 19480	Chester	Charlestown Township	Pigeon Run/Pickering Creek (HQ)



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 461001-2	PA Air National Guard, 111th Fighter Wing 1120 Fairchild Street Horsham, PA 19044-5236	Montgomery	Horsham Township	Unnamed Tributary Park Creek (WWF)
PAI01 461102	PECO Energy Company 2301 Market Street S7-2 Philadelphia, PA 19103	Montgomery	Norristown Borough	Schuylkill River (WWF)

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503021-R	First National Community Bank 200 S. Blakely St. Dunmore, PA 18512	Monroe County	Middle Smithfield Twp.	Sandhill Creek (HQ-CWF, MF)
PAS105056R(8)	Sanofi Pasteur Inc. Discovery Drive Swiftwater, PA 18370	Monroe County	Pocono Twp	Swiftwater Creek (HQ-CWF, MF)
PAI024509016	Arcadia Properties LLC 100 Gateway Drive Suite 310 Bethlehem PA 18017	Monroe County	Tobyhanna Twp.	Tobyhanna Creek (HQ-CWF, MF) UNT Tobyhanna Creek (HQ-CWF, MF)

*Northampton County Conservation District: 14 Gracedale Ave., Nazareth, PA 18064-9211, 610-746-1971*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024811001	PennDOT Eng. Dist. 5-0 Manan Desai 1002 Hamilton St. Allentown PA 18101  James D. Morrissey, Inc. Bill Greer 9199 Frankford Ave. Phila., PA 19114	Northampton County	Bushkill Twp. Plainfield Twp. Wind Gap Boro.	Bushkill Creek (HQ-CWF, MF) UNT Bushkill Creek (Sobers Run) EV

## **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>
Dream Farms 13689 Dream Highway Newburg, PA 17240	Franklin	225.9	2295	Dairy heifers	NA	Renewal
Funk Family Farm Jeff Funk 18255 Ft. Davis Rd. Mercersburg, PA 17236	Franklin	346.7	677.64	Swine/beef	NA	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**

*Central Office: Bureau Director, Water Standards and Facility Regulation, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996586], Public Water Supply.**

Applicant [Sunrise Springs Water Co.]  
[Township or Borough] [Newbury, Ohio]

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Responsible Official [Darrell Langford, Vice President]  
Type of Facility [Out of State Bottled Water System]  
Application Received Date [June 2, 2011]  
Description of Action [Applicant requesting Department approval to sell bottled water in Pennsylvania under the brand names: Sunrise Springs Spring Water, Sunrise Springs Purified Water and Sunrise Springs Distilled Water.]

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

**Application No. 0911511 Public Water Supply**

Applicant **USS Realty- Fairless Works**  
Township Falls  
County **Bucks**  
Responsible Official Stephan Bilan  
One Ben Failless Drive  
Fairless Hills, PA 19030  
Type of Facility PWS  
Application Received Date February 8, 2011  
Description of Action Construction of permanent interconnection water between USS Realty-Fairless Works and the Township of Falls Authority.

**Application No. 4611515 Water Supply**

Applicant **PA American Water**  
Township Norristown  
County **Montgomery**  
Responsible Official David R. Kaufman  
800 West Hershey Drive  
Hershey, PA 17033  
Type of Facility PWS  
Application Received Date May 2, 2011

Description of Action Substitute pre-chlorine with pre-chloramination to reduce disinfection by-products at the Norristown plant. This is a follow-up to a successful full-scale plant trial completed in October 2010.

**Application No. 0911518** Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
 Township Bensalem  
 County **Bucks**  
 Responsible Official Mr. Brennan Kelly  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility PWS  
 Application Received Date March 13, 2011  
 Description of Action Construction of a 2 2.0MG elevated water storage tank.

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

**Application No. 2411501**, Public Water Supply

Applicant **Ridgway Township Municipal Authority**  
 Township or Borough Ridgway Township, **Elk County**  
 Responsible Official Edward P. LaValle, Chairman  
 Consulting Engineer Richard L. Wray, Partner  
 Hegemann & Wray  
 Consulting Engineers  
 429 Park Avenue  
 Cresson, PA 16630  
 Application Received Date 05/09/2011  
 Description of Action Addition of liquid chlorination to Lower Boot Jack Pump Station and Industrial Park Pump Station.

**Application No. 2011502**, Public Water Supply

Applicant **Double D's Venango Hotel**  
 Township or Borough Venango Borough, **Crawford County**  
 Responsible Official Denelle Whalen, President  
 Consulting Engineer Arthur Kuholski/  
 Lake Engineering  
 140 Meadville Street  
 Edinboro PA 16412  
 Application Received Date 05/27/2011  
 Description of Action Updates to existing system to include nitrate removal.

**Application No. 6111503**, Public Water Supply

Applicant **PA DPW Polk Center**  
 Township or Borough Polk Borough, **Venango County**  
 Responsible Official Michael G Kapil, PE - DPW

Consulting Engineer F Mark Voyack, PE  
 Quad 3 Architecture  
 37 N Washington Street  
 Wilkes-Barre PA 18701

Application Received Date 05/31/2011

Description of Action Renovation of water treatment plant & installation of membrane filtration treatment system.

**MINOR AMENDMENT**

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

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

**Application No. 1111504MA, Minor Amendment.**

Applicant **Portage Borough Municipal Authority**,  
 606 Cambria Street,  
 Portage, PA 15946  
 [Township or Borough] Portage Township  
 Responsible Official Raymond A. Vandzura,  
 Chairman  
 Portage Borough  
 Municipal Authority,  
 606 Cambria Street,  
 Portage, PA 15946  
 Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Application Received Date March 18, 2011  
 Description of Action Construction of the 1 MG Spring Hill water storage tank to replace the existing 200,000 gallon water storage tank and the installation/replacement of 32,000 L.F. of 2-inch to 10-inch waterline.

**Application No. 3211505GWR, Minor Amendment.**

Applicant **Hillsdale Nursing & Rehab Center**  
 138 Mountain View Drive  
 Hillsdale, PA 15746  
 [Township or Borough] Montgomery Township  
 Responsible Official Richard Hoover, Sr.,  
 Plant Operator  
 Hillsdale Nursing & Rehab Center  
 138 Mountain View Drive  
 Hillsdale, PA 15746  
 Type of Facility Water system  
 Consulting Engineer  
 Application Received Date May 31, 2011

Description of Action Demonstration of 4-log treatment for groundwater sources

**Application No. 5611509GWR, Minor Amendment.**

Applicant **Somerset Township Municipal Authority**  
2209 North Center Avenue  
Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official David Hottle, Operator  
Somerset Township  
Municipal Authority  
2209 North Center Avenue  
Somerset, PA 15501

Type of Facility Listie water system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
222 West Main Street Suite 100  
Somerset, PA 15501

Application Received Date May 31, 2011

Description of Action Demonstration of 4-log treatment for groundwater sources

**Application No. 5611510GWR, Minor Amendment.**

Applicant **Somerset Township Municipal Authority**  
2209 North Center Avenue  
Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official David Hottle, Operator  
Somerset Township  
Municipal Authority  
2209 North Center Avenue  
Somerset, PA 15501

Type of Facility Reading Mines water system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
222 West Main Street Suite 100  
Somerset, PA 15501

Application Received Date May 31, 2011

Description of Action Demonstration of 4-log treatment for groundwater sources

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302-305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to

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

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

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

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

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Larry Moore Property**, 148 Main Street, North Manheim Township, **Schuylkill County**. Bridget E. Shadler and Katlyn E. Heberlig, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 have submitted a Notice of Intent to Remediate (on behalf of their client, Lawrence Moore, 18 Overlook Drive, Pottsville, PA 17901), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The current and intended future use of the property is for residential purposes. A summary of the Notice of



Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Ara Seropian Property**, 253-257 North Prince Street, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Ara Seropian, 241 North Prince Street, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons released from an unregulated underground gasoline storage tank. The property will remain commercial. The site will be remediated to a combination of the Non-Residential Statewide Health and Site-Specific standards.

**Worley Industries**, 6210 West Penn Avenue, Heidelberg Township, **Berks County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Worley Industries, Inc., 410 Sheridan Road, Wernersville, PA 19567, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to a combination of the Non-Residential Statewide Health and Site-Specific standards. Future use of the site will remain industrial.

**1862 Rockvale Road**, West Lampeter Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Weisenthal, LP, 1835 Pioneer Road, Lancaster PA 17602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from an unregulated underground storage tank. The site will be remediated to the Residential Statewide Health standard. Future use of the site will remain residential and agricultural.

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

**Pumpco Route 154 & State Route 4001 Accident**, Village of Lincoln Falls, Elkland Township, **Sullivan County**. Pennsylvania Tectonics, Inc., 826 Main St., Peckville, PA 18452, on behalf of Pumpco Energy Services, 236 Finley Road, Suite 14, Belle Vernon, PA 15012 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. Future use of the area is anticipated to be consistent with the current use, that being agricultural purposes, primary residence and a bed and breakfast.

## 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.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-399-071: PPL Susquehanna LLC** (769 Salem Boulevard, Berwick PA 18603) for operation of two (2) existing cooling water towers and an emergency water spray pond as air emission sources into their operating permit for their facility in Salem Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to PPL Susquehanna LLC (769 Salem Blvd, Berwick PA 18603) for their facility located in Salem Twp, Luzerne County. This Plan Approval No. 40-399-071 will be incorporated into the company's State Only Operating Permit #40-00027 through an administrative amendment at a later date.

Plan Approval No. 40-399-071 is to include operation of two existing cooling water towers & an emergency water spray pond as an air emission sources into their operating permit. PPL recently conducted an assessment of all potential air emission sources and their pollutant emissions at Susquehanna SES. During review of Susquehanna's air emission sources it was determined that, the

draft cooling towers & the emergency water spray pond were sources of particulate emissions and had not been included in the facility's air quality operating permit. As a result the company has submitted a plan approval application to include the two existing cooling water towers and an existing emergency water spray pond into their operating permit. Particulate emissions from two (2) cooling towers is estimated at 87.8 tpy & from water spray pond to be less than 5.5 tpy on a 12 month rolling sum basis. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

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

Name, address and telephone number of the person submitting the comments. Identification of the proposed permit No. 40-399-071 A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone # 570-826-2511 within 30 days after publication date.

*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*

**01-05016M: ISP Mineral, Inc.—Charmian Quarry** (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a Back Surfacing System on the Finish Line in Hamiltonban Township, **Adams County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

The company shall be subject to and comply with the relevant provisions of the PA Code including the chapters 123, 127, and 129. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The use of

fabric collectors to control the particulate matter emissions from the source, is considered to be Best Available Technology (BAT). The facility's actual controlled particulate matter emissions from this plan approval shall increase less than 1 tpy of TSP and less than 0.1 tpy of PM10.

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 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 issued to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**06-05069R: East Penn Manufacturing Co.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) for their lead-acid battery assembly operation for addition of various equipment to expand manufacturing capacity and to better filter air emissions at their Lyon Station Plant in Richmond Township, **Berks 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 06-05069R is to increase production at their plant. The company shall be subject to and comply with 40 CFR Part 60 Subpart KK and Best Available Technology (BAT). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements. The potential decrease in air emissions from the proposed project are 44 tpy of particulate matter and a 0.9 tpy of lead.

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 below. 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, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00043A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a 600 ton per hour sand and gravel wash plant consisting of crushers, screens and associated material handling devices at their Green's Landing facility in Athens Township, **Bradford County**. The proposed wash plant will be operated as a wet process to suppress fugitive dust emissions.

The Department's review of the information contained in the application submitted by Glenn O. Hawbaker, Inc. indicates that the wash plant will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code Section 123.1, the particulate matter emission limitation of 25 Pa. Code Section 123.13, and Subpart 000 of the Federal Standards of Performance for New Stationary Sources 40 CFR Part 60 Subpart 000 Sections 60.670–60.676. The plan approval, if issued, will subsequently be incorporated in an operating permit via an administrative amendment in accordance with 25 Pa. Code Section 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of the sand and gravel wash plant. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the sand and gravel wash plant shall only be used to process washed (wet) stone. The material shall be saturated to the point where visible fugitive emissions are not present while the material is being processed through the plant.

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the operation of the sand and gravel wash plant shall not result in the emission of fugitive air contaminants in excess of the limitations specified in 25 Pa. Code Section 123.1.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the production rate of the sand and gravel wash plant shall not exceed 600 tons per hour.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the total particulate matter emissions and particulate matter less than 10 microns emissions from the sand and gravel wash plant shall not exceed 41.14 tons and 14.91 tons in any 12 consecutive month period, respectively.

5. The permittee shall maintain records of the amount of material processed through the sand and gravel wash plant on a monthly basis. Additionally, the permittee shall keep daily records of the production rate of the sand and gravel wash plant. These records shall be retained for a minimum of five years and be presented to the Department upon request.

6. The submission of all requests, reports, applications, submittals and other communications relating to the sand and gravel wash plant, as required by 40 CFR Sections 60.670–60.676, shall be made available to the DEP and the US EPA as required by 40 CFR Part 60 Section 60.4.

7. The sand and gravel wash plant is subject to subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR Sections 60.670–60.676 and shall comply with all applicable requirements of this subpart.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00072I: Consol Pennsylvania Coal Company, LLC** (1525 Pleasant Grove Road, Claysville, PA 15323) to authorize construction and temporary operation of the Enlow Fork Overland Conveyor, a 5.73-mile elevated coal conveyor that will extend from the Enlow Fork Mine (Oak Spring Slope) in East Finley Township, **Washington County**, to the Bailey Prep Plant in Richhill Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44 and 127.45, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval PA-30-00072I to authorize construction and temporary operation of the Enlow Fork Overland Conveyor, a 5.73-mile elevated coal conveyor that will extend from the Enlow Fork Mine (Oak Spring Slope) in East Finley Township, Washington County, to the Bailey Prep Plant in Richhill Township, Greene County. This is a Title V Facility.



This authorization is subject to applicable sections of Title 25 of the Pennsylvania Code and Federal New Source Performance Standards (NSPS), specifically 40 CFR Part 60 Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. The Plan Approval will include monitoring, testing, maintenance, and record keeping requirements to ensure compliance with all applicable rules and regulations.

The Enlow Fork Conveyor System will add additional sources of PM and PM-10 emissions to the Bailey Prep Plant. These emission points include six (6) storage silo bin vents and a total of (8) conveyor and/or silo transfer points. Conditions of the plan approval will incorporate federally enforceable limitations for emissions of total particulate matter from the raw coal storage silo bin vents as found in 40 CFR § 60.254 and 25 Pa. Code § 123.13. Compliance with emission limitations will be demonstrated through stack testing. Best available technology (BAT) for the conveyor system includes bin vent collectors on the coal storage silo vents; fully enclosed coal conveyors and transfer points; and installation of treated water/oil sprays at appropriate points. Once compliance with the conditions of the Plan Approval has been demonstrated, the applicant may subsequently apply for a Title V Operating Permit or Administrative Amendment in accordance with Title 25 of the Pennsylvania Code, Subchapter G.

The potential to emit for the proposed Enlow Fork Overland Conveyor, based on annual raw coal throughput of 18.5 million tons and 5,500 hours of operation, is estimated at 35.73 tons of PM per year, 31.25 tons of which is assumed to be PM-10. At the time the operation Enlow Fork Overland Conveyor commences, operation of thermal dryer #1 at the Bailey Prep Plant will be permanently discontinued, which represents a decrease of 47.85 tons of PM and PM-10. The above activities combined will generate a net decrease in past actual to future projected actual emissions of 12.12 tons of PM and 16.6 tons of PM-10 at the facility, annually. As such, this project does not meet the 40 CFR Part 52 definition of a major modification [i.e., no significant increase of any pollutant listed under 40 CFR 52.21(b)(23)(i)] and is therefore not subject to the Part 52 requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (PA-30-00072I).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Devin P. Tomko at 412-442-5231.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**24-1310: SGL Carbon LLC** (900 Theresia Street, Saint Marys, PA 15857) for installation of six (6) new reactors, three (3) power supplies and three (3) scrubbers in the City of Saint Marys, **Elk County**.

Pursuant to 25 Pa. Code Sections 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-1310 to SGL Carbon LLC for six (6) new reactors, three (3) power supplies and three (3) scrubbers, for the facility located in the City of Saint Marys, Elk County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 24-1310 is for the installation of six (6) new reactors, three (3) power supplies and three (3) scrubbers. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 24.13 tons per year of hazardous air pollutants.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief - Telephone: 484-250-5920*

**09-00123: Hanson Aggregates BMC, Inc.** (Ottsville Asphalt Plant 262 Quarry Road, Ottsville, PA 18942) for renewal of a Synthetic Minor Operating Permit under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Nockamixon Township, **Bucks County**. The Operating Permit will contain record keeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**22-03009: Dauphin Precision Tool, LLC** (200 Front Street, Millersburg, PA 17061) for their machining and heat treat operations in Millersburg Borough, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in 2006.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential-to-emit particulate matter in the amount of about 26 lbs/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 operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Chief, East Permitting Section, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**22-03005: Harsco Metals Slag Processing Plant 18** (P. O. Box 5003, Cranberry Township, PA 16066-5003) for the operation of a slag processing plant in Steelton Borough, **Dauphin 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 for the abovementioned facility.

The subject facility emits about 3 tons per year of particulate matter (PM). The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., Chief, East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**12-00006: Lewis & Hockenberry, Inc.** (4725 Rich Valley Road, Emporium, PA 15834) for their facility in Shippen Township, **Cameron County**. The facility's main sources include two (2) wood fired boilers, thirteen (14) steam heated lumber drying kilns, and wood working operation. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record-keeping and reporting conditions regarding compliance with all applicable requirements are included.

**49-00057: Pet Rest Memorial Park** (2410 8th Street Drive, Watsonstown, PA 17777-8002) for their facility in Delaware Township, **Northumberland County**. The facility's main source includes one (1) animal crematory incinerator. The facility has the potential to emit particulate matter, nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur oxides, and combined and individual hazardous air pollutants emissions below the respective major thresholds. The operating permit contains monitoring, recordkeeping, and reporting requirements to show compliance with applicable Federal and State regulatory requirements.

**55-00013: Mid-West School District** (568 East Main Street, Middleburg, PA 17842-1218) for issuance of a State-Only Operating Permit renewal for operation of their West Snyder Middle School facility in Spring Township, **Snyder County**. The Mid-West School District operates a 6.25 MMBtu/hour Burnham model 4N-L-827 anthracite-coal-fired boiler equipped with a Losch FJP-72 stoker (Source 031), a 4.15 MMBtu/hour Burnham model 4FL-450A3-50-LB #2-fuel-oil-fired boiler (Source 032), and a 31 bhp propane-fired Onan emergency generator (Source P101). The Department of Environmental Protection (Department) proposes to issue State-Only Operating Permit 55-00013. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record-keeping and reporting conditions regarding compliance with all applicable requirements are included.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**43-00308: Ergon Trucking, Inc.** (944 New Castle Mercer Road, Mercer, PA 16137) for a Synthetic Minor Permit to operate their crude oil storage and dispensing plant in East Lackawannock Township, **Mercer County**. The sources include three crude oil storage tanks and one loading rack. The facility has taken a facility wide throughput restriction of 39,000,000 gallons per year and become synthetic minor.

### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**09-00123: Hanson Aggregates BMC, Inc.—Ottsville Asphalt Plant** (262 Quarry Road, Ottsville, PA 18942) for renewal of a Synthetic Minor Operating Permit under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Nockamixon Township, **Bucks County**. The Operating Permit will contain record keeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

### 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*

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

**30831303 and NPDES No. PA0013511, Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to add underground and subsidence control plan area acres for development mining. Underground Acres Proposed 52.4, Subsidence Control Plan Acres Proposed 112.04. No additional discharges. Application received: February 23, 2011.

**32061303 and NPDES No. PA0235725, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Heilwood Mine in Pine and Cherryhill Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1,777.0. Subsidence Control Plan Acres Proposed 1,777.0. No additional discharges. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and intake Yellow Creek. Application received: March 3, 2011.

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

**26040105 and NPDES Permit No. PA0250635, Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only of an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 382.7 acres. Receiving streams: TF1 to Ferguson Run to TF2-4 to unnamed tributaries of Laurel Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 27, 2011.

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

**33110102 and NPDES Permit No. PA0259101, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Union Township and Corsica Borough, **Jefferson County** affecting 33.5 acres. Receiving streams: Unnamed tributary No. 1 to Welch Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 19, 2011.

**24010101 and NPDES Permit No. PA0241857, AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: Unnamed tributary "G" to Mead Run and unnamed tributaries to Johnson Run, both classified for the following uses: CWF. There are no potable surface

water supply intakes within 10 miles downstream. Application received: May 25, 2011.

**33110103 and NPDES Permit No. PA0259110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Jefferson County** affecting 99.0 acres. Receiving streams: One unnamed tributary to Mahoning Creek and Mahoning Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 25, 2011.

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

**17970102 and NPDES No. PA0220558. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858). Revision to an existing bituminous surface mine located in Graham Township, **Clearfield County** affecting 56.3 acres. This revision is for a permit boundary adjustment and stream variance. Receiving streams: Alder Run and Flat Run both classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Revision application received: May 6, 2011.

**17110106 and NPDES No. PA0257672. Black Cat Coal, LLC** (107 W. First Ave., Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Brady Township, **Clearfield County** affecting 89.0 acres. Receiving streams: unnamed tributaries to East Branch Mahoning Creek classified for high quality cold water fisheries and Stump Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 31, 2011.

*Noncoal Applications Received*

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

**11110801. Snyder Excavating, LLC**, 2824 William Penn Avenue, Johnstown, PA 15909, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Jackson Township, **Cambria County**, affecting 3.0 acres, receiving stream(s): Hinkston Run. Permit received: April 18, 2011.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice 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—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies 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; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.



Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0262218 (Mining permit no. 4274SM5)**, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for discharge of treated water from post-mining discharges in Broad Top Township, **Bedford County**, affecting 86.53 acres. Receiving stream(s): Unnamed Tributary to Six Mile Run, classified for the following use(s): Warm Water Fishery. This receiving stream is included in the Six Mile Run TMDL. Application received: February 2, 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: Unnamed Tributary to Six Mile Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0595217, Surface Mining Permit No. 5276SM5**, Eureka Stone Quarry, Inc., (P. O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for a quarry operation in Dingman Township, **Pike County** affecting 202.3 acres. Receiving stream: tributary to Sawkill Creek classified for the following use: Exceptional Value, migratory fishes. Application received: October 22, 2009.

The outfall listed below discharges to tributary to Sawkill Creek:

<i>Outfall No.</i>	<i>New Outfall</i>
001	No

The proposed effluent limits for the above-listed outfall are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	2.0	4.0	5.0
pH (g.u.)	Minimum 6.0		9.0



## 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

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

**E52-227. Schmalzle Construction Co.**, 109 Alex Road, Hawley, PA 18428, in Blooming Grove Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 20-foot wide road crossing of Burchards Creek (HQ-CWF, MF), consisting of two 48-inch diameter corrugated metal pipes depressed 1-foot below streambed elevation and fieldstone headwalls, for the purpose of providing access to a quarry (Rowland, PA Quadrangle, Latitude: 41°24'29.1"; Longitude: -75°03'52.4").

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D48-088EA. Director of Parks and Public Property**, 10 East Church Street, Bethlehem, PA 18018-6025. City of Bethlehem, **Northampton County**, ACOE Philadelphia District.

Project proposes to breach and remove Monocacy Creek Dam across Monocacy Creek (HQ-CWF, MF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1200 feet of stream channel. The dam is located approximately 500 feet south of the intersection of S.R. 378 and West Broad Street. (Allentown, East, PA Quadrangle; Latitude: 40° 37' 18", Longitude: -75° 23' 01").

**D40-148EA. John and Robert Carney**. PO Box 28, Langhorne, PA 19047, Bear Creek Township, **Luzerne County**, ACOE Philadelphia District.

To rehabilitate Pine View Dam across a tributary to Pine Creek (HQ-CWF). The project proposes 0.02-acre of permanent impact to Exceptional Value, PEM wetlands associated with a tributary to Pine Creek. The dam is located approximately 5,600 feet northeast of the intersection of SR 2041 and I-476 (Hickory Run, PA Quadrangle, Latitude: 41°07'26"; Longitude: - 75°44'23").

## 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*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060623 (Sewage)	Silver Lake Township Municipal Authority (Quaker Lake WWTP) S R 4002, Quaker Lake Road Brackney, PA 18812	Susquehanna County Silver Lake Township	Unnamed Tributary to Little Rhiney Creek (4-E)	Y
PA0063860 (Industrial Waste)	Lehighon Water Authority (Lehigh River Diversion Pump Station) Long Run Reservoir No 1 On Long Run Road Lehighon, PA 18235	Carbon County Franklin Township	Long Run (2-B) HQ CWF	Y
PA0044423 (Industrial Waste)	Lehigh University Mountaintop Campus Homer Lab 461 Webster Street Bethlehem, PA 18015-1755	Northampton County Bethlehem City	Saucon Creek (2-C) HQ CWF & MF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0025381 (Sew)	Saxton Borough Municipal Authority 1002 Branch Street Saxton, PA 16678-8739	Bedford County Liberty Township	Raystown Branch Juniata River /	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0047201	Tionesta Municipal Authority P. O. Box 408 Tionesta, PA 16411	Forest County Tionesta Borough	Allegheny River 16-F	Y
PA0221970 (Industrial Waste)	Greenville Borough WTP South Water Street Greenville, PA 16125	Mercer County Hempfield Township	Shenango River 20-A	Y

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


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

**NPDES Permit No. PA0011851 Amendment No. 2**, Industrial Waste, **Superior Tube Co., Inc.**, 3900 Germantown Pike, Collegeville, PA 19426-3112.

This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to revise the NH<sub>3</sub>-N limits at Internal Monitoring Point 108 from a facility known as Superior Tube Collegeville Facility to Unnamed Tributary to Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0244562**, Industrial Waste, **Eastern Metal Recycling Terminal LLC**, 1500 South 6th Street, Camden, NJ 08101-0496, Eddystone Borough, **Delaware County**.

The following notice reflects changes to the notice published in the March 12, 2011, *Pennsylvania Bulletin*:

A Dissolved Iron limit of 7.0 mg/l (Inst. Max.) and a monitoring requirement for Total Cadmium are included in the permit.

The additional permit conditions included are the following:

- (i) Proper Test Methods
- (ii) Internal Monitoring Points
- (iii) Monitoring for the First Year of Operation
- (iv) No Discharge Requirement

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

**NPDES Permit No. PA0087459**, Sewage, **Country View Village, LP**, PO Box 375, Gap, PA 17525.

This proposed facility is located in Centre Township, **Perry County**.

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0261611**, Sewage, **Robert E. Plank**, 1525 Fairfield Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Willoughby Run in Watershed 13-D.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**NPDES Permit No. PA0043681**, Sewage, SIC Code 4952, **Valley Joint Sewer Authority**, 1 S River Street, Athens, PA 18810-1701.

This existing facility is located in Athens Borough, **Bradford County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**


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

**WQM Permit No. 3800403, Amendment 10-1**, Sewage, **Annville Township**, PO Box 178, Annville, PA 17003-0178.

This proposed facility is located in North Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the modifications of sewerage facilities consisting of: Influent pumping, screening, grit removal, aeration upgrade to activated sludge treatment, tertiary filtration with methanol addition, chemical feed systems, aerobic sludge digestion and hauled waste receiving station and storage.

**WQM Permit No. 0511401**, Sewage, **Officers Christian Fellowship**, 4499 Milligans Cove Road, 4499 Milligans Cove Road, Manns Choice, PA 15550.

This proposed facility is located in Harrison Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of sewerage facilities consisting of: Sewerage facilities consisting of flow equalization, an MLE nutrient reduction treatment process, chemical addition, settling followed by rapid sand filtration and disinfection prior to discharge. Aerobic digestion, of solids is included with residue solids pumped and hauled to a permitted sewage solids processing facility.

**WQM Permit No. WQG01281101**, Sewage, **Brian Zimmerman**, PO Box 131, Fannettsburg, PA 17221.

This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage system to serve their single family residence located off of Newburg Road, Newburg, PA 17240.

**WQM Permit No. 0110405**, Sewage, **Robert E. Plank**, 1525 Fairfield Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of 1,000 gallon septic tank → Ecoflo STB-650 Peat Filter → UV Disinfection → 4" PVC discharge pipe to UNT to Beaverdam Creek.

**WQM Permit No. 2888401, Amendment 11-1, Sewage, Waynesboro Borough Authority, PO Box 310, Waynesboro, PA 17268.**

This proposed facility is located in Waynesboro Borough, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewerage facilities consisting of miscellaneous improvements for the existing biofilters, clarifiers and anaerobic digestion system. New poly-aluminum chloride and magnesium hydroxide feed systems in a new chemical storage building. Denitrification filters in a new filter building.

**WQM Permit No. 3811401, Sewage, North Londonderry Township Authority, 655 East Ridge Road, Palmyra, PA 17078.**

This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of: a 15-inch interceptor sewer that will convey sewage from North Londonderry Township and the Borough of Palmyra to the North Londonderry wastewater treatment plant.

**WQM Permit No. WQG02361102, Sewage, Lancaster Area Sewer Authority, 130 Centerville Road, Lancaster, PA 17602.**

This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of a new 8" diameter gravity sewer system in the Pleasant Valley / Kissel Hill Road area.

**WQM Permit No. WQG02671101, Sewage, Stewartstown Borough Authority, 6 North Main Street, Suite A, Stewartstown, PA 17363.**

This proposed facility is located in Hopewell Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of a pumping station and force main for the Bridgeview residential development.

**WQM Permit No. WQG02061101, Sewage, Exeter Township Authority, 4975 DeMoss Road, Reading, PA 19606-9060.**

This proposed facility is located in Exeter Township and St. Lawrence Borough, **Berks County**.

Description of Proposed Action/Activity: Replacement of existing sanitary sewer lines within the Antietam Creek Trunk Line.

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

**WQM Permit No. WQG02171102, Sewerage [SIC 4952], Karthaus-Burnside Joint Authority, PO Box 97, Karthaus, PA 16845.**

This proposed facility is located in Karthaus Township, **Clearfield County** and Burnside Township, **Centre County**.

Description of Proposed Action/Activity: The Authority is proposing to construct a sewer extension consisting of approximately 14,000 l.f. of 8-inch sanitary sewer, 500 l.f. of 6-inch sanitary sewer, 9,300 l.f. of 3-inch diameter force main piping, 900 l.f. of 2-inch diameter force main piping, a total of 78 new manholes/cleanouts (201-278), 1,000 l.f. of 1-1/2-inch diameter force main piping, six (6) duplex grinder pump stations and five (5) simplex grinder pump stations as well as all required appurtenances. The total number of existing EDUs served from the extension is 56, which equates to an additional 14,560 GPD of flow to the treatment facility.

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

**WQM Permit No. Sewerage, Dinamyt Real Estate, LLC, 134 Schnauzer Lane, Beaver Falls, PA 15010**

This proposed facility is located in Marion Township, **Beaver County**

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

**WQM Permit No. 6596412-A1, Sewerage, Municipal Authority Borough Smithton, PO Box 342, Smithton, PA 15479-0342**

This existing facility is located in Smithton Borough, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of a UV Disinfection Unit.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091004	Trumbauersville Fire Company No. 1 PO Box 142 Trumbauersville, PA 18970	Bucks	Trumbauersville Borough	Unami Creek (HQ-TSF-MF)
PAI01 151024	Lexington, LTD 119 John Robert Thomas Dr Exton, PA 19341	Chester	Charlestown Township	Pigeon Run (HQ-TSF)
PAI01 231001	Eastern Metal Recycling Terminal, LLC 1500 South 6th Street Camden, NJ 08101-0496	Delaware	Eddystone Borough	Delaware River (WWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033810001	Navin Zimmerman L.N.D. Associates (Zimmerman's Landscape) 119 Mountain Trail Road Newmanstown, PA 17073	Lebanon	Heidelberg Twp.	Furnace 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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Middletown Township Bucks County	PAG0200 0911007	George School 1890 Newtown-Langhorne Rd Newtown, PA 18940	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Rockhill Township Bucks County	PAG0200 0911002	Oak Tree Auto Recycling 1528 Ridge Road Perkasie, PA 18944	Three Mile Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0910008	Okna Windows 5601 Beaver Dam Road Bristol, PA 19007	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0911025	Pennsbury School District 134 Yardley Avenue PO Box 338 Fallsington, PA 19058	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East and West Nantmeal Townships Chester County	PAG0200 1505103-R	BK Campbell, Inc. 402 Bayard Road Kennett Square, PA 19438	Blackburn Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG0200 1511023	T. David Thomas PO Box 196 Downingtown, PA 19335	Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Downingtown Borough Chester County	PAG0200 1511021	Downingtown Borough 4 West Lancaster Avenue Downingtown, PA 19335	Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAG0200 1505068-R	OHB Homes, Inc. 3333 Street Road, Suite 101 Bensalem, PA 19020	East Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Sadsbury Township Chester County	PAG0200 1511020	Camp Hill Real Estate Properties, LLC 4 Featherwood Dr, PO Box 555 Parkesburg, PA 19365	Unnamed Tributary Officers Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAG0200 2310026	Robert J. Briggs 1315 Abaran's Creek Road Garnet Valley, PA 19080	South Branch Naaman's Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAG0200 236001-R	Garnet Mine, LLC 220 Continental Drive Newark, DE 19713	Green Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 46211014	Antioch Church of Philadelphia One Antioch Avenue Conshohocken, PA 19428	Plymouth Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4606020-R	Parklands, LLC 1590 Canary Road Quakertown, PA 18951	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Old Forge Boro Lackawanna Co.	PAG02003511010	Verraastro Properties, L.P. 375 North 7th Ave. Scranton, PA 18503	Lackawanna River (CWF, MF)	Lackawanna Co. Conservation District 570-281-9495
Dallas Twp. Luzerne Co.	PAG0200400504R	C&N Dining, LLC Perry Dunford P. O. Box 70 Dallas, PA 18612	UNT to Huntsville Reservoir (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Forty Fort Boro and Wyoming Boro Luzerne Co.	PAG02004011005	Luzerne County Greg Parrs 200 N. River Street Wilkes-Barre, PA 18711	Abrahams Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Upper Mount Bethel Twp & Portland Boro. Northampton Co.	PAG02004810017	Olav Sandnes Marine Properties, LLC 794 Sunrise Blvd. Mt. Bethel, PA 18343	UNT to the Delaware River (CWF, MF)	Northampton Co. Conservation District 610-746-1971
Saint Clair Boro Schuylkill Co.	PAG02005411008	Chris Schell The Home Depot USA Inc 600 Terry Rich Blvd. Saint Clair, PA 17970	Mill Creek (CWF, MF)	Schuylkill Co. Conservation District 570-622-3742
Washington Twp. Schuylkill Co.	PAG02005411006	John Brommer 1260 Rock Road Schuylkill Haven, PA 17972	Little Swatara Creek (CWF, MF)	Schuylkill Co. Conservation District 570-622-3742
New Milford Twp. Susquehanna Co.	PAG2005811002	Lackawanna College 501 Vine Street Scranton PA 18509	Nine Partners Creek (CWF, MF)	Susquehanna Co. Conservation District 570-278-4600
Allegheny Township, Blair County	PAG2000711006	Fred Imler, Jr. Imler's Poultry P. O. Box 863 Duncansville, PA 16635	Spencer Run (CWF)	Blair County Conservation District, 814-696-0877 ext 5
Mifflin Township, Dauphin County	PAG02002211012	Melvin Stoltzfus 4434 Shippen Dam Rd Elizabethville, PA 17023	Little Wiconisco Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Mifflin Township, Dauphin County	PAG02002211012	Melvin Stoltzfus 4434 Shippen Dam Rd Elizabethville, PA 17023	Little Wiconisco Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
North Londonderry and South Annville Townships Lebanon County	PAG02003811004	Gordon W. Watts North Londonderry Township Authority 655 East Ridge Road Palmyra, PA 17078	UNT to Killinger Creek/TSF, MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
South Annville Township Lebanon County	PAG02003810014	Gordon W. Watts North Londonderry Township Authority 655 East Ridge Road Palmyra, PA 17078	Killinger Creek/Quittaphailla Creek Watershed/TSF, MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
South Annville Township Lebanon County	PAG02003810031	Reid Hoover 400 Mount Wilson Road Lebanon PA 17042	UNT to Bachman Run/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethel and Jackson Townships Lebanon County	PAG02003811005	Joseph Zaprazny 2401 Summer Valley Road New Ringold PA 17960	Little Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Jackson Township Lebanon County	PAG2003806001R	Patrick Kreiser Kreiser Construction 2 Goodyear Lane Newmanstown, PA 17073	UNT to Tulpehocken Creek/TSF-MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Jackson Township Lebanon County	PAG02003811002	Craig Garloff Stone Ridge Retirement Living 440 East Lincoln Avenue Myerstown, PA 17067	UNT to Owl Creek/WWF, MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
North Lebanon Township Lebanon County	PAG02003811006	Sheila M Wartluft North Lebanon Township 725 Kimmerlings Road Lebanon PA 17046	Quittapahilla Creek/TSF-MF and Tulpehocken Creek/CWF-MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Wysox Township Bradford County	PAG2000811005	Endless Mtns Land Mgmt Inc 21186 Route 187 Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Spring Township Centre County	PAG2001411007	Richard Makin CPI of Science & Technology 540 N Harrison Rd Pleasant Gap, PA 16823	UNT to Lagan Branch CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Wallaceton Borough & Boggs Township Clearfield County	PAG2001706009R	Ronald Krise 5949 Shiloh Rd Woodland, PA 16881	Laurel Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lower Mahanoy, Upper Augusta, Lower Augusta, Little Mahanoy & Jackson Townships Northumberland County	PAG2004910022	PPL 4810 Lycoming Mall Dr Montoursville, PA 17754	Sealholtz Run, UNT Hallowing Run, Hallowing Run, UNT Boile Run, UNT Mahanoy Creek, Mahanoy Creek, UNT Susquehanna River, Filders Run, Dalmatia Creek, UNT to Mahantango Creek & Mahantango Creek WWFs	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Lawrenceville Borough Tioga County	PAG2005911008	Lawrenceville Cinderella Softball Assoc PO Box 184 Lawrenceville, PA 16929	Cowanesque River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Mars Borough Butler County	PAG02 0010 11 007	Breakneck Creek Regional Authority PO Box 1180 Mars PA 16046	Breakneck Creek WWF	Butler Conservation District 724-284-5270
City of Bradford McKean County	PAG02 0042 11 002	City of Bradford 20 Russell Blvd PO Box 490 Bradford PA 16701	West Branch Tunungwant CWF; TSF	McKean Conservation District 814-887-4001
Coolspring Township Mercer County	PAG02 0043 11 002	Paul E. O'Brien Rein Construction Co PO Box 68 Brookfield OH 44403	Munnell Run TSF	Mercer Conservation District 724-662-2242
City of Hermitage Mercer County	PAG02 0043 06 005(1)R	Larry Reichard Penn-NW Develop. Corp 749 Greenville Road, Suite 100 Mercer, PA 16137	Shenango River WWF	Mercer Conservation District 724-662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
City of Philadelphia Philadelphia County	PAR900024	Philadelphia Gas Works 3100 W Passyunk Avenue Philadelphia, PA 19145	Schuylkill River - 3F	Southeast Region Water Management 484.250.5970
Pottstown Borough Montgomery County	PAR210027	Hanson Pipe & Precast Inc. 2900 Terminal Avenue Richmond, VA 23234	Schuylkill River - 3-D	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR900017	Clean Earth of Philadelphia, LLC 3201 South 61st Street Philadelphia, PA 19153	Schuylkill River - 3F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR120008	Sweet Ovations, LLC 1741 Tomlinson Road Philadelphia, PA 19116	Unnamed Tributary to Walton Run - 3J	Southeast Region Water Management 484.250.5970
Richland Township Bucks County	PAR130006	RR Donnelley & Sons Company 100 American Drive Quakertown, PA 18951	Unnamed Tributary to Tohickon Creek - 2D	Southeast Region Water Management 484.250.5970
Falls Township Bucks County	PAR800165	Rite Aid Corporation 30 Hunter Lane Camp Hill, PA 17011	Rock Run - 2E	Southeast Region Water Management 484.250.5970
Bensalem Township Bucks County	PAR600031	Al's Auto, Inc. 4339 Old Lincoln Highway Trevose, PA 19053	Unnamed Tributary to Neshaminy Creek - 2F	Southeast Region Water Management 484.250.5970
Scranton City Lackawanna County	PAR202248	Master Halco Inc 1000 North South Road Scranton PA 18504	Keyser Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Blair County / Greenfield Township	PAR213560	A.P. Green Refractories, Inc., Sproul Plant 400 Fairway Drive Moon Township, PA 15108	Boiling Spring Run / CWF / 11-A	DEP—SCRO— Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Sandy Township Clearfield County	PAR704804	Glenn O Hawbaker Inc. 711 East College Avenue Bellefonte, PA 16823	Unnamed tributary to Sandy Lick Creek - 17-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Liberty Township Tioga County	PAR114803	Matts Auto Parts & Sales Inc. 1177 Bloss Mountain Road Liberty, PA 16930	Unnamed Tributary to Blacks Creek - 9-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Williamsport City Lycoming County	PAR604807	Staiman Bros Inc. 201 Hepburn Street Williamsport, PA 17701	West Branch Susquehanna River - 10-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Limestone Township Montour County	PAR804825	Great Dane LP 70 Strick Road Danville, PA 17821	County Line Branch - 10-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Delaware Township Northumberland County	PAR214814	Watsonstown Brick Co. Pa 405 Watsonstown, PA 17777-0068	West Branch Susquehanna River - 10-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Wayne Township Clinton County	PAR504804	Clinton County SWA PO Box 209 264 Landfill Lane McElhattan, PA 17748-0209	Unnamed Tributary to West Branch Susquehanna River - 9-B	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Troy Township Bradford County	PAR224823	Oak Hill Veneer Inc. PO Box 304 Us Route 14 North Troy, PA 16947	North Branch Sugar Creek - 4-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin County / Lurgan Township	PAG043916	Brian Zimmerman PO Box 131 Fannettsburg, PA 17221	UNT Clipperings Run / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Maxatawny Township	PAG043512	Robert Bunner 949 Bennicoff Road Kutztown, PA 19530	Mill Creek / TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-7*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Franklin Township	PAG076103	Franklin Twp. Muni. Sani. Auth. 3001 Meadowbrook Road Murrysville, PA 15668	Franklin Twp. Muni. Sani. Auth. WWTP	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
Somerset Township Somerset County	PAG096108	Piles Concrete Products, Inc. 115 Pickett Lane Friedens, PA 15541	Piles Concrete Products, Inc.	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Plumcreek Township Armstrong County	PAG096110	J & D Septic Service, Inc. PO Box 28 Elderton, PA 15736	J & D Septic Service, Inc.	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12 CAFO*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hublely Township Schuylkill County	PAG 122205	Wenger Feed Mill, Inc. Hegins Valley Layer Complex 824 Church Road Hegins, PA 17938	Pine Creek/CWF	PA DEP 2 Public Square Wilkes-Barre, PA 18701 Phone#: (570)826-2511

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Fulton County / Belfast Township	PAG123514	Ting-Kwang Chiou Chiou Hog Farm, LLC 312 Hammonton Place Silver Spring, MD 20902	13-B	DEP—SCRO— Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802
Lancaster County / Manor Township	PAG123637	Jay Bleacher 1173 Brenneman Road Conestoga, PA 17516	7-J	DEP—SCRO— Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802
White Deer Township, Union County	PAG124841	Broc Troxell/ Troxell Farms, 250 Showers Road, New Columbia, PA 17856	UNT of West Branch of Susquehanna River/ Warm Water Fishery (WWF)	PADEP Northcentral Regional Office, Watershed Management, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448 570.327.0529

**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>
Scott Gochenaur 3057 Harvest Road Elizabethtown, PA 17022	Lancaster	21	371.7	Layers	NA	Approved
Reid Hoover 400 Mt. Wilson Rd Lebanon, PA 17042	Lebanon	261.3	582	Dairy	NA	Approved



## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

##### Permit No. 2310515 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Middletown

County **Delaware**

Type of Facility PWS

Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct November 4, 2011  
Issued

##### Permit No. 2311501 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Aston

County **Delaware**

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Permit to Construct January 5, 2011  
Issued

##### Permit No. 4611510 Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Abington

County **Montgomery**

Type of Facility PWS

Consulting Engineer CET Engineering, Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct 1March 24, 2011  
Issued

##### Permit No. 1511513 Public Water Supply

Applicant **Pennsylvania American Water Company**  
800 West Hershey Park Drive  
Hershey, PA 17033

Township East Vincent

County **Chester**

Type of Facility PWS

Consulting Engineer Pennsylvania American Water Company  
800 West Hershey Park Drive  
Hershey, PA 17033

Permit to Construct March 28, 2011  
Issued

##### Permit No. 0911516 Public Water Supply

Applicant **Upper Southampton Municipal Authority**  
945 Street Road  
P. O. Box 481  
Southampton, PA 18966

Township Upper Southampton

County **Bucks**

Type of Facility PWS

Consulting Engineer Pennoni Associates  
62 Rockford Road  
Wilmington, DE 19806

Permit to Construct March 7, 2011  
Issued

##### Permit No. 0911515 Public Water Supply

Applicant **Warminster Municipal Authority**  
415 Gibson Avenue  
Warminster, PA 18974

Township Warminster and Warwick

County **Bucks**

Type of Facility PWS

Consulting Engineer CKS Engineering  
88 South Main Street  
Doylestown, PA 18901

Permit to Construct March 2, 2011  
Issued

**Operations Permit 0911533** issued to: **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912

PWSID#1090159 Buckingham Township, Bucks County on May 6, 2011, for operation of Facilities approved under construction permit 0902510 for Furlong Well F-8, Buckingham Township, **Bucks County**.

**Operations Permit 0911534** issued to: **Newtown Artesian Water Company**, 201 North Lincoln Avenue, Newtown, PA 18940

PWSID#1090043 Newtown Borough, Bucks County on May 6, 2011, for operation of Facilities approved under construction permit 0910519 for sodium Hypochlorite Injection at the Low Service Pump Station, Newtown Borough, **Bucks County**.

**Operations Permit 0911529** issued to: **Pennsylvania American Water**, 800 West Hershey Park Drive, Hershey, PA 17033

PWSID#1150166 Lower Makefield Township, Bucks County on April 7, 2011, for operation of Facilities approved under construction permit 0910648 for liquid Ammonium sulfate at College Avenue and High Drive Well Stations, Lower Makefield Township, **Bucks County**.

**Operations Permit 0911531** issued to: **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969.

PWSID#1460050 Hilltown Township, Bucks County on April 11, 2011 for operation of Facilities approved under construction permit 0910505 for backwash discharge from arsenic treatment at Well 6 to sanitary sewer, Hilltown Township, **Bucks County**.

**Operations Permit 1511516** issued to: **Camp Hill Special Schools**, 1784 Fairview Road, Glenmoore, PA 19343.

PWSID#1150039 East Vincent Township, Chester County on April 26, 2011 for operation of Well No. 1, East Vincent Township, **Chester County**.

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

**Permit No. 0610532**, Public Water Supply.

Applicant	<b>Shinn Spring Water Company</b>
Municipality	Cumru Township
County	<b>Berks</b>
Responsible Official	Bryan Shinn, Vice President 2 East Pointe Drive Birdsboro, PA 19508
Type of Facility	Project includes expanding of the existing bottle water facility including the addition of another RO unit, finished water storage tank and becoming a bulk water hauler.
Consulting Engineer	Edward J. Walsh, P.E. McCarthy Engineering Associates 1121 Snyder Road West Lawn, PA 19609
Permit to Construct Issued:	5/23/2011

**Permit No. 3611502**, Public Water Supply.

Applicant	<b>Turkey Hill Dairy, Inc.</b>
Municipality	Manor Township
County	<b>Lancaster</b>

Responsible Official	William P Gregory, Director of Operations Services 2601 River Road Conestoga, PA 17516-9630
Type of Facility	Installation of Nitrate Treatment
Consulting Engineer	Peter Lusardi, P.E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued:	5/23/2011

**Operations Permit** issued to: **Spring Hollow Properties**, 7360092, Rapho Township, **Lancaster County** on 5/23/2011 for the operation of facilities submitted under Application No. 3611518 MA.

**Operations Permit** issued to: **Blue Mountain Heights MHP**, 7210056, Lower Mifflin Township, **Cumberland County** on 5/20/2011 for the operation of facilities submitted under Application No. 7210056 COP.

**Operations Permit** issued to: **Heritage Hills Retirement Home**, 7280066, Antrim Township, **Franklin County** on 5/25/2011 for the operation of facilities approved under Construction Permit No. 2810503 MA.

**Operations Permit** issued to: **Berks Properties, Inc.**, 3060004, Hereford Township, **Berks County** on 5/31/2011 for the operation of facilities approved under Construction Permit No. 0610523 MA.

**Operations Permit** issued to: **Berks Properties, Inc.**, 3060037, Hereford Township, **Berks County** on 6/1/2011 for the operation of facilities approved under Construction Permit No. 0610524 MA.

**Operations Permit** issued to: **Berks Properties, Inc.**, 3060095, Longswamp Township, **Berks County** on 5/27/2011 for the operation of facilities approved under Construction Permit No. 0610525 MA.

**Operations Permit** issued to: **Bloomfield Borough Water Authority**, 7500012, Bloomfield Borough, **Perry County** on 6/1/2011 for the operation of facilities approved under Construction Permit No. 5010506 MA.

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

**Permit No. Minor Amendment (5998501)—Construction** Public Water Supply.

Applicant	<b>Wellsboro Municipal Authority</b>
[Township or Borough]	Duncan Township
County	<b>Tioga</b>
Responsible Official	Robert DeCamp, Chairman Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901
Type of Facility	Public Water Supply
Consulting Engineer	William S. Bray, P.E. P. O. Box 535 Wellsboro, PA 16901
Permit Issued Date	June 7, 2011
Description of Action	Installation of a 2nd raw water intake line and flow metering equipment for the Rock Run surface water source.

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

Applicant	<b>The Meadows at Watsonstown</b>
[Township or Borough]	Delaware Township
County	<b>Northumberland</b>
Responsible Official	Mr. Al Thompson The Meadows at Watsonstown 4 Dove Drive Watsonstown, PA 17777
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	June 7, 2011
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well No. 3).

The College Township Municipal Authority (Public Water Supply), Centre County: On June 1, 2011, the Department of Environmental Protection approved the Source Water Protection (SWP) plan for The College Township Municipal Authority. The personnel involved with the development of this SWP plan are to be commended for taking these proactive steps to protect these water sources for their community. Funding for development of this SWP plan was made possible by the EPA and administered through the Department's Source Water Protection Technical Assistance Program (David W. Garg, P.E.) (570) 321-6581).

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

**Permit No. 6111501, Public Water Supply**

Applicant	<b>Pleasantville Borough</b>
Township or Borough	Pleasantville Borough & Oil Creek Township
County	<b>Venango County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Arthur Kuholski, PE
Permit to Construct Issued	05/13/2011

**Permit No. 4211501, Public Water Supply**

Applicant	<b>PA American Water Company</b>
Township or Borough	Kane Borough
County	<b>McKean County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Karl J Shellenberger, PE
Permit to Construct Issued	05/25/2011

**Operations Permit** issued to **Ridgway Township Municipal Authority**, PWSID #6240022, Ridgway Township, **Elk County**. Permit Number 2407501, issued May 24, 2011 for the operation of Liquid Chlorination facilities at the Boot Jack Industrial Park Pump House and at the Lower Boot Jack Pump House. This permit is issued in response to an operation inspection conducted by Department personnel on September 23, 2010.

**Transfer of Operations Permit** issued to **Carriage Court Personal Care Home**, PWSID #6370958, Shenango Township, **Lawrence County**, Permit Number 3708503-T1, issued May 24, 2011. Action is for the simultaneous issuance of the construction and operation

permit for the personal care home's water treatment plant and distribution system and change in ownership. This permit is issued in response to an operation inspection conducted by Department personnel on May 12, 2011.

**Operations Permit** issued to **Port Allegany Water Authority**, PWSID #6420021, Port Allegany Borough, **McKean County**. Permit Number 4277501-MA2, issued May 17, 2011 for the operation of 4-Log treatment of viruses for Entry Point 198. This action is taken under the requirements of the Groundwater Rule.

**Interim Operations Permit** issued to **Meadville Housing Corporation**, PWSID #6200035, West Mead Township, **Crawford County**. Deadline extension granted May 19, 2011 for Permit Number 87501-MA1, for use of new chlorine contact line & associated plumbing while the new hydropneumatic tank is installed.

**SEWAGE FACILITIES ACT PLAN APPROVAL****Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hanover Township	1267 Sans Souci Parkway Hanover Township, PA. 18706	Luzerne

*Plan Description:* The Plan's selected alternative is Alternative No. 3. This alternative proposes the installation of a new gravity wastewater collection and conveyance system to serve all existing structures (approximately 60 Equivalent Dwelling Units) within the planning area of Witinski's Villa and Truesdale Terrace as outlined in the text and drawings of the Plan. Wastewater from the project area will be conveyed via a new gravity interceptor to a connection point at the intersection of Holly and Slope Streets in Warrior Run Borough. From this point wastewater from the project area will flow through the Warrior Run Borough Wastewater Collection System to the Wyoming Valley Sanitary Authority's (WVSA) Diversion Chamber No. 34 and its Pump Station No. 20. After leaving Pump Station No. 20, wastewater will flow exclusively through force mains and gravity interceptor lines owned and operated by WVSA as shown in the drawings found in Exhibit No. 20 of the Plan. No modifications of the Warrior Run Borough or WVSA wastewater collection and conveyance facilities will be required to facilitate the conveyance of the project area's wastewater from Warrior Run Borough to the WVSA Wastewater Treatment Facility. Treatment of the project area's wastewater will occur at WVSA's Wastewater Treatment Facility located in Hanover Township. Treated wastewater will be ultimately discharged to the Susquehanna River.

Financing of the wastewater collection and conveyance systems is to be provided by the Pennsylvania Infrastructure Investment Authority (PENNVEST).

This approval covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to the Hanover Township's Official Sewage Facilities Plan. Other Departmental permits may be required for construction if encroachment to streams or



wetlands will result. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Curwensville Borough	900 Susquehanna Avenue Curwensville, PA 16833	Clearfield

*Plan Description:* The approved plan provides for the replacement of an out-dated and deteriorated sewage treatment plant with a new Sequencing Batch Reactor sewage treatment plant. This plan also provides for the rehabilitation/replacement of brick manholes and clay sewers throughout their collection and conveyance system, as well as upgrades to the Park Avenue Pump Station. 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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Municipality of Penn Hills	12245 Frankstown Road Pittsburgh, PA 15235	Allegheny

*Plan Description:* The approved plan provides for a proposal to install a small flow treatment facility to repair an existing malfunctioning on-lot system located at 8153 Nadine Road in the Borough of Penn Hills, **Allegheny County**. The proposed treatment facility will discharge to an unnamed tributary of the Allegheny River and service a three-bedroom single family dwelling. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The required NPDES Permit and WAM Permits will be obtained in the name of the applicant as appropriate.

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

*Plan Location:* on the northwest side of Back Road, 0.1 miles northeast of Goshorn Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fannett Township	P O Box 40 Dry Run PA 17220	Franklin County

*Plan Description:* The approved plan, in the name of Sam and Janet Smith, provides for a Small Flow Treatment Facility to serve one residential dwelling with sewage flows of 400 gallons per day. The Small Flow Treatment Facility is proposed to discharge into an unnamed tributary to Doylestown Stream. 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 owner.

## 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:

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

**Putnam Wellpad 77**, Armenia Township, **Bradford County**. URS Corporation, 4507 N. Front St., Suite 200, Harrisburg, PA 17110 on behalf of Talisman Energy USA Inc., 50 Penwood Place, Warrendale, PA 15086 has submitted a Final Report concerning remediation of site soil



contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard was approved by the Department on May 31, 2011.

**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 Cleanup Plan was approved by the Department on June 1, 2011.

**OTRT Inc. Interstate 80 @ MM202E,** White Deer Township, **Union County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of OTRT, Inc., 2682 Coyle Avenue, Elk Grove Village, IL 60007, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 3, 2011.

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

**US Bronze Foundry and Machine, Inc.—Metals Impacted Soils and Sediments,** Woodcock Township, **Crawford County.** Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of Pneumo Abex, LLC, c/o Briggs and Morgan PA, 2200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402 has submitted a Risk Assessment Report concerning the remediation of site soil and sediment contaminated with lead, copper, zinc, antimony, arsenic, barium, beryllium, cadmium, mercury, nickel, silver, selenium, thallium, plant debris, building materials, and residual wastewater sludge. The Risk Assessment was approved by the Department on May 12, 2011.

**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 the remediation of site soils contaminated with crude oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2011.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or 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 No. WMGR082D003. Impact Environmental Consulting, Inc.,** 170 Keyland Court, Bohemia, NY 11716. The steel slag, iron slag, and refractory bricks are located at 1820 North Dauphin Street, Allentown, PA 18109-0674.

The Department of Environmental Protection, Bureau of Waste Management has issued a determination of applicability under the General Permit No. WMGR082 on May 31, 2011. The general permit WMGR082 is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag ("slag") as a construction material.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit Application No. WMGR002D011. Coplay Aggregates, Inc.,** P. O. Box 143, Orefield, PA 18069.

The general permit WMGR002D011 is for the beneficial use only of paper and pulp mill wastewater treatment sludge as a soil additive (i) to establish or re-establish agricultural productivity, (ii) for use in establishing or improving wildlife habitat, and (iii) to facilitate revegetation at Coplay Quarry, located in Whitehall Township, **Lehigh County.** Central Office approved the determination of applicability on June 1, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 300176. ArcelorMittal Plate, LLC,** 139 Modena Rd, Coatesville Pa 19320, East Fallowfield and Valley Townships, **Chester County.** Ten-year permit renewal and modification (increased zinc waste acceptance criteria, reduced gas monitoring frequency) of a captive residual waste landfill. East Fallowfield Township provided comments on, and expressed certain objections to, parts of the applications. Those comments and/or objections relevant to the Department's review have been adequately addressed to the Department's satisfaction. The Department's consideration of those comments and/or objections is documented in the application file. The permit was renewed and modified by the Southeast Regional Office on June 3, 2011.

#### AIR QUALITY

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

Contact: Ray Kempa, New Source Review Chief—  
Telephone: 570-826-2507

**66-399-010GP5: Williams Field Services LLC** (2800 Post Oak Blvd., Houston, TX 77056) on March 1, 2011, to construct and operate three (3) IC Engines at a Natural Gas Compressor Station site in Tunkhannock Twp., **Wyoming County**.

**66-310-023GP3: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 12, 2011, to the construct and operate a Portable Crushing Operation with watersprays at their Lopatofsky Site in Washington Township, **Wyoming County**.

**66-329-010GP9: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 12, 2011, to install and operate a Diesel I/C engine at the Lopatofsky Site in Washington Township, **Wyoming County**.

**52-329-002GP9: E.R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on May 31, 2011, to construct and operate of diesel IC engines at their site in Lackawaxen Township, **Pike County**.

**64-329-003GP9: E.R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on May 31, 2011, to construct and operate diesel IC engines at their site in Palmyra Township, **Wayne County**.

**35-329-009GP9: E.R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on May 31, 2011, to construct and operate diesel IC engines at their site in Jessup Borough, **Lackawanna County**.

**45-329-012GP9: E.R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on May 31, 2011, to construct and operate diesel IC engines at the site in Barrett Township, **Monroe County**.

**58-310-040GP3: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034 on May 12, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Clifford Township, **Susquehanna County**.

**58-329-032GP9: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on May 12, 2011, to install and operate a Diesel I/C engine at their site in Clifford Township, **Susquehanna County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**40-302-158GP1: ADM COCOA** (400 Stony Creek Road, Hazleton, PA 18202) on May 12, 2011, to renew operation of their boiler at their site in Hazle Township, **Luzerne County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

**GP5-30-00203: EQT Gathering, LLC.** EQT Plaza, 625 Liberty Avenue, Pittsburgh, PA 15222 on June 1, 2011, to install and operate one (1) new tri-ethylene glycol dehydration unit including a reboiler rated at 0.50 Mmbtu/hr at their Pipers Ridge Station in Morgan Township, **Greene County**.

**GP5-26-00591: Caiman Penn Midstream, LLC.** (5949, Sherry Lane, Suite 1300, Dallas, TX 75225) on June 3, 2011, to install and operate one new lean burn

natural gas-fired compressor engine rated at 670 bhp, one TEG dehydrator rated at 10.0 MMscf/d, and a reboiler rated 0.35 Mmbtu/hr. at their Fike Connect Compressor Station located in Henry Clay Township, **Fayette County, PA**.

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

Contact: Ray Kempa, New Source Review Chief—  
Telephone: 570-826-2507

**40-310-085: Cedar Rock Materials Corp.** (7612 Columbia Boulevard, Berwick, PA 18603) on May 25, 2011, to construct and operate a quarry plant consisting of a hard rock operation and sand/gravel operation at their facility in the Salem Township, **Luzerne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**59-00004: Ward Manufacturing, LLC** (117 Gulick Street, Blossburg, PA 16912-0009) on May 31, 2011, to construct a tumblast cleaning machine at their Blossburg Borough, **Tioga County** facility.

**08-00020A: Seaboard International, Inc.** (PO Box 450989, Houston, TX 77245) on June 1, 2011, to construct a wellhead equipment repair operation at their facility in Ulster Township, **Bradford County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

Contact: Sachin Shankar, New Source Review Chief—  
Telephone: 484-250-5920

**46-0262A: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on May 27, 2011, to operate a dust collector in Hatfield Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

**67-05083: Calpine Mid Merit LLC** (PO Box 6066, 92 DC 72, Newark, DE 19714-6066) on June 1, 2011, to construct an electric generating plant in Peach Bottom Township, **York County**. The plan approval was extended.

*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

**26-00573A: Johnson Matthey, Inc.** (605 Mountain View Drive, Smithfield, PA 15478) on June 7, 2011, to extend the period of temporary operation of the catalyst production facility covered under plan approval 26-



00573A until December 8, 2011 in Smithfield Borough, **Fayette County**. The plan approval has been extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**24-167A: E Carbon America, LLC** (806 Theresia Street, St Marys, PA 15857) on May 31, 2011, to modify the method of operation for the carbon baking kilns and the construction of the impregnation department in St Marys City, **Elk County**. This is a Title V facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*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*

**36-05140: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519-9645) on June 1, 2011, for the Terre Hill rendering plant in East Earl Township, **Lancaster County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00052: Pioneer Aggregates, Inc.** (202 Main Street, Laflin, PA 18702) on May 25, 2011, to operate a stone crushing and sizing facility in Plains Township, **Luzerne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00025: Northern Bradford Crematory** (502 North Keystone Avenue, South Waverly, PA 18840) on May 31, 2011, to operate their facility in the Borough of South Waverly, **Bradford County**. The State Only operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V10-025: Plains Products Terminals LLC** (6850 Essington Avenue, Philadelphia, PA 19134) on June 6, 2011, to operate two (2) adjacent bulk liquid storage and distribution terminals in the City of Philadelphia, **Philadelphia County**. The North Terminal (formerly ST Services) and South Terminal (formerly ExxonMobil) are now under common ownership, making it one facility. The facility's air emission sources include a 20 MMBTU/hr thermal fluid heater, a vapor incinerator, a vapor recovery unit, 20 petroleum products storage tanks, truck loading, non-gasoline marine loading.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00041: ConocoPhillips Co.** (600 N Dairy Ashford Houston, TX 77079) on June 1, 2011, the Operating Permit was amended for the Chelsea Tank Farm, a Title V facility in Upper Chichester Township, **Delaware County**. The Administrative Amendment includes changes in responsible official, permit contact and contact information for the facility.

**46-00035: Glaxosmithkline** (709 Swedeland Road, Upper Merion Township, **Montgomery County**) on June 1, 2011, was amended to incorporate Plan Approval PA-46-0035E (750 Kw Emergency Generator) and to incorporate GP1-46-0272 (32.6 MMBTU/HR natural gas fired boiler). The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

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*Coal Permits Actions*

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

**56090101 and NPDES No. PA0262714. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 186.0 acres. Receiving stream(s): unnamed tributary to/and Casselman River; unnamed tributaries to Piney Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within

10 miles downstream. Application received: January 13, 2009. Permit issued: May 23, 2011.

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

**03060102 and NPDES Permit No. PA0250902. P & N Coal Co., Inc.** (P. O. Box 332, 240 West Mahoning Street, Punxsutawney, PA 15767). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and unnamed tributaries to Patterson Creek. Renewal application received: February 9, 2011. Renewal issued: May 26, 2011.

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

**16000101 and NPDES Permit No. PA0241695. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Renewal of an existing bituminous strip operation in Richland & Licking Townships, **Clarion County** affecting 83.6 acres. Receiving streams: Unnamed tributaries to the Clarion River. Application received: November 12, 2010. Permit Issued: May 24, 2011.

#### *Noncoal Applications Returned*

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

**65070301. Latrobe Specialty Steel Co.** (2626 Ligonier Street, Latrobe, PA 15650). Returned application for a large noncoal surface mine, located in Latrobe Borough, **Westmoreland County**, affecting 33.25 acres. Receiving stream: Loyalhanna Creek, classified for the following use: WWF. Application received: September 21, 2007. Application returned: May 31, 2011.

#### *Noncoal Permits Actions*

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

**26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Permit revised to add 35.6 acres of underground mining at an existing large noncoal surface mining site located in Bullskin Township, **Fayette County**, affecting 708.6 acres. Receiving streams: unnamed tributaries to Breakneck Run and Breakneck Run. Application received: March 4, 2011. Revision issued: May 31, 2011.

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

**08100305 and NPDES No. PA0257443. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034). Commencement, operation and restoration of a large non-coal surface mine (sand & gravel) located in Sheshequin Township, **Bradford County** affecting 67.47 acres. Receiving streams: Susquehanna River classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 31, 2010. Permit issued: May 12, 2011.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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**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.**

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#### *Blasting Permits Actions*

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

**08114116. Main Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pipeline located in Towanda Township, **Bradford County**. Permit issued: May 16, 2011. Permit expires: December 31, 2011.

**08114117. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Standing Stone Township, **Bradford County**. Permit issued: May 18, 2011. Permit expires: August 31, 2011.

**41114009. CGG Veritas Land (US) Inc.** (10300 Town Park Drive, Houston, TX 77072). Seismic exploration blasting located in McIntrye Township, **Lycoming County**. Permit issued: May 17, 2011. Permit expires: December 31, 2012.

**41114010. E & J Construction, LLC** (1842 Masten Road, Canton, PA 17724). Blasting at the Minnier Quarry located in McNett Township, **Lycoming County**. Permit issued: May 17, 2011. Permit expires: May 31, 2012.

**59114003. Tesla-Conquest, Inc.** (504 1st Center, Daniel Zenker Drive, Horseheads, NY 14845). Seismic exploration blasting located in Troy, Columbia, Springfield, Armenia and Rutland Townships, **Tioga, Sullivan and Bradford Counties**. Permit issued: April 28, 2011. Permit expires: August 14, 2011.

**59114103. Wampum Hardware Co.** (2856 Stoystown Road, Friedens, PA 15541-7020). Blasting for a borrow pit for well pads located in Hamilton Township, **Tioga County**. Permit issued: May 16, 2011. Permit expires: December 31, 2012.

**59114104. Main Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pipeline located in Mansfield Boro, **Tioga County**. Permit issued: May 16, 2011. Permit expires: December 31, 2011.

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

**45114111. Pact Construction, Inc.,** (P. O. Box 74, Ringoes, NJ 08551), construction blasting for Pocono and Hamilton Sewer Transmission Project 14 in Pocono and Hamilton Townships, **Monroe County** with an expiration date of May 18, 2012. Permit issued: June 1, 2011.

**09114104. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Costco in Warminster Township, **Bucks County** with an expiration date of December 31, 2011. Permit issued: June 3, 2011.

**48114106. Austin Powder Northeast, LLC,** (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for a single dwelling in Nazareth Borough, **Northampton County** with an expiration date May 27, 2012. Permit issued: June 3, 2011.



## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

### 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*

**E23-488. Eastern Metal Recycling Terminal LLC**, 1500 S. 6th Street, P. O. Box 496, Camden, NJ 08104, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain four stormwater outfall structures, which vary between 38-inches to 48-inches in diameter in and along the Delaware River associated with the redevelopment of the former Foamex site.

The site is located near the intersection of Saville Avenue and 2nd Street. (Bridgeport, NJ-PA USGS Quadrangle N: 3.75 inches; W: 1.75 inches.

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

**E21-419: Boyd E. Diller, Inc.**, 6820 Wertzville Road, Enola, PA 17025, in Hampden and Silver Spring Townships, **Cumberland County**, ACOE Baltimore District

To remove an existing 800.0-square foot tan bark mulching operation holding pond and to convert the area into a rain garden facility. The project is located in the Sears Run (WWF, MF) watershed approximately 1,000.0 feet north of the intersection of Hunter Drive and Wertzville Road (S.R. 0944) (Wertzville, PA Quadrangle; N: 7.0 inches, W: 1.8 inches; Latitude: 40°17'26", Longitude: -77°0.0'44") in Hampden and Silver Spring Townships, Cumberland County. The purpose of the project is for the stabilization of the existing site

**E21-421: Silver Spring Township Authority**, 31 East Main Street, PO Box 1001, New Kingstown, PA 17072, in Silver Spring Township, **Cumberland County**, ACOE Baltimore District

To: 1) demolish five pumping stations and remove the associated force mains located in the floodplain of Trindle Spring Run (CWF, MF); 2) construct and maintain approximately 6,735.0 feet of 12.0-inch diameter and 1,627 feet of 8.0-inch diameter PVC sanitary sewer interceptor and 37 manholes in the floodway and floodplain of Trindle Spring Run (CWF, MF); 3) construct and maintain a concrete encased 8.0-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF) and a 115.0-foot long wetland crossing temporarily impacting 0.01 acre of an exceptional value (EV) palustrine emergent (PEM) wetland; 4) construct and maintain two concrete encased 12.0-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF); 5) construct and maintain a concrete encased 8.0-inch diameter PVC sanitary sewer crossing in and across Trindle Spring Run (CWF, MF). The project starts near the intersection of Mulberry Drive (T-586) and Brook Meadow Drive and ends near the intersection of Woods Drive (T-585) and Tavern House Highway (Mechanicsburg, PA Quadrangle; N: 17.96 inches, W: 4.07 inches; Latitude: 40°13'26", Longitude: -77°1.0'45" to N: 19.82 inches, W: 2.29 inches; Latitude: 40°14'3.0", Longitude: -77°0.0'59") in Silver Spring Township, Cumberland County. The purpose of the project is to eliminate five pump stations and reduce operating costs. The amount of wetland impact is considered a temporary and de minimus impact of 0.01 acre and wetland mitigation is not required.

**E22-548: Derry Township**, 600 Clearwater Road, Hershey, PA 17033, in Derry Township, **Dauphin County**, ACOE Baltimore District

To: 1) regrade an existing stormwater channel impacting 0.02-acre of palustrine emergent wetland associated with an unnamed tributary to Spring Creek (WWF, MF) and to construct and maintain a 28.0-inch wide by 20.0-inch high CMP stormwater outfall with endwall and depressed riprap outlet protection discharging to an unnamed tributary to Spring Creek (WWF, MF), impacting 0.01-acre of palustrine emergent wetland (Hershey, PA Quadrangle; N: 3.80 inches, W: 3.25 inches; Latitude: 40°16'15.5", Longitude: -76°38'53"); 2) relocate 334.0 feet and to restore a total of 945.0 feet of an unnamed tributary to Spring Creek (WWF, MF) including regrading to create a low flow channel and a floodplain bench impacting 0.05-acre of palustrine emergent wetland (Hershey, PA Quadrangle; N: 3.95 inches, W: 3.20 inches;

Latitude: 40°16'18", Longitude: -76°38'52.2"); 3) install and maintain concrete plugs and flowable fill into existing dual 42.0-inch diameter pipes in an unnamed tributary to Spring Creek (WWF, MF) (Hershey, PA Quadrangle; N: 4.30 inches, W: 3.25 inches; Latitude: 40°16'25.1", Longitude: -76°38'54.1"); 4) construct and maintain a 12.0-foot long, 1.0-foot depressed, 75.0-inch high by 112.0-inch wide CMP arch culvert with headwall, endwall, and depressed riprap apron in an unnamed tributary to Spring Creek (WWF, MF) to provide pedestrian access to an adjacent property (Hershey, PA Quadrangle; N: 4.30 inches, W: 3.25 inches; Latitude: 40°16'25.1", Longitude: -76°38'54.1"); 5) construct and maintain a 78.0-foot long, 1.0-foot depressed, 96.0-inch RCP culvert with headwall in an unnamed tributary to Spring Creek (WWF, MF) (Hershey, PA Quadrangle; N: 4.45 inches, W: 3.25 inches; Latitude: 40°16'28.8", Longitude: -76°38'53.9"); 6) construct and maintain two Type 10 junction boxes and a 297.0-foot long, 1.0-foot depressed, 75.0-inch by 112.0-inch CMP with endwall and depressed riprap apron outlet protection in an unnamed tributary to Spring Creek (WWF, MF) (Hershey, PA Quadrangle; N: 4.45 inches, W: 3.25 inches; Latitude: 40°16'28.8", Longitude: -76°38'53.9"); 7) install and maintain 54.0 lineal feet of 10.0-inch diameter PVC sanitary sewer line between existing manhole MH-57-16 and proposed manhole MH-G290A, in the floodway of an unnamed tributary to Spring Creek (WWF, MF) (Hershey, PA Quadrangle; N: 4.45 inches, W: 3.25 inches; Latitude: 40°16'32.5", Longitude: -76°38'53"); and 8) install and maintain 97.0 lineal feet of 8.0-inch diameter PVC sanitary sewer line between proposed manhole MH-G290A and existing manhole MH-G290 in the floodway of an unnamed tributary to Spring Creek (WWF, MF) (Hershey, PA Quadrangle; N: 4.40 inches, W: 3.25 inches; Latitude: 40°16'27", Longitude: 76°38'53.8"). The project is located at the intersection of Governor Road (SR 0322) and Cocoa Avenue (SR 0743) in Derry Township, Dauphin County. The purpose of the project is to improve stormwater conveyance and decrease flooding. The project will permanently impact 0.078 acre of PEM wetland and the permittee is required to provide a minimum of 0.11 acre of replacement PEM wetland onsite and proposes to create 0.16 acre of wetland onsite. This notice also rescinds the duplicate application notice for Permit Application No. E22-548 for this project, which was published in the *Pennsylvania Bulletin* on May 28, 2011. The same project description was published in the *Pennsylvania Bulletin* on February 12, 2011.

**E28-366: Chambersburg Rod & Gun Club**, 905 Payer Mill Road, Chambersburg, PA 17202, in Guilford Township, **Franklin County**, ACOE Baltimore District

to construct and maintain a post and beam structure with a steel roof and gable ends enclosed with chain-link fence over the existing trout runway in the floodway of an unnamed tributary to Falling Spring (TSF). The project is located on Franklin Farm Lane (Chambersburg, PA Quadrangle, N: 9.82 inches, W: 0.58 inch; Latitude: 39°55'44.7", Longitude: -77°37'45.0") in Guilford Township, Franklin County. The purpose of the project is to protect the existing trout nursery from theft, predation, and outside elements.

#### DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554

**D45-052. Richard and Marian MacDonough**, P. O. Box 86, Marshalls Creek, PA 18335. To modify, operate,

and maintain Marshall Lake Dam across Pond Creek (HQ-CWF), for the purpose of repairing a spillway and outlet of existing dam. East Stroudsburg, PA Quadrangle N: 7.9 inches; W: 0.3 inches) Smithfield Township, **Monroe County**.

*Oil & Gas Management—SWRO—400 Waterfront Drive, Pittsburgh, PA 15222*

#### Joint Permit

**[Permit # E30-07-003]. EQT Production Company**, 455 Racetrack Road, Washington, PA 15301. To construct an access road, associated with a gas well pad, crossing Rush Run and Wetland 1 in Center Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Basin 19-B, (Rogersville, PA Quadrangle; N 4.6 inches; W 1.8 inches; Latitude: N 39° 54' 2.30"; Longitude: W 80° 15' 45.97"), Tenmile Creek Watershed. The applicant proposes to involve the installation of three 50-foot long concrete culverts (one 5-foot diameter and two 4-foot diameter) crossing the stream channel and adjacent floodplain of Rush Run (HQ-WWF) to serve as permanent access to a gas well (no well permit yet). Impacts include one (1) palustrine emergent wetland totaling approximately 0.03 acres impact and Rush Run (HQ-CWF) approximately 121 linear feet of stream within the project area. The upstream watershed drainage at the access road crossing is approximately 689 acres (1.08 mi<sup>2</sup>).

Wetland Name	Coordinates	Proposed Area Impact
Wetland 1	39° 54' 1.87" 80° 15' 45.73"	_.03_ (ac.)
Stream Name	Coordinates	Proposed Linear Impact
Rush Run	39° 54' 2.30" 80° 15' 45.97"	121 ft. (culverts)

#### 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.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

5/18/2011

ESCGP-1 No.: ESX11-129-0015  
 Applicant Name: Williams Production Appalachia LLC  
 CONTACT: David Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) And Classifications: Tributary 44759 to McGee Run/Conemaugh River, Other Cold Water Fishes

4/19/2011

ESCGP-1 No.: ESX11-059-0006  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT to Patterson Creek—HQ-WWF-South Fork Tenmile Creek Watershed

5/19/2011

ESCGP-1 No.: ESX11-125-0041  
 Applicant Name: CNX Gas Co LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile Creek TSF & UNT to Short Creek/Tenmile Creek Watershed

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESG11-083-0043—MROC PAD A 1H-6H & WI  
 Applicant Triana Energy, LLC  
 Contact Ms. Rachelle King  
 Address 900 Virginia Street East, Suite 400  
 City Charleston State WV Zip Code 25301  
 County McKean Township(s) Lafayette & Bradford  
 Receiving Stream(s) and Classification(s) Unnamed Tributary of East Branch Tunugwant Creek HQ-CWF and Unnamed Tributaries of Railroad Run & Minard Run EV-CWF

ESCGP-1 #ESX11-039-0001—Kerecman 370390001  
 Applicant Eclipse Resources Operating, LLC  
 Contact Brian Panetta  
 Address 912 Atherton Street  
 City State College State PA Zip Code 16801  
 County Crawford Township(s) North Shenango(s)  
 Receiving Stream(s) and Classification(s) Bennett Run (WWF), UNT to Bennett Run (WWF)

ESCGP-1 #ESX11-083-0044  
 Applicant Enervest Operating LLC  
 Contact Randall Spence  
 Address 22811 Titusville Road  
 City Pleasantville State PA Zip Code 16341  
 County Mckean Township(s) Lafayette(s)  
 Receiving Stream(s) and Classification(s) Kinzua Creek, Wintergreen Run, Unnamed Tribs

ESCGP-1 #ESX11-065-0020A Hollobaugh Pad—Major Modification  
 Applicant EXCO Resources (PA), LLC  
 Contact Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City Warrendale, State PA Zip Code 15086  
 County Jefferson Township(s) Beaver(s)  
 Receiving Stream(s) and Classification(s) UNT to Redbank Creek (CWF), Redbank Creek (TSF)—Other—Secondary Water Allegheny River (WWF)

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 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>
David Artigliere	2514 Park Street Reading, PA 19606	Testing
Brian Bacchus	125 Twin Oak Drive Wexford, PA 15090	Testing
Jay Bauder Bauder Basement Systems, Inc.	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Thomas Biebel	2820 West 23rd Street Erie, PA 16506	Mitigation
Robert Blanchfield	2830 Stephens Street Easton, PA 18045	Testing
Deborah Buck	P. O. Box 63 Saylorsburg, PA 18360	Testing
Ellen Butkus	2291 Cable Hollow Road Russell, PA 16345	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing & Laboratory Analysis



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Dolph	515 State Route 590 Roaring Brook Twp., PA 18444	Testing
Kevin Dunkle	P. O. Box 211 Worthington, PA 16262	Testing
James Gagnon	P. O. Box H Avis, PA 17721	Mitigation
Peter Hilburn Disaster Blaster, Inc.	911 Main Street Avoca, PA 18641	Mitigation
Thomas Hollingsworth	23 Ravine Lane Levittown, PA 19055	Mitigation
Housing Inspection Services	P. O. Box 373 Murrysville, PA 15668	Testing
Robert Koppenhaver Robert Koppenhaver Builder & Contracting Co., Inc.	2743 West Main Street Spring Glen, PA 17978	Mitigation
Gary Lyons	911 Main Street Avoca, PA 18641	Mitigation
Robert Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Mitigation
James Nase Moyer & Son, Inc.	113 East Reliance Road P. O. Box 64198 Souderton, PA 18964	Testing
Richard Onega	333 Lindsay Road Zelienople, PA 16063	Testing
Greg Petruska	112 Sandy Hill Road Valencia, PA 16059	Testing
Brian Reuss HouseMaster Home Inspections	9125 Marshall Road Suite B-12 Cranberry Twp., PA 16066	Testing
William Roberts	517 Germantown Court Warminster, PA 18974	Testing
Eric Rode	290 South Mill Road Milton, PA 17847	Testing
Brendan Ryan	216 Logan Road Valencia, PA 16059	Mitigation
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory Analysis
Fred Shaffer, III	304 Earl Drive, NW Warren, OH 44483	Testing
Dale Thorson	800 Antietam Drive Douglassville, PA 19518	Testing
ValueGuard, USA, Inc.	634 Pine Street Philadelphia, PA 19106	Testing
Michael Werst	1321 North 18th Street Allentown, PA 18104	Testing
Jeffrey Zimmerman Gold Star Radon, Inc.	99 Kohler Road Kutztown, PA 19530	Mitigation
John Zym	R.R. #5, Box 5248 East Stroudsburg, PA 18301	Testing

#### **Consent Order and Agreement with City of Philadelphia Water Department**

National Pollutant Discharge Elimination System (NPDES) Permit Nos. PA0026662 (Southeast WPCP), PA0026671 (Southwest WPCP), PA0026689 (Northeast WPCP), City of Philadelphia—Water Department, 1101 Market Street, 4th floor, ARA Towers, Philadelphia, PA 19107.

On June 1, 2011 the Department authorized the City of Philadelphia (City) to implement its September 2009 Long Term Control Plan Update (LTCPU), which describes the City's plan for the control of combined sewer overflows (CSOs) and executed a Consent Order and Agreement (CO&A) as a means of addressing the requirements of the Pennsylvania Clean Streams Law, 35 P. S. Sections 691.1—691.1001, the regulations promulgated thereunder, applicable portions of the Federal Clean Water Act, 33 U.S.C. Sections 1251—1387, and the Federal regulations promulgated thereunder, the



Pennsylvania CSO Policy, and the National CSO Control Policy. The CO&A contains specific requirements and enforcement mechanisms that will be included as special conditions in the National Pollutant Discharge Elimination System (NPDES) permits for the City's three Water Pollution Control Plants (WPCPs). The LTCPU contains a variety of projects and programs, all aimed at reducing the frequency and volume of combined sewer overflows (CSOs), which are wet weather discharges from the sewer system.

The specifics of the Department's agreement with the City of Philadelphia Water Department are set forth in the Consent Order and Agreement. Copies of the Consent Order and Agreement are available for inspection at the Department's office at 2 East Main Street, Norristown, PA 19401. Further information may be obtained by contacting Mr. David Burke at (484) 250 5970.

### DRINKING WATER STATE REVOLVING FUND

#### Special Notice Under the federal Safe Drinking Water Act

##### CATEGORICAL EXCLUSION

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

*Pittsburgh Water and Sewer Authority, Location: Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222.*

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority proposes to construct a filter backwash recycle system at their water treatment plant. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority proposes to rehabilitate the Herron Hill water storage tank. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 11-1016. Filed for public inspection June 17, 2011, 9:00 a.m.]

#### Bid Opportunity

**BOGM 11-2, Cleaning Out and Plugging Two Abandoned Gas Wells (Clarence L. Schaberl and Maxianne A. Rosenberger Properties), Perry Township, Jefferson County.** The principal items of work are to clean-out and plug two abandoned gas wells, estimated to be 3,000 feet in depth to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on June 17, 2011, and bids will be opened on July 19, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for June 28, 2011, at 10 a.m. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1017. Filed for public inspection June 17, 2011, 9:00 a.m.]

Each of these subcommittee meetings will be held in the Rachel Carson State Office Building, Conference Room 15A. Additionally, interested persons will be able to participate by means of WebEx webinar. Additional details, including agendas and call-in/log-in information for each meeting will be posted closer to the meeting dates, on the Committee's web page at [http://www.portal.state.pa.us/portal/server.pt/community/climate\\_change\\_advisory\\_committee/10412](http://www.portal.state.pa.us/portal/server.pt/community/climate_change_advisory_committee/10412).

Questions concerning these meetings can be directed to Jessie Stockwell at (717) 772-8948 or e-mail [jstockwell@state.pa.us](mailto:jstockwell@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911, 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. 11-1018. Filed for public inspection June 17, 2011, 9:00 a.m.]

#### Climate Change Advisory Committee Subcommittee Meetings

The Department of Environmental Protection (Department) announces the following subcommittee meetings of the Climate Change Advisory Committee (Committee):

Land Use and Transportation Subcommittee—June 23, 2011, at 1 p.m.

Energy Production, Transmission and Distribution Subcommittee—July 12, 2011, at 1:30 p.m.

#### Nutrient Credit Trading Program Action

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient Credit Trading Program (Trading Program). This action was taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction

credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification request has been approved by the Department. The approval of this request is considered a final action of the Department.

**Lycoming County Conservation District** (542 County Farm Road, Suite 202, Montoursville, PA 17754). This approval is applicable to the nutrient reductions generated from the installed off-stream watering and streambank fencing on the 4 acres of pasture and the riparian buffer installed on the remaining 13.9 acres. This approval includes a verification plan, and authorizes the generation of 95 nitrogen credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 971 (February 19, 2011).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1019. Filed for public inspection June 17, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2012

The Department of Health (Department) is making copies available of the proposed Preventive Health and Health Services Block Grant (block grant) Application for Federal Fiscal Year 2012, under section 1905 of the Public Health Service Act (act) (42 U.S.C.A. § 300w-4). This application is the Commonwealth's draft request to the United States Department of Health and Human Services (HHS) for block grant funding to address the Healthy People 2020 Health Status Objectives.

The block grant application is the Commonwealth's funding (fix formula-based) request to HHS describing proposed services, program goals and objectives and activities that is available for public comment. Electronic or hard copies of the proposal will be available on or after August 26, 2011, and can be obtained by calling the Bureau of Health Promotion and Risk Reduction (Bureau) at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with section 1905 of the act. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until 12 p.m. on July 19, 2011, in Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Individuals should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau at the address listed previously and should be received no later than 4 p.m. on August 26, 2011.

Persons with a disability who require an alternative format of the application or wish to comment in alternative format (for example, large print or Braille) or wish to attend the hearing and require an auxiliary aid, service or other accommodations, should notify the Bureau at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1020. Filed for public inspection June 17, 2011, 9:00 a.m.]

### Emergency Medical Services Operating Fund Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency

Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2011, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2012.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2011, and ending June 30, 2012, must be expended or encumbered by the regional EMS council by June 30, 2012.

#### *Funding Priorities*

These priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

\* Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

\* Recruitment and retention programs, including scholarships/tuition reimbursement for first responder (FR), emergency medical technician (EMT) and paramedic education in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

\* Equipment required to meet basic life support (BLS) and advanced life support (ALS) ambulance service licensure.

\* Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

\* An ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per fiscal year.

\* Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

\* Quality assurance/improvement program.

\* EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

\* Costs associated with investigating a potential merger or consolidation of services. These costs include but are not limited to consulting fees, studies, legal fees and statistical analysis.

\* Costs associated with the actual merger or consolidation of services.

\* The additional cost of reflective chevron markings on the back of a new ambulance purchased by an ambulance service.

\* Bariatric equipment to equip ambulances.

When two or more ambulance companies have consolidated, for the first 5 years after the ambulance companies completed consolidation the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

#### *Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

#### *Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The

provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

### Examinations

Funding may be provided to services to cover the cost of the State written test for paramedic, prehospital registered nurse (PHRN), EMT and FR certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$300 for paramedic and PHRN and \$200 for EMT/FR per person.

### ELIGIBLE PROVIDER EQUIPMENT LIST

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	ELIGIBLE PURCHASE FOR:				ALLOWABLE COSTS <sup>1</sup>	NON RURAL (50%)	RURAL (60%)
		ALS	ALS/SQ	BLS	QRS			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000
Automated External Defibrillator (AED)	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	1,500	750	900
AED Trainer	5 years	N	N	Y	Y	400	200	240
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose & Mask Regulator (combination or constant flow—25 lpm capable) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	Y	Y	1,500	750	900
Pulse Oximeter	5 years	Y	Y	Y	Y	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,000
Adult/Pediatric Intubation Kits	5 years	Y <sup>4</sup>	Y <sup>4</sup>	N	N	600	300	360
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, and the like)	3 years	Y	Y	Y	Y	500	250	300
Stairchair 300 lb Capacity	3 years	Y	N	Y	N	2,000	1,000	1,200
Stairchair 500 lb Capacity	5 years	Y	N	Y	N	2,650	1,325	1,590
Stretcher 300 lb Capacity	5 years	Y	N	Y	N	4,000	2,000	2,400
Stretcher 700 lb Capacity	5 years	Y	N	Y	N	11,500	5,750	6,900
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (Portable)	3 years	Y	Y	Y	Y	900	450	540
Ventilator, Automatic (per Department of Health Guidelines)	5 years	Y <sup>5</sup>	Y <sup>5</sup>	Y <sup>6</sup>	Y <sup>6</sup>	3,000	1,500	1,800



<i>EQUIPMENT DESCRIPTION</i>	<i>LIFE EXPECTANCY</i>	<i>ELIGIBLE PURCHASE FOR:</i>				<i>ALLOWABLE COSTS<sup>1</sup></i>	<i>NON RURAL (50%)</i>	<i>RURAL (60%)</i>
		<i>ALS</i>	<i>ALS/SQ</i>	<i>BLS</i>	<i>QRS</i>			
Ambulance with Chevron Marking on Back of Unit	-	Y	N	Y	N	-	15,000	20,000
Chevron	-	Y	Y	Y	Y	1,500	750	900
Squad/Response Vehicle with Chevron Marking on Back of Unit	-	N	Y	N	Y	-	7,500	9,000
Data Collection Software/Technology <sup>7</sup>	-	Y	Y	Y	Y	1,700	850	1,020
Data Collection Hardware <sup>8</sup>	3 years	Y	Y	Y	Y	2,000	1,000	1,200
Radio, Mobile (two per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Radio, Portable (two per vehicle per year)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Triage Vest with Reflection Stripes Meeting ANSI National Standards	5 years	Y	Y	Y	Y	150	75	90
Triage System	5 years	Y	Y	Y	Y	750	375	450
Alerting Equipment (5 per service @ \$400 each)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots, Protection Vest Meeting ANSI National Standards (one set per provider) Respiratory Protection from Communicable Diseases	5 years	Y	Y	Y	Y	1,200	600	720
Protective Ballistic Vest	5 years	Y	Y	Y	Y	1,000	500	600
Global Positioning System Receiver 1 per licensed Ambulance or Recognized QRS Vehicle	5 years	Y	Y	Y	Y	500	250	275
Traffic Safety Equipment	5 years	Y	Y	Y	Y	2,500	1,250	1,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	3,000	1,500	1,800
Self Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	3,000	1,500	1,800
EMT-P / PHRN Testing (Written)	-	Y	Y	N	N	300	300	300
EMT /FR Testing (Written)	-	N	N	Y	Y	200	200	200
CO Detectors (Monitors)	5 Years	Y	Y	Y	Y	200	100	120
12 Lead EKG Transmitter System	5 Years	Y	Y	N	N	1,000	500	600
IO Drills or Bone Injection Systems	5 Years	Y	Y	N	N	300	150	180
Narcotics Security Systems	5 Years	Y	Y	N	N	900	450	540
Refrigerators (mini)	10 Years	Y	Y	N	N	1,200	600	480

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	ELIGIBLE PURCHASE FOR:				ALLOWABLE COSTS <sup>1</sup>	NON RURAL (50%)	RURAL (60%)
		ALS	ALS/SQ	BLS	QRS			
Tourniquet (commercially)	5 Years	Y	Y	Y	Y	25	12.50	10
Bariatric equipment	5 Years	Y	Y	Y	Y	20,000	10,000	8,000

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning and AED medical director required.

<sup>4</sup> Must be durable equipment, not disposable equipment.

<sup>5</sup> Completion of approved training program required.

<sup>6</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>7</sup> Must be a Department-approved software program, version and vendor.

<sup>8</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

Questions regarding the Eligible Provider Equipment List or other matters addressed in this notice should be directed to Joseph W. Schmider, Director, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joseph W. Schmider at the previously listed address or telephone numbers or for speech or hearing impaired persons may use VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1021. Filed for public inspection June 17, 2011, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247), will hold public meetings on Wednesday, July 20, 2011, from 9 a.m. to 4 p.m. and on Thursday, July 21, 2011, from 9 a.m. to 2:30 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1022. Filed for public inspection June 17, 2011, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Integrated Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247), will hold a public meeting on Tuesday, June 19, 2011, from 9 a.m. to 2 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1023. Filed for public inspection June 17, 2011, 9:00 a.m.]

## Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a WebEx teleconference (public) meeting on Monday, July 18, 2011, from 10 a.m. to 12 p.m., at the Department of Health, Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, at the telephone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1024. Filed for public inspection June 17, 2011, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Disproportionate Share and Supplemental Hospital Payments

The Department of Public Welfare (Department) is announcing its intent to change the formula used to calculate the disproportionate share hospital (DSH) payments to small and sole community hospitals and the Medical Assistance (MA) Rehabilitation Adjustment Payments authorized under the Commonwealth's Medicaid State Plan.

### *Background*

The Department published a notice announcing its intent to modify certain existing DSH and supplemental payments and to establish several new DSH and supplemental payments to hospitals using revenues from the Quality Care Assessment Account at 40 Pa.B. 5536 (September 25, 2010). Following publication of this notice, the Department submitted a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS) authorizing these changes. Among the DSH and supplemental payments included in the SPA were DSH payments to small and sole community hospitals and MA Rehabilitation Adjustment Payments. CMS approved the SPA authorizing these payments and their payment methodologies effective December 29, 2010.

### *Changes to the DSH Payments to Small and Sole Community Hospitals*

Since CMS approval of the DSH payments to small and sole community hospitals for Fiscal Year (FY) 2010-2011, the Department determined that additional hospitals

qualify under the approved eligibility criteria for this payment. The Department is proposing to revise the payment percentage amount to conform to the amount allocated for these payments. The Department is proposing that payments to hospitals qualifying under the second criterion for this payment be changed from 27.3% to 24.6% of each qualifying hospital's calculated disproportionate OBRA 1993 limit. In addition, the Department recalculated all hospitals' disproportionate share OBRA 1993 limits using updated 2008-2009 cost report data. The Department intends to use these updated disproportionate share limits in the determination of payments for hospitals qualifying under criteria (a)(2) or (a)(3) for the DSH payments to small and sole community hospitals.

### *Changes to the MA Rehabilitation Adjustment Payment*

Under the approved SPA, freestanding rehabilitation hospitals that qualify for a MA Rehabilitation Adjustment Payment receive a payment amount equal to 92% of the total inpatient MA fee-for-service (FFS) payment amount made to the hospital as reported in the hospital's FY 2007-2008 MA cost report available to the Department as of July 2010. Since CMS approval of this payment, an additional \$4.2 million has been allocated to this payment. The Department is proposing to increase the aggregate amount of the MA Rehabilitation Adjustment Payments to \$18.619 million and the percentage used to determine the payment amount for each qualifying freestanding rehabilitation hospital to 116% of a hospital's FY 2007-2008 inpatient MA FFS payments.

### *Fiscal Impact*

The FY 2010-2011 fiscal impact, as a result of changes to the DSH payments to small and sole community hospitals and the MA Rehabilitation Adjustment payments is \$4.198 million (\$2.336 million in Federal funds and \$1.862 million in State funds upon approval by CMS).

### *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-692. (1) General Fund; (2) Implementing Year 2010-11 is \$1,862,000; (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) 2009-10 Program—\$373,515,000; 2008-09 Program—\$426,822,000; 2007-08 Program—\$468,589,000; (7) MA—Inpatient and Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-1025. Filed for public inspection June 17, 2011, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Mini Multiplier 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 Mini Multiplier.

2. *Price:* The price of a Pennsylvania Mini Multiplier instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Mini Multiplier instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “Multiplier Bonus” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “Multiplier Bonus” area are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol, 2X (2TIMES) symbol, 4X (4TIMES) symbol and a 5X (5TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 Ticket, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$40, \$100, \$400, \$1,000 and \$25,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Mini Multiplier instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching

“YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol and a 2X (2TIMES) symbol appears in the “Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol and a 5X (5TIMES) symbol appears in the “Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol and a 5X (5TIMES) symbol appears in the “Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol and a 2X (2TIMES) symbol appears in the “Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol and a 4X (4TIMES) symbol appears in the “Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.



(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$4.00 (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.00 (FIFTEEN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$3.00 (THREE DOL) appears under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5.00 (FIVE DOL) appears under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$2.00 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" contain-

ing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.00 (FIVE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1.00 (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.00 (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$2.00 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1.00 (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol and a 4X (4TIMES) symbol appears in the "Multiplier Bonus" area in the same "Row" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.00 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of Pennsylvania Mini Multiplier instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

FREE	FREE \$2 TICKET
\$2	\$2

*Approximate Odds Are*  
 1 In:  
 15  
 18.75

*Approximate No. Of Winners Per*  
 19,200,000  
 Tickets  
 1,280,000  
 1,024,000

When Any Of Your Numbers  
Match Any Of The Winning  
Numbers, Win Prize Shown  
Under The Matching Number.  
Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,200,000 Tickets	
\$2 × 2	\$4	75	256,000
\$2 w/2X	\$4	75	256,000
\$1 w/4X	\$4	75	256,000
\$4	\$4	75	256,000
\$1 w/5X	\$5	150	128,000
\$5	\$5	150	128,000
\$2 × 5	\$10	750	25,600
(\$4 × 2) + \$2	\$10	750	25,600
\$2 w/5X	\$10	750	25,600
\$5 w/2X	\$10	375	51,200
\$10	\$10	750	25,600
\$5 × 3	\$15	375	51,200
\$3 w/5X	\$15	750	25,600
\$15	\$15	750	25,600
\$4 w/5X	\$20	1,200	16,000
[(2 w/2X) × 4] + \$4	\$20	1,412	13,600
\$10 w/2X	\$20	1,333	14,400
\$15 + \$5	\$20	1,714	11,200
\$20	\$20	1,500	12,800
\$5 × 8	\$40	1,200	16,000
\$10 w/4X	\$40	1,600	12,000
\$20 w/2X	\$40	1,714	11,200
(\$4 w/5X) × 2	\$40	1,500	12,800
\$20 × 2	\$40	2,000	9,600
\$40	\$40	1,846	10,400
\$20 w/5X	\$100	1,333	14,400
[(5 w/2X) × 4] + (\$15 × 4)	\$100	1,200	16,000
(\$10 × 6) + (\$20 × 2)	\$100	960	20,000
\$100	\$100	1,412	13,600
(\$10 w/5X) × 8	\$400	60,000	320
\$400	\$400	120,000	160
[(100 w/2X) × 4] + (\$40 × 2) + \$100 + \$20	\$1,000	120,000	160
\$1,000	\$1,000	120,000	160
\$25,000	\$25,000	480,000	40

MULTIPLIER BONUS: Scratch the MULTIPLIER for each ROW.

Get a "2X" (2TIMES) symbol, win 2 TIMES any prize won in that ROW.

Get a "4X" (4TIMES) symbol, win 4 TIMES any prize won in that ROW.

Get a "5X" (5TIMES) symbol, win 5 TIMES any prize won in that ROW.

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 Mini Multiplier 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 Mini Multiplier, prize money from winning Pennsylvania Mini Multiplier 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 Mini Multiplier instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will

be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mini Multiplier or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 11-1026. Filed for public inspection June 17, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in

boating safety education for Commonwealth residents, effective July 1, 2011:

- Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (correspondence course)
- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1027. Filed for public inspection June 17, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-677	State Board of Occupational Therapy Education and Licensure Continuing Competency 41 Pa.B. 1909 (April 9, 2011)	5/9/11	6/8/11
125-144	Pennsylvania Gaming Control Board Employee and Horsemen's Organization Revisions 41 Pa.B. 1903 (April 9, 2011)	5/9/11	6/8/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1028. Filed for public inspection June 17, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Liberty Mutual Fire Insurance Company; The First Liberty Insurance Corporation; Personal Homeowners; Rate Revisions

On June 1, 2011, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation a filing for rate level changes for Homeowners insurance.

The company requests an overall 7.6% increase amounting to \$4.138 million annually for Liberty Mutual

Fire Insurance Company and an overall 8.0% increase amounting to \$4.222 million annually for The First Liberty Insurance Corporation, to be effective on October 14, 2011, for renewal business only. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to July 31, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing,

under “How to Find . . .” click on “View Current Rate Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1029. Filed for public inspection June 17, 2011, 9:00 a.m.]

### **Mutual of Omaha Insurance Company; Requested Aggregate 32.7% Rate Increase Filing for Several Long-Term Care Policies**

Mutual of Omaha Insurance Company is requesting an aggregate increase of 32.7% on the following LTC policy forms: LT50, NH50, HCA, HCAQ, NHA, NHAQ, LTA and LTAQ.

This increase will impact 781 policyholders in this Commonwealth. Unless formal administrative action is taken prior to September 1, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under “How to Find . . .” click on “View Current Rate Filings.”

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1030. Filed for public inspection June 17, 2011, 9:00 a.m.]

### **The Travelers Home and Marine Insurance Company; Private Passenger Automobile; Rate and Rule Revisions**

On June 1, 2011, the Insurance Department (Department) received from The Travelers Home and Marine Insurance Company a filing for rate level and rule changes for private passenger automobile insurance.

The company requests an overall 2.59% increase amounting to \$5,031,000 annually, to be effective September 18, 2011, for new business and renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to July 31, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under “How to Find . . .” click on “View Current Rate Filings.”

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1031. Filed for public inspection June 17, 2011, 9:00 a.m.]

## **LEGISLATIVE REFERENCE BUREAU**

### **Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.35—Information Reporting from the Commonwealth's Enterprises SAP Business Information Warehouse System, Amended May 2, 2011.

Management Directive No. 210.1—Directives Management System, Amended May 2, 2011.

Management Directive No. 540.7—Performance Management Program, Amended May 2, 2011.

Administrative Circular No. 11-08—Approval of 2011-12 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated April 26, 2011.

Administrative Circular No. 11-09—Closing Instruction No. 4, Fiscal Year 2010-11; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated May 13, 2011.

Administrative Circular No. 11-10—Closing Instruction No. 5, Fiscal Year 2010-11; Year-End Processing Deadlines, Dated May 13, 2011.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 11-1032. Filed for public inspection June 17, 2011, 9:00 a.m.]

## **LIQUOR CONTROL BOARD**

### **Licensing Agreements; Wine Kiosks**

Allegheny County (Wine Kiosk), Pittsburgh, PA

Licensing Agreement of interior supermarket space designated for a wine kiosk to the Commonwealth.

Proposers are invited to provide the Liquor Control Board with approximately 16 feet by 7.5 feet of interior super-



market space. Preferred space includes areas adjacent to the supermarket's meats and cheese section or near prepared foods. Proposals in other areas of the supermarket will be considered. Proposals must include a detailed plan including location of kiosk, store demographics, license terms and amounts, foot traffic per store, store address and a detailed marketing plan that includes how the supermarket chain intends to support the kiosk in their typical advertising areas. Kiosks will need a dedicated data and electric line run to the location of the kiosk. Proposals should include the license fee, if applicable. Locations with an existing Wine and Spirits One Stop Shop will not be considered. More detailed specifications for the kiosk can be received by contacting johannon@state.pa.us.

*Proposals due:* July 8, 2011, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real Estate  
 Attention: Joe Hannon  
 Northwest Office Building, Room 313  
 Forster and Capital Streets  
 Harrisburg, PA 17124-0001  
**Contact:** Joe Hannon, (717) 787-3016

Dauphin County, (Wine Kiosk), Harrisburg, PA

Licensing Agreement of interior supermarket space designated for a wine kiosk to the Commonwealth.

Proposers are invited to provide the Liquor Control Board with approximately 16 feet by 7.5 feet of interior supermarket space. Preferred space includes areas adjacent to the supermarket's meats and cheese section or near prepared foods. Proposals in other areas of the supermarket will be considered. Proposals must include a detailed plan including location of kiosk, store demographics, license terms and amounts, foot traffic per store, store address and a detailed marketing plan that includes how the supermarket chain intends to support the kiosk in their typical advertising areas. Kiosks will need a dedicated data and electric line run to the location of the kiosk. Proposals should include the license fee, if applicable. Locations with an existing Wine and Spirits One Stop Shop will not be considered. More detailed specifications for the kiosk can be received by contacting johannon@state.pa.us.

*Proposals due:* July 8, 2011, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real Estate  
 Attention: Joe Hannon  
 Northwest Office Building, Room 313  
 Forster and Capital Streets  
 Harrisburg, PA 17124-0001  
**Contact:** Joe Hannon, (717) 787-3016

Philadelphia County (Wine Kiosk), Philadelphia, PA

Licensing Agreement of interior supermarket space designated for a wine kiosk to the Commonwealth.

Proposers are invited to provide the Liquor Control Board with approximately 16 feet by 7.5 feet of interior supermarket space. Preferred space includes areas adjacent to the supermarket's meats and cheese section or near prepared foods. Proposals in other areas of the supermarket will be considered. Proposals must include a detailed plan including location of kiosk, store demographics, license terms and amounts, foot traffic per store, store address and a detailed marketing plan that includes how the supermarket chain intends to support the kiosk in their typical advertising areas. Kiosks will need a dedi-

cated data and electric line run to the location of the kiosk. Proposals should include the license fee, if applicable. Locations with an existing Wine and Spirits One Stop Shop will not be considered. More detailed specifications for the kiosk can be received by contacting johannon@state.pa.us.

*Proposals due:* July 8, 2011, 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real Estate  
 Attention: Joe Hannon  
 Northwest Office Building, Room 313  
 Forster and Capital Streets  
 Harrisburg, PA 17124-0001  
**Contact:** Joe Hannon, (717) 787-3016

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1033. Filed for public inspection June 17, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 5, 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-2011-2243389. Air Star Transportation and Limousine Service, Inc.** (Sheraton Hotel/Northwest, 910 Sheraton Drive, Mars, Butler County, PA 16046)—a corporation of the Commonwealth of Pennsylvania—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland and Armstrong, and from points in said Counties and the County of Allegheny to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219-2383.

**A-2011-2244438. Ivoir Transportation, LLC, t/a Ivoir Transportation** (6536 Paschall Avenue, Philadelphia, PA 19142)—a limited liability corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2011-2242186. SMZ Ventures, Inc., t/a Medical Transport Services** (1231 Warm Springs Avenue, Suite 102, Huntingdon, Huntingdon County, PA 16652)—discontinuance of service and cancellation of its certificate—persons in paratransit service, primarily in stretchers and wheelchairs, between points in Blair, Centre and Huntingdon Counties. *Attorney:* James R. Huff, II, 1701 Fifth Avenue, Altoona, PA 16602.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. I & S Magassa, Inc.;  
Doc. No. C-2010-2137675; A-00114211*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That I & S Magassa, Inc., Respondent, maintains a principal place of business at P. O. Box 14498, Philadelphia, PA 19115.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 30, 1997, A-00114211.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The penalty is \$250.00.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine I & S Magassa, Inc., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts

above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

**NOTICE**

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint

(for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. New Generation Taxi Co.;  
Doc. No. C-2010-2131229; A-00120151*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That New Generation Taxi Co., Respondent, maintains a principal place of business at 4746 Spruce Street, Philadelphia, PA 19139.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 16, 2004, at A-00120151.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine New Generation Taxi Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 11-1034. Filed for public inspection June 17, 2011, 9:00 a.m.]



## STATE BOARD OF NURSING

### Automatic Suspension of the License to Practice Professional Nursing of Lori Ann Boggs, R.N.; Doc. No. 2391-51-2010; File No. 2008-51-06757

On April 15, 2011, Lori Ann Boggs, license no. RN532097, of Allegheny County, was automatically suspended based on her felony conviction under the Drug Act.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-1035. Filed for public inspection June 17, 2011, 9:00 a.m.]

### Automatic Suspension of the License to Practice Professional Nursing of Lauren Grace Pierce, R.N.; Doc. No. 0203-51-2011; File No. 2011-51- 00759

On April 6, 2011, Lauren Grace Pierce, license no. RN549480, of Erie County, was automatically suspended based on her felony conviction under the Drug Act.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsyl-

vania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-1036. Filed for public inspection June 17, 2011, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

July 12, 2011	Whittington R. Patton, Jr. (D) Death Benefit	1 p.m.
July 27, 2011	Brett C. Paulhamus (D) Death Benefit	1 p.m.
August 17, 2011	Ann H. Lokuta Pension Forfeiture	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 11-1037. Filed for public inspection June 17, 2011, 9:00 a.m.]