

PENNSYLVANIA BULLETIN

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Development

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No. 440, July 2011

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Proposed Amendments to Financial Regulations Promulgated Pursuant to 42 Pa.C.S. §§ 3502, 3733 and 3733.1

The Administrative Office of Pennsylvania Courts (“AOPC”) is planning to recommend that the Supreme Court promulgate limited amendments to the financial regulations governing the collection of the “Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account” Fee authorized by 42 Pa.C.S. §§ 3733 and 3733.1.

The text of the proposed amendments to the financial regulations is set forth as follows. Additions are shown in bold; deletions are in bold and brackets. An explanatory report is also provided that summarizes the various considerations that factored into these proposed amendments.

Interested persons should submit suggestions, comments, or objections concerning this proposal to:

Administrative Office of Pennsylvania Courts
ATTN: Financial Regulations Comments
1515 Market Street, Suite 1414
Philadelphia, PA 19102
financialregscomments@pacourts.us

no later than August 30, 2011.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania
Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.351. Definitions.

* * * * *

(d) *Court of Common Pleas. Clerk of Court.*

* * * * *

2. Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included and should have the fee imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

* * * * *

viii. Easements; [and]

ix. Rights of Way;

x. Leases involving mineral rights including, but not limited to, those for oil, gas and coal;

xi. Assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal; and

xii. “Memoranda” or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing.

* * * * *

(f) *Recorders of Deeds.* Except for the provisions of subsection (g) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, a statutory fee of twelve dollars and twenty-five cents (\$12.25) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive and any other filing for which a fee is imposed, which can be considered a property transfer, is included. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

* * * * *

viii. Easements; [and]

ix. Rights of Way;

x. Leases involving mineral rights including, but not limited to, those for oil, gas and coal;

xi. Assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal; and

xii. “Memoranda” or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing.

* * * * *

EXPLANATORY REPORT

The Administrative Office of Pennsylvania Courts (“AOPC”) is proposing limited amendments to the financial regulations promulgated by the Supreme Court governing the collection of the “Judicial Computer System / Access to Justice / Criminal Justice Enhancement Account” (“JCS/ATJ/CJEA”) fee by Recorder of Deeds (“Recorder”) offices. The AOPC has been informed that there is inconsistent application of the fee by the Recorders’ offices with regard to the filing of oil and gas leases, assignments thereof, particularly concerning the manner in which these documents are being filed (i.e. “bundled” or memorandum filings involving multiple property transfers). The proposed amendments to the financial regulations are intended to clarify that the JCS/ATJ/CJEA fee should be assessed upon the filing of these documents.

The Recorder collects a \$23.50 JCS/ATJ/CJEA fee for each filing of a deed, mortgage, or property transfer for which a fee, charge or cost is now authorized. 42 Pa.C.S. § 3733(A.1)(1)(v); 42 Pa.C.S. § 3733.1(A)(1); 204 Pa. Code § 29.351(d)(2), (f). Section 3733(A.1)(1)(v) authorizes the Supreme Court to designate by financial regulations the specific filings in the Recorder's office to which this fee applies. The financial regulations are codified in 204 Pa. Code § 29.351. In order to trigger the imposition of the JCS/ATJ/CJEA fee, the filings at issue must be a property transfer for which a fee, charge or cost is now authorized. 42 Pa.C.S. § 3733(A.1)(1)(v); 204 Pa. Code § 29.351(d)(2), (f).

The statutory authorization for collection of this fee on any "property transfer for which a fee, charge or cost is now authorized" has presented challenges in the past. For example, when the AOPC learned of confusion as to whether a "right of way" was a property transfer on which the JCS/ATJ/CJEA fee should be assessed, the financial regulations were amended in 2009 to answer the question in the affirmative. This clarification was adopted, even though the current financial regulations provide that the list of nine specific documents involving property transfers for which a fee, charge or cost is authorized "is not exclusive and another other filing for which a fee is imposed, which can be considered a property transfer, is included and should have the fee imposed." 204 Pa. Code §§ 29.351(d)(2),(f).

As concerns mineral rights leases or assignments thereof, the AOPC concluded that the JCS/ATJ/CJEA fee should be imposed. First, mineral right leases or assignments thereof are property transfers. See *Lesnick v. Chartiers Natural Gas Company*, 889 A.2d 1282 (Pa. Super. 2005) ("Pennsylvania considers oil and natural gas 'leases' to be, in reality, transfer of realty"); *Jacobs v. CNG Transmission Corp.*, 332 F. Supp. 2d 759, 772-773 (W.D. Pa. 2004) ("Of equal importance is the well understood recognition that the execution [of] an oil and gas lease reflects a conveyance of property rights within a highly technical and well-developed industry . . . [the interest obtained by the gas company is a 'fee simple determinable']; *Duquesne Natural Gas Company v. Fefolt*, 198 A.2d 608, 610 (Pa. Super. 1964) ("All of the Pennsylvania cases are in accord that the original grant and conveyance by the [lessor] to the [lessee] created an estate in real property and severed the gas and oil from the rest of the real estate."). Given that in a gas and oil lease the lessee obtains a fee simple determinable from the lessor, a property transfer has occurred. Similarly, a property transfer occurs in the assignment of a gas and oil lease, because the assignee receives from the assignor a fee simple determinable as well.

In addition, a fee, charge or cost is authorized to be collected when a lease or assignment is filed with the Recorder, pursuant to 16 P.S. § 7629 (First Class Counties), 16 P.S. § 11411 (Second Class Counties) and 42 P.S. § 21051 (All Other Counties).

The AOPC has learned that some filers of property transfers (i.e. mineral rights leases or assignments) are "bundling" dozens of individual transfers into one filing and only one JCS/ATJ/CJEA fee of \$23.50, if any, is assessed by the Recorder's office. It is important to note that each individual property transfer in these "bundled" filings are property transfers to which the JCS/ATJ/CJEA fee is applicable. Thus, if these property transfers were singularly filed with the Recorder's office, a JCP/ATJ/CJEA fee would be assessed on each. Therefore, the issue is not whether the fee is applicable to these "bundled"

filings, but whether a single fee or a separate fee for each property transfer referenced, incorporated, or listed in these "bundled" filings should be imposed. The AOPC is of the opinion that "bundling" multiple property transfers together in a single filing and only paying a single fee contravenes the aforementioned Judicial Code and financial regulation provisions.

Section 3733(A.1)(1)(v) of the Judicial Code and these financial regulations provide that the JCS/ATJ/CJEA fee is charged "for each filing of a . . . property transfer." The use of the singular term "property transfer" indicates that the fee should be charged per property transfer.

Further, it is placing form over substance to interpret the aforementioned authorities as providing that a filer of "bundled" property transfers is assessed a single fee while an individual of who files multiple property transfers in non-bundled/non-memorandum documents pays multiple fees. Such a result may encourage the use of "creative filing techniques" and create confusion with regard to determining the proper fee(s) to assess.

Moreover, there is support in the current regulations for the recommended approach. Specifically, a divorce complaint may include many counts such as for support, custody, and other related matters. The financial regulations require a separate JCS/ATJ/CJEA fee to be assessed for each count rather than allowing a litigant to pay one fee for "bundling" all into one petition. 204 Pa. Code § 29.351(b)(2)(ii). The proposed amendments concerning bundled and memorandum filings relating to property transfers are consistent with this provision in the financial regulations relating to divorce matters.

Thus, to further clarify the regulations and to ensure consistent application of the JCS/ATJ/CJEA fee across the Commonwealth, the AOPC proposes amending the financial regulations contained in 204 Pa. Code § 29.351(d)(2) and (f) to add the following to the existing list of documents to which the fee applies: filings of "leases involving mineral rights, including, but not limited to, those for oil, gas and coal"; "assignments of leases involving mineral rights including, but not limited to, those for oil, gas and coal"; and filings of "Memoranda or other documents including, but not limited to, bundled filings or blanket assignments which refer to or incorporate by reference or list any property transfer(s). A separate fee shall be imposed for each such referenced, incorporated or listed property transfer at the time of filing."

[Pa.B. Doc. No. 11-1263. Filed for public inspection July 29, 2011, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Order Renumbering Rule of Orphans' Court Procedure 15.4B and Promulgating Rule of Orphans' Court Procedure 15.4B; No. 35766

Order of Court

And Now, this 27th day of June, 2011, Bucks County Rule of Orphans' Court Procedure 15.4B is hereby renumbered as Bucks County Rule of Orphans' Court Procedure 15.4C.

Furthermore, Bucks County Rule of Orphans' Court Procedure 15.4B is hereby promulgated as follows:

Rule 15.4B. Pre-Hearing Procedures for Contested Involuntary Termination of Parental Rights.

1. Not later than fourteen (14) days prior to the date set for hearing on a contested involuntary termination of parental rights, Petitioner(s) shall file and serve a pre-hearing statement, and not later than seven (7) days prior to the date set for hearing, Respondent(s) shall file and serve a pre-hearing statement. The pre-hearing statement shall include the following:

(a) A factual narrative and summary of argument(s) supporting the position(s) of the filing party. If deemed relevant, reference shall be made to dependency and/or permanency proceedings which have taken place, and copies of orders and/or pleadings regarding such proceedings may be attached.

(b) The name of each person whom the party intends to call at the hearing as a witness, including expert witnesses. Notwithstanding the three (3) page limitation set forth at (d) below, the party shall attach to the pre-hearing statement the entire report of each expert witness listed in the pre-hearing statement. This report shall describe the witness's qualifications and experience and state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. The testimony of any person who is not identified in a timely filed pre-hearing statement may be excluded at the hearing. The testimony of an expert witness may not be inconsistent with or go beyond the fair scope of his or her report.

(c) The testimony of any witness which the proponent wishes to provide by telephone shall be noted on the pre-hearing statement. Any objections to the presentation of the testimony by telephone must be made in writing and filed at least five (5) days before the hearing, or the telephone testimony will be permitted. If a timely objection is made, telephone testimony will not be permitted at the hearing without an order of court, absent extraordi-

nary circumstances. A party seeking such an order must file a motion with the court at least three (3) days prior to the hearing.

(d) A list of all of the exhibits which the party expects to offer in evidence, containing an identifying mark for the exhibit. Petitioner(s) shall use numbered exhibits and Respondent(s) shall use lettered exhibits. Any exhibits that do not exceed three (3) pages shall be attached to the pre-hearing statement, and all exhibits not attached to the pre-hearing statement shall be described. All exhibits shall be available for inspection by any opposing party at any time after the filing of the pre-hearing statement.

(e) Those portions of the Children and Youth (Agency) record which are to be relied on at the hearing shall be described with sufficient specificity so as to enable all counsel to readily identify those portions of the record. Unless otherwise precluded by law, statute or court order, the entire Agency record shall be made available for inspection by any opposing party at any time after the filing of the pre-hearing statement.

2. Only documents or other writings and portions of the Agency record listed in the pre-hearing statement may be offered in evidence at the hearing, except as rebuttal evidence, unless otherwise permitted by the court upon cause shown at the hearing.

3. No pre-hearing statement or any modifications thereafter may be filed beyond the deadline for filing without an order of court permitting the late filing.

4. The parties shall enter into stipulations to the fullest extent possible.

5. Absent compelling circumstances, no continuance will be granted on the day of the hearing.

This Order shall become effective September 1, 2011.

By the Court

SUSAN DEVLIN SCOTT
President Judge

[Pa.B. Doc. No. 11-1264. Filed for public inspection July 29, 2011, 9:00 a.m.]

CLEARFIELD COUNTY

Local Rules of Criminal Procedure; CP-17-AD-3-2011

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Clearfield County having filed a Certification pursuant to Pa.R.Crim.P. Rule 507 criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging any of the below listed offenses shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing. Approval may be granted through the use of advanced communication technology or other electronic method, including but not limited to e-mail and fax transmission, and the use of electronic or digital signatures. Nothing in this rule is intended to require an original signature of the attorney for the Commonwealth to indicate approval.

**CRIMES CODE
TITLE 18**

CHAPTER 7

- | | |
|---|------------------------|
| a. Criminal Attempt to Commit any Offense in this Rule | 18 Pa.C.S.A. § 901 (a) |
| b. Criminal Solicitation to Commit any Offense in this Rule | 18 Pa.C.S.A. § 902 (a) |
| c. Criminal Conspiracy to Commit any Offense in this Rule | 18 Pa.C.S.A. § 903 (a) |

CHAPTER 25

- | | |
|----------------------|-------------------------------|
| a. Criminal Homicide | 18 Pa.C.S.A. § 2501 |
| b. Murder | 18 Pa.C.S.A. § 2502 (a)(b)(c) |

- | | |
|---|-------------------------------|
| Voluntary Manslaughter | 18 Pa.C.S.A. § 2503 (a)(b) |
| d. Involuntary Manslaughter | 18 Pa.C.S.A. § 2504 (a) |
| e. Causing or Aiding Suicide | 18 Pa.C.S.A. § 2505 (a)(b) |
| f. Drug Delivery Resulting in Death | 18 Pa.C.S.A. § 2506 (a) |
| CHAPTER 26 | |
| a. Criminal Homicide of Unborn Child | 18 Pa.C.S.A. § 2603 (a) |
| b. Murder of Unborn Child | 18 Pa.C.S.A. § 2604 (a)(b)(c) |
| c. Voluntary Manslaughter of Unborn Child | 18 Pa.C.S.A. § 2605 (a)(b) |
| d. Aggravated Assault of Unborn Child | 18 Pa.C.S.A. § 2606 (a) |
| CHAPTER 27 | |
| a. Assault by Prisoner | 18 Pa.C.S.A. § 2703 (a) |
| b. Aggravated Harassment by Prisoner | 18 Pa.C.S.A. § 2703.1 |
| c. Assault by Life Prisoner | 18 Pa.C.S.A. § 2704 |
| d. Ethnic Intimidation | 18 Pa.C.S.A. § 2710 (a) |
| e. Neglect of Care Dependent Person | 18 Pa.C.S.A. § 2713(a) |
| f. Unauthorized Administration of Intoxicant | 18 Pa.C.S.A. § 2714 |
| g. Threat to Use Weapon of Mass Destruction | 18 Pa.C.S.A. § 2715 (a) |
| h. Weapons of Mass Destruction | 18 Pa.C.S.A. § 2716 (a)(b) |
| CHAPTER 29 | |
| a. Kidnapping | 18 Pa.C.S.A. § 2901 (a) |
| b. Unlawful Restraint | 18 Pa.C.S.A. § 2902 (a) |
| c. False Imprisonment | 18 Pa.C.S.A. § 2903 (a) |
| d. Interference with Custody of Child | 18 Pa.C.S.A. § 2904 (a) |
| e. Interference with Custody of Committed Person | 18 Pa.C.S.A. § 2905 (a) |
| f. Criminal Coercion | 18 Pa.C.S.A. § 2906 (a) |
| g. Disposition of Ransom | 18 Pa.C.S.A. § 2907 |
| h. Concealment of Whereabouts of a Child | 18 Pa.C.S.A. § 2909 (a) |
| i. Luring a Child Into a Motor Vehicle or Structure | 18 Pa.C.S.A. § 2910 (a) |
| CHAPTER 30 | |
| a. Trafficking of Person | 18 Pa.C.S.A. § 3002 (a) |
| CHAPTER 31 | |
| a. Rape | 18 Pa.C.S.A. § 3121 (a)(c)(d) |
| b. Statutory Sexual Assault | 18 Pa.C.S.A. § 3122.1 |
| c. Involuntary Deviate Sexual intercourse | 18 Pa.C.S.A. § 3123 (a)(b)(c) |
| d. Sexual Assault | 18 Pa.C.S.A. § 3124.1 |
| e. Institutional Sexual Assault | 18 Pa.C.S.A. § 3124.2 (a) |
| f. Aggravated Indecent Assault | 18 Pa.C.S.A. § 3125 (a)(b) |
| CHAPTER 32 | |
| a. Abortion of Unborn Child | 18 Pa.C.S.A. § 3211 (a) |
| b. Infanticide | 18 Pa.C.S.A. § 3212 |
| c. Prohibited Acts | 18 Pa.C.S.A. § 3213 (a)—(f) |
| d. Reporting | 18 Pa.C.S.A. § 3214 (a)—(h) |
| e. Publicly Owned Facilities | 18 Pa.C.S.A. § 3215 (a)—(j) |
| f. Fetal Experimentation | 18 Pa.C.S.A. § 3216 (a)(b) |

CHAPTER 33

- a. Arson 18 Pa.C.S.A. § 3301 (a)—(f)
- b. Causing or Risking a Catastrophe 18 Pa.C.S.A. § 3302 (a)(b)

CHAPTER 35

- a. Burglary 18 Pa.C.S.A. § 3502 (a)
- b. Criminal Trespass 18 Pa.C.S.A. § 3503 (a)

CHAPTER 37

- a. Robbery 18 Pa.C.S.A. § 3701 (a)
- b. Robbery of a Motor Vehicle 18 Pa.C.S.A. § 3702

CHAPTER 39

- a. Theft by Extortion 18 Pa.C.S.A. § 3923(a)
- b. Theft of Trade Secrets 18 Pa.C.S.A. § 3930 (a)(b)
- c. Theft of Unpublished Dramas and Musicals 18 Pa.C.S.A. § 3931

CHAPTER 41

- a. Forgery 18 Pa.C.S.A. § 4101 (a)
- b. Fraudulent Destruction, Removal or Concealment 18 Pa.C.S.A. § 4103
- c. Commercial Bribery 18 Pa.C.S.A. § 4108 (a)(b)(c)

CHAPTER 43

- a. Incest 18 Pa.C.S.A. § 4302

CHAPTER 47

- a. Bribery in Political Matters 18 Pa.C.S.A. § 4701 (a)
- b. Threats and Improper Influence 18 Pa.C.S.A. § 4702 (a)

CHAPTER 49

- a. Perjury 18 Pa.C.S.A. § 4902 (a)
- b. False Swearing 18 Pa.C.S.A. § 4903 (a)
- c. Intimidation of Witness of Victim 18 Pa.C.S.A. § 4952
- d. Retaliation Against Witness or Victim 18 Pa.C.S.A. § 4953
- e. Retaliation Against Prosecutor 18 Pa.C.S.A. § 4953.1

CHAPTER 51

- a. Dealing in Proceeds of Unlawful Activities 18 Pa.C.S.A. § 5111 (a)
- b. Escape 18 Pa.C.S.A. § 5121 (a)(b)
- c. Weapons for Escape 18 Pa.C.S.A. § 5122 (a)
- d. Contraband 18 Pa.C.S.A. § 5123 (a)—(c.2)

CHAPTER 53

- a. Official Oppression 18 Pa.C.S.A. § 5301
- b. Speculating or Wagering on Official Action 18 Pa.C.S.A. § 5302

CHAPTER 55

- a. Riot 18 Pa.C.S.A. § 5501

CHAPTER 57

- a. Interception of Communications 18 Pa.C.S.A. § 5703
- b. Possession of Distribution of Other Devices 18 Pa.C.S.A. § 5705

CHAPTER 59

- a. Obscene and Other Sexual Material 18 Pa.C.S.A. § 5903 (a)—(m)

CHAPTER 63

- a. Sexual Abuse of Children 18 Pa.C.S.A. § 6312 (b)(c)(d)
- b. Solicitation of Minors to Traffic Drugs 18 Pa.C.S.A. § 6319 (a)(b)
- c. Sexual Exploitation of Children 18 Pa.C.S.A. § 6320 (a)

**THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT
TITLE 35**

- a. Acquisition of Controlled Substance by Fraud 35 Pa.C.S.A. § 780-113 (a)(12)
- b. Administration by Practitioner 35 Pa.C.S.A. § 780-113 (a)(14)
- c. Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance 35 Pa.C.S.A. § 780-113 (a)(30)
- d. Manufacture, Distribution, Possession of Designer Drug 35 Pa.C.S.A. § 780-113 (a)(36)

**THE VEHICLE CODE
TITLE 75**

CHAPTER 37

- a. Homicide by Vehicle 75 Pa.C.S.A. § 3732 (a)
- b. Homicide by Vehicle while Driving Under the Influence 75 Pa.C.S.A. § 3735
- c. Aggravated Assault by Vehicle while Driving Under the Influence 75 Pa.C.S.A. § 3735.1

MISCELLANEOUS OFFENSES

a. Any offense arising out of or involving either directly or indirectly the State Correctional Institute Houtzdale, the Quehanna Boot Camp, the Clearfield County Jail, or the Moshannon Valley Correctional Center.

Adopted March 22, 2004. Effective 30 days after publication in the *Pennsylvania Bulletin*. Amended July 15, 2011. Effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

FREDRIC J. AMMERMAN,
President Judge

[Pa.B. Doc. No. 11-1265. Filed for public inspection July 29, 2011, 9:00 a.m.]

ERIE COUNTY

In the Matter of the Revision and Restatement of the Rules of Civil Procedure; Civil Division No. 90031-11

Order

And Now, this 11th day of July, 2011, amended Rules 1915.1 to 1915.28 of the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

ERNEST J. DISANTIS, Jr.,
President Judge

Rule 1915.1. Scope.

(a) These rules govern the practice and procedure in all actions for custody, partial custody and grandparent custody initiated in Erie County, Pennsylvania. If not provided for in these local rules, procedure in Erie County will follow the state rules as set forth in Pa.R.C.P. 1915.1-1915.25. In the event of any conflict between these rules and the state rules, the Pennsylvania Rules shall control.

(b) All filing fees related to custody actions shall be as determined by the court, and shall be available at the Office of Prothonotary, Erie County Courthouse, Erie, Pennsylvania.

(c) Erie County Civil Rules for Motion Court practice shall apply in custody cases. See Rules 304 and 440.

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Except as provided by (c) of the state rule, an action shall be commenced by filing a verified complaint substantially in the form provided by Pa.R.C.P. 1915.15(a). The original complaint for each party shall be filed with the Office of the Prothonotary and a photo copy shall be filed with the Custody Conciliation Office.

(b) Prior to its filing at the Prothonotary's Office, the original and two copies of the verified complaint for each party shall be presented to the custody conciliation office for scheduling of a conciliation conference. The verified complaint shall include Form 1, and the Children Coping With Divorce brochure/registration form,

(c) The custody conciliation office will assign a time and date for the intake or conciliation conference, and attach the Order provided in Form 2 to the original and all copies. The moving party shall then file the original pleading with the Prothonotary, and serve the responding party or parties as further provided in these Rules.

(d) The Custody Office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time. It is the responsibility of a party objecting to jurisdiction, venue,

process, standing or any other legal defect, to file and serve the proper responsive pleading, and to request stay by the court, if appropriate.

Rule 1915.4-3. Non-Record Proceedings. Trial.

Erie County adopts non record custody proceedings under Pa.R.C.P. 1915.4.3. All matters shall be initially heard by custody conciliation officers who have been previously appointed by the Court of Common Pleas of Erie County, Pennsylvania, and who have satisfied the qualification requirements of Pa.R.C.P. 1940.4. The procedures of the custody conciliation office are more full set forth in Rule 1915.19, *infra*.

Rule 1915.7. Consent Order.

(a) If the parties reach an agreement for any type of custody, partial custody, or grandparent custody, and the parties request that a consent order be entered, the parties may submit a Petition for Entry of Custody Consent Order, consistent with Form 3, and a Proposed Custody Order, consistent with Form 4, at Motion Court, or directly to the presiding administrative judge of the Family/Orphan's Court division of the Court of Common Pleas of Erie County, Pennsylvania.

(b) Upon its execution of a Consent Order, the Court will notify the moving party or attorney to pick up the signed Order for filing and distribution.

(c) No Consent Order will be executed by the court without the written signature of the parties, and counsel if an appearance has been made.

Rule 1915.8. Physical and Mental Examination of Parties.

If an evaluation or examination has been made under Pa.R.C.P. 1915.8, a copy of any report produced shall be provided to counsel for the parties, and in appropriate cases, counsel for the child, prior to any custody proceedings including conciliation conferences. If a party is un-represented by counsel, a copy of that report shall be provided to that party prior to any proceeding. The report shall be provided as soon as it is available, and in no event, less than 24 hours before a scheduled custody proceeding.

Rule 1915.10. Decision.

(a) The court may make the decision before the testimony has been transcribed. The decision may be announced by the court immediately at the conclusion of the trial, in which event it shall be properly transcribed and filed in the Office of the Prothonotary. In the alternative, the decision may be set forth in writing and filed promptly. In all actions involving a determination of custody, partial custody and visitation, the Court shall enter an order that includes:

- (1) A concise statement, in narrative form or in separate findings, of all factual findings supporting a determination on the issues of custody, partial custody and visitation;
- (2) A discussions of the issues of law involved and the Court's conclusions of law; and
- (3) An order of custody, partial custody or visitation.

(b) No motion for post-trial relief may be filed to an order of custody, partial custody or visitation.

Rule 1915.11. Appointment of Attorney for Child. Appointment of Guardian Ad Litem for Child. Interrogation of a Child. Attendance of Child at Hearing or Conference.

Erie County practice shall follow Rule 1915.11 as it provides for the appointment of counsel for the child. The

Court, on its own motion, or the motion of a party, may also appoint a guardian ad litem for the child under the provisions of 23 Pa.C.S. Section 5334.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Service. Order.

(a) The Petition for Contempt shall follow the form set forth in Pa.R.C.P. 1915.12, and shall set out, with specificity, the alleged violations of the Custody Order then in effect. The Petition shall begin with the Notice and Order as more full set forth in Pa.R.C.P. 1915.12.

(b) The original Petition with Notice and Order, and a photo copy, shall then be presented to the Office of the Court Administrator for the Family/Civil Division, for assignment of a date and time for the contempt hearing, during regularly scheduled Motion Court hours.

(c) Upon the assignment of a date and time for the contempt hearing, the moving party shall file the original pleading with the Prothonotary, and provide for service pursuant to Pa.R.C.P. 1915.12.

Rule 1915.13. Special Relief.

(a) At any time after commencement of a custody action, the court may on application or its own motion, grant appropriate interim or special relief. The relief may include but is not limited to the award of temporary custody, partial custody or visitation; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

(b) If a Motion for Special Relief is presented during Motion Court, the Motion must allege, with specificity, the need for the court to enter interim or special relief. Notice to all responding parties must be provided pursuant to Erie County Rule 440, and proof of notice must be submitted to court at the time of presentation of the Motion. Absent exigent circumstances, the court will not enter *ex parte* special relief orders in custody proceedings.

Rule 1915.19. Custody Conciliation Process.

(a) All new actions for custody, partial custody and grandparent custody of minor children, and all requests for modification of outstanding orders, shall be initially referred to the Office of Custody Conciliation of Erie County, Pennsylvania, for a custody conciliation conference before an Erie County custody conciliation officer.

(b) The Conciliation Conference is not a hearing but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the Conciliation Conference are:

- (1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for formal conciliation;
- (2) To identify those cases not appropriate for resolution within the context of the conciliation process; and
- (3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

(c) All agreements reached at a Conciliation Conference shall be reduced to a Consent Agreement consistent with Form 4, and shall be signed by the parties immediately upon conclusion of the proceeding. The parties shall

receive a handwritten copy of the agreement when leaving the conference, and the agreement shall be effective as of that date. The Custody Conciliation Office shall then prepare a final copy of the Consent Order to be signed by the Court, filed, and distributed by the Custody Conciliation Office to all parties and counsel of record by regular mail.

(d) If the parties fail to reach an agreement at the Conciliation Conference, the custody conciliation officer shall prepare and forward to the Court a Recommended Custody Order in the same format as Form 4, and shall also include a brief summary of the conciliation, including the areas of agreement and disagreement between the parties. The court shall then review the summary and proposed order, and if it considers the Recommended Order appropriate, shall execute the Order and return to the Custody Conciliation Office for filing and distribution. The Custody Conciliation Office will then send copies of the Order entered by Court to all parties and counsel of record by regular mail.

(e) The Recommended Order entered by the Court is effective on the parties when filed. The Order shall continue to be in effect until superseded by a subsequent Order of Court.

(f) In appropriate cases, a Temporary Order can be entered, by agreement, by recommendation, or by the court, with a provision for subsequent custody conciliation proceedings. A subsequent date and time for conciliation shall be clearly set forth in the Temporary Order.

(g) The Custody Conciliation Officer may refer custody matters directly to the Court if appropriate.

(h) Participation in Custody Conciliation Process:

(1) Children and Third Parties: Children and third parties, other than attorneys, shall not be present for or participate in custody conferences. Exceptions may be made at the discretion of the Court or the conciliator.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conciliator.

(i) An attorney who attends a Conciliation Conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conciliator;

(2) Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of a temporary or recommended order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(j) Termination of Conciliation Process: At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to court.

(k) As set forth in Rule 1915.3(d), the custody office shall not reject any complaint for custody or modification of custody submitted for assignment of a conciliation date and time.

Rule 1915.20. Request for Adversarial Hearing.

(a) Upon entry of a Recommended Custody Order if agreement is not reached, either party may request an Adversarial Hearing before the Court by filing the Request for Adversarial Hearing set forth in Form 5 within twenty days of the date of mailing of the Recommended Order.

(b) The original and one copy of the Request for Adversarial Hearing, and a copy of the Order appealed from, must first be presented to the Court Administrator of the Family/Orphan's Court Division, during regular Motion Court hours, for assignment to a trial judge, and for the date and time for hearing. The presentation of the Request for Adversarial Hearing may be made ex parte, but must be submitted in person by the attorney for the moving party, or by the pro se party. The Office of Court Administrator of the Family/Orphan's Court Division shall, immediately upon submission of the Request for Adversarial Hearing, assign a judge, time and date for the Adversarial Hearing, and prepare the Pretrial Order, Form 6. At the time of scheduling, the court administrator will attempt to coordinate the time and date of the hearing with opposing counsel, if any. The original Pretrial Order shall be filed by moving party with the Prothonotary, and certified copies served by the moving party upon counsel of record for all other parties, or parties directly if unrepresented.

(c) The Pretrial Order shall include the date and time for the custody trial, and shall also include the date for filing of Pretrial Statements, which shall include full parenting plans under 23 Pa.C.S. Section 5331, Form 7.

(d) Pretrial Statements shall be served on counsel, the parties, if unrepresented, and the trial court, as set forth in the Pretrial Order. Regular mail shall constitute adequate service.

(e) Hearings requested from custody conciliation shall be de novo.

Rule 1915.21. Pretrial conference.

(a) Upon request of either party, or sua sponte, the court may schedule a brief status conference. The purpose of the status conference is to define matters to be raised before the court at the de novo trial including any legal or factual issues, and to address any unique evidentiary issues. The status conference is not a settlement conference, and the parties shall not appear, unless a party is unrepresented, or unless ordered to appear by the trial judge. If the court deems appropriate, it may enter a Revised Pretrial Order following the status conference.

(b) Exhibits, other than expert reports, need not be filed with the Pretrial Statement, nor delivered to other parties. However, either party may request in writing or by email, copies of all exhibits identified by each party, and said party shall provide copies of proposed exhibits no later than 72 hours after request.

Rule 1915.22. Criminal Convictions.

(a) At any time during custody proceedings, if a party raises consideration of criminal convictions under 23 Pa.C.S. Section 5329, the court, before entry of any

Custody Order, shall, as expeditiously as possible, conduct a hearing to determine that the party, or household member, does not pose a threat to a child.

(b) The party raising a Section 5329 objection shall present a Motion to the court requesting an expedited hearing. The court shall then determine if the custody proceeding will continue.

(c) Upon receipt of a section 5329 motion, the court shall order an evaluation as required under that section. The court shall assess the cost for the evaluation, and any counseling required by the court.

Rule 1915.23. Relocation.

(a) All relocation cases shall follow the custody procedures set forth in these rules.

(b) The party seeking relocation must comply with the requirements of 23 Pa.C.S. § 5337 by first serving the non relocating parent the Relocation Notice, Form 8, and must include the Counter Affidavit, Form 9. The Relocation Notice shall not be filed with the Prothonotary's Office, until an objection to relocation is received pursuant to 23 Pa.C.S. Section 5337(d), or confirmation of relocation is required under 23 Pa.C.S. Section 5337(e), (f). The Relocation Notice may be filed and served with a custody complaint or petition for modification of an outstanding custody order.

(c) A Relocation Notice and a Relocation Counter Affidavit shall be filed as pleadings at Prothonotary Office. The party proposing relocation shall be captioned as Plaintiff, and all other parties as Defendants, if there is no pre-existing custody or divorce action between the parties.

(d) Upon receipt of a counter-affidavit by which a party objects to relocation, the party seeking relocation must first request a conciliation conference to determine if agreement can be reached. In proper cases, the court will consider a motion by any party to waive conciliation, and schedule the relocation trial immediately before the court. See Pa.R.C.P. 1915.4-1.

(e) If a counter affidavit is filed which indicates the non relocating party has no objection to the relocation and no objection to an initial custody order or modification of an existing custody order, the relocating party may submit to the court for approval a custody order which provides the relocation and other significant custody terms. If the case has not yet been assigned to a judge, the motion for approval of relocation may be presented at motion court, with proper notice as set forth in these rules. If the case has been previously assigned to a judge, the motion shall be forwarded to the judge assigned to the case, who may approve the order directly, or determine if a hearing is necessary.

(f) Upon motion filed by any party, or sua sponte, the court may hold an expedited hearing to consider if relocation should be approved pending a full hearing.

Rule 1915.26. Counsel Fees, Costs and Expenses.

(a) If properly raised during custody litigation, the court may consider an award of counsel fees, costs and expenses as part of a Custody Order.

(b) Upon proper motion, the court may also consider assignment of counsel fees, costs and expenses during a separate proceeding.

Rule 1915.27. Children Cope with Divorce.

All parties participating in custody proceeding must attend the Children Cope With Divorce program, pursu-

ant to Erie County Administrative Order C.O. 9-1993. A copy of the brochure providing information on the program and must be included on all complaints involving parties that have not previously attended the program.

Rule 1915.28. Cancellation of Scheduled Custody Proceedings.

(a) A scheduled custody conciliation conference may not be cancelled without the written consent of both parties, or leave of court. If a responding party does not consent to cancel a conciliation conference, a motion to cancel may be presented in motion court by the party scheduling the conciliation, with proper notice as set forth in these rules.

(b) A scheduled adversarial hearing may not be cancelled without leave of court. A motion to cancel an adversarial hearing shall be presented to the judge assigned to the custody trial. If a party does not consent to cancellation of the custody trial, the court may approve the cancellation, or determine if a hearing on the motion is necessary.

FORM 1

INFORMATION SHEET

CHILDREN COPE WITH DIVORCE SEMINAR

THIS FORM MUST BE FILLED OUT IF YOU ARE FILING A DIVORCE OR CUSTODY ACTION IN THE PROTHONOTARY'S OFFICE:

TODAY'S DATE: _____

CASE NUMBER _____

PLEASE CHECK ONE:

DIVORCE FILING—NO CHILDREN _____

DIVORCE FILING—WITH CHILDREN UNDER 18 _____

CUSTODY FILING—WITH CHILDREN UNDER 18 _____

PARTICIPATION BY CONSENT AGREEMENT _____

PLAINTIFF/PETITIONER NAME AND ADDRESS:

DEFENDANT/RESPONDENT NAME AND ADDRESS:

FORM 2

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

:
: NO.

ORDER OF COURT

You, _____ are ORDERED to appear in person in the CUSTODY CONCILIATION OFFICE, Room 02, Ground Floor, Erie County Courthouse, 140 West Sixth Street, Erie, Pennsylvania on _____, 20__ at __ o'clock a.m./pm. for an Intake Conference.

Both parents are further ORDERED to attend a custody seminar entitled "CHILDREN COPE WITH DIVORCE" prior to the Intake Conference.

_____ must attend the seminar on _____.

_____ must attend the seminar on _____.

THE DATES OF ATTENDANCE WILL NOT BE CHANGED EXCEPT FOR AN EMERGENCY.

FAILURE TO APPEAR AT THE INTAKE CONFERENCE OR FAILURE TO ATTEND THE SEMINAR WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF A FINE, IMPRISONMENT OR BOTH.

If you fail to appear as provided by this Order, an Order for custody may be entered against you or the Court may issue a warrant for your arrest.

BY THE COURT:

J.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral & Information Service
P. O. Box 1792
Erie, Pennsylvania 16507
(814) 459-4411
Hours: 8:30 a.m.—3:00 p.m.

If you are eligible for accommodation under the Americans With Disabilities Act, please contact us immediately so arrangements may be made.

FORM 3

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: NO.

PETITION FOR ENTRY OF A CUSTODY CONSENT ORDER

AND NOW, to-wit, this ___ day of ___, 20___, comes ___, the mother and ___, the father, and petitions this Court for the entry of a "Consent Order" concerning the custody of our child(ren), and in support thereof state as follows:

1. We are the parents of:

Name Date of Birth Age

2. Our addresses are as follows:

Name Street Address City/State/Zip County

3. The child(ren) is/are presently in the custody of:

Name Street Address City/State/Zip County

4. The parties have no knowledge of a custody proceeding concerning the child(ren) pending in any other court.

5. There is/is not an order presently in effect concerning the custody of our child(ren).

6. The parties know/do not know of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

7. We presently live separate and apart and wish to have a custody order confirming our agreement concerning the custody of our child(ren).

8. We believe that the arrangement set forth in the Consent Order is the best interest of the child(ren) and we recognize our continuing obligation to act in our child's(ren's) best interest.

9. We agree, as a condition of our agreement, to attend the "Children Cope With Divorce" seminar.

WHEREFORE, we request that the Court grant our Petition and enter the Consent Order.

Mother Father
Witness Date

FORM 4

(CAPTION)

CONSENT AGREEMENT

We have agreed to the following appropriate arrangement for the custody of our children:

1. The parents shall share the legal and physical custody of their child(ren). The names of the child(ren) are as follows: _____ .

2. The child(ren) shall reside with his/her/their mother/father at _____, except that the mother/father shall have partial custody/visitation with the child(ren) as follows:

- a. Weekdays - _____
b. Weekends - _____
c. Summer/Vacation periods - _____
d. Holidays of Thanksgiving - _____
Easter - _____
Christmas - _____
The non-festive holidays of July Fourth, Memorial Day, and Labor Day shall be - _____
OTHER - _____

3. The children shall be with the mother on Mother's Day and with the father on Father's Day. The hours shall be from 10:00 a.m. until 6:00 p.m. unless mutually agreed otherwise.

4. All holiday schedules shall supersede any other partial custody or visitation schedule unless the parties mutually agree to do otherwise.

5. Each parent shall keep the other informed of the child(ren)'s health, progress in school, and general welfare and shall consult the other parent concerning major decisions affecting the child(ren).

6. Each parent is entitled to receive directly from schools, health care providers, or other relevant sources, information concerning their child(ren).

7. Neither parent shall engage in any conduct which presents to the child(ren) a negative or hostile view of the other.

8. Each parent shall encourage the child(ren) to comply with the custody arrangement and foster in the child(ren) a positive view of the other.

9. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren).

10. Each parent shall plan a birthday celebration for the child(ren) on his or her regularly scheduled partial custody day near the child(ren)'s birthday.

11. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren). The term "mutual agreement" contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provisions.

12. The parents agree, as a condition of this consent order, to attend the "Children Coping With Divorce" Seminar.

13. VIOLATIONS OF THIS ORDER BY ANY PERSON MAY REUSLT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

14. Relocation Notice. No party with custody rights to a child may relocate with the child prior to agreement of all parties with custody rights to the child or prior approval of court. Relocation is defined as changing residence of the child which significantly impairs the ability of the non relocating party to exercise custodial rights. A party proposing relocation must comply with all provisions of 23 Pa.C.S. Section 5337 before relocating with the child. A sample relocation notice and counter-affidavit are available at www.eriecountygov.org/courts/custodyconciliation.aspx

15. Jurisdiction of the aforementioned child and this matter shall remain in the Court of Common Pleas of Erie County, Pennsylvania unless and until jurisdiction would change under the Child Custody Jurisdiction and Enforcement Act.

We agree to abide by the agreement developed this ____ day of _____, 20____, and submit to the Court of Common Pleas to be formalized into an order of court.

Mother Father

Attorney Attorney
Witnessed by: _____
Custody Conciliator

FORM 5

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: NO.

REQUEST FOR ADVERSARIAL HEARING

At a recent Custody Conciliation conference, an acceptable custody/visitation agreement could not be reached. I have reviewed the Recommended Order and request an Adversarial Hearing before the Family Court Judge.

The issues to be considered at the hearing are as follows: (Place a check mark before the issues to be considered)

- _____ Relocation
- _____ Time/Length/Number of Visits
- _____ Primary Residence
- _____ Other: _____
- _____ Estimated Length of Time for Trial

I verify that the statements made in this demand for Court hearings are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: _____
(Petitioner or Petitioner's Attorney)

This form must be brought to Court Administration (Room 204) between the hours of 9:00 a.m. and 12:00 p.m. and 1:30 p.m. and 4:00 p.m., Monday through Friday, within twenty (20) days from the date the Order was mailed or within twenty (20) days from the date the Order was received by you, whichever occurs first. Please attach a copy of the Order of Court that you are appealing.

NOTE: Upon notification of the date and time of your Custody Trial by the Family Court Administrator, a Pre-Trial Status Conference may be requested by either party by contacting the assigned Judge.

FORM 6

PLAINTIFF : IN THE COURT OF COMMON PLEAS
 : OF ERIE COUNTY, PENNSYLVANIA
 : VS. : FAMILY DIVISION—CUSTODY
 :
DEFENDANT : NO.

ORDER

AND NOW, to-wit, this _____ day of _____, 20____, it is hereby ORDERED, ADJUDGED and DECREED as follows: All parties shall file an original Pre-Trial Narrative Statement with the Prothonotary's Office and must submit a copy of the Pre-Trial Narrative Statement to Judge _____ office and serve a copy to the other party by _____, 20____. Failure to file Pre-Trial Narratives may result in sanctions. (Judge _____, Erie County Courthouse, 140 West 6th St., Room _____, Erie, Pa 16501)

The Pre-Trial Narrative Statement SHALL include as an attachment a fully completed Parenting Plan.

The Parenting Plan shall include a proposed custody schedule, address the child(ren)'s needs, (i.e. education, health care, religion, third-party childcare), address how decisions will be made regarding the child(ren)'s needs and propose a procedure to make changes to, and resolve disputes regarding, the custody order. The Parenting Plan shall be substantially in the form provided with the Domestic Relations Code at 232 Pa.C.S. § 5331(c). A sample Pre-Trial Narrative Statement and Parenting Plan form are available at www.eriecountygov.org/courts/custodyconciliation.aspx.

It is further ordered that the Custody Trial has been scheduled before Judge _____ in Courtroom _____ for _____, 20____ at ____ .m. and concludes at ____ .m. at the Erie County Courthouse.

Finally, on your scheduled Court date, you are expected to follow proper courtroom attire and etiquette. This includes proper dress, i.e. no shorts, tee shirts, flip flops; no gum chewing, no food or drink; ALL cell phones or pagers MUST BE TURNED OFF while in the courtroom.

BY THE COURT:

J.

CC: Judge John J. Trucilla
Custody Conciliation Office

****Please notify Court Administration if case is settled/
dismissed prior to trial: Family Court Administration,

FORM 7

PLAINTIFF : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
VS. : FAMILY DIVISION—CUSTODY
:
DEFENDANT : NO.

**PARENTING PLAN OF MOTHER/FATHER/PARTY
WITH STANDING**

This parenting plan involves the following child(ren):

CHILD'S NAME	DATE OF BIRTH

LEGAL CUSTODY

(who makes major decisions on behalf of the child):

Circle One

- a.) Diet - both parties decide together/Plaintiff/Defendant
- b.) Religion - both parties decide together/Plaintiff/Defendant

- c.) Medical care - both parties decide together/Plaintiff/Defendant
- d.) Mental Health care - both parties decide together/Plaintiff/Defendant
- e.) Discipline - both parties decide together/Plaintiff/Defendant
- f.) Choice of School - both parties decide together/Plaintiff/Defendant
- g.) Choice of Study - both parties decide together/Plaintiff/Defendant
- h.) School Activities - both parties decide together/Plaintiff/Defendant
- i.) Sports Activities - both parties decide together/Plaintiff/Defendant
- j.) Additional items - both parties decide together/Plaintiff/Defendant

Explain what process you will use to make decisions?
(For example, the parent confronted with or anticipating
the choice will call the other parent when the choice
presents itself, and the other parent must agree or
disagree within 24 hours of any deadline.) _____

FORM 8

PHYSICAL CUSTODY
(where the child(ren) live)

The child(ren)'s residence is with _____

Describe which days and which times of the day the child(ren) will be with each person:

Week 1

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Week 2

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mother							
Father							
(Other)							

Describe where and when you will exchange custody of the child(ren) (day and time of day)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Place							
Time							

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

THE COURTS

HOLIDAYS
(where will the child(ren) stay)

HOLIDAY	ODD-NUMBERED YEARS	EVEN-NUMBERED YEARS
Thanksgiving Day		
Thanksgiving Vacation		
Christmas Eve		
Christmas Day		
Christmas Vacation		
New Year's Eve		
New Year's Day		
Easter Sunday		
Spring Break		
Fall Break		
Mother's Day		
Father's Day		
Child's Birthday		
Memorial Day		
Fourth of July		
Labor Day		
Other		
Other		
Other		

Summer Vacation Plans _____

SPECIAL ACTIVITIES OR SCHOOL ACTIVITIES
(will both of you attend)

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

When the child(ren) is/are with one of you, how may they contact the other parent? _____

When and how may mother/father contact the child(ren)?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.) _____

TEMPORARY CHANGES TO THIS PARENTING SCHEDULE

From time to time, one of you might want or need to rearrange the custody schedule due to work, family or other events. You should attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

- The parent asking for the change will ask (circle as many as apply):
 in person by letter by phone by e-mail
- The parent asking for the change will ask no later than (circle one):
 12 hours 24 hours 1 week 1 month
- The parent being asked for a change will reply (circle as many as apply):
 in person by letter by phone by e-mail
- The parent being asked for a change will reply no later than (circle one):
 12 hours 24 hours 1 week 1 month

May parents contact one another? _____

OTHER

The following matter(s) shall be as specified by the court:

Other (anything else you want to agree on) _____

Date: _____ Signature of Mother

Date: _____ Signature of Father

Date: _____ Signature of Witness

RELOCATION NOTICE

TO:

This notice of my intention to relocate with child is given pursuant to 23 Pa.C.S. Section 5337 by registered U.S. Mail, Return Requested, on _____.

- 1. The child's new residence will be _____
2. The child's new mailing address will be _____
3. The following persons will reside with the child/children at the new residence _____
4. The phone number of the new residence is _____
5. The child's new school district and school are _____
6. The date of relocation is _____
7. Relocation is necessary because _____
8. I propose the following custody schedule upon relocation _____
9. Other appropriate information _____
10. Enclosed with this notice is a counter-affidavit that must be filed within 30 days if you intend to object to the relocation.

Parent

FORM 9

COUNTER AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name Age Currently residing at:

- I have received a notice of proposed relocation and:
1. I do not object to the relocation and I do not object to the modification of the custody order...
2. I do not object to the relocation, but I do object to modification of the custody order...
3. I do object to the relocation and I do object to the modification of the custody order...

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities).

Parent

Dated: _____

[Pa.B. Doc. No. 11-1266. Filed for public inspection July 29, 2011, 9:00 a.m.]

SNYDER COUNTY

Increase in Alcohol Safety Class Fee; No. MC-28-2011-FC; No. CT-55-AD-5-2011-CPCMS

Order

And Now, this 14th day of July, 2011, the court hereby Approves, Adopts and Promulgates Snyder County Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS, effective thirty (30) days after the date of publication of this Rule in the Pennsylvania Bulletin, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

- 1. File seven (7) certified copies of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS with the Administrative Office of Pennsylvania Courts.
2. Furnish two (2) certified copies of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS and a computer diskette to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin for publication.
3. File one (1) certified copy of this Order and Administrative Order MC-28-2011-FC/CT-55-AD-5-2011-CPCMS with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY, President Judge

Increase in Alcohol Safety Class Fee; No. MC-28-2011-FC; No. CT-55-AD-5-2011-CPCMS

Order

And Now, this 14th day of July, 2011, it is hereby Ordered and Directed that the Court of Common Pleas of Snyder County, Pennsylvania, adopts an increase in the Alcohol Highway Safety Class fee from \$150.00 to \$200.00. The Court Reporting Network evaluation fee will remain at \$50. This fee is authorized by 75 Pa.C.S.A. § 3815.

1. This fee is effective thirty (30) days after the date of publication of this Rule in the Pennsylvania Bulletin, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The Alcohol Highway Safety Class fee of two hundred dollars (\$200.00) and the Court Reporting Network evaluation fee of fifty dollars (\$50.00) shall be collected by the Snyder County Clerk of Courts whenever a defendant has been ordered to attend the Alcohol Highway Safety Class and/or a Court Reporting Network evaluation has been ordered as part of a sentence, plea or as a condition of being accepted into the Accelerated Rehabilitative Disposition Program. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

[Pa.B. Doc. No. 11-1267. Filed for public inspection July 29, 2011, 9:00 a.m.]

SNYDER COUNTY

Increase in ARD Fees; No. MC-27-2011-FC; CP-55-AD-4-2011-CPCMS

Order

And Now, this 12th day of July, 2011, the court hereby *Approves, Adopts and Promulgates* Snyder County Administrative Order MC-27-2011-FC/AD-4-2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

1. File seven (7) certified copies of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order MC-27-2011-FC/AD-4-2011 with the Criminal Rules Committee.

By the Court

MICHAEL H. SHOLLEY,
President Judge

Increase in ARD Fees; No. MC-27-2011-FC; CP-55-AD-4-2011-CPCMS

Order

And Now, this 12th day of July, 2011, it is hereby *Ordered and Directed* that the Court of Common Pleas of Snyder County, Pennsylvania, adopts an increase in the ARD (Accelerated Rehabilitation Disposition) fee for program time from a year and over \$500.00 to \$750.00 and adopts an increase in the ARD fee for program time less than a year from \$250.00 to \$400.00. This fee is authorized by 75 Pa.C.S.A. § 3815(f)(1)(iii).

1. This fee is effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*,

pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

2. The ARD fee of seven hundred fifty dollars (\$750.00) and four hundred dollars (\$400.00) shall be collected by the Snyder County Clerk of Courts after a defendant is accepted into the Accelerated Rehabilitative Disposition Program. Said fees shall be assessed as court costs. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

[Pa.B. Doc. No. 11-1268. Filed for public inspection July 29, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Anita C. Ogbuji, a/k/a Anita C. Kanu, a/k/a Anita C. Justin, having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided September 30, 2010, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Anita C. Ogbuji, a/k/a Anita C. Kanu, a/k/a Anita C. Justin, from the Bar of this Commonwealth, effective August 11, 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. 11-1269. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Richard G. Solomon, having been disbarred by consent from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated September 9, 2010, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Richard G. Solomon, from the Bar of this Commonwealth, effective August 11, 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. 11-1270. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Chet Williams, III, having been disbarred from the practice of law in the State of California by Order of the Supreme Court of California dated March 3, 2003, the Supreme Court of Pennsylvania issued an Order on July 12, 2011, disbaring Chet Williams, III from the Bar of this Commonwealth, effective August 11, 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. 11-1271. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 12, 2011, Robert Turnbull Hall is Suspended on Consent from the Bar of this Commonwealth for a period of 2 years, to be effective August 11, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-1272. Filed for public inspection July 29, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 23]

[L-2008-2057661]

Streamlining the Rate Increase Procedures for Small Motor Carriers

The Pennsylvania Public Utility Commission (Commission) on December 2, 2010, adopted a final rulemaking order which streamlines the current procedures for rate increase requests submitted by motor carriers of passengers with gross operating revenues less than \$500,000.

Executive Summary

The Commission acknowledges that some small motor carriers of passengers have had difficulty keeping the detailed business records needed in order to amend their tariffs for the purpose of raising rates and operating revenues. The Commission believes it is appropriate to streamline or simplify the current procedures for rate increase requests submitted by small motor passenger carriers with gross operating revenues less than \$500,000. Accordingly, based upon our experience with small motor passenger carriers, and our recent analysis of rate increase cases filed by them, the Commission amends our existing regulations at Chapter 23 of the *Pennsylvania Code*, which govern common carriers and establish the procedures for rate increase filings.

The Commission amends our existing regulations in order to simplify the rate process for small motor passenger carriers in the following manner:

1. Define small motor carrier of passengers by gross operating revenue. The Commission opines that the gross intrastate operating revenue threshold for the classification of a "small" carrier shall be less than \$500,000.

2. Permit a small motor passenger carrier (i.e. gross intrastate operating revenue less than \$500,000) to request a revenue increase each year without filing detailed, supporting financial information, other than: 1) total gross annual intrastate revenue for the most recent fiscal year, 2) the dollar amount of increased revenue that the projected rate increase is expected to produce, 3) the total projected operating revenue after the revenue increase, 4) the total projected operating expenses, and 5) the resulting operating ratio.

3. Establish a 1-year stay-out provision for small motor passenger carriers that prohibits them from requesting another increase in rates for one year following a prior Commission-approved rate increase. An exception to the 1-year stay-out provision permitting carriers to come in for an increase more often would be included for small carriers with operating ratios above 93%.

Public Meeting held
December 2, 2010

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; John F. Coleman, Jr.; Wayne E. Gardner; Robert F. Powelson

Final Rulemaking for Streamlining the Rate Increase Procedures for Small Motor Passenger Carriers;
Doc. No. L-2008-2057661

Final Rulemaking Order

By the Commission:

The Commission believes it is appropriate to streamline or simplify the current procedures for rate increase requests submitted by motor carriers of passengers with gross operating revenues less than \$500,000. Accordingly, this order constitutes the final rulemaking which amends our existing regulations at Chapter 23 of the *Pennsylvania Code* that governs common carriers and establishes the procedures for rate increase filings.

Background

The Commission, at its public meeting held April 24, 1987, issued an Order at Docket L-860014 adopting revisions to its existing regulations governing motor carrier filing requirements for proposed increases in rates and operating revenues at 52 Pa. Code §§ 23.63 and 23.64. The amendments required motor carriers to file additional information such as income and expense statements, total interstate and intrastate passenger miles and statements generated from terminals and facilities for the preceding 12 months when proposed rate changes or proposed revenue increase requests were filed with the Commission. The Commission adopted these revised regulations in order to elicit information from carriers that would enable the Commission to process rate matters promptly.

By Order entered January 23, 2009, the Commission initiated this instant rulemaking for the purposes of streamlining the current procedures for rate increase requests submitted by motor carriers of passengers with gross operating revenues less than \$500,000. Our current rules require motor carriers to provide detailed financial information to support their applications for rate increases. The Commission noted that some small motor carriers of passengers have had difficulty keeping the detailed business records needed in order to amend their tariffs for the purpose of raising rates and operating revenues. The Commission further noted that this lack of expertise with the ratemaking process generally resulted in lengthy delays in disposing of a carrier's proposed increase in rates. The Proposed Rulemaking Order was published on March 20, 2010, in the *Pennsylvania Bulletin* at 40 Pa.B. 1531. IRRC filed comments to the proposed regulations. No public comments were filed.

Discussion

The Commission's existing rules at 52 Pa. Code §§ 23.63 and 23.64 governing motor carrier requests for increases in rates and operating revenues, require motor carriers to file additional information such as income and expense statements, total interstate and intrastate passenger miles and statements generated from terminals and facilities for the preceding 12 months when proposed rate changes or proposed revenue increase requests were filed with the Commission. Nevertheless, some of the "smaller" motor passenger carriers have had difficulty keeping the detailed business records needed in order to support their efforts to amend their tariffs for the purposes of raising rates and increasing carrier revenue. The failure to have all of the appropriate operational and financial records in order to support the rate increase case often resulted in the outright denial of the rate increase because the carrier failed to provide the required financial documentation. Thus, this lack of expertise and unfamiliarity with the Commission's regulatory ratemak-

ing process in general is one of the main obstacles for small motor passenger carriers when requesting rate increases. Moreover, many such carriers have had to contract with consultants or tariff agents in order to guide them through the process, which is an added expense for such carriers.

Based upon our experience with small motor passenger carriers, and our recent analysis of rate increase cases filed by them, we proposed to amend our existing regulations in order to establish a new stream-lined rate procedure that will allow small motor passenger carriers with gross operating revenues of less than \$500,000 the opportunity to obtain a revenue increase without complying with each of the provisions of section 23.64. We shall discuss the proposed regulation section by section.

Section 23.1. Definitions

The Commission proposed to incorporate the new terms “small motor carrier of passengers” and “operating ratio” into the existing section 23.1 of the *Code*. No comments were received to this section.

Resolution

In this section of the proposed regulation, we attempted to bring clarification and scope to the term “small motor carrier of passengers.” We determined that it would be appropriate to use an objective measure to define what entities are “small” motor carriers and that the gross operating revenues they receive was an appropriate means. We further determined that the gross intrastate operating revenue threshold for the classification of a “small” carrier shall be less than \$500,000. We also defined the term “operating ratio.” Since no comments were filed, we will incorporate these new definitions into section 23.1 of the *Code*.

Section 23.68. Filing requirements for small passenger carriers.

This section of the proposed regulation permits a small motor passenger carrier (i.e. gross intrastate operating revenue less than \$500,000) to request a revenue increase each year without filing detailed, supporting financial information, other than: 1) total gross annual intrastate revenue for the most recent fiscal year, 2) the dollar amount of increased revenue that the projected rate increase is expected to produce, 3) the total projected operating revenue after the revenue increase, 4) the total projected operating expenses, and 5) the resulting operating ratio. No comments were filed in response to this section.

Resolution

The sole purpose of this rulemaking is to reduce the detailed business records that many unsophisticated, smaller motor carriers have to maintain and present to us when requesting a rate increase. We have defined “small motor passenger carriers” based upon their operating revenues (in this case less than \$500,000). Because of the operating revenue of the smaller companies, it may not be necessary for the carrier to present certain information to the Commission. We believe a comparable analogy is that there are different tax forms for individuals that request certain information from them based upon their gross income and overall assets, e.g., 1040EZ, 1040A, etc. Not every person has to submit the same financial information to the IRS. The PUC is attempting to establish less burdensome requirements for small carriers by requiring them to: 1) maintain a more simplistic record keeping system, and 2) allow these operators to make their own rate case presentation by requiring straightforward in-

come and expense information from carriers that still permits the Commission to determine if the revenue increase developed from the proposed raise in rates is justified for the carrier and reasonable for the public. Since no comments were received in response to the section, we will incorporate the proposed section 23.68 in the final-form regulation.

Section 23.69. Stay-out provision.

This proposed section establishes a one-year stay-out provision which prohibits small motor passenger carriers from requesting another increase in rates for one year following a prior Commission-approved rate increase. An exception to the one-year stay-out provision permitting carriers to come in for an increase more often would be included for small carriers with operating ratios above 93%.

Comments

IRRC filed comments to this proposed section. IRRC states that in response to question 11 of the Regulatory Analysis Form, the Commission cites 66 Pa.C.S. §§ 1301 and 1308 as the statutory authority for this regulation. IRRC notes that section 1301 of the Public Utility Code (Code), 66 Pa.C.S. § 1301, requires rates to be reasonable. Additionally, IRRC further notes that section 1308 of the Code, 66 Pa.C.S. § 1308 addresses voluntary changes in rates. IRRC states that the Commission did not cite any direct statutory authority for the one-year stay-out requirement. IRRC suggest that if the Commission is unable to establish direct authority for the stay-out provision, it should delete it.

Resolution

The stay-out provision was instituted so that carriers cannot use the streamlined rate procedure more than once in a short time period, i.e., one year. The Commission has made this a condition for a motor carrier that elects to seek a rate increase by using the streamlined procedures. We have the statutory authority to impose this condition (the stay-out provision) under section 501 of the Code, 66 Pa.C.S § 501(b). We note that a small passenger carrier who utilizes the stream-lined rate process and is granted a rate increase, could request another rate increase previous to the expiration of the one-year stay out provision by filing a general rate increase that complies with the provisions of 66 Pa.C.S., Section 1308, and 52 Pa. Code, Sections 23.61 to 23.64. They just could not use the stream-lined rate procedure set forth in the regulations. Accordingly, we will incorporate this proposed section in the final-form regulation.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 4, 2010, the Commission submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 1531 (March 20, 2010), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure 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 Commission 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 June 15, 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 June 16, 2011, and approved the final-form rulemaking.

Conclusion

Consistent with our authority and obligations under the Public Utility Code, particularly, 66 Pa.C.S. §§ 501, 1301 and 1308, the Commission is establishing rules and regulations that establish a new stream-lined rate procedure that will allow small motor passenger carriers with gross operating revenues of less than \$500,000 the opportunity to obtain a revenue increase without complying with each of the provisions of section 23.64 of the *Pennsylvania Code*. Accordingly, under sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); sections 201 and 202 of the act of July 31, 1968 (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.235, we find that the regulations set forth in Annex A should be approved; *Therefore*,

It Is Ordered That:

1. The Secretary shall serve a copy of this order and Annex A upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and all jurisdictional small motor passenger carriers.
2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.
6. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.
7. That the contact persons for this final-form rulemaking are David E. Screven, Assistant Counsel, (717) 787-2126 (legal) and Michael Hoffman, (717) 783-5010 (technical). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.
8. The regulations of the Commission, 52 Pa. Code Chapter 23, are amended by amending § 23.1 and by adding §§ 23.68 and 23.69 to read as set forth in Annex A.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 3648 (July 2, 2011).)

Fiscal Note: Fiscal Note 57-267 remains valid for the final adoption of the subject regulations.

Secretarial Letter

April 20, 2011

Re: Final Rulemaking Streamlining the Rate Increase Procedures for Small Motor Passenger Carriers

L-2008-2057661/57-267

To Whom It May Concern:

This Secretarial letter serves as a clarification to the Final Rulemaking Order at L-2008-2057661/57-267. There appears to be a potential ambiguity between section 23.69 of the final regulations and the Preamble as it pertains to the one year stay-out provision. In the Preamble, we stated that "[w]e note that a small passenger carrier who utilizes the stream-lined rate process and is granted a rate increase, could request another rate increase previous to the expiration of the one-year stay out provision by filing a general rate increase that complies with the provisions of 66 Pa.C.S., Section 1308, and 52 Pa. Code, Sections 23.61 to 23.64." See p. 6 of the Final Rulemaking Order. This was not clearly stated at section 23.69 of the final regulations. In order to clarify this perceived ambiguity, we will modify section 23.69. Accordingly, we amend section 23.69 as follows:

§ 23.69. Stay-out provision.

A small passenger carrier will not be permitted to request another increase in rates or operating revenues *under section 23.68* from the Commission for 1 year following a prior Commission approved rate increase *under section 23.68*. A small passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating ratio that is 93% or above, shall be excepted from this 1 year stay-out restriction.

The new language is italicized. This is not a substantive change to this section of the final regulations, but rather is only a clarification that a carrier is not permitted to request a rate increase utilizing the streamlined procedures for one year following an approved rate increase under those same procedures. This clarification is consistent with the Preamble's discussion regarding the one year stay-out provision.

ROSEMARY CHIAVETTA,
Secretary

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 23. TARIFFS FOR COMMON CARRIERS

GENERAL PROVISIONS

§ 23.1. Definitions and applicability.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Common carrier or carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by, through, over, above or under land, water or air, including forwarders, but not motor common carriers of property, contract carriers, brokers or any bona fide cooperative association transporting property exclusively for the members of the association on a nonprofit basis.

Contract carrier—A person or corporation who or which provides or furnishes transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of the motor vehicle, or who or which provides or furnishes, with or without drivers, any motor vehicle for the transportation, or for use in transportation, other than as a common carrier by motor vehicle, but not including any of the following:

(i) A lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance, supervision or control of the motor vehicle sold.

(ii) A bona fide agricultural, cooperative association transporting property exclusively for the members of the association on a nonprofit basis or any independent contractor hauling exclusively for the association.

(iii) An owner or operator of a farm transporting agricultural products from, or farm supplies to, the farm, or an independent contractor hauling agricultural products or farm supplies, exclusively, for one or more owners or operators of farms.

(iv) Transportation of school children in any motor vehicle owned by any school district, or operated under contract with any school district, for which transportation is lawfully paid by the school district from district funds.

(v) A person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated or road construction materials.

(vi) Transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election.

Operating ratio—The operating ratio at present rates shall be calculated as a ratio of intrastate operating expenses to intrastate operating revenues, where the numerator includes operations and maintenance expense, annual depreciation, applicable taxes, and the denominator consists of the utility's intrastate operating revenues at present rates, including all surcharges.

Rate—An individual or joint fare, toll, charge, rental or other compensation of a public utility, other than a motor common carrier of property in its transportation of property, or contract carrier by motor vehicle, made, demanded or received for jurisdictional service, offered, rendered or furnished by the public utility, other than a motor carrier of property in its transportation of property, or contract carrier by motor vehicle, whether in currency, legal tender or evidence thereof, in kind, in services or in

another medium or manner, and whether received directly or indirectly, and rules, regulations, practices, classifications or contracts affecting the compensation, charge, fare, toll or rental.

Small passenger carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or any class of passengers with gross intrastate operating revenues of less than \$500,000.

Tariff—Schedules of rates, rules, regulations, practices or contracts involving any rate, including contracts for interchange of service and, in the case of a common carrier, other than a common carrier of property in the transportation of property, schedules showing the method of distribution of the facilities of the common carrier.

(b) *Applicability*. This chapter applies to motor carriers except common carriers of property.

NOTICE OF CHANGES IN FARES

§ 23.68. Filing requirements for small passenger carriers.

Small passenger carriers with gross annual intrastate revenue of less than \$500,000 do not need to file the substantiating data required under § 23.64 (relating to data required in filing increases in operating revenues) when requesting an increase in rates. Small passenger carriers shall submit a statement with the tariff or tariff supplement stating the following:

- (1) The information required under § 23.63 (relating to data required in filing proposed rate changes).
- (2) The total gross annual intrastate revenue for the most recent fiscal year.
- (3) The dollar amount of increased annual revenue that the rate increase is expected to produce.
- (4) The total projected operating revenue after the revenue increase.
- (5) The total projected operating expenses.
- (6) The projected operating ratio.

§ 23.69. Stay-out provision.

A small passenger carrier will not be permitted to request another increase in rates or operating revenues under § 23.68 (relating to filing requirements for small passenger carriers) from the Commission for 1 year following a prior Commission-approved rate increase under § 23.68. A small passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating ratio that is 93% or above, shall be excepted from this 1-year stay-out restriction.

[Pa.B. Doc. No. 11-1273. Filed for public inspection July 29, 2011, 9:00 a.m.]

PROPOSED RULEMAKINGS

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 3]

Brewery Pub Location; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 3.92 (relating to brewery pubs) to allow a brewery pub to sell beer produced and owned by the brewery with which it is licensed, without regard to the location in this Commonwealth where the beer is produced.

Background

This regulatory change recognizes the growth and evolution of "craft" brewing of beer in this Commonwealth. As a result of the growth, certain breweries have reached the point where demand for their beer at their brewery pubs has outstripped their capacity to produce beer at the adjacent brewery. While the logical solution would be for the brewery to open another brewery to address the demand for beer at the brewery pub, the Board's regulations currently preclude the sale of beer produced at the second brewery by the original brewery pub because the second brewery would not be deemed adjacent to the original brewery pub. This regulatory change resolves this issue.

Affected Parties

The rulemaking will affect licensed breweries. As of the date of this submission, there are 83 active licensed breweries in this Commonwealth. Of these licensed breweries, 19 also have brewery pubs with active licenses. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board does not anticipate that this regulatory change will affect the costs or savings of the regulated community. If this change produces increased business opportunities, it should positively affect the revenues of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: James F. Maher, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1274. Filed for public inspection July 29, 2011, 9:00 a.m.]

[40 PA. CODE CH. 3]

Casino Exception; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 3.52 (relating to connection with other business) to allow certain businesses licensed by both the Board and the Pennsylvania Gaming Control Board (PGCB) to keep their liquor licenses and their gaming licenses in different subsidiaries.

Background

This regulatory change recognizes that 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) and the Liquor Code (47 P.S. §§ 1-101—8-803) contemplate the sale of alcohol by locations licensed by both the Board and the PGCB. The regulation is being amended to reflect the fact that certain businesses licensed by both the Board and the PGCB intend to keep their liquor license and their gaming license in different subsidiaries. As currently written, § 3.52 would make this structure a violation. This regulatory change has been requested by the industry and will resolve this issue.

Affected Parties

The rulemaking will affect the ten casinos licensed by the PGCB. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board does not anticipate that this regulatory change will affect the costs or savings of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: Norina K. Blynn, Esquire, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1275. Filed for public inspection July 29, 2011, 9:00 a.m.]

[40 PA. CODE CH. 5]

Limited Winery Reporting; Advanced Notice of Final-Omitted Rulemaking

The Liquor Control Board (Board) intends to adopt a change to 40 Pa. Code § 5.103 (relating to limited wineries) to reduce paperwork associated with production reporting by licensed limited wineries.

Background

This regulatory change simplifies the production reporting procedure for licensed limited wineries. Section 102 of the Liquor Code (47 P.S. § 1-102) defines a "limited winery" as a winery which has an annual production of less than 200,000 gallons. Under the current regulations, which were last amended in 1984, monthly reports shall be submitted. This change will convert the reporting system to an annual basis, permit the use of electronic reporting and coordinate production reporting with the license renewal and validation cycles. The information in these reports also is used by the Department of Agriculture.

Affected Parties

This regulatory change has been requested by the industry. The people who will first benefit from this change are the licensed limited wineries. As of the date of this submission, there are 170 active licensed limited wineries. All potentially affected parties have been or will be given notice of this rulemaking, either by e-mail or United States Postal Service mail.

Fiscal Impact

The Board anticipates that this regulatory change will reduce the administrative costs of the regulated community. The regulatory change is not expected to have a cost or savings impact on local or State government.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Liquor Control Board, Office of Chief Counsel, 401 Northwest Office Building, Attention: James F. Maher, Esquire, Harrisburg, PA 17124. Comments received within 30 days will be reviewed and considered for any subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TTY users) or (800) 654-5988 (voice users).

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1276. Filed for public inspection July 29, 2011, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

GOVERNOR’S OFFICE

[4 PA. CODE CH. 1]

Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes.

The Index of Issuances is being updated to reflect changes since 40 Pa.B. 4287 (July 31, 2010). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

KELLY POWELL LOGAN,
Secretary of Administration

(Editor’s Note: This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Bulletin*.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor’s Office and from agencies under the governor’s jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

Effective January 2010, this manual is updated semi-annually for publication on the Office of Administration’s web site. The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2010 and June 30, 2011.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances. For questions regarding the Directives Management System, contact OA, EB-DMS.

Office of Administration
Office of Enterprise Records Management
613 North Street
Room 221, Finance Building
Harrisburg, PA 17120-0400
www.oa.state.pa.us

This manual replaces, in its entirety, Manual 210.3 dated July 7, 2010. This manual includes all new and amended issuances through June 30, 2011.

How to Use Index:

- Executive orders are by year of issuance.
- Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- All documents preceded by the letter “M” are manuals.
- Documents that have been rescinded are indicated as rescinded.
- Amendments are presented as complete documents that incorporate all changes since the last issuance.
- Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

Fiscal Note: 2011-210.3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

§ 1.4. Index of Issuances.

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1974-11	Governor’s Interdepartmental Council on Seasonal Farmworkers	11/2/1978	
1975-5	Commitment Toward Equal Rights	9/19/1978	
1975-6	Preservation of Historic Resources	5/6/1975	
1977-4	Compliance with <i>Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112)</i>	8/3/1977	
1977-5	Implementation of <i>Act No. 1976-101</i>	9/27/1977	
1978-4	Flood Plain Management	3/1/1978	
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Executive Orders		Date of Original or Latest Amendment	Current Revisions
1978-19	Access by Handicapped Individuals to Meeting Locations	12/19/1978	
1979-10	Commonwealth Child Development Committee	7/25/1979	
1979-13	Governor's Office of Policy and Planning	9/18/1979	
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1980-4	Golden Keystone Discount Card Program	2/27/1980	
1980-5	Task Force on Employment Services to Displaced Homemakers	2/28/1980	
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1984-3	Accounting and Financial Reporting	10/11/1984	
1986-1	Commonwealth Single Audit Coordinator	2/24/1986	
1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC)	4/22/1986	
1986-5	Standby Allocations of the Volume Cap Under the <i>Tax Reform Act of 1986</i>	10/2/1986	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	12/1/1986	
1987-1	1987 Allocations of the Unified Volume Cap Under the <i>Tax Reform Act of 1986</i>	1/7/1987	
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections	1/16/1987	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections	1/16/1987	
1987-7	State Inspector General	4/6/1987	
1987-8	Pennsylvania Emergency Response Commission	4/20/1987	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the <i>Internal Revenue Code of 1986</i>	4/22/1987	
1987-10	Highway Safety	11/25/1992	
1987-12	Cultural Advisor to the Governor	5/27/1987	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal <i>Low-Level Radioactive Waste Policy Amendments Act</i>	12/21/1987	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition	4/7/1988	1
1988-8	Pennsylvania State Data Center	7/12/1988	
1988-11	Motor Carrier Advisory Committee	11/18/1988	1-2-3
1989-3	Master Leasing Program	3/2/1989	
1989-8	Municipal Waste Reduction and Planning Program	10/17/1989	
1990-1	Municipal Waste Transportation Enforcement Program	3/14/1990	
1990-3	Contractor Responsibility Program	6/29/1990	
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1990-7	Interagency River Island Task Force	10/17/1990	1

Executive Orders		Date of Original or Latest Amendment	Current Revisions
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1992-1	Records Management	1/8/1992	
1993-2	Civil Disorder and Emergency	4/9/1993	
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1993-4	State Center for Health Statistics and Research.....	10/13/1993	
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1995-7	Governor’s Executive Council on Recycling Development and Waste Reduction	10/11/1995	
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2008-01	Extension of Filing Deadline for Nomination Petitions	Terminated 2/14/2008	
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205.4	Delegation of Authority to Sign and Delegation to Authorize SAP Payments	5/11/2009
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205.9	Code of Conduct Statement of Financial Interest—Filing	1/4/2011
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205.26	<i>The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services</i>	7/22/1992
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205.28	Purchase of Recycled Content Products by State Agencies	Rescinded by MD205.22—8/29/2007
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M210.3	Index of Issuances	7/12/2011	
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215.12	Provisions for Commonwealth Contracts Concerning <i>The Americans With Disabilities Act</i>	1/16/2001	
215.13	Contract Provision for Donation of Excess Prepared Food	6/21/1994	
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M215.3	Field Procurement Handbook	(Current publication available at: http://www.portal.state.pa.us/ portal/server.pt/community/ procurement_handbook/1277)	
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310.10	Collection, Requests for Compromise, and Write-Off of Delinquent Claims	8/29/1996	
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525.15	Overtime.....	2/10/1997	
525.16	Physicians and Related Occupations Quality Assurance Program	2/14/2006	
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments	6/28/1991	
525.20	Implementation & Maintenance of Local Service Tax	10/10/2008	

Management Directives and Manuals		Date of Original or Latest Amendment	Current Revisions
Benefits			
530.1	Agency Employee Services Coordinators	5/16/2006	
530.2	Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay	3/12/2008	
530.3	State Employee Combined Appeal for New Employees and Employees on Inter-Agency Transfers	Rescinded/Obsolete	11/8/2010
530.4	State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay.....	3/11/2008	
530.8	<i>Motor Vehicle Financial Responsibility Law</i>	7/22/1997	
530.9	Social Security Records.....	10/9/1997	
530.10	Administrative Leave to Compete in International and World Championships	7/20/2010	
530.11	Benefit Rights of Permanent and Temporary Employees	7/25/2006	
530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates	7/8/1997	
530.17	Partial and Full Day Closings of State Offices.....	5/25/2010	
530.18	Benefit Rights of Furloughed Employees.....	8/27/2009	
530.20	State Paid Benefits While on Cyclical Leave Without Pay.....	7/8/1997	
Benefits			
530.21	Paid Absence for Blood Donation.....	4/8/2010	
530.22	Unemployment Compensation, Noncovered Employment— “Major Nontenured Policymaking or Advisory Positions”	11/20/1996	
530.23	State Employee Combined Appeal.....	12/2/2009	
530.24	Retired Employees Health Program Eligibility Requirements... ..	12/30/2010	
530.26	Military Leaves of Absence	9/3/2008	
530.27	Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit.....	2/7/1997	
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF).....	9/14/2004	
530.29	Commuter Benefits Program.....	5/20/2009	
530.30	Sick, Parental and Family Care Absence Policy	12/14/2007	
530.31	Workplace Safety and Health Program	9/29/2008	
Manuals.			
M530.2	Injury Leave Manual	11/29/2001.....	1
M530.3	Group Life Insurance Program Administrative Manual	6/26/2001	
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits.....	8/1/2004	
M530.7	Absence Program	4/23/2009	
M530.9	Unemployment Compensation Insurance	12/7/1998	
M530.14	Unemployment Compensation and the Supervisor.....	3/1/1982	
M530.15	Pennsylvania State Police Administrative Manual Health Benefits Program	7/20/2010	
M530.16	Temporary Clerical Pool Agency User Manual.....	10/1/1999	
M530.17	Temporary Clerical Pool Employee Handbook	10/1/1999	
M530.18	The Benefits of a “Healthy” Sick Leave Balance	11/1/1997	
M530.19	Leave Without Pay and Injury Leave Processing Instructions ..	Rescinded/Obsolete	2/1/2008

Management Directives and Manuals		Date of Original or Latest Amendment	Current Revisions
Training			
535.1	Employee Training and Development.....	2/9/2000	
535.2	Physicians and Related Occupations Specialty Board Certification Payments	2/21/2006	
535.3	Out-Service Training	11/16/1999	
535.4	Use of State Work Program and Public Services Trainee Classes.....	2/16/1984	
535.5	Use of Trainee Classes in the Classified Service	10/8/2004	
535.6	Commonwealth Management Development Program.....	2/9/2000	
535.7	Annual Agency Training Plan and Report.....	7/8/1999	
535.9	Physical and Information Security Awareness Training	10/3/2006	
Performance Evaluations			
540.7	Performance Management Program	5/2/2011	
Retirement			
570.1	State Employees' Retirement System, Duties of Departments and Agencies	5/8/2006	
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service.....	4/9/2006	
570.6	Optional Membership in State Employees' Retirement System .	2/22/2006	
570.8	Reinstatement of Dismissed or Furloughed Employees Into the State Employees' Retirement System.....	4/3/2006	
570.9	Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed	2/17/2006	
570.11	Changes to Retirement and Personnel/Payroll System and Collection of Arrears Balances	3/23/2006	
570.12	Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions	2/17/2006	
570.13	State Employees' Retirement System, Regional Field Offices ...	5/30/2007	
570.14	Deferred Compensation Program.....	3/25/2005	
570.15	Public Employee Pension Forfeiture Act No. 1978-140	6/6/2006	
Civil Service			
580.2	Civil Service Availability Survey/Interview Notice	1/21/2009	
580.6	Tabulation of Classified Service Employees	6/16/2006	
580.8	Classified Service Probationary Periods.....	10/5/2004	
580.10	Rights of Certified Eligibles in the Classified Service	5/16/1986	
580.11	Documentation of Classified Service Personnel Actions	6/27/2006	
580.12	Recruitment for Classified Service Positions	3/28/2007	
580.13*	Report of Personnel Transactions for Non-State Employees ...	8/18/1987	
580.15	Selective Certification of Classified Service Eligibles.....	6/26/1990	
580.16	Provisional Employment in the Classified Service	11/16/2006	
580.18	Pennsylvania Residency Requirements for the Classified Service.....	2/15/2005	
580.19	Promotion in the Classified Service Without Examination.....	8/31/2009	
580.21	Veterans' Preference on Classified Service Employment Certifications	2/16/2011	
580.23	Resignation From and Reinstatement to the Classified Service .	3/12/1990	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service	9/14/2006	

		Date of Original or Latest Amendment	Current Revisions
Management Directives and Manuals			
*Special Distribution			
Civil Service			
580.25	Political Activities of Classified Service Employees	9/30/1992	
580.26	Transfer or Reassignment of Classified Service Employees	6/29/2010	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to <i>Section 3(c)(4), Civil Service Act.</i>	10/28/2009	
580.28	Reallocation to a Lower Class in the Classified Service	3/30/2011	
580.30	Civil Service Leave of Absence and Return Rights	9/7/2010	
580.31	Classified Service Temporary Appointments	8/14/2006	
580.32	Substitute Employment in the Classified Service	10/24/2006	
580.33	Reproductions of Documents for Classified Service Personnel Actions	4/30/2009	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service	3/19/2010	
580.35	Employees Placed in the Classified Service by Position Reallocation	3/29/1988	
580.37	Promotion by Appointment of Unclassified Service Employees Into the Classified Service	5/5/2008	
580.38	Use of Intern Job Titles in the Classified Service	10/8/2004	
Manuals.			
M580.1	Certification of Eligibles for the Classified Service	4/7/1997	
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements	6/22/2007	
Labor Relations			
590.1	Labor Relations	11/27/2007	
590.2	Confidential Positions and Employees	3/8/2006	
590.3	Deduction of Union Dues/Fair Share Fees	5/22/2006	
590.5	Guidelines to be Followed During Legal or Illegal Strikes	5/25/2006	
590.7	Labor Relations—Grievance Administration	6/8/2006	
590.8	Classification Grievance Processing	3/30/2006	
SUPPLIES, SERVICES, AND EQUIPMENT			
Supplies and Equipment Acquisition/Disposition			
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts	11/17/1983	
Automotive Services			
615.1	Temporary Assignment of Commonwealth Automotive Fleet Vehicles	1/6/2006	
615.2	Motor Vehicle Liability Insurance and Accident Reporting	6/17/1996	
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet	10/12/2005	
615.6	License Plates for Commonwealth-Owned Vehicles	6/30/1997	
615.7	Repairs, Maintenance, and Payment for Services	10/12/2005	
615.8	Use of State Automobiles	3/26/1980	
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles	10/12/2005	
615.12	Motor Vehicle Authorization List	5/1/2006	
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles	9/26/1997	
615.15	Vehicle Parking License Agreements	10/26/2006	

Management Directives and Manuals		Date of Original or Latest Amendment	Current Revisions
Commodity Standards			
620.1	Coal Sampling and Reporting.....	10/4/2005	
Buildings, Property, and Real Estate			
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services.....	10/4/2004	
625.2	Inventory of Commonwealth Real Property	9/16/2008	
625.3	Moving Employee Household Goods and Commonwealth Property	3/14/1996	
625.4	Enforcement of Fire and Panic Regulations	3/27/1991	
625.5	Reporting Surplus Real Property.....	5/6/1996	
625.6	Leasehold Improvements	5/1/2009	
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval	11/6/1997	
625.8	Contracting for Bargaining Unit Work.....	2/25/1994	
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services.....	3/9/2001	
625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings ...	12/28/2010	
Bonds and Insurance			
630.1	Agency Insurance Coordinators	10/2/1987	
630.2	Reporting of Employee Liability Claims	4/28/1998	
COMMONWEALTH PROGRAMS			
Protection and Safety			
720.2	Wage Standards Picketing	2/3/1977	
720.3	Emergency Evacuation Plans at Commonwealth Facilities	Rescinded by MD205.38—7/31/2009	
720.4	Safety and Loss Prevention Program	10/2/1987	
720.5	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings.....	7/25/2008	
720.6	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls	9/28/2005	
720.7	Bomb Threats and Suspicious Packages	7/29/2010	

[Pa.B. Doc. No. 11-1277. Filed for public inspection July 29, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 12, 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

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-7-2011	Colonial American Bank Horsham Montgomery County	Filed
	Application for approval to merge Colonial American Bank of New Jersey, Middletown, NJ, with and into Colonial American Bank, Horsham.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-23-2011	Marion Center Bank Marion Center Indiana County	1271 Indian Springs Road Indiana Indiana County	Opened
6-28-2011	Peoples State Bank of Wyalusing Wyalusing Bradford County	Towne Plaza Shopping Ctr Tunkhannock Wyoming County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-6-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 2021-2023 Sproul Road Broomall Delaware County	Approved
		<i>From:</i> 1991 Sproul Road, Suite 22 Broomall Delaware County	

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-25-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	6244 Bustleton Avenue Philadelphia Philadelphia County	Closed
6-25-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	7124 Ridge Avenue Philadelphia Philadelphia County	Closed
6-25-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	352 High Street Burlington Burlington County, NJ	Closed
6-25-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1703 Highland Avenue Cinnaminson Burlington County, NJ	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-25-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	801 Burlington Avenue Delanco Burlington County, NJ	Closed
6-30-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	345 East Beaver Avenue State College Centre County	Closed
6-30-2011	Northwest Savings Bank Warren Warren County	2000 North Flamingo Road Pembroke Pines Broward County, FL	Closed
6-30-2011	Northwest Savings Bank Warren Warren County	950 South Pine Island Road Suite 180 Plantation Broward County, FL	Closed
6-30-2011	Northwest Savings Bank Warren Warren County	1609 East Sunrise Boulevard Fort Lauderdale Broward County, FL	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1278. Filed for public inspection July 29, 2011, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services Block Grant State Plan for Federal Fiscal Years 2012 and 2013

As a result of the Omnibus Budget Reconciliation Act of 1981 (act) (Pub. L. No. 97-35), the Commonwealth accepted the Community Services Block Grant (Grant) for the purpose of providing a full range of services and activities having a measurable and potentially major impact on the causes of poverty in a community or those areas of a community where poverty is a particularly acute problem. Section 676 of the act requires the lead agency to develop the state plan to be submitted to the Secretary of the Department of Health and Human Services (DHHS), and that the plan be developed with input from the public, through the provision of an opportunity to comment on the proposed use and distribution of the funds to be provided through the Grant and allotments for the period covered by the state plan.

The Department of Community and Economic Development (Department) has been designated, under the act of July 10, 1986 (P.L. 1263, No. 116) and continued by the Community Services Block Grant Act (62 P.S. §§ 2992.1—2992.13) by the Governor of the Commonwealth, to be the lead agency for the administration of the Grant.

The Department publishes notice of a public hearing to be held at 11 a.m. on Thursday, August 11, 2011, in Conference Room 4-East, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the

Grant proposed state plan to be submitted to the DHHS for the Fiscal Years of 2012 and 2013.

The plan is available for review on the Department's web site at www.newpa.com or may be obtained by contacting the Department of Community and Economic Development, Community Empowerment Division, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17102, (717) 787-1984.

Written comments will be accepted until 5 p.m. on Friday, August 12, 2011, and should be sent to Vicki Lori, Community Empowerment Division, at the address listed previously.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at the previously listed number to discuss how Department can accommodate those needs.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 11-1279. Filed for public inspection July 29, 2011, 9:00 a.m.]

DEPARTMENT OF EDUCATION

2011-2012 Designation of Districts to Receive Duquesne's High School Students

The Duquesne City School District (Duquesne) eliminated its high school program in 2007. Section 14 of the

act of July 20, 2007 (Act 45) governed the reassignment of Duquesne's high school students from the time Duquesne's high school program was eliminated until the time Act 45 was struck down by the courts in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. Thus, under Act 45, then-Secretary of Education Gerald Zahorchak designated two school districts to accept Duquesne's high school students on a tuition basis. The two designated school districts were the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin).

Shortly after Act 45 was struck down, the act of November 23, 2010 (P. L. 1350, No. 123) (Act 123) was enacted. The enactment of Act 123 resulted in significant additions to section 1607 of the Public School Code of 1949 (code) (24 P. S. § 16-1607), which governs the reassignment of high school students when certain school districts do not operate a high school. Duquesne is currently the only school district that meets the criteria of amended section 1607 of the code. Similar to Act 45, amended section 1607 of the code authorizes the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. To continue and extend the success that resulted from the placement of Duquesne students in East Allegheny and West Mifflin following the enactment of Act 45, East Allegheny and West Mifflin have been designated to continue to receive Duquesne's high school students under amended section 1607 of the code.

2011-2012 Reassignment of Duquesne's High School Students

As required under section 1607(b) of the code, the Department of Education (Department) provides the following information regarding the assignment of Duquesne's high school students for the 2011-2012 school year:

- Students entering grades 10, 11 or 12 during the 2011-2012 school year shall be assigned to the same district to which they were assigned during the 2010-2011 school year.
- In January and February of 2011, students entering grade 9 had the opportunity to tour both the West Mifflin

and East Allegheny High Schools and to select the specific high school they were interested in attending. Specific information was provided under a notice published at 40 Pa.B. 5823 (October 9, 2010). This notice also informed students entering grade 9 that all students who completed and returned a school selection card during the selection process had an equal chance of getting his first choice school. If the number of students selecting a school exceeded the determined enrollment number, however, a lottery would determine which high school the students would attend.

- Siblings entering grade 9 should attend the same high school that their older brother or sister has chosen unless a parent or guardian specifies otherwise. For this purpose, to be considered for sibling status, applicants must provide legal proof of guardianship and residence and meet one of the following criteria: (1) brothers or sisters of the same parents or legal guardians; or (2) children that reside in the same household and have the same legal guardian.

- Private, religious or charter school students first need to register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin High School.

- Students transferring into Duquesne after the selection process has concluded will be given a choice between West Mifflin and East Allegheny. If a student's first choice school already has students assigned up to its determined enrollment level, then he will be assigned to the other school. If a student wants to be placed on a waiting list for his first choice school, then his name will be added to the bottom of the waiting list below the students who took part in the selection process.

2011-2012 Tuition Rates

The per pupil tuition rates that the designated districts shall receive, for the 2011-2012 school year, are \$ 9,422 for East Allegheny and \$9,582 for West Mifflin Area High School.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 11-1280. Filed for public inspection July 29, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064068 (Sewage)	Schuylkill County Municipal Authority—Branch Cass WWTP Railroad Avenue Llewellyn, PA 17944	Schuylkill County Branch Township	West Creek (3-A)	Y
PA0034088 (Sewage)	UMH of PA, Inc. Oakwood Lake Village MHP 29 Oakwood Lane Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Swale Brook Cold Water Fishes (4-F)	Y
PAS802217 (Storm Water)	UPS Freight Bethlehem Facility 342 Stoke Park Road Bethlehem, PA 18017	Northampton County Hanover Township	Unnamed Tributary to Monocacy Creek (2-C)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0248410 (CAFO) Transfer	Scattered Acres, Inc. 209 Hartman Road Reading, PA 19605	Lancaster County / West Cocalico Township	UNT Little Cocalico Creek / 7-J	Y
PA0248371 (CAFO) Transfer	Curtis M. Lehman (Lehman Farms) 161 Manbeck Farms Bernville, PA 19506	Berks County / Jefferson and Upper Tulpehocken Townships	North Kill Creek / 3-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0009288 (IW)	Milton Hershey School 1201 Homestead Lane Hershey, PA 17033-0830	Dauphin County / Derry Township	UNT Spring Creek / 7-D	Y
PA0087378 (IW)	Letterkenny Army Depot 1 Overcash Avenue Chambersburg, PA 17201	Franklin County / Greene Township	Conodoguinet Creek / 7B	Y
PA0081795 (Sew)	Williams Grove Associates 20 Erford Road Lemoyne, PA 17043	Cumberland County Monroe Township	Yellow Breeches Creek / 7-E	Y
PA0082511 (Sew)	Roxbury Holiness Camp, Inc. PO Box 28 Roxbury, PA 17251-0028	Franklin County Letterkenny Township	Conodoguinet Creek / 7-B	Y
PA0081353 (Sew)	Crowe Transportation 2388 North Market Street Elizabethtown, PA 17022-1141	Lancaster County West Donegal Township	UNT of Conestoga Creek / 7-G	Y
PA0080616 (Sew)	DELM Developers, LLC PO Box 1010 Chambersburg, PA 17055	Adams County Reading Township	Conewago Creek / 7-F	Y
PA0087149 (IW)	PA Emergency Management Agency PA State Fire Academy—Lewistown 1150 Riverside Drive Lewistown, PA 17044	Mifflin County Lewistown Borough	Juniata River / 12-A	Y
PA0024350 (Sew)	Borough of Dauphin 200 South Church Street PO Box 487 Dauphin, PA 17018	Dauphin County Dauphin Borough	Susquehanna River / 7-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0228231 (Sewage)	Lower Mahanoy Twp Municipal Auth. Lower Mahanoy Twp WWTP 132 River Road Dalmatia, PA 17017	Lower Mahanoy Township, Northumberland County	Susquehanna River, WWF	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0104426 (Industrial Waste)	Corner Water WTP Weaver Lane 113 Oakwood Lane Shippenville, PA 16254	Clarion County Shippenville Borough	Paint Creek 17-B	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

PA0054810, Sewage, SIC Code 4952, **Upper Frederick Township, Montgomery County**, P. O. Box 597, Frederick, PA 19435-0597. Facility Name: Upper Frederick Township STP. This existing facility is located in Upper Frederick Township, **Montgomery 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), Goshenhoppen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking 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 0.04785 MGD.

Parameters	Mass (lb/day)		Inst. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.10	XXX	0.20
CBOD ₅	4.0	6.0	XXX	10.0	15.0	20.0
Total Suspended Solids	4.0	6.0	XXX	10.0	15.0	20.0
				200		
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Geo Mean	XXX	1000*
Nitrate-Nitrite as N	4.0	XXX	XXX	10.0	XXX	20.0
Ammonia-Nitrogen						
(May 1 - Oct 31)	0.6	XXX	XXX	1.5	XXX	3.0
(Nov 1 - Apr 30)	1.8	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	0.2	XXX	XXX	0.5	XXX	1.0

*Shall not exceed in more than 10 percent of samples taken.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Geometric Mean	Instant. Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	XXX	Report

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

- TMDL/WLA Analysis

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.

PA0055875, Sewage, SIC Code 4952, **Upper Hanover Township Authority**, P. O. Box 205, East Greenville, PA 18041-0205. Facility Name: Macoby Creek STP. This existing facility is located in Upper Hanover Township, **Montgomery 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), Macoby Creek, is located in State Water Plan watershed 3-E 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 0.15 MGD (Interim, Issuance through 12/31/2011) and 0.400 MGD (final, effective from 01/01/2012 through expiration) are as follows:

Parameters	Mass (lb/day)		Inst. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)		Report				
(Interim)	0.150	Report Daily Max	XXX	XXX	XXX	XXX
(Final)		Report				
	0.400	Report Daily Max.	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen						
(Interim)	XXX	XXX	5.0	XXX	XXX	XXX
(Final)	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅						
(Interim)	12.5	18.8	XXX	10	15	20
(Final)	33.4	50	XXX	10	15	20
Total Suspended Solids						
(Interim)	12.5	18.8	XXX	10	15	20
Total Suspended Solids						
(Final)	33.4	50	XXX	10	15	20
Fecal Coliform (CFU/100 ml)						
(10/01 to 04/30)				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000*
(05/01 to 09/30)				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000

Parameters	Mass (lb/day)		Inst. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen (Interim)	3.8	XXX	XXX	3.0	XXX	6.0
(Final)	5.0	XXX	XXX	1.5	XXX	3.0
Total Phosphorus (Interim)	1.3	XXX	XXX	1.0	XXX	XXX
(Final)	1.0	XXX	XXX	0.3	XXX	0.6

*Shall not exceed in more than 10% samples.

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

- Operations and Maintenance Plan.
- TMDL/WLA analysis

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.

PA0052256, SIC Code 3231, **The Fredericks Co.**, 2400 Philmont Avenue, Huntingdon Valley, PA 19006-6232. Facility Name: The Fredericks Company. This existing facility is located in Lower Moreland Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water and storm water runoff from the facility.

The receiving stream(s), Huntingdon Valley Creek, is located in State Water Plan watershed 3-J 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 0.0019 MGD.

Parameters	Mass (lb/day)		Inst. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jul 1 - 31	XXX	XXX	XXX	105	XXX	110
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 002, 003 and 004 base on storm water event.

Parameters	Mass (lb/day)		Inst. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Runoff Requirements

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.

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

PA0029939, Sewage, SIC Code 4952, 8211, **Cromwell Township Board Of Supv**, 10339 Valley Street, Shirleysburg, PA 17260. Facility Name: Cromwell Township STP at S Huntingdon County High School. This existing facility is located in Cromwell Township, **Huntingdon 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), Aughwick Creek, is located in State Water Plan watershed 12-C and is classified for, aquatic life, fish consumption 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 0.03 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	6.3	10 Wkly Avg	XXX	25	40	50
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	7.5	11.3 Wkly Avg	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	2000 Geo Mean	XXX	10,000

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.

PA0043494, Sewage, SIC Code 4952, **Loysville Village Municipal Authority**, PO Box 133, Loysville, PA 17047. Facility Name: Loysville STP. This existing facility is located in Tyrone Township, **Perry 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), Muddy Run, is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, 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 0.11 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.5	XXX	1.6
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.2	XXX	0.7
CBOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
CBOD ₅	23	36 Wkly Avg	XXX	25	40	50
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	27	41 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30 (Interim)	XXX	XXX	XXX	200 Geo Mean	XXX	Report
Oct 1 - Apr 30 (Interim)	XXX	XXX	XXX	2,000 Geo Mean	XXX	Report
May 1 - Sep 30 (Final)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30 (Final)	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	3.6	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	11	XXX	XXX	12	XXX	24
Total Phosphorus	1.8	XXX	XXX	2.0	XXX	4.0

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

- Compliance Schedule

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

The EPA Waiver is in effect.

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

PA0002062-A4, SIC Code 4911, **GenOn Northeast Management Co.**, 121 Champion Way, Canonsburg, PA 15317. Facility Name: Keystone Generating Station. This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Existing Activity: The application is for an NPDES permit amendment requesting authorization for a new waste stream to the low volume wastewater treatment facility which discharges to IMP 403 and ultimately to Crooked Creek via Outfall 003. The new waste stream is from the proposed Ultrafiltration and Reverse Osmosis units used to treat boiler make up water. The proposed units will replace the existing Demineralizer System. No changes are expected in the quality or quantity of the treated discharge from IMP 403. No changes are necessary to the effluent limitations from IMP 403 or Outfall 003 at this time.

The receiving stream(s), Crooked Creek, is located in State Water Plan watershed 17-E 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 403 are based on an average flow of 1.5 MGD and a maximum flow of 2.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	Daily Max 30	XXX 100	0.5 XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX

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

- The permittee will be required to submit influent and effluent data for IMP 403 once the new waste streams are conveyed to the treatment facility to ensure that the quality of the discharge has not changed.

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 not in effect.

PA0203696, Sewage, **South Side Area School District**, 4949 State Route 151, Hookstown, PA 15050. Facility Name: South Side Area School District STP. This existing facility is located in Greene Township, **Beaver 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), Drainage Swale Tributary of Little Traverse Creek, is located in State Water Plan watershed 20-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 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	0.02	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	10	XXX	20
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 2000	XXX	1000
Ammonia-Nitrogen				Geo Mean	XXX	10000
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

PA0205095, Sewage, SIC Code 6514, **Kowalik John Jr**, 1613 Keystone Park Road, New Alexandria, PA 15670-9260. Facility Name: Kowalik Sr STP. This existing facility is located in New Alexandria Borough, **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 of Loyalhanna Creek, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00024 MGD.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0218316, Sewage, SIC Code 4952, **Dunbar Township Municipal Authority**, PO Box 815, Connellsville, PA 15425. Facility Name: Dunbar Township Municipal Authority STP. This existing facility is located in Dunbar Township, **Fayette 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), Youghiogheny River, is located in State Water Plan watershed 19-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 0.3 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)		Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	0.30	XXX	6.0	XXX	XXX	9.0
CBOD ₅	63.0	95.0	XXX	25	38	50
Total Suspended Solids	75.0	113.0	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.

PA0204986, SIC Code 4952, **E. D. Lewis**, 100 Lincoln Highway, Imperial, PA 15126. Facility Name: Highway Playground STP. This existing facility is located in South Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Lick Run, is located in State Water Plan watershed 19-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 0.0001 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0906008-R	Reshetar Realty, Inc. PO Box 2045 Doylestown, PA 18901	Bucks	Springfield Township	Cooks Creek (EV-MF)
PAI01 1504083-R	Heritage Brandywine Hill, LP 865 Easton Road, Suite 250 Warrington, PA 18976	Chester	Wallace Township	East Branch Brandywine River (HQ-TSF)
PAI01 151120	Kenneth & Mary Graham 103 West Seven Stars Road Spring City, PA 19475	Chester	East Nantmeal Township	Beaver Run (EV)
PAI01 151121	220 Chestnut Associates, LP 55 Country Club Dr, Ste 200 Downingtown, PA 19335	Chester	West Chester Borough	Chester Creek (TSF)
PAI01 2305002-R	County of Delaware 201 West Front St Government Cntr Bldg, Rm 207 Media, PA 19063-2788	Delaware	Middletown Township	Rocky Run (HQ-CWF-MF)
PAI01 461001-3	111th Fighter PA Air National Guard 1120 Fairchild Street Horsham, PA 19044	Montgomery	Horsham Township	Unnamed Tributary Park Creek (WWF)

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

Carbon County Conservation District: 5664 Interchange Road, Leighton, PA 18235, 610-377-4894.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI021311004	PENN-DOT District 5-0 1002 Hamilton St. Allentown, PA 18101	Carbon	Borough of Nesquehoning	Nesquehoning Creek, HQ-WWF, MF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024504034R	Kal-Tac, Inc. P. O. Box 378 Brodheads ville, PA 18322	Monroe	Price Township	UNT Brodhead Creek, HQ-CWF, MF

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

NPDES Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032111006	Mark L. Horst 174 Fire House Road Shippensburg, PA 17257	Cumberland County	North Newton Township	Big Spring Creek & Green Spring Creek

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

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/ New
Gerald & Mike Long 57 McGillistown Road Annville, PA 17003 (Home Farm)	Lebanon	330.8	468.82	Swine	NA	New
59 Reeds Creek Road Annville, PA 17003 (Swine Farm)						
Esbenshade Farms Mark Kniesly 220 Eby Chiques Road Mount Joy, PA 17552	Lancaster	347.9	8733.24	Layers	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

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

Permit No. 0111507, Public Water Supply.

Applicant	Gettysburg Municipal Authority
Municipality	Cumberland Township
County	Adams
Responsible Official	Mark Guise, Manager 601 E Middle Street Gettysburg, PA 17325-3307
Type of Facility	Public Water Supply
Consulting Engineer	Diana M Young, P.E. Buchart-Horn, Inc. 445 West Philadelphia Street York, PA 17401
Application Received:	6/20/2011
Description of Action	Addition of a polymer as a settling aid for the backwash waste stream.

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

Permit No. 1111505, Public Water Supply.

Applicant	West Carroll Water Authority , PO Box 328, Elmora, PA 15737
[Township or Borough]	West Carroll Township
Responsible Official	John Thurman, Chairman West Carroll Water Authority, PO Box 328, Elmora, PA 15737
Type of Facility	Bakerton water treatment plant
Consulting Engineer	Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602
Application Received Date	June 30, 2011
Description of Action	Construction of a membrane microfiltration system, chemical feed systems and chlorine contact tank.

Permit No. 1111506, Public Water Supply.

Applicant	West Carroll Water Authority , PO Box 328, Elmora, PA 15737
[Township or Borough]	West Carroll Township

Responsible Official	John Thurman, Chairman West Carroll Water Authority, PO Box 328, Elmora, PA 15737
Type of Facility	St. Benedict water treatment plant
Consulting Engineer	Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602
Application Received Date	June 30, 2011
Description of Action	Construction of a membrane microfiltration system, intake structure, chemical feed systems and water storage tank. The distribution system will be upgraded and extended to provide service to approximately 70 new customers in the areas of Sportsman Road, Theatre Drive, Post Office Road, Lower Road, Jackman Road, Peale Road, Railroad Street, Dunsmore Road, Arble Street, White Lane, Ford Street, Cole Road and Lowmaster Drive.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6411501MA

Applicant	Aqua Pennsylvania, Inc.
[Township or Borough]	Canaan Township Wayne County
Responsible Official	Roswell S. McMullen, PE Projects & Development Manager 1775 North Main Street Honesdale, PA 18431
Type of Facility	Community Water System
Consulting Engineer	Douglas Berg, PE Entech Engineering, Inc. 4 South 4th. Street Reading, PA 19603 610-373-6667
Application Received Date	July 8, 2011
Description of Action	Application for repainting the existing 150,000 elevated storage tank serving Waymart, PA.

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

Application No. 0211507MA, Minor Amendment.

Applicant	Wilkesburg-Penn Joint Water Authority , 2200 Robinson Boulevard, Pittsburgh, PA 15221
[Township or Borough]	Pitcairn

Responsible Official	Anthony Russo, Manager Wilkesburg-Penn Joint Water Authority, 2200 Robinson Boulevard, Pittsburgh, PA 15221
Type of Facility	Water system
Consulting Engineer	Chester Engineers, 1555 Coraopolis Heights Road, Moon Township, PA 15108
Application Received Date	July 18, 2011
Description of Action	Painting and rehabilitation of the 350,000 gallon Pitcairn water storage tank.

Application No. 0211508MA, Minor Amendment.

Applicant	Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024
[Township or Borough]	Harmar Township
Responsible Official	John Colpo, Chairman Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024
Type of Facility	Water system
Consulting Engineer	Gannett Fleming, Inc., 554 South Erie Street, Mercer, PA 16137
Application Received Date	July 18, 2011
Description of Action	Construction of a 500,000 gallon water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environ- mental 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 con-

tamination 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.

Unison Engine Components, Inc., 701 Crestwood Drive, Wright Township, **Luzerne County**. Stephen P. Cline, AMEC Earth & Environmental, Inc., 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate (on behalf of his client, GE Aviation, One Neumann Way, Cincinnati, OH 45215), concerning the remediation of soils found to have been impacted by VOCs, PAHs, PCBs, and metals and the remediation of groundwater found to have been impacted by VOCs, PAHs, and metals as a result of historical operations at this engine components manufacturing plant. The applicant proposes to remediate the site to meet a combination of both the Statewide Health Standard and the Site-Specific Standard for soil and groundwater. A summary of the Notice of Intent to Remediate is expected to be published in *The Times Leader* on July 11, 2011.

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

Market Street Parking Lot, 405-421 North Market Street, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Prince Street Associates, LP, PO Box 1806, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline released from non-regulated underground storage tanks. Future use of this site will be a parking garage. The site will be remediated to a combination of Nonresidential Statewide Health and Site-specific standards.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act of July 7, 1980, P. L. 35 P. S. §§ 6018.101—6018.1003, the Municipal Waste Planning, Recycling and Waste Reduction Act 53 P. S. §§ 4000.101—4000.1904 and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 101176. Deep Valley Landfill, Inc., c/o Waste Management, 625 Cherrington Parkway, Moon Township, PA 15108. Application for a permit renewal of a municipal waste landfill in North Fayette Township, Allegheny County was received in the Regional Office on May 9, 2011.

Permit ID No. 100281. Greenridge Reclamation, LLC, 234 Landfill Road, Scottdale, PA 15683. Greenridge Reclamation, 234 Landfill Road, Scottdale, PA 15683. A permit renewal application for a municipal waste landfill in East Huntingdon Township Westmoreland County was received in the Regional Office on July 14, 2011.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

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

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

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

62-032H: Ellwood National Forge—Irvine (1 Front Street, Irvine, PA 16329) for modification of natural gas and fuel oil combustion rates for existing furnaces in Brokenstraw Township, **Warren County**. This is a Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

23-0001AC: Sunoco, Inc. (R & M) Marcus Hook Refinery. (100 Green Street, Marcus Hook, PA 19061) in Marcus Hook Borough, **Delaware County** to construct and install a Selective Non-Catalytic Reduction (SNCR) control device at an existing Fluid Catalytic Cracking Unit (FCCU) for the control and reduction of NOx emissions. Additional changes include annual aggregate mass emission limits of SO₂ (2200 tons) and NO_x (1080 tons). NO_x emissions are expected to be reduced by a minimum of 85 tons through the installation of this SNCR. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

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

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

25-979A: National Fuel Gas Supply Corp., Carter Hill (PO Box 2081, Erie, PA 16512) for installation of a non-selective catalytic reduction (NSCR) catalyst on an existing natural gas compressor engine at their Carter Hill Compressor Station facility in Wayne Township, **Erie County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-979A

to National Fuel Gas Supply Corp. for the installation of a non-selective catalytic reduction (NSCR) catalyst on an existing natural gas compressor engine at their Carter Hill Compressor Station facility in Wayne Township, Erie County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 25-979A is for the installation of a non-selective catalytic reduction (NSCR) catalyst on the existing 600 bhp No. 2 compressor engine (Source ID 102). This catalyst is being installed in order to comply with the formaldehyde emission restrictions of 40 CFR 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Based on the information provided by the applicant and DEP's own analysis, the subject source will have the potential to emit approximately 40.7 tons of carbon monoxide, 40.7 tons of nitrogen oxides (NO_x), 5.7 tons of volatile organic compounds (VOCs), 0.05 ton of particulate matter, all of which will be particulate matter less than 10 microns (PM₁₀), and 1 ton of formaldehyde per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-979A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

62-141F: National Fuel Gas Supply Corp.—Roystone (PO Box 2081, Erie, PA 16512) for installation of oxidation catalysts on five (5) existing natural gas compressor engines at their Roystone Compressor Station facility in Sheffield Township, **Warren County**. This is a Title V facility.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental

Protection (DEP) intends to issue Plan Approval 62-141F to National Fuel Gas Supply Corp. for the installation of a oxidation catalysts on five (5) existing natural gas compressor engines at their Roystone Compressor Station facility in Sheffield Township, Warren County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 62-141F is for the installation of a oxidation catalysts on five (5) existing 384 bhp natural gas compressor engines (Source ID's 104-108). These catalysts are being installed in order to comply with the carbon monoxide emission restrictions of 40 CFR 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Based on the information provided by the applicant and DEP's own analysis, the subject sources will each have the potential to emit approximately 6.4 tons of carbon monoxide, 11.0 tons of nitrogen oxides (NO_x), and 4.5 tons of volatile organic compounds (VOCs) per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 62-141F.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 11044: SunGard Availability Services, Inc. (401 North Broad Street, Philadelphia, PA 19108) to replace one (1) 2036 kilowatt (kw) Emergency Generator with a 2000 kw Emergency Generator with Selective Catalytic Reductive (SCR) control device for Nitrogen Oxides (NO_x), and installation of two (2) 2000 kw emer-

agency generators, each equipped with NOx SCR Control in the City of Philadelphia, **Philadelphia County**. After the replacement and installation, there will be a potential decrease of 8.8 tpy of NOx; and a potential increase of 4.5 tpy for Sulfur Oxides, 21.4 tpy for Carbon Monoxide, and 6.8 tpy for Particulate Matter. The Plan Approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 11079: Sunoco, Inc. (3144 Passuynk Avenue, Philadelphia, PA 19145) to incorporate NSPS Subpart J to existing boilers, heater, and flares. The facility is not installing or increasing any emission due to this project. The incorporation is to ensure compliance with Consent Decree DOJ AO# 2006Z00256. The permit will contain operating, monitoring, and recordkeeping requirements as required by the NSPS Subpart J and the consent decree.

AMS 11099: Wayne Mills Co, Inc. (130 W. Berkley St., Philadelphia, PA 19144) for installing one Cleaver Brooks, 8,369,000 BTU/hr, Firing no. 4 fuel oil boiler. There will be a potential emission increase of 3.99 tons of Nitrogen Oxides (NOx) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

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

39-00078: Gateway Industrial Services (805 Harrison Street, Allentown, PA 18103-3189) for operation of their fabricated metal products manufacturing facility in Allentown, **Lehigh County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

54-00062: World Resources Co. (170 Walnut Lane, Pottsville, PA 17901-8559) for operation of their nonferrous metal (except aluminum) production and processing facility in Norwegian Township, **Schuylkill County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

36-05093: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for operation of the company's Denver Asphalt Plant in East Cocalico Township, **Lancaster 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 actual VOC emissions are around 2.5 tons per year (TPY). Potential emissions of other criteria pollutants are as follows: 95 TPY of CO; 40 TPY of NOx; and 8 TPY of SOx. Potential emissions of PM-10 and aggregate HAPs are considered insignificant and have not been listed in the application. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I, "Standards of Performance for Hot Mix Asphalt Facilities."

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

14-00033: Spectra Wood, Inc. (2651 Carolean Industrial Drive, State College, PA 16801) for their wood furniture manufacturing facility in College Township, **Centre County**. The facility's main sources include 11 natural gas fired combustion units, four (4) surface coating booths, woodworking operations and various other wood coating operations. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM10), 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, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

08-00026: New Enterprise Stone and Lime Co., Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) for issuance of a State-Only Operating Permit renewal for operation of their Sheshequin Plant facility in Sheshequin Township, **Bradford County**. New Enterprise Stone and Lime Co., through its division-Eastern Industries, Inc., operates a sand and gravel processing plant (Source

P101) and an immersion parts washer (Source P102). The Department of Environmental Protection proposes to issue State-Only Operating Permit 08-00026. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping 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

33-00038: Brookville Wood Products Inc. (12942 Route 322, Brookville, PA 15825) for renewal of the Natural Minor Permit to operate sawmill, wood processing facility in Brookville Borough, **Jefferson County**. The facility's major emission sources include Titusville steam boiler, Honeywell silo, Molders and saw, Drying kiln and miscellaneous natural gas usage. The emission of the pollutants from the facility is less than Title V threshold limits. Thus the facility is natural minor. The Titusville boiler is subject to 40 CFR Part 63, Subpart JJJJJ.

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 and request for Section 401 water quality certification 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

11841601 and NPDES No. PA0069143, EP Bender Coal Company, Inc., (P. O. Box 594, Carrolltown, PA 15722), to renew the permit for the Fallentimber Preparation Plant in Reade Township, **Cambria County** and related NPDES permit. Includes renewal of Bureau of Air Quality GPA/GP-12. Receiving Streams: Unnamed Tributary to Clearfield Creek and Clearfield Creek, classified for the following use: CWF. Application received: January 28, 2011.

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

23723-10110102-E-1. K & A Mining (P. O. Box 288, Grove City, PA 16127) Application for a stream encroachment to construct a stream crossing and conduct mining activities within 50 feet and support activities within 25 feet of Unnamed tributary "C" to North Branch Slippery Rock Creek in Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: July 13, 2011.

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

14080101 and NPDES No. PA0256773. Warren C. Hartman Contracting (5315 Bigler Road, Clearfield, PA 16830). Revision to an existing bituminous surface mine located in Burnside and Snow Shoe Townships, **Centre County** to add biosolids for reclamation activities affecting 325.0 acres. Receiving streams: unnamed tributary to Little Sandy Run and an unnamed tributary to Contrary Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 13, 2011.

14110101 and NPDES No. PA0257753. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 33.3 acres. Receiving streams: unnamed tributary to North Fork of Beech Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2011.

17950106 and NPDES No. PA0220060. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface mine located in Greenwood Township, **Clearfield County** affecting 111.2 acres. This revision is for an incidental boundary extension to add 1.8 acres to the surface mine permit boundary and for a second stream crossing across unnamed tributary #2. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2011.

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

54850204R5 and NPDES Permit No. PA0592749. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Porter Township, **Schuylkill County** affecting 1756.0 acres, receiving stream: Wiconisco Creek, classified for the following use: cold water fishes. Application received: June 21, 2011.

54-305-018GP12. Waste Management & Processors, Inc., (P. O. Box K, Frackville, PA 17931), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54080201 in Port Carbon & Mechanicsburg Boroughs, **Schuylkill County**. Application received: July 1, 2011.

49-305-001GP12R. D. Molesevich & Sons Construction Co., Inc., (333 South Pine Street, Mt. Carmel, PA 17851). Renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**. Application received: July 6, 2011.

Noncoal Applications Received

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

7574SM2 and NPDES Permit No. PA0614343. Hempt Brothers, Inc., 205 Creek Road, Camp Hill, PA 17011, renewal of NPDES permit, Lower Allen Township, **Cumberland County**. Receiving stream(s): Yellow Breeches Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is PA American Water Company West Shore RWTP YB Yellow Breeches 1 Yellow Breeches 2. Application received: June 30, 2011.

28960301 and NPDES Permit No. PA0223735, New Enterprise Stone & Lime Company, Inc., P. O. Box 77,

New Enterprise, PA 16664, renewal of NPDES Permit, Fannett Township, **Franklin County**. Receiving stream(s): tributary to Dry Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: June 14, 2011.

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

59110301 and NPDES No. PA0257745. Atlas Land & Royalty, Inc. (2 Village Drive, Suite 200, Abilene, TX 79606-8206). Commencement, operation and restoration of a large industrial mineral surface mine located in Lawrence Township, **Tioga County** affecting 17.0 acres. Receiving streams: unnamed tributary to the Tioga River to the Tioga River classified for warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: July 5, 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	90mg/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 Chapter 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. PA0263125 (Mining permit no. 56100108), Marquise Mining Corporation, P. O. Box 338, Blairsville, PA 15717, new NPDES permit for surface coal mining operation in Quemahoning and Shade Townships, and Hooversville Borough, **Somerset County**, affecting 151.2 acres. Receiving stream(s): unnamed tributaries to Stonycreek River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: December 27, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Stonycreek River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	Yes
002—Treatment Pond 2	
003—Treatment Pond 3	

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH ¹ (S.U.)	Must be between 6.0 and 9.0 standards units at all times		
Alkalinity	must exceed acidity at all times		

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004—Sedimentation Pond 1	Yes
005—Sedimentation Pond 2	
006—Sedimentation Pond 3	
007—Sedimentation Pond 4	

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH ¹ (S.U.) Must be between 6.0 and 9.0 standards units at all times			
Alkalinity must exceed acidity at all times			

Noncoal NPDES Draft Permits

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

NPDES No. PA0009059 (Mining permit no. 6477SM5T2), ISP Minerals, Inc., P. O. Box O, Blue Ridge Summit, PA 17214, renewal of an NPDES permit for surface mining in Hamiltonban and Washington Townships, **Adams** and **Franklin Counties**, affecting 306.6 acres. Receiving stream(s): Miney Branch to Tom's Creek, classified for the following use(s): cold water fisheries. This receiving stream is not the subject of a TMDL. Application received: April 29, 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 noncoal mining activities.

The outfall(s) listed below discharge to Miney Branch to Tom's Creek:

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

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			

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

NPDES No. PA0224782 on Surface Mining Permit No. 40090302. Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17104), new NPDES Permit for a sandstone quarry operation in Dorrance Township, **Luzerne County**, affecting 316.75 acres. Receiving stream(s): unnamed tributary to Big Wapwallapen Creek (no discharge to Balliet Run), classified for the following use: cold water fishery. Application received: March 27, 2009.

NPDES No. PA0123544 on Surface Mining Permit No. 4874SM2. Pennsy Supply, Inc. d/b/a Oldcastle Industrial Minerals, (550 Biesecker Road, Thomasville, PA 17364), renewal of an NPDES Permit for a limestone/dolomite quarry operation in Jackson Township, **York County**, affecting 214.8 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stock fishery. Application received: July 7, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Little Conewago Creek.

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

NPDES No. PA0224065 on Surface Mining Permit No. 67000301. Pennsy Supply, Inc. d/b/a Oldcastle Industrial Minerals, (550 Biesecker Road, Thomasville, PA 17364), renewal of an NPDES Permit for a limestone/dolomite quarry operation in Jackson Township, **York County**, affecting 288.75 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stock fishery. Application received: July 7, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

Non-discharge Alternatives have been considered and will be implemented for new operations within the Balliet Run Watershed.

The outfall(s) listed below discharge to unnamed tributary to Big Wapwallapen Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
2	No	Stormwater
4	No	Pit Dewatering (@.083 MGD Average Discharge)
5	Yes	Stormwater

The outfall(s) listed below discharge to Little Conewago Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>
002	No

NPDES Permit No. PA0223387 on Surface Mining Permit No. 64940302. Bedrock Quarries, Inc., (PO Box 1467, Skippack, PA 19474), renewal of an NPDES Permit for a sandstone/shale quarry operation in Damascus Township, **Wayne County**, affecting 98.0 acres. Receiving stream: unnamed tributary to North Branch Calkins Creek, classified for the following use: HQ—cold water fishes. Application received: February 3, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to North Branch Calkins Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>
1	No

NPDES Permit No. PA0119563 on Surface Mining Permit No. 4875SM2. Glen-Gery Corp., (P. O. Box 7001, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale mine operation in Dover Township, **York County**, affecting 156.3 acres. Receiving streams: Fox Run and unnamed tributary to Fox Run, classified for the following use: trout stock fishes. Application received: May 13, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Fox Run and unnamed tributary to Fox Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>
001	No
003	No
005	No

NPDES No. PA0594644 on Surface Mining Permit No. 4873SM8. Kinsley Construction, Inc., (P. O. Box 2886, York, PA 17405), renewal of an NPDES Permit for a limestone quarry operation in West Manchester Township, **York County**, affecting 413.0 acres. Receiving stream: unnamed tributary to Codorus Creek, classified for the following uses: warm water fishes and migratory fishes. Application received: May 2, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Codorus Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>
004	No

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-817. Pennsylvania Department of Transport District 6, 7000 Geerdes Blvd, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Grove Road drainage improvement project:

1) To install and maintain a 74-foot long, 18-inch diameter culvert conveying the unnamed tributary (UNT) to Broad Run (HQ-CWF, MF). This work includes removal of the two existing 24-inch and 18-inch pipes located at the northern limit of the stream.

2) To construct and maintained a 30-inch diameter culvert and associated weir along Grove Road, to convey the overflow from the UNT to Broad Run. This work includes the associated rip-rap.

The site is located approximately 682 feet north of the intersection Grubbs Mill Road (T-561) and Grove Road (S.R. 3069) in West Whiteland Township, Chester County (Downingtown PA, USGS Quadrangle N: 0.34 inches, W: 1.24 inches).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E27-08-001, Sheffield Land & Timber Company, P. O. Box 54, Sheffield, PA 16347. Baxter Lease, off SR2003 in Jenks Township, **Forest County**, United States Army Corps of Engineers Pittsburgh District (Marienville West, PA Quadrangle 41° 26' 17" N, 79° 11' 17" W).

The site is located in the headwaters area of Coon Creek (CWF) approximately 4 miles southwest of Marienville, PA in Jenks Township, Forest County. The Baxter Lease of Sheffield Land & Timber Company has a project area of 170.95 acres, with 15 acres of proposed earth disturbance for 35 well sites for oil and gas extraction and associated access roads and gathering lines placed along the edge of access roads. The water obstructions and encroachments associated with the project include two after-the-fact road stream crossings and three after-the-fact wetland road crossings. Pipeline crossings are also proposed for the after-the-fact road crossings. In addition, there are seven proposed road/pipeline stream crossings and seven road/pipeline wetland crossings that are permanent. There are 1.57 acres of after-the-fact wetland impacts. An additional 0.426 acres of permanent wetland impacts are proposed, and an additional 0.25 acres of temporary wetland impact associated with mitigation wetland construction are proposed. The total wetland replacement area will be a minimum of 5.72 acres, with a 4:1, 3:1, and 2:1 replacement ratio for palustrine forested (PFO), palustrine scrub/shrub (PSS), and palustrine emergent (PEM) wetlands, respectively. The water obstructions and encroachments for the purpose of installing the roadways and pipelines are described below:

- (1) Existing Watercourse Crossing #1: Construction of a permanent road crossing with a 30-foot long, 18-inch diameter culvert across an unnamed tributary to Coon Creek (CWF). Two 2" diameter plastic pipelines will also be installed by open trench along the edge of the access road. Impacted area: 45 square feet; (41° 26' 08" N, 79° 11' 31" W).
- (2) Existing Watercourse Crossing #2: Construction of a permanent road crossing with a 30-foot long, 24-inch diameter culvert across an unnamed tributary to Coon Creek (CWF). Two 2" diameter plastic pipelines will also be installed by open trench along the edge of the access road. Impacted area: 60 square feet; (41° 26' 12" N, 79° 11' 39" W).
- (3) Existing Wetland Disturbance Area #1: Construction of a permanent road crossing across a palustrine forested (PFO) area of a 73-acre wetland. A portion of Existing Wetland Disturbance Area #1 will be restored following removal of fill and grubblings along the north side of the access road. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.12 AC; (41° 26' 08" N, 79° 11' 33" W).
- (4) Existing Wetland Disturbance Area #2: Construction of a well pad and a permanent road crossing within a palustrine forested (PFO) area of a 73-acre wetland. A portion of Existing Wetland Disturbance Area #2 will be restored following removal of fill material used for the well pad and road. A 30-foot wide road corridor will remain. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.91 AC; (41° 26' 15" N, 79° 11' 40" W).
- (5) Existing Wetland Disturbance Area #3: Construction of a well pad and a permanent road crossing within a palustrine emergent (PEM) area of a 73-acre wetland. A portion of Existing Wetland Disturbance Area #3 will be restored following removal of fill material used for the well pad and road. A 30-foot wide road corridor will remain. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.54 AC; (41° 26' 26" N, 79° 11' 25" W).
- (6) Watercourse Crossing 1a: Construction of a permanent road crossing with an approximately 20-foot long, 18-inch diameter culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 30 square feet; (41° 26' 28" N, 79° 11' 15" W).
- (7) Watercourse Crossing 1b: Construction of a permanent road crossing with an approximately 20-foot long, 24-inch diameter culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 40 square feet; (41° 26' 31" N, 79° 11' 13" W).
- (8) Watercourse Crossing 2: Construction of a permanent road crossing with an approximately 20-foot long, 18-inch diameter culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 10 square feet; (41° 26' 28" N, 79° 11' 02" W).
- (9) Watercourse Crossing 3: Construction of a permanent road crossing with two approximately 20-foot long, 18-inch diameter culverts, and two 2" diameter plastic pipelines to be installed by open trench, across a braided channel of an unnamed tributary to Coon Creek (CWF). Impacted area: 40 square feet; (41° 26' 31" N, 79° 11' 09" W).
- (10) Watercourse Crossing 4: Construction of a permanent road crossing with an approximately 20-foot long, 18-inch diameter culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 20 square feet; (41° 26' 34" N, 79° 11' 14" W).
- (11) Watercourse Crossing 6: Construction of a permanent road crossing with an approximately 30-foot long, 77" x 52" pipe arch culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 90 square feet; (41° 26' 46" N, 79° 11' 18" W).
- (12) Watercourse Crossing 7: Construction of a permanent road crossing with an approximately 20-foot long, 18-inch diameter culvert, and two 2" diameter plastic pipelines to be installed by open trench, across an unnamed tributary to Coon Creek (CWF). Impacted area: 30 square feet; (41° 26' 45" N, 79° 11' 07" W).
- (13) Wetland Disturbance Area 1: Construction of a permanent road crossing across a palustrine emergent (PEM) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.32 AC; (41° 26' 29" N, 79° 11' 14" W).
- (14) Wetland Disturbance Area 2: Construction of a permanent road crossing across a palustrine emergent (PEM) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.019 AC; (41° 26' 28" N, 79° 11' 02" W).
- (15) Wetland Disturbance Area 3: Construction of a permanent road crossing across a palustrine emergent (PEM) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.032 AC; (41° 26' 31" N, 79° 11' 09" W).
- (16) Wetland Disturbance Area 4: Construction of a permanent road crossing across a palustrine forested (PFO) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.015 AC; (41° 26' 34" N, 79° 11' 14" W).

(17) Wetland Disturbance Area 5: Construction of a permanent road crossing across a palustrine emergent (PEM) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.023 AC; (41° 26' 35" N, 79° 11' 12" W)

(18) Wetland Disturbance Area 6: Construction of a permanent road crossing across a palustrine emergent (PEM) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.050 AC; (41° 26' 46" N, 79° 11' 18" W)

(19) Wetland Disturbance Area 7: Construction of a permanent road crossing across a palustrine scrub/shrub (PSS) area of a 73-acre wetland. Two 2" diameter plastic pipelines will be installed by open trench along the edge of the access road. Impacted area: 0.021AC; (41° 26' 45" N, 79° 11' 07" W)

ENVIRONMENTAL ASSESSMENTS

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

EA67-017: Robert Miller, 110 Lexington Road, York, PA 17402, in York Township, **York County**, ACOE Baltimore District

To construct and maintain two (2) rock J-hook vanes, one (1) cross rock vane, 60.0 linear feet of rock toe protection, and a 200.0-linear foot stream relocation in an unnamed tributary to Codorus Creek (WWF, MF), for the purpose of restoring and stabilizing the stream channel, all located southwest of Lexington Road in York Township, York County (Latitude: 39°55'13", Longitude: -76°41'43").

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

EA4309-003. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Springfield Township, **Mercer County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 350 linear feet of dangerous highwall. The project will also include the backfilling of 0.64 acres of open water that has developed at the base of the highwall. (Mercer Quadrangle N: 4.5 inches, W: 2 inches).

EA2909-002. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Wells Township, **Fulton County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine in order to seal an abandoned deep mine opening and prevent the discharge of 2 surface streams into an abandoned deep mine complex. Project area includes 51.0 acres of previously disturbed ground. The stream flow is entirely lost into the deep mine complex and re-appears as acidic mine drainage discharging from an abandoned mine opening in an adjacent watershed. The project will keep the streams on the surface and allow them to discharge into Great Trough Creek, where they would naturally discharge if not lost into the deep mine complex. The project will include the backfilling of 2,667 linear-feet of channel that has previously been disturbed by surface mining activities. In addition, the project will include the construction of a stream encroachment of approximately 75 linear-feet (where the new stream will flow under an existing access road to a water supply reservoir), and re-habilitation of an existing culvert on Great Trough Creek, just downstream of the project area, that is filled with debris and sediment. There will be secondary impacts to approximately 0.9 acres of PSS wetland due to the outlet of the newly constructed stream channel into an existing wetland area adjacent to Great Trough Creek. The project will construct 6,300 linear-feet of stream channel, for a net increase of 3,633 linear-feet of channel. (Saxton Quadrangle N: 4.8 inches, W: 1.95 inches).

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0061077 (Sewage)	Lake Winola Municipal Authority State Route 2010 Lake Winola, PA 18625	Wyoming County Tunkhannock Township	Ousterhout Creek (Mill Run) Cold water fishes (4-G)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0248584 (CAFO)	Larry Fetter Noah W. Kreider Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Lancaster County / East Donegal Township	UNT Donegal Creek / 7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092525 (Sewage)	Scottdale Manor Rehabilitation Center STP 900 Porter Avenue Scottdale, PA 15683	Westmoreland County East Huntingdon Township	Unnamed Tributary of Jacobs Creek (19-D)	Y
PA0029840 (Sewage)	Armsdale STP Sr 85 Kittanning, PA 16201	Armstrong County Rayburn Township	Unnamed Tributary to Cowanshannock Creek (17-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0223107	Big Run Area Municipal Authority P. O. Box 477 Big Run, PA 15715	Jefferson County Big Run Borough	Mahoning Creek 17-D	Y
PA0104469	Kasgro Rail Corporation Kasgro Rail Rundle Road Plant 121 Rundle road New Castle, PA 16102	Lawrence County Taylor Township	Shenango River 20-A	Y

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

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

NPDES Permit No. PA0254398. Simon Robbie, 32 Meeting House Lane, Bradford Woods, PA 15015.

This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: Discharge of treated Sewage from the Robbie Sr STP.

NPDES Permit No. PA0254380. Ursina Borough, PO Box 55, Ursina, PA 15485-0072.

This proposed facility is located in Ursina Borough, **Somerset County**.

Description of Proposed Action/Activity: Discharge of treated Sewage from the Ursina Borough STP.

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

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

WQM Permit No. 1308404, Sewerage, **Big Boulder Corporation**, P. O. Box 707, Blakeslee, PA 18610-0707.

This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Treatment plant modifications and construction of an additional soil absorption bed at the existing Big Boulder wastewater treatment plant.

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

WQM Permit No. 2811202, CAFO, **Stoner's Hijos Hill, Inc.**, 8512 Oellig Road, Mechanicsburg, PA 17236.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of manure storage facilities consisting of: a new 100' diameter x 10' deep concrete manure storage structure with a perimeter/leak detection drain and observation well. The project will include high/low flow system to be installed for silage runoff.

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

WQM Permit No. 0210407, Sewerage, **Simon Robbie**, 32 Meeting House Lane, Bradford Woods, PA 15015

This proposed facility is located in Plum Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 6586407-A2, Sewerage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601

This existing facility is located in Hempfield Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of a Centrifuge Sludge Dewatering System

WQM Permit No. 2600403-A1, Sewerage, **Dunbar Township Municipal Authority**, PO Box 815, Connellsville, PA 15425

This existing facility is located in Dunbar Township, **Fayette County**

Description of Proposed Action/Activity: Permit amendment issuance for expansion and sewerage system installation.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024811004	UPG Fort James Investment, LP 3600 Glove Road Easton, PA 18040	Northampton	Forks Township	Bushkill Creek, HQ-CWF, MF
PAI023910011	The Residuary Trust of Andrew Yastichok 6500 Chapmans Road Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek, HQ-CWF, MF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-02
Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Duryea Borough Luzerne County	PAG2144011002	Luzerne County Flood Protection Authority Luzerne County Courthouse 200 North River Street Wilkes-Barre, PA 18711	Mill Creek (CWF-MF)	Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554
Moosic Borough Lackawanna County				
Northampton Township Bucks County	PAG0200 0911032	1078-1082 Second St Pk, LLC 62 Virginia Drive Richboro, PA 18954	Mill Creek-Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Rockhill Township Bucks County	PAG0200 0906080-R	Telvil Corporation 527 Main Street Harleysville, PA 19438	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG0200 0911039	New Britain Township 207 Park Avenue Chalfont, PA 18914	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG0200 0911014	Warwick Township Fire Co. 2390 York Road Jamison, PA 18929	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township & Richlandtown Borough Bucks County	PAG0200 0911040	Richlandtown Borough PO Box 445, 125 South Main St Richlandtown, PA 18955	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Sadsbury Township Chester County	PAG0200 1511007	Dept of Military Veterans Affairs Bureau of Facilities & Mgmt Fort Indiantown Gap— Bldg 0-47 Anneville, PA 17003	Sucker Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Nottingham Township Chester County	PAG0200 1506034-R	Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	Tweed Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pennsbury Township Chester County	PAG0200 1511026	Kendall Crosslands 1660 East Street Road Kennett Square, PA	Bennetts Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Westtown Township Chester County	PAG0200 1511013	West Chester Area School Dist 1181 McDermott Drive West Chester, PA 19380	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Swarthmore Borough Delaware County	PAR10- J216-R	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG200 4611023	Volpe Family Partnership, LP 565 Hollow Road Phoenixville, PA 19460	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4611021	Whitemarsh Township 515 Germantown Pike Lafayette Hill, PA 19444	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511118	Drexel University 3201 Arch Street, Suite 320 Philadelphia, PA 19104	Tidal Schuylkill Watershed (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newton Township and South Abington Township	PAG02003511014	Jack Erhard Country Club of Scranton P. O. Box 269 1001 Morgan Highway Clarks Summit, PA 18411	Summit Lake Creek, TSF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Eaton Township, Wyoming County	PAG02006610005(1)	Skyhaven Airport, Inc. 17 Runway Road Tunkhannock, PA 18657	Susquehanna River, WWF, MF	Wyoming Co. Cons. Dist. 570-836-2589
Greenfield Township, Blair County	PAG2000711009	Sheetz, Inc. Anthony Sassano Sheetz Way RR 1 Box 587 Claysburg, PA 16625	Beaverdam Creek (CWF)	Blair County Conservation District, 814-696-0877 ext 5
City of Altoona Blair County	PAG2000709002(1)	Rare Hospitality International, Inc. Neil Terwilliger 1000 Darden Center Drive, 2nd Floor North Orlando, FL 18034	Mill Run (WWF)	Blair County Conservation District 814-696-0877, ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hampden Township, Cumberland County	PAG02002111007	Valley Road and Millenium Road Development Weis Markets, Inc. Alexander Ororbia 1000 South Second Street, PO Box 471 Sunbury, PA 17801	Pine Run/WWF	Cumberland Co Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
South Hanover Township, Dauphin County	PAG02002211018	Lester Weaver Meadow Lark Lane LLC 474 Mt Sidney Rd Lancaster, PA 17602	Swatara Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Derry Township, Dauphin County	PAG02002211019	David Kaufman PA American Water Co 800 W Hershey Park Dr Hershey, PA 17033	Spring Creek East/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Borough of South Waverly Bradford County	PAG2000811007	Scott Lang McDonald's USA, LLC 3025 Chemical Rd Ste 100 Plymouth Meeting PA 19462	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Wyalusing Borough Bradford County	PAG2000811008	Daniel Driscoll Utility Line Services Inc 644 Baumstown Rd Birdsboro PA 19508	UNT Wyalusing Creek WWF, MF UNT to Susquehanna River WWF, MF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
City of Williamsport Lycoming County	PAG2004111012	Jeff Stover SEDA-COG Joint Rail Authority 201 Furnace Rd Lewisburg PA 17837	West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Point Township Northumberland County	PAG2004909003(1)	Nottingham Village Physical Therapy 1000 Strawbridge Rd Northumberland PA 17857	UNT to Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Shamokin Township Northumberland County	PAG2004911005	Lamar Haldeman 1553 Shamrock Rd Paxinos, PA 17860	UNT to Shamokin Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Conneaut Township Erie County	PAG02 0025 11 010	GBT Realty Corporation 201 Summit View Drive Suite 110 Brentwood TN 37027	East Br Conneaut Creek; Conneaut Creek Watershed CWF; MF	Erie Conservation District 814-825-6403
City of New Castle Lawrence County	PAG02 0037 11 003	Jameson Health Systems Attn: Neil Chessin, VP of Operations 1211 Wilmington Road New Castle, PA 16105	Shenango River-WWF	Lawrence Conservation District 724-652-4512

*Facility Location:
Municipality &
County*

City of Hermitage
Mercer County

Permit No.

PAG02 0043 10
001(1)

*Applicant Name &
Address*

Buxton Development
LLC
c/o Dale Buxton
P. O. Box 583
West Middlesex, PA
16159

*Receiving
Water / Use*

Hogback Run WWF

*Contact Office &
Phone No.*

Mercer Conservation
District
724-662-2242

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Hatfield Township
Montgomery County

Permit No.

PAR200047

*Applicant's Name &
Address*

Schlosser Steel Inc.
2641 Township
Line Road
Hatfield, PA 19440

*Receiving
Water / Use*

Skippack Creek—3-E

*Contact Office &
Phone No.*

Southeast Region
Water Management
484.250.5970

Bethlehem City
Lehigh County

Permit No.

PAR202202

*Applicant's Name &
Address*

Air Products and
Chemicals, Inc.—
Gardner Cryogenics
2136 City Line Road
Bethlehem PA 18017

*Receiving
Water / Use*

UNT to Lehigh River
(CWF, MF)

*Contact Office &
Phone No.*

PA DEP
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511

Huntingdon County
Warriors Mark
Township

Permit No.

PAR213538

*Applicant's Name &
Address*

New Enterprise Stone
& Lime Co., Inc.
PO Box 77
New Enterprise, PA
16664

*Receiving
Water / Use*

Logan Spring Run /
WWF

*Contact Office &
Phone No.*

DEP / SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Pittsfield Township
Warren County

Permit No.

PAR228309

*Applicant's Name &
Address*

Tony L. Stec
Lumber Company Inc.
P. O. Box 117
Garland, PA 16416-0117

*Receiving
Water / Use*

Hosmer Run and an
unnamed tributary to
Hosmer Run 16-B

*Contact Office &
Phone No.*

DEP NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Perry County /
Buffalo Township

Permit No.

PAG043562

*Applicant Name &
Address*

Kelly J. Walsh
1545 Bucks Valley Road
Newport, PA 17074

*Receiving
Water / Use*

Bucks Run / WWF / 6-C

*Contact Office &
Phone No.*

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

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>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Malcom Sonnen 101 Sonnens Road Richland, PA 17087	Lebanon	190	370.41	Dairy	NA	Approved
Wenger Feeds Dutch Country Complex 272 Sunset Drive Fredericksburg, PA 17026	Lebanon	0	1319.77	Poultry	NA	Approved
Jim Showers 767 Grey Hill Rd New Columbia, PA 17856	Union	139	381.44	Swine	HQ	Approved
Jerrel Brubaker 269 Meetinghouse Ln Lewisburg, PA 17837	Union	250	545.64	Swine	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

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

Permit No. 2111502 MA, Minor Amendment, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Municipality	Monroe Township
County	Cumberland
Responsible Official	Patrick R. Burke, Regional Manager, Northeast & Central Operations One Aqua Way White Haven, PA 18661
Type of Facility	
Consulting Engineer	Charles J. Winslow III, P.E. CET Engineering Services 321 Washington Street Huntingdon, PA 16652
Permit to Construct Issued:	7/13/2011
Permit No. 6711505 MA, Minor Amendment, Public Water Supply.	
Applicant	James Dowart Apartments
Municipality	Fariview Township
County	York
Responsible Official	James Dowart, Owner 1375 Old Quaker Road Etters, PA 17319
Type of Facility	4-log Treatment of Viruses.
Consulting Engineer	1 - Not Available
Permit to Construct Issued:	7/11/2011
Permit No. 5011502 MA, Minor Amendment, Public Water Supply.	
Applicant	Perry County Generations
Municipality	Tyrone Township
County	Perry
Responsible Official	Diane Shope, Owner 1326 Landisburg Road Landisburg, PA 17040
Type of Facility	Install sodium hypochlorite disinfection. 4-log treatment of viruses.

Consulting Engineer Harry E Bingaman, P.E.
Glace Assoc., Inc.
3705 Trindle Rd.
Camp Hill, PA 17011

Permit to Construct 7/7/2011
Issued:

Operations Permit issued to: **The York Water Company**, 7670100, Codorus Township, **York County** on 7/7/2011 for the operation of facilities approved under Construction Permit No. 6710518 MA.

Operations Permit issued to: **Fairmount Homes, Inc.**, 7360039, West Earl Township, **Lancaster County** on 7/5/2011 for the operation of facilities submitted under Application No. 3611524 MA.

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

Permit No. Minor Amendment (4111501)—Operation Public Water Supply.

Applicant **Village Water Company, Inc.**
[Township or Borough] Fairfield Township
County **Lycoming**
Responsible Official Christine Weigle, Vice President
Village Water Company, Inc.
P. O. Box 186
Montoursville, PA 17754

Type of Facility Public Water Supply
Consulting Engineer N/A
Application Received July 19, 2011
Description of Action 4-log inactivation of viruses at Entry Point 102 (Well #2).

Limestone Township Municipal Water Authority (Public Water Supply), **Lycoming County**: On June 30, 2011, the Watershed Management Program approved the Source Water Protection (SWP) plan Limestone Township Municipal Water Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (David W. Garg, P.E., (570) 321-6581).

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

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID #5300017) Cumberland Township, **Greene County** on June 22, 2011 for the operation of facilities approved under Construction Permit # 3009503.

Operations Permit issued to: **Bay Valley Foods, LLC**, 1080 River Avenue, Pittsburgh, PA 15212, (PWSID #5020803) City of Pittsburgh, **Allegheny County** on July 12, 2011 for the operation of facilities approved under Construction Permit # 0209503.

Permit No. 0410512GWR, Minor Amendment. Public Water Supply.

Applicant **Center Township Water Authority**,
224 Center Grange Road,
Aliquippa, PA 15001

[Borough or Township] Center Township
County **Beaver**
Type of Facility Groundwater rule approval
Consulting Engineer Lennon, Smith,
Souleret Engineering, Inc.,
846 Fourth Avenue,
Coraopolis, PA 15108

Permit to Operate June 28, 2011
Issued

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

Permit No. 2011502 Public Water Supply
Applicant **Mt. Jewett Borough Authority**
Township or Borough Mt. Jewett Borough
County **McKean**
Type of Facility Public Water Supply
Consulting Engineer Dale W. Sorensen, P.E.
Northwest Engineering
16424 Route 62
Tidioute, PA 16351
Permit to Construct July 13, 2011
Issued

Operations Permit issued to **Scottview Terrace MHP**, PWSID #6370026 Scott Township, **Lawrence County**. Permit Number 3709503 issued July 14, 2011 for the operation of contact tanks, pressure sand filters, sodium hypochlorite, backwash tank and distribution system. This permit is issued in response to an operation inspection conducted by Department personnel on June 30, 2011.

Operations Permit issued to **PA American Water Company**, Ellwood City, PWSID #6370011 Wayne and Franklin Townships, **Lawrence County**. Permit Number 3790501-MA5 issued July 14, 2011 for the renovation of interior/exterior of 317,000 gallon storage tank.

Operations Permit issued to **Sugar Grove Mobile Home Park**, PWSID #6430065 Sugar Grove Township, **Mercer County**. Permit Number 4310506 issued July 18, 2011 for additional water storage to meet the PA Groundwater rule. This permit is issued in response to an operation inspection conducted by Department personnel on July 7, 2011.

Permit No. 2011503 Public Water Supply
Applicant **Linesville Boro WTP**
Township Linesville Boro
County **Crawford**
Responsible Official Dan Whalen
103 Erie Street
Linesville, PA 16424
Type of Facility PWS
Consulting Engineer Robert Rabell RL
Rabell Surveying
10560 Walnut Street
Albion, PA 16401
Application Received July 14, 2011
Date

Description of Action Upgrade to Penn Street Reservoir consisting of construction of a concrete block baffle wall, removal of 500 gpm fire pump, install new 250 gpm VFD pump

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Boward Residence, 4020 Locust Lane, Harrisburg, PA 17109, Lower Paxton Township, **Dauphin County**. Skelly and Loy, Incorporated, 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of June Boward, 4020 Locust Lane, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site soils and groundwater contaminated with fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

Former P&LE Railroad Site, Stowe Township, **Allegheny County**. Chester Engineers, 1555 Coraopolis Heights Road, Moon Township, PA 15108 on behalf of Allegheny County Redevelopment Authority, 425 Sixth Avenue, Suite 880, Pittsburgh, PA 15219 has submitted a Supplemental Remedial Investigation, Risk Assessment, and Cleanup Plan Report concerning the remediation of site soil and groundwater possibly contaminated with PAHs, PCBs and heavy metals. The report was noticed in the *Pittsburgh Tribune Review* on July 6, 2011.

Former Metal Services Company, Parcel B, Apollo Borough, **Armstrong County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh PA 15205 on behalf of Apollo Borough, P.O. Box 306, Apollo PA 15613 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report was noticed in the *Valley News Dispatch*. The Site will remain nonresidential.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports

submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Carrar 1H Well Site, Valley View Road, Liberty Township, **Susquehanna County**. Edward G. Dzedzic, RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 submitted a Final Report (on behalf of his client, Alta Operating Company, LLC, 500 Dallas Street, Suite 2930, Houston, TX 77002), concerning the remediation of soil due to drilling operations at the site. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 12, 2011. The report was originally submitted within 90 days of the release.

Former Ashland Specialty Chemical Company, 400 Island Park Road, Glendon Borough, **Northampton County**. James McLaughlin, ARCADIS U.S., Inc., 10 South Riverside Plaza, Suite 1900, Chicago, IL 60606 submitted a Remedial Investigation Report (on behalf of his client, Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195-1501), concerning the remediation of soil and groundwater found to have been impacted by chlorinated VOCs as a result of historical chemical, industrial processes and disposal on the property, associated with operations prior to Ashland's ownership of the facility. The report was submitted in partial fulfillment of the Site-Specific Standard for soil and groundwater and was approved on July 18, 2011.

Helen Mase Property, Bethlehem City, **Lehigh County**. Jeremy W. Boly, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 submitted a Final Report (on behalf of his client, Ms. Helen Mase, 1522 Greenview Drive, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release from an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on July 18, 2011.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PA003026531: ArcelorMittal Steelton, LLC; 215 South Front Street, Steelton, PA. Swatara and Lower Swatara Townships, **Dauphin County**.

A Draft Hazardous Waste Post-Closure Permit for a previously stabilized and closed hazardous waste landfill was issued by the Department on July 29, 2011. As

required by 25 PA Code Chapter 270a.80(d)(2), the Department is providing public notice of this action.

Persons wishing to comment on the draft permit are invited to submit comments to John Oren, P.E., Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address, and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Persons interested in obtaining more information about the draft permit may contact the Southcentral Regional Office, Waste Management Program at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Powdered Metal Products (Former Powdered Metal Products Facility/Metal Powder Products Company), City of St. Marys, **Elk County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Metal Powder Products Company, LLC, 879 Washington Street, St. Marys, PA 15857 has submitted a Final Report concerning the remediation of site soils & site groundwater contaminated with Trichloroethene, 1,1,1-Trichloroethane, Vinyl Chloride, 1,1-Dichloroethane, 1,1-Dichloroethene, Dichloromethane, trans 1,2-Dichloroethene, cis 1,2-Dichloroethene, and 1,2-Dichloroethane. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 15, 2011.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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. WMGM041. Hughesville Borough & Wolf Township Joint Municipal Authority, Lycoming County, 547 Woolen Mill Rd, Hughesville Pa 17737-0207. The permit is for beneficial use of wastewater treatment plant effluent as makeup water for hydraulic fracturing of natural gas wells. The permit was issued by Central Office on July 13, 2011.

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.

AIR QUALITY

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

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

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

GP3-15-0057: Allied Recycling Co. (1752 Limekiln Pike, Dresher, PA 19025) on July 12, 2011, to construct and operate a portable nonmetallic mineral processing plant in Kennett Square Borough, **Chester County**.

GP11-15-0009: Allied Recycling Co. (1752 Limekiln Pike, Dresher, PA 19025) on July 12, 2011, to construct and operate a nonroad engine(s) in Kennett Square Borough, **Chester County**.

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

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

66-310-025GP3: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on July 7, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Mehoopnaw Township, **Wyoming County**.

64-310-028GP3: E.R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on July 14, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Palmyra Township, **Wayne County**.

64-329-005GP9: E.R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on June 30, 2011, to construct and operate diesel IC engines at their site in Palmyra Township, **Wayne County**.

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

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

GP1-22-03087: Harrisburg School District (2291 N 7th Street, Harrisburg, PA 17110) on July 13, 2011, to operate a 16.75 MMBtu/hr natural gas-fired boiler at the Harrisburg Career & Technology Academy, William Penn Campus in the City of Harrisburg, **Dauphin County**.

GP3-21-GL-11-01: John. W. Gleim Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on July 14, 2011, to relocate a crusher, screen and two conveyors to the Giant Foods distribution center on Industrial Road in Carlisle Borough, **Cumberland County**.

GP11-21-GL-11-01: John. W. Gleim Jr., Inc. (625 Hamilton St., Carlisle, PA 17013) on July 14, 2011, to relocate two (2) non-road engines to the Giant Foods

distribution center on Industrial Road in Carlisle Borough, **Cumberland County**.

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

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

GP5-08-292B: Chesapeake Appalachia, L.L.C. (P. O. Box 18496, Oklahoma City, OK 73154) on July 12, 2011, to construct and operate one 145 bhp Caterpillar model G3306NA, serial number G6X02508 four-stroke rich-burn natural gas-fired compressor engine pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Van-Noy Compressor Station located in Granville Township, **Bradford County**.

GP5-08-293B: Chesapeake Appalachia, L.L.C. (P. O. Box 18496, Oklahoma City, OK 73154) on July 12, 2011, to construct and operate one 145bhp Caterpillar model G3306NA, serial number G6X02337 four-stroke rich-burn natural gas-fired compressor engine pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Vargson Compressor Station located in Granville Township, **Bradford County**.

GP5-08-294B: Chesapeake Appalachia, L.L.C. (P. O. Box 18496, Oklahoma City, OK 73154) on July 12, 2011, to construct and operate one 145 bhp Caterpillar model G3306NA, serial number SN 4FD02866 four-stroke rich-burn natural gas-fired compressor engine pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the May Compressor Station located in Granville Township, **Bradford County**.

GP5-41-631A: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, Williamsport, PA 17701), for the operation of three (3) existing 1380-bhp Waukesha four-stroke, lean-burn, natural gas-fired compressor-engines and two (2) existing Valerus glycol dehydrators each rated at 24.93 MMscf/day with regenerators (0.50 MMBtu/hr), and for construction and operation of one (1) 145-hp Caterpillar four-stroke, rich-burn natural gas-fired generator-engines and one (1) Valerus glycol dehydrators each rated at 24.93 MMscf/day with regenerators (0.50 MMBtu/hr), pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Lone Walnut Compressor Station located in Cummings Township, **Lycoming County**.

GP5-41-645: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, Williamsport, PA 17701), for the construction and operation of three (3) 1380-bhp Caterpillar four-stroke, lean-burn, natural gas-fired compressor-engines, two (2) 145-hp Caterpillar four-stroke, rich-burn natural gas-fired generator-engines and two (2) Valerus glycol dehydrators each rated at 24.93 MMscf/day with regenerators (0.50 MMBtu/hr), pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Ogontz West Compressor Station located in Cummings Township, **Lycoming County**.

GP5-41-646: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, Williamsport, PA

17701), for the construction and operation of three (3) 1380-bhp Caterpillar four-stroke, lean-burn, natural gas-fired compressor-engines, two (2) 145-hp Caterpillar four-stroke, rich-burn natural gas-fired generator-engines and two (2) Valerus glycol dehydrators each rated at 24.93 MMscf/day with regenerators (0.50 MMBtu/hr), pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Ogontz East Compressor Station located in Cummings Township, **Lycoming County**.

GP5-41-651: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, Williamsport, PA 17701), for the construction and operation of three (3) 1380-bhp Caterpillar four-stroke, lean-burn, natural gas-fired compressor-engines, one (1) 145-hp Caterpillar four-stroke, rich-burn natural gas-fired generator-engines and two (2) Valerus glycol dehydrators which are rated at 24.93 and 40 MMscf/day with regenerators (0.50 MMBtu/hr and 1.0 MMBtu/hr, respectively), pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Bobst Mountain Compressor Station located in Cogan House Township, **Lycoming 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

GP5-30-00207: Coal Gas Recovery, LLC. (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on July 18, 2011, to install and operate one (1) new coal bed methane gas-fired compressor engine rated at 425 bhp at their GD-1/DD20 Compressor Station located in Franklin Township **Greene County**, PA. One (1) compressor engine is authorized for operation at this site.

GP5-32-00357A: Peoples Natural Gas Company, LLC (1201 Pitt Street, Pittsburgh, PA 15221) on July 15, 2011, to renew the authorization for operation of one natural gas-fired engine rated at 325 bhp controlled by a three way catalyst under GP-5 for natural gas production at the Creekside Compressor Station in White Township, **Indiana County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

23-0009G: The Boeing Co.—Defense, Space & Security Rotorcraft Programs (PO Box 16858, Philadelphia, PA 19142) on July 14, 2011, for installation of three (3) new boilers, each with a heat input capacity of 49.0 MMBtu/hr, to replace three (3) existing boilers (2 86 MMBtu/hr and 1 35.7 MMBtu/hr) at their Boeing facility in Ridley Township, **Delaware County**. This facility is a major facility. Each boiler will be capable of both natural gas and #2 fuel oil firing. Fuel oil usage is limited to periods of testing or natural gas curtailment not to exceed a combined total of 10% of the annual operating hours. Each new boiler's design will include a low NOx burner (LNB) with flue gas recirculation (FGR) to minimize

emissions of NOx (nitrogen oxides). NOx emissions shall be limited to 30 ppmv 3% O2 when firing natural gas and 90 ppmv 3% O2 when firing No. 2 fuel oil. The boilers are subject to the Maximum Achievable Control Technology (MACT) rule of 40 CFR Part 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters) and the New Source Standards of Performance for Stationary Sources (NSPS) requirements of 40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

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

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

66-328-002: Procter & Gamble Paper Products (P. O. Box 32, Mehoopany, PA 18629-0032) on June 28, 2011, to construct and operate a natural gas fired Rolls Royce Trent 60 combustion turbine, HRSG, Selective Catalytic Reduction System, and a CO Oxidation Catalyst at their facility in the Washington Township, **Wyoming County**.

39-312-052: Sunoco Partners Mkt. & Term. LP (525 Fritztown Road, Sinking Spring, PA 19608) on June 29, 2011, to construct and operate a vapor recovery unit at their facility in the Whitehall Township, **Lehigh County**.

40-312-046: Sunoco Partners Mkt. & Term. LP (525 Fritztown Road, Sinking Spring, PA 19608) on June 29, 2011, to construct and operate a vapor recovery unit at their facility in the Edwardsville Borough, **Luzerne 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

36-03172A: Trinity Alloys, Inc. (950 Square Street, Mount Joy, PA 17552-1918) on July 12, 2011, to install an aluminum sweat furnace controlled by an afterburner, at a proposed facility in Mount Joy Borough, **Lancaster County**.

31-05012A: PA Department of Corrections (1120 Pike Street, Huntingdon, PA 16652-1117) on July 14, 2011, to increase the coal usage restriction on three (3) existing coal fired boilers, and the installation of a baghouse on the boilers and the installation of two (2) 29.5 MMBtu/hr oil-fired backup boilers at the Smithfield State Correctional Institution in Smithfield Township, **Huntingdon 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

26-00590: Carlisle Construction Materials (PO Box 7000, Carlisle, PA 17013) on July 11, 2011 to allow the installation and initial temporary operation of an Insulfoam expanded polystyrene block molded product line at the Hunter Panels LLC facility located off of Summit View Drive in the Fayette Industrial Park, Georges Township, **Fayette County**. As a result of the

authorized project the facility will become major for Title V purposes. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a Title V Operating Permit in accordance with Title 25 PA Code Subchapter G.

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

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

25-944B: PHB Die Casting (7900 West Ridge Road, Fairview, PA 16415), on July 7, 2011, to construct a new zinc remelt furnace in Fairview Township, **Erie County**. This is a State Only facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

46-0158C: Colorcon, Inc. (415 Moyer Boulevard, P. O. Box 24, West Point, PA 19486) on July 11, 2011, to operate the new reaction vessel production process in Upper Gwynedd Township, **Montgomery County**.

46-0162A: Hammond Lead Products, Inc. (10 South Grosstown Road, Pottstown, PA 19464) on June 11, 2011, to operate the baghouse in West Pottsgrove 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

07-03055A: Advanced Metals Processing—PA LLC (1001 Loop Road, Hollidaysburg, Pennsylvania 16648) on July 14, 2011, for a nonferrous metal delacquering oven at their facility in Hollidaysburg Borough, **Blair County**. The Plan Approval was extended.

07-05003C: Norfolk Southern Railway Co. (200 North 4th Avenue, Altoona, PA 16601-6702) on July 11, 2011, for the modification of their boilers and related control equipment at their facility in Logan Township, **Blair County**. This plan approval was extended.

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

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

08-00003H: CraftMaster Manufacturing, Inc. (PO Box 311, Shiner Road, Towanda PA 18848) on July 12, 2011, to extend the authorization to exhaust the cavity steam from the Line 2 Press (Source ID 172P) to regenerative thermal oxidizer (RTO, ID C142) on a temporary basis to February 11, 2012, at the facility in Wysox Township, **Bradford County**.

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

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

03-00027B: GenOn Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on July 15, 2011 for an extension of plan approval for the

construction of the Flue Gas Desulfurization (FGD) Systems for Boilers #1 and #2 at Keystone Station in Plumcreek Township, **Armstrong County**.

65-00966A: Greensburg Thermal, LLC (755 Opossum Lake Road, Carlisle, PA, 17015) Plan Approval Extension is effective July 6, 2011, with an expiration date of January 6, 2012, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00966A at the SCI Greensburg steam plant located in Hempfield Township, **Westmoreland County**.

65-00986: Tiger Door, Inc. (1181 Garden Street, Greensburg, PA 15601) Plan Approval Extension is effective July 14, 2011, with an expiration date of January 14, 2012, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00986 the Tiger Door Manufacturing Plant located in Hempfield Township, **Westmoreland County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507

35-00024: Shaw Environmental & Infrastructure, Inc. (1150 Keystone Industrial Park, Throop, PA 18512) on July 13, 2011, for renewal of a Title V Operating Permit in Throop Borough, **Lackawanna County**. The facility sources include a landfill gas treatment system, seven (7) combustion engines and a compressor station. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. No change has taken place at this facility that were not previously permitted. The renewal of Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

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

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

36-05014: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17601-3152) on July 11, 2011, for the secondary aluminum foundry in Manheim Township, **Lancaster County**. The Title V permit was renewed.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

39-00032: Precision Roll Grinders, Inc. (6356 Champan Road, Allentown, PA 18106) on July 13, 2011, to operate the application of coating to refurbished rolls throughout the facility and its associated activities at their facility in Upper Macungie Township, **Lehigh County**.

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

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

36-05126: Pennsy Supply, Inc. (PO Box 4688, Lancaster, PA 17604-4688) on July 11, 2011, for the McMinn's asphalt plant in West Donegal Township, **Lancaster County**. The State-only permit was renewed.

44-05013: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889-0177) on July 5, 2011, for the crushed stone and asphalt production facility at the Naginey Quarry in Armaugh Township, **Mifflin County**. The State-only permit was renewed.

36-05011: Lancaster Terminal Corp. (PO Box 2621, Harrisburg, PA 17105-2621) on July 12, 2011, for their bulk liquid petroleum terminal in Manheim Township, **Lancaster County**. The State-only permit was renewed.

36-03147: A&M Composting, Inc. (2022 Mountain Road, Manheim, PA 17545-9517) on July 8, 2011, for the sewage sludge composting facility in Penn Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

16-00094: IA Construction Corp. (PO Box 290, Homer City, 15748) on July 11, 2011, issued a renewal State Only Operating Permit for their facility in Paint Township, **Clarion County**. The facility is a Synthetic Minor. The primary sources at the facility include a Batch Hot Mix Asphalt Plant and a Portable Crushing Plant. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00299: IMS—Division of Tube City (1155 Business Center Drive, Horsham, PA 19044) on July 11, 2011, issued a renewal State Only Operating Permit for their Tube City IMS facility in Taylor Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility are slag processing and storage piles. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00187: SMS Millcraft LLC—Oil City (671 Colbert Avenue, Oil City, PA 16301-2288), on July 13, 2011, for reissuance Natural Minor Permit to operate an electroplating, polishing, anodizing, and coloring facility. The significant sources are Boiler 1, hard Chrome electroplating dip tank, Copper electroplating dip tanks, Nickel electroplating stations, HVOF powder coat system, multiple space heaters, paint booth, four degreasers and plastic powder coat oven, thermal spray booths (2), polishing booth. The facility is located at Oil City, **Venango County**. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility became natural minor.

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

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

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

09-00063: New Hope Crushed Stone and Lime Co. (6970 Phillips Mill Road, New Hope, PA 18938) on July 12, 2011, for an administrative amendment to the state-only operating permit in Solebury Township, **Bucks County**. The permit is being amended to correct typographic errors for Condition No. 006, under Source ID 201, Condition Nos. 006 and 009, under Source ID 202.

This Administrative Amendment of the State-only Operating Permit is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

30841317 and NPDES No. PA0213527, Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Enlow Form Mine in East Finley Township, **Washington County** for an overhead power line and right-of-way to install power to the 3 North #6 Air Shaft. Surface Acres Proposed 13.7. No additional discharges. Application received: October 20, 2010. Permit issued: July 14, 2011.

56841612 and NPDES No. PA0588491, Wilson Creek Energy, LLC, (140 West Union Street, Somerset, PA 15501), to transfer the permit for the Wilson Creek Coal Preparation Plant in Black Township, **Somerset County** to Wilson Creek Energy, LLC from Svonavec, Inc. and revise the permit to add acreage and construct a new coal preparation plant. Revision includes operation name change from Coal Preparation Plant No. 2 to Wilson Creek Coal Preparation Plant. Surface Acres Proposed 4.1. No additional discharges. Application received: December 3, 2010. Permit issued: July 14, 2011.

56841612 and GP12-56841612-10, Wilson Creek Energy, LLC, (140 West Union Street, Somerset, PA 15501), to revise the permit for the Wilson Creek Coal Preparation Plant in Black Township, **Somerset County** to establish an emission inventory for construction and operation of a coal preparation plant based on maximum total annual raw coal throughput of 2,336,000 tons. Emission sources are the haul road, conveyor, wind erosion, crushing operations, raw coal truck dump, raw coal loader dump and stockpile, and coal rail car loading. No additional discharges. Application received: December 3, 2010. Permit issued: July 14, 2011.

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

56663069 and NPDES No. PA0120944. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface and auger mine to add additional mining area in Elk Lick and Summit Townships, **Somerset County**, affecting 3040.0 acres. Receiving stream(s): unnamed tributaries to/and Casselman River and unnamed tributaries to/and Elk Lick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 2, 2010. Permit issued: July 7, 2011.

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

65100201, NPDES Permit No. PA0251976, and Air Quality Permit GP12-65100201. Alverda Enterprises, Inc. (P. O. Box 245, Alverda, PA 15710). Permit issued for commencement, operation, and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Derry Township, **Westmoreland County**, affecting 19.0 acres. Receiving streams: McGee Run. Application received: June 17, 2010. Permit issued: July 5, 2011.

65050102 and NPDES Permit No. PA0250830. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Washington and Bell Townships, **Westmoreland County**, affecting 245 acres. Receiving streams: unnamed tributaries to Beaver Run and Beaver Run. Application received: January 28, 2011. Permit renewal issued: July 11, 2011.

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

24090102 and NPDES Permit No. PA0258806. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Commencement, operation and restoration of a bituminous surface mine in Fox Township, **Elk County** affecting 145.0 acres. Receiving streams: Unnamed tributaries to Little Toby Creek, unnamed tributary to Sawmill Run, and Limestone Run. Application received: November 16, 2009. Permit Issued: July 12, 2011.

16100106 and NPDES Permit No. PA0258989. Ancient Sun, Inc. (P. O. Box 129, Shippensburg, PA 16254) Commencement, operation and restoration of a bituminous surface mine in Farmington & Highland Townships, **Clarion County** affecting 22.0 acres. Receiving streams: Unnamed tributary to Weiser Run and unnamed tributary to Toby Creek. Application received: November 17, 2010. Permit Issued: July 13, 2011.

16100104. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous surface and

tipple refuse disposal mine to add 0.6 acre to the permit in Licking Township, **Clarion County** affecting 182.6 acres. Receiving streams: Two unnamed tributaries to Licking Creek. Application received: April 14, 2011. Permit Issued: July 13, 2011.

16050113. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Revision to an existing bituminous strip mine to change the post-mining land use from forestland to industrial/commercial on the Timothy A. Keck & Robert Allison property in Monroe Township, **Clarion County**. Receiving streams: Unnamed tributary to Sloan Run, unnamed tributary to Reids Run and Reids Run. Application received: April 27, 2011. Permit Issued: July 14, 2011.

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

17070114 and NPDES No. PA0256633. AMFIRE Mining Co., Inc. (One Energy Place, Latrobe, PA 15650). Renewal of an existing bituminous surface mine located in Girard Township, **Clearfield County** affecting 119.4 acres. Receiving streams: unnamed tributaries to Bald Hill Run and Bald Hill Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 17, 2011. Permit issued: July 7, 2011.

Noncoal Permits Actions

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

42092801. HRI, Inc. (1750 West College Avenue, State College, PA 16801) Transfer of an existing small industrial mineral mine from Edward S. Kocjancic in Wetmore Township, **McKean County** affecting 3.0 acres. Receiving streams: Unnamed tributary to Hubert Run. Application received: April 11, 2011. Permit Issued: July 12, 2011.

42092801-GP-104. HRI, Inc. (1750 West College Avenue, State College, PA 16801) General NPDES Permit for stormwater discharges associated with mining activities of Surface Mining Permit No. 42092801 in Wetmore Township, **McKean County**. Application received: April 11, 2011. Permit Issued: July 12, 2011.

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

49102801. Leslie Hauck Construction, Inc., (9520 Susquehanna Trail Road, Muncy, PA 17756), commencement, operation and restoration of a quarry operation in Lewis Township, **Northumberland County** affecting 5.0 acres, receiving stream: none. Application received: June 28, 2010. Permit issued: July 18, 2011.

35112501. White Stone Quarry, LLC, (601 Salem Road, Archbald, PA 18403), commencement, operation and restoration of a quarry operation in Jefferson Township and Archbald Borough, **Lackawanna County** affecting 10.0 acres, receiving stream: Indian Cave Creek/White Oak Run to Lackawanna River. Application received: February 3, 2011. Permit issued: July 18, 2011.

35112501GP104. White Stone Quarry, LLC, (601 Salem Road, Archbald, PA 18403), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35112501 in Jefferson Township and Archbald Borough, **Lackawanna County**, receiving stream: Indian Cave Creek/White Oak Run to Lackawanna River. Application received: February 3, 2011. Permit issued: July 18, 2011.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

30114004. Trumbull Corp. (225 North Shore Drive, Pittsburgh, PA 15212). Blasting activity permit for the construction of the Walker B Well Pad, to conduct seismic activity located in Center Township, **Greene County**. The duration of blasting is expected to last 120 days. Blasting permit issued: July 12, 2011.

02114002. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664). Blasting activity permit for construction at the Kelly Run landfill, Phase III - Cell D, located in Elizabeth Township, **Allegheny County**. The duration of blasting is expected to last 90 days. Blasting permit issued: July 12, 2011.

02114003. New Dominion Construction (1554 Millers Run Road, McDonald, PA 15057). Blasting activity permit for construction at the Imperial landfill borrow pit, located in Findlay Township, **Allegheny County**. The duration of blasting is expected to last one year. Blasting permit issued: July 12, 2011.

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

36114143. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Crossway Church of Lancaster in Lancaster Township, **Lancaster County** with an expiration date of December 30, 2011. Permit issued: July 12, 2011.

52114109. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Elpaso TGP 300 Line Loop 323 Pipeline in Milford, Lackawaxen and Shohola Townships, **Pike County** with an expiration date of December 31, 2011. Permit issued: July 13, 2011.

58114119. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Laser Midstream Gathering Pipeline in Middletown, Liberty, Franklin, Forest Lake and Silver Lake Townships, **Susquehanna County** with an expiration date of July 30, 2012. Permit issued: July 13, 2011

58114120. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Elpaso TGP 300 Line Loop 319 Pipeline in Springville and Wyalusing Townships, **Susquehanna and Bradford Counties** with an expiration date of December 30, 2011. Permit issued: July 13, 2011.

58114020. ION Integrated Seismic Solutions, (2105 City West Boulevard, Suite 900, Houston, TX 77042-2837), Tesla-Conquest, Inc., (504 IST Center, Horsehead, NY 14845) and James Ziegler, Dyno Nobel, (569 Main Street, Tremont, PA 17981), for Lakeview 3D Seismic Operation in Liberty, Great Bend, Franklin, Bridgewater, Dimock, Herrick, Ararat, Thompson, Harmony, Brooklyn, Harford, Jackson, Gibson, Scott, Starrucca, Preston & Mount Pleasant Townships, New Milford, Oakland &

Great Bend Boroughs, **Susquehanna County** with an expiration date of June 30, 2012. Permit issued: July 14, 2011.

45114116. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Ivy Ridge in Smithfield Township, **Monroe County** with an expiration date of July 5, 2012. Permit issued: July 15, 2011.

45114117. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for County Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of July 31, 2012. Permit issued: July 15, 2011.

45114118. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for New Ventures Park in Tobyhanna Township, **Monroe County** with an expiration date of July 31, 2012. Permit issued: July 15, 2011.

45114119. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Penn Estates in Stroud & Pocono Townships, **Monroe County** with an expiration date of July 31, 2012. Permit issued: July 15, 2011.

45114120. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Mt. Pocono Lowes in Mt. Pocono Borough, **Monroe County** with an expiration date of July 31, 2012. Permit issued: July 15, 2011.

48114111. Austin Powder Northeast, LLC, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Wottring Hills Field in Williams Township and Wilson Borough, **Northampton County** with an expiration date of July 12, 2012. Permit issued: July 15, 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

E15-810. PECO Energy Company 2301 Market Street, Philadelphia, PA 19103, Upper Oxford, Franklin and New London Townships, **Chester County**, ACOE Philadelphia District.

To install and maintain a new aerial transmission line along 7 miles of an existing right of way, starting from Upper Oxford Township and terminating at Clay Substation in Franklin Township, crossing the East Branch of Big Elk Creek, six unnamed tributaries to East Branch by Big Elk Creek, West Branch of White Clay Creek, and 10 unnamed tributaries to West Branch of White Clay Creek.

The power line corridor begins near Forest Manor Road and Mistview Lane and extends southeasterly to terminate at Clay Substation (Oxford, West Grove, PA, USGS Quadrangle, starting point (N: 16 inches, W: 4 inches) ending points (N: 2.5 inches, W: 10.5 inches)) in Franklin, New London, Penn, and Upper Oxford Townships, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100

CDO-002. Consol Pennsylvania Coal Company LLC, 1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323. Enlow Fork Stream Restoration Project in East Finley Township, Washington County and Richhill Township, **Greene County** and the Rocky Run Stream Restoration and Wetland Mitigation Project in East Finley Township, Washington County, Pittsburgh ACOE District (Claysville, PA Quadrangle (Rocky Run) project area centroid N: 4.1 inches, W: 1.7 inches and Wind Ridge, PA Quadrangle (Enlow Fork) project area centroid N: 18.1 inches, W: 5.9 inches). The applicant proposes to (1) restore 3,050 linear feet of Enlow Fork and 2,700 linear feet of Rocky Run, and (2) construct a minimum of 0.82 acre of diverse wetland habitat of approximately 440 feet in the floodplain of Rocky Run. Enlow Fork and Rocky Run are both classified as a Trout Stocked Fishery. This is a Chapter 105 Water Obstruction and Encroachment

permit application and 401 Water Quality Certification request. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application Received: October 1, 2010. Permit Issued: July 13, 2011

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

E18-459. James L. Berkibile, PO Box 394, Lock Haven, PA 17745-0394. After-the-Fact Riverfront Improvements, in Colebrook Township, **Clinton County**, ACOE Baltimore District (Farrandsville, PA Quadrangle N: 41°11'13.4"; W: 77°3'17.3").

To construct and maintain 41.25 cubic yards of earthen fill and stone walls for a 25-foot by 35-foot cement slab riverfront patio, which is located on the upstream left edge of Holland's Run confluence with the West Branch Susquehanna River, which is in the right 100-year floodway of the river. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Final Action for Water Obstruction and Encroachment Permit

DEP—Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554

E4014-003, Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18642, Mill Creek Elevated Floodplain Project, Duryea Borough, **Luzerne County** and Moosic Borough, **Lackawanna County**, USACOE Baltimore District.

This permit is issued for a 1,100-foot-long x 40-foot-wide elevated floodplain project along the right overbank of Mill creek. Reference the USGS "Avoca" Quadrangle, North 18.0 inches, West 16.0 inches. The following activities are associated with construction of this project:

- Construct a temporary stream crossing, 55-feet long by 40-feet wide, within Mill Creek for access to the project site.
- Clear and grub approximately 5 acres of the 12-acre project site. The remaining project site acreage is a barren, abandoned, strip mine area.
- Excavate approximately 215,000 C.Y. of earth and mine spoil material from the right overbank of Mill Creek to the property limit of the Canadian Pacific Railroad, and from 100 feet to 1,200 feet downstream of the concrete arch culvert that carries the Pocono Northeast Railroad embankment and tracks over Mill Creek.
- All non-marketable materials from clearing, grubbing, and excavation will be spoiled on-site within the excavated area and outside the elevated floodplain.
- Uniformly grade all excavated areas to allow positive sheet runoff.
- Install 8,500 S.Y. of erosion control blanket on the excavated floodplain and adjacent 3:1 slope. All disturbed areas will be seeded and mulched.

Anticipated construction time is 18 to 24 months.

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

6/20/11

ESCGP-1 No.: ESX11-021-0006
Applicant Name: Chief Oil & Gas LLC
CONTACT: Michael Hritz
Address: 6051 Wallace Road Ext., Suite 210
City: Wexford State: PA Zip Code: 15090
County: Cambria Township(s): Washington
Receiving Stream(s) And Classifications: UNT to Bens Creek (EV), Exceptional Value

5/16/2011

ESCGP-1 No.: ESX10-051-0013 Major Revision
Applicant Name: Atlas America, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township(s): Bullskin
Receiving Stream(s) and Classifications: UNT to Youghiogheny River CWF, Other

5/25/2011

ESCGP-1 No.: ESX11-059-0037
Applicant Name: Atlas America LLC
Contact Person: Jeremy Hirtz
Address: 800 Mt View Drive
City: Smithfield State: Pa Zip Code: 15478
County: Greene Township(s): Greene
Receiving Stream(s) and Classifications: Woods Run & UNT to Whiteley Creek TSF/Upper Monongahela, Other

6/20/2011

ESCGP-1 No.: ESX11-129-0017
Applicant Name: Atlas America LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): Sewickley
Receiving Stream(s) and Classifications: UNT to Pinkerton Run and UNT to Sewickley Creek/Lower Youghiogheny River Watershed, Other

Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-117-0075

Applicant Name Talisman Energy USA, Inc
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Tioga

Township(s) Hamilton

Receiving Stream(s) and Classification(s) UNT to East Cr Tioga R (EV-CWF/MF); Bear Cr (CWF/MF); Tioga R (CWF/MF); East Cr Tioga R (EV-CWF/MF)

ESCGP-1 # ESX11-015-0140

Applicant Name Talisman Energy USA, Inc
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford

Township(s) Warren Twp.

Receiving Stream(s) and Classification(s) (3) UNT to Pendleton Cr, Pendleton Cr (CWF/MF)

ESCGP-1 # ESX11-131-0022

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main St
City, State, Zip Athens, PA 18810
County Wyoming

Township(s) Meshoppen Twp.

Receiving Stream(s) and Classification(s) Meshoppen Cr (CWF/MF); Susquehanna R (WWF/MF)

ESCGP-1 # ESX11-015-0130

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main St
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Smithfield Twp.

Receiving Stream(s) and Classification(s) Browns Cr, Sugar Cr (WWF)

ESCGP-1 # ESX11-015-0128

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main St
City, State, Zip Athens, PA 18810
County Bradford

Township(s) Smithfield Twp.

Receiving Stream(s) and Classification(s) Peas Cr, Tomjack Cr (TSF/MF)

ESCGP-1 # ESX11-115-0072

Applicant Name Williams Production Appalachia LLC
Contact Person David Freudenich
Address 1000 Town Center, Suite 130
City, State, Zip Canonsburg, PA 15317
County Susquehanna

Township(s) Franklin Twp.

Receiving Stream(s) and Classification(s) UNT to Snake Cr (CWF/MF); Snake Cr

ESCGP-1 # ESX11-115-0062

Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address Give Penn Center W, Ste 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna

Township(s) Brooklyn Twp
Receiving Stream(s) and Classification(s) Hop Bottom Cr,
Horton Cr, Martin Cr

ESCGP-1 # ESX11-131-0021
Applicant Name Williams Field Service Co, LLC
Contact Person Clayton Roesler
Address 2800 Post Oak Blvd
City, State, Zip Houston, TX 77056
County Wyoming
Township(s) Northmoreland Twp.
Receiving Stream(s) and Classification(s) Mill Cr (CWF)

ESCGP-1 # ESX11-115-0058
Applicant Name Williams Production Appalachia, LLC
Contact Person David Freudenrich
Address 1000 Town Center, Ste 130
City, State, Zip Canonsburg, PA 15317
County Susquehanna
Township(s) Franklin Twp.
Receiving Stream(s) and Classification(s) UNT Snake Cr

ESCGP-1 # ESX11-105-0007
Applicant Name Triana Services Company, LLC
Contact Person Rachelle King
Address 900 Virginia Street, East, Suite 400
City, State, Zip Charleston, WV 25301
County Potter County
Township(s) Summit Township
Receiving Stream(s) and Classification(s) Mill Creek,
Unnamed Tributary of Nelson Run, and Secondary
Water Nelson Run all HQ-CWF

ESCGP-1 # ESX11-015-0135
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) Unnamed tribu-
tary to Sugar Run Creek and Secondary Water Sugar
Run Creek, all CWF/MF

ESCGP-1 # ESX11-113-0012
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan County
Township(s) Cherry Township
Receiving Stream(s) and Classification(s) Unnamed Tribu-
tary to Birch Creek and Secondary Water Loyalsock
Creek, all (EV)

ESCGP-1 # ESX11-015-0143
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Litchfield Township
Receiving Stream(s) and Classification(s) UNT 1 to Parks
Creek, UNT 2 to Parks Creek, Secondary Waters: Parks
Creek, and Susquehanna River, all (WWF)

ESCGP-1 # ESX11-115-0043
Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Dimock Township
Receiving Stream(s) and Classification(s) UNT to West
Branch of Meshoppen Creek and UNT to Lake Stream,
all (CWF)

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0075—Quinn Unit A 1H
Applicant XTO Energy, Inc.
Contact Stacey Vehovic
Address 395 Airport Road
City Indiana State PA Zip Code 15701
County Butler Township(s) Clinton(s)
Receiving Stream(s) and Classification(s) Rocky Run—
TSF, Bull Creek—TSF

ESCGP-1 #ESX11-019-0077—McElhinney Pipeline
Applicant Keystone Midstream Services
Contact Mike Brinkmeyer
Address 11440 Westmoor Circle Suite 325
City Westminster State CO Zip Code 80021
County Butler Township(s) Forward(s)
Receiving Stream(s) and Classification(s) UNT to
Connoquenessing Creek (WWF)

ESCGP-1 #ESX11-047-0023—Concord Marcellus Well
Project
Applicant EQT Production Company
Contact Todd Klaner
Address 455 Racetrack Road, Suite 101
City Washington State PA Zip Code 15301
County Elk Township(s) Horton(s)
Receiving Stream(s) and Classification(s) Mead Run

ESCGP-1 #ESX11-083-0040—McKean Pipeline Segment
B Gathering Line
Applicant Swepi LP
Contact Richard Lewis
Address 190 Thorn Hill Road
City Warrandale State PA Zip Code 15086
County Mckean Township(s) Hamlin(s)
Receiving Stream(s) and Classification(s) South Branch
Kinzua Creek & Winfall Run/Ohio River Basin in
PA-Allegheny R. (List Q)

ESCGP-1 #ESX11-065-0029—Big Run Well Line
Applicant CNX Gas Company LLC
Contact Daniel Bitz
Address 280 Indian Springs Road Suite 333
City Indiana State PA Zip Code 15701
County Jefferson Township(s) Gaskill & Henderson
Receiving Stream(s) and Classification(s) Clover Run,
UNT to Clover Run (HQ-CWF). UNT to Mahoning
Creek, East Branch Mahoning Creek (Clover Run to
Stump Creek), and Stump Creek-(CWF)

ESCGP-1 #ESX11-047-0025—HM10 WT 3242 PAT
Applicant Hunt Marcellus Operating Company, LLC
Contact David Hulslander
Address 106 N. Michael St, Suite 3
City St. Mary's State PA Zip Code 15857
County Elk Township(s) Jones(s)
Receiving Stream(s) and Classification(s) Little Wolf
Run—HQ/CWF, Slide Run—HQ.CWF, Wolf Run—HQ/
CWF, Silver Creek—HQ/CWF, West Branch Clarion
River—CWF

SPECIAL NOTICES

Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, re-

search and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant 7

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	York	York	Study waste generation and capacity needs to determine future projected rate growths through 2040.	75,890

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

John and Justin Welker, GFCC No. 17-09-07, NPDES No. PA-0257184, Kosut Operation, Decatur Township, **Clearfield County** (Little Laurel Run to Laurel Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to John and Justin Welker that will result in the reclamation of approximately 7.5 acres of abandoned mine land, the reclamation of 945-feet of abandoned highwall and the recovery of approximately 5,800 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition will be added to the mining area at a rate of 1,000 tons per acre. A total of at least 2,700 tons of alkaline material will be placed on the site. The estimated value of the reclamation work is \$80,000 which will be done at no cost to the Commonwealth. The site is located approximately 1.0 mile northwest of Pleasant Hill off of Old State Route 322 on lands formerly mined and subsequently abandoned in the late 1950's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

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

General Permit for Short-Term Construction Projects

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

58101002. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), authorization to extract stone in Auburn Township, **Susquehanna County** to construct gas well pads for Chesapeake Wright Project, receiving stream: Benninger Creek. Application received: August 6, 2010. Authorization approved: July 8, 2011.

58101002GP104. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58101002 in Auburn

Township, **Susquehanna County**, receiving stream: Benninger Creek. Application received: May 16, 2011. Permit issued: July 8, 2011.

58101009. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), authorization to extract stone in Dimock Township, **Susquehanna County** to construct gas well pads for Chesapeake Elk Lake Project, receiving stream: Unnamed. Application received: October 20, 2010. Authorization approved: July 8, 2011.

58101009GP104. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58101009 in Dimock Township, **Susquehanna County**, receiving stream: Unnamed. Application received: May 16, 2011. Permit issued: July 8, 2011.

66101002. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), authorization to extract stone in Washington Township, **Wyoming County** to construct gas well pads for Chesapeake Lopatofsky Project, receiving stream: Meshoppen Creek. Application received: August 6, 2010. Authorization approved: July 8, 2011.

66101002GP104. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66101002 in Washington Township, **Wyoming County**, receiving stream: Meshoppen Creek. Application received: May 16, 2011. Permit issued July 8, 2011.

66101003. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), authorization to extract stone in Windham Township, **Wyoming County** to construct gas well pads for Citrus Fike Project, receiving stream: Little Meshoppen Creek. Application received: September 15, 2010. Authorization approved: July 8, 2011.

66101003GP104. Meshoppen Stone, Inc., (PO Box 127, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66101003 in Windham

Township, **Wyoming County**, receiving stream: Little Meshoppen Creek. Application received: May 16, 2011. Permit issued: July 8, 2011.

58101008. Powers Stone, Inc., (15324 SR 3001, Montrose, PA 18801), authorization to extract stone in Auburn Township, **Susquehanna County** to construct gas well pads for Chesapeake Auburn Materials Project, receiving stream: Nick Creek. Application received: September 1, 2010. Authorization approved: July 14, 2011.

58101008GP104. Powers Stone, Inc., (15324 SR 3001, Montrose, PA 18801), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58101008 in Auburn Township, **Susquehanna County**, receiving stream: Nick Creek. Application received: January 18, 2011. Permit issued: July 14, 2011.

[Pa.B. Doc. No. 11-1281. Filed for public inspection July 29, 2011, 9:00 a.m.]

Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act; Calendar Year 2010

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.904). Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2010.

Municipal Recycling Program Performance Grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of the act (53 P. S. § 4000.1501(c)(1)(i)) recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Due to the limited amount of funding available for the Recycling Performance Grant program for calendar year 2010, the funding formula is amended from that utilized in past years to reduce individual grants by 40%.

Applicants that have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements in the act of November 9, 2006 (P. L. 1347, No. 140), the grant requirements of the act, or the regulations of the act may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) (relating to limits on Department's authority to award grants) regarding the submittal of the annual recycling report.

Eligible materials include the following post-consumer items: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly docu-

mented, eligible materials that were actually marketed on or after January 1, 2010, to and including, December 31, 2010. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Grant funds will not be awarded for residues, materials not listed as eligible including, but not limited to, leaf and yard wastes or any materials that cannot be documented as being recycled into a new product or use. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists, however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application and possible enforcement proceedings.

Grant applications must be on forms provided by the Department for calendar year 2010. Grant applications must be delivered by 4 p.m. on December 30, 2011, or postmarked on or before this date. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt of recycling fees required under sections 701 and 702 of the act (53 P. S. §§ 4000.701 and 4000.702), and the availability of moneys in the Recycling Fund.

Applicants who filed a Performance Grant application for calendar year 2009 will be mailed a current application by the Department as soon as it is available. Applications may also be obtained from the Department's web site at www.depweb.state.pa.us (Keyword: "Recycling Grants"). Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472 or mvottero@state.pa.us.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1282. Filed for public inspection July 29, 2011, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted.

The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—Minor Revision

DEP ID: 361-0100-003. Title: Water Quality Toxics Management Strategy. Description: This document was produced to provide guidance to Department staff and the public for the treatment of toxic pollutants in National Pollutant Discharge Elimination System permits for discharges to waters of this Commonwealth. The effective date of the final guidance was April 29, 2006. Minor revisions were published on June 20, 2009. These further minor revisions provide additional clarification to certain parts of the guidance. Specifically, clarification has been added to Sections III.C and III.D (pages 8 and 16) on the management of nondetect results, and that best technology (that is, the most sensitive method) must be used by permittees in order to treat nondetect results as zero, where effluent limitations are below the minimum level of detection in Chapter 16 for a particular parameter. Contact: Sean M. Furjanic, (717) 787-2137 or sefurjanic@state.pa.us.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1283. Filed for public inspection July 29, 2011, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 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 (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests from July 1, 2011, through July 18, 2011.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

Certification Requests

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
CET Engineering Services on behalf of Tyrone Wastewater Treatment Facility	This certification request is for nitrogen credits to be generated from the pollutant reduction activity of Tyrone Wastewater Treatment Facility's installed treatment process.
Red Barn Trading Company	This certification request is for nutrient credits to be generated from the pollutant reduction activity of continuous no-till and cover crops completed by Daniel Smucker.

Written Comments

Interested persons may submit written comments on these proposed pollutant reduction activities by August 29, 2011. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will

not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@state.pa.us.

For further information about these proposals or the Trading Program contact Ann Roda, at the previously listed address or phone number or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1284. Filed for public inspection July 29, 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 10, 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 August 9, 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 September 9, 2011.

Persons with a disability who require an alternative format of the application (for example, large print or Braille) or wish to attend the public hearing or provide comment and require special accommodations to do so, should notify the Bureau at (717) 787-6214, or V/TT (717)

783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1285. Filed for public inspection July 29, 2011, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

RMH-HB/SNF
US Route 1
1078 West Baltimore Pike
Media, PA 19063
FAC ID 440502

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1286. Filed for public inspection July 29, 2011, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300-52), will hold a public meeting on Friday, August 5, 2011. The meeting will be held from 10 a.m. to 3 p.m. in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Naomi Zeiset, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or

for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1287. Filed for public inspection July 29, 2011, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Platinum Cro\$\$word 2nd Edition '11 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 Platinum Cro\$\$word 2nd Edition '11.

2. *Price:* The price of a Pennsylvania Platinum Cro\$\$word 2nd Edition '11 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Platinum Cro\$\$word 2nd Edition '11 instant lottery game ticket will feature a "YOUR LETTERS" area and two crossword puzzle play grids for the "Platinum Cro\$\$word" game known as "Grid 1" and "Grid 2" respectively. Each Pennsylvania Platinum Cro\$\$word 2nd Edition '11 instant lottery game ticket will also contain a "BONUS" play area. "Grid 1," "Grid 2" and the "BONUS" play area are played separately. The play symbols and their captions located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in "Grid 1" and "Grid 2" of the "Platinum Cro\$\$word" game are: the letters A through and including Z. The play symbols and their captions located in the "BONUS" play area are: Cash (CASH) symbol, Chest (CHEST) symbol, Gift (GIFT) symbol, Golden Nugget (GLDNGT) symbol, Moneybag (MNYBAG) symbol, Money (MONEY) symbol, Ring (RING) symbol and a Bar (BAR) symbol.

4. *Prizes:* The prizes that can be won in "Grid 1" of the "Platinum Cro\$\$word" game are: \$5, \$10, \$20, \$40, \$100, \$400, \$1,000, \$10,000 and \$50,000. The prizes that can be won in "Grid 2" of the "Platinum Cro\$\$word" game are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "BONUS" area are: \$20 and \$500. A player can win up to 7 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Platinum Cro\$\$word 2nd Edition '11 instant lottery game.

6. *Determination of Prize Winners:*

(a) The determination of the prize winners for "Grid 1" of the "Platinum Cro\$\$word" game are:

(1) Holders of tickets where the player completely uncovers ten words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the

"YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where the player completely uncovers nine words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely uncovers eight words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where the player completely uncovers seven words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$400.

(5) Holders of tickets where the player completely uncovers six words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets where the player completely uncovers five words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where the player completely uncovers four words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where the player completely uncovers three words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where the player completely uncovers two words in "Grid 1" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(b) The determination of the prize winners for "Grid 2" of the "Platinum Cro\$\$word" game are:

(1) Holders of tickets where the player completely uncovers ten words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where the player completely uncovers nine words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely uncovers eight words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where the player completely uncovers seven words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where the player completely uncovers six words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets where the player completely uncovers five words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(7) Holders of tickets where the player completely uncovers four words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where the player completely uncovers three words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where the player completely uncovers two words in "Grid 2" of the "Platinum Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(c) The determination of the prize winners for the "BONUS" area are:

(1) Holders of tickets with a Ring (RING) symbol in any "BONUS" spot, on a single ticket, shall be entitled to a prize of \$20.

(2) Holders of tickets with a Bar (BAR) symbol in any "BONUS" spot, on a single ticket, shall be entitled to a prize of \$500.

7. Game Play Instructions for the "Platinum Cro\$\$word" game are:

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in either of the "Platinum Cro\$\$word" puzzle play grids.

(b) When a player reveals two or more entire words in the same "Platinum Cro\$\$word" puzzle play grid, the player is entitled to win a prize as described in Section 6(a) and 6(b).

(c) Only the highest prize won in each "Platinum Cro\$\$word" puzzle play grid and the highest prize won in the "BONUS" area will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the same "Platinum Cro\$\$word" puzzle play grid. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(f) Every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word.

(g) The possible complete words for each ticket in the game are shown on each "Platinum Cro\$\$word" puzzle play grid of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

8. Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1</i>	<i>GRID 2</i>	<i>BONUS</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
2 WORDS			\$5	15	720,000
	2 WORDS		\$5	15	720,000
3 WORDS			\$10	30	360,000
	3 WORDS		\$10	30	360,000
4 WORDS			\$20	75	144,000
	4 WORDS		\$20	75	144,000
		\$20 w/ONE RING	\$20	150	72,000
5 WORDS			\$40	600	18,000
4 WORDS		\$20 w/ONE RING	\$40	600	18,000
4 WORDS			\$40	600	18,000
	4 WORDS	\$20 w/ONE RING	\$40	600	18,000
	4 WORDS	\$40 w/TWO RINGS	\$40	600	18,000
	5 WORDS		\$50	200	54,000
4 WORDS	3 WORDS	\$20 w/ONE RING	\$50	600	18,000
3 WORDS	4 WORDS	\$20 w/ONE RING	\$50	600	18,000
		\$60 w/THREE RINGS	\$60	4,800	2,250
4 WORDS	4 WORDS	\$20 w/ONE RING	\$60	6,000	1,800
5 WORDS		\$20 w/ONE RING	\$60	6,000	1,800
		\$80 w/FOUR RINGS	\$80	6,000	1,800
5 WORDS		\$40 w/TWO RINGS	\$80	6,000	1,800
4 WORDS	4 WORDS	\$40 w/TWO RINGS	\$80	6,000	1,800
6 WORDS			\$100	1,000	10,800
	6 WORDS		\$100	1,000	10,800
		\$100 w/FIVE RINGS	\$100	4,800	2,250

GRID 1	GRID 2	BONUS	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets:
4 WORDS		\$80 w/FOUR RINGS	\$100	4,800	2,250
	4 WORDS	\$80 w/FOUR RINGS	\$100	4,800	2,250
5 WORDS		\$60 w/THREE RINGS	\$100	4,800	2,250
5 WORDS	4 WORDS	\$40 w/TWO RINGS	\$100	4,800	2,250
6 WORDS		\$100 w/FIVE RINGS	\$200	12,000	900
	6 WORDS	\$100 w/FIVE RINGS	\$200	12,000	900
7 WORDS			\$400	6,000	1,800
	7 WORDS		\$500	12,000	900
		\$500 w/ONE BAR	\$500	12,000	900
8 WORDS			\$1,000	40,000	270
	8 WORDS		\$1,000	40,000	270
		\$1,000 w/TWO BARS	\$1,000	40,000	270
7 WORDS	7 WORDS	\$100 w/FIVE RINGS	\$1,000	40,000	270
		\$1,500 w/THREE BARS	\$1,500	540,000	20
8 WORDS	8 WORDS		\$2,000	540,000	20
		\$2,000 w/FOUR BARS	\$2,000	540,000	20
8 WORDS	8 WORDS	\$500 w/ONE BAR	\$2,500	540,000	20
		\$2,500 w/FIVE BARS	\$2,500	540,000	20
9 WORDS			\$10,000	1,080,000	10
	9 WORDS		\$10,000	1,080,000	10
10 WORDS			\$50,000	1,080,000	10
	10 WORDS		\$100,000	1,080,000	10

BONUS = Win \$20 each time you get a "RING" (RING) symbol. BONUS = Win \$500 each time you get a "BAR" (BAR) symbol.

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 Platinum Cro\$word 2nd Edition '11 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 Platinum Cro\$word 2nd Edition '11, prize money from winning Pennsylvania Platinum Cro\$word 2nd Edition '11 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 Platinum Cro\$word 2nd Edition '11 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 Platinum Cro\$word 2nd Edition '11 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1288. Filed for public inspection July 29, 2011, 9:00 a.m.]

Pennsylvania 7-11-21® '11 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 7-11-21® '11.

2. *Price:* The price of a Pennsylvania 7-11-21® '11 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania 7-11-21® '11 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 7 (SEVEN), 11 (ELEVN) and 21 (TWONE).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$11⁰⁰ (ELEVN), \$12⁰⁰ (TWELV), \$21⁰⁰ (TWY ONE), \$42⁰⁰ (FRY TWO), \$70⁰⁰ (SEVENTY), \$110 (ONEHUNTEN), \$210 (TWOHUNTEN) and \$2,100 (TWYONEHUN).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$7, \$11, \$12, \$21, \$42, \$70, \$110, \$210 and \$2,100. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 17,280,000 tickets will be printed for the Pennsylvania 7-11-21® '11 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21

(TWONE), and a prize symbol of \$2,100 (TWYONEHUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2,100.

(b) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$210 (TWOHUNTEN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$210.

(c) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$110 (ONEHUNTEN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$110.

(d) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$70.00 (SEVENTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$70.

(e) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$42.00 (FRY TWO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$42.

(f) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$21.00 (TWY ONE) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(g) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$12.00 (TWELV) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$11.00 (ELEVN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$11.

(i) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$7.00 (SVN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(j) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$6.00 (SIX DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(k) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$3.00 (THR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a 7, 11 Or 21 In Any Game, Win Prize Shown For That Game. Win With Prizes Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 17,280,000 Tickets</i>
\$1	\$1	8.82	1,958,400
\$1 × 2	\$2	37.5	460,800
\$2	\$2	37.5	460,800
\$1 × 3	\$3	300	57,600
\$1 + \$2	\$3	300	57,600
\$3	\$3	600	28,800
\$2 × 3	\$6	1,500	11,520
\$3 × 2	\$6	1,000	17,280
(\$1 × 3) + \$3	\$6	600	28,800
\$3 + \$2 + \$1	\$6	1,000	17,280
\$6	\$6	1,500	11,520
(\$2 × 3) + \$1	\$7	150	115,200
(\$3 × 2) + \$1	\$7	150	115,200
\$7	\$7	300	57,600
(\$3 × 3) + \$2	\$11	750	23,040
(\$2 × 2) + \$7	\$11	600	28,800
\$6 + \$3 + \$2	\$11	750	23,040
\$11	\$11	750	23,040
\$3 × 4	\$12	3,000	5,760
\$6 × 2	\$12	3,000	5,760
(\$3 × 2) + \$6	\$12	3,000	5,760
\$7 + \$3 + \$2	\$12	3,000	5,760
\$12	\$12	3,000	5,760
\$7 × 3	\$21	1,500	11,520
(\$6 × 3) + \$3	\$21	1,500	11,520
\$11 + \$7 + \$3	\$21	1,500	11,520
\$21	\$21	1,500	11,520
\$21 × 2	\$42	4,364	3,960

Reveal a 7, 11 Or 21 In Any Game,
Win Prize Shown For That Game.
Win With Prizes Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 17,280,000 Tickets
(\$12 × 3) + \$6	\$42	4,000	4,320
\$21 + \$12 + \$6 + \$3	\$42	5,333	3,240
\$42	\$42	6,000	2,880
(\$21 × 3) + \$7	\$70	9,600	1,800
\$42 + \$21 + \$7	\$70	12,000	1,440
\$70	\$70	16,000	1,080
\$70 + \$21 + \$12 + \$7	\$110	20,000	864
\$110	\$110	30,000	576
\$70 × 3	\$210	40,000	432
\$210	\$210	60,000	288
\$2,100	\$2,100	432,000	40

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 7-11-21® '11 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 7-11-21® '11, prize money from winning Pennsylvania 7-11-21® '11 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 7-11-21® '11 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 7-11-21® '11 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1289. Filed for public inspection July 29, 2011, 9:00 a.m.]

Pennsylvania 24K 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 24K.
2. *Price:* The price of a Pennsylvania 24K instant lottery game ticket is \$2.
3. *Play Symbols:* Each Pennsylvania 24K instant lottery game ticket will contain one play area featuring a “WINNING SYMBOLS” area and a “YOUR SYMBOLS”

area. The play symbols and their captions located in the “WINNING SYMBOLS” area are: Banana (BAN) symbol, Gold Bar (BAR) symbol, Bell (BEL) symbol, Crown (CRN) symbol, Grapes (GRPS) symbol, Melon (MEL) symbol, Money Bag (MBAG) symbol, Peach (PCH) symbol, Pineapple (PNA) symbol, Horse Shoe (SHO) symbol, Strawberry (STRA) symbol, Sun (SUN) symbol, 7 (SVN) symbol and a Diamond (DIAMOND) symbol. The play symbols and their captions located in the “YOUR SYMBOLS” area are: Banana (BAN) symbol, Gold Bar (BAR) symbol, Bell (BEL) symbol, Crown (CRN) symbol, Grapes (GRPS) symbol, Melon (MEL) symbol, Money Bag (MBAG) symbol, Peach (PCH) symbol, Pineapple (PNA) symbol, Horse Shoe (SHO) symbol, Strawberry (STRA) symbol, Sun (SUN) symbol, 7 (SVN) symbol, Diamond (DIAMOND) symbol, Chest (CHEST) symbol and a \$\$ (DBL\$) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR SYMBOLS” area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$24,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania 24K instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols matches either of the “WINNING SYMBOLS” play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears in the “Prize” area to the right of the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols matches either of the “WINNING SYMBOLS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area to the right of the matching “YOUR SYMBOLS” 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 SYMBOLS” play symbols is a Chest (CHEST) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “Prize” areas, a prize symbol of \$100 (ONE HUN) appears in three of the “Prize” areas and a prize symbol of \$500 (FIV HUN) appears in one of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(aa) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "WINNING SYMBOLS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols is a \$\$ (DBL\$) symbol, and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area to the right of that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches either of the "WINNING SYMBOLS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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 Symbols Match Either Of The Winning Symbols, Win The Prize Shown To The Right Of The Matching Symbol. Win With Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
\$1 w/\$\$	\$2	37.5	384,000
\$1 x 2	\$2	50	288,000
\$2	\$2	15	960,000
\$2 w/\$\$	\$4	75	192,000
\$1 x 4	\$4	150	96,000
\$2 x 2	\$4	75	192,000
\$4	\$4	75	192,000
(\$2 w/\$\$) + \$1	\$5	75	192,000
\$1 x 5	\$5	150	96,000
\$5	\$5	150	96,000
CHEST w/(((\$1 x 6) + (\$2 x 2)))	\$10	300	48,000
\$5 w/\$\$	\$10	300	48,000
\$5 x 2	\$10	300	48,000
\$2 x 5	\$10	375	38,400
(\$4 x 2) + \$2	\$10	300	48,000
\$10	\$10	375	38,400
CHEST w/(((\$2 x 6) + (\$4 x 2)))	\$20	750	19,200
\$10 w/\$\$	\$20	750	19,200
\$4 x 5	\$20	750	19,200
\$5 x 4	\$20	750	19,200
\$10 x 2	\$20	750	19,200
\$20	\$20	750	19,200
CHEST w/(\$5 x 8)	\$40	2,667	5,400
\$20 w/\$\$	\$40	2,667	5,400
\$5 x 8	\$40	2,667	5,400
\$10 x 4	\$40	2,667	5,400
\$20 x 2	\$40	1,333	10,800
\$40	\$40	2,553	5,640
CHEST w/(((\$5 x 6) + (\$10 x 2)))	\$50	3,000	4,800
(\$20 w/\$\$) + (\$5 w/\$\$)	\$50	3,000	4,800
\$10 x 5	\$50	3,000	4,800
(\$20 x 2) + (\$2 x 5)	\$50	3,000	4,800
\$40 + \$10	\$50	3,000	4,800
\$50	\$50	3,000	4,800
CHEST w/(((\$10 x 6) + (\$20 x 2)))	\$100	6,000	2,400
\$50 w/\$\$	\$100	6,000	2,400
\$20 x 5	\$100	6,000	2,400
\$50 x 2	\$100	6,000	2,400
\$100	\$100	8,000	1,800
CHEST w/(\$50 x 8)	\$400	120,000	120
(\$100 w/\$\$) x 2	\$400	120,000	120
(((\$20 w/\$\$) x 6) + ((\$40 w/\$\$) x 2))	\$400	120,000	120
\$100 x 4	\$400	120,000	120
\$400	\$400	120,000	120
CHEST w/(\$50 x 6) + (\$100 x 2)	\$500	120,000	120
(\$50 w/\$\$) x 5	\$500	120,000	120
(((\$100 w/\$\$) x 2) + \$100)	\$500	120,000	120
\$100 x 5	\$500	120,000	120
\$500	\$500	120,000	120

When Any Of Your Symbols Match Either Of The Winning Symbols, Win The Prize Shown To The Right Of The Matching Symbol. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 14,400,000 Tickets
CHEST w/(((\$50 × 4) + (\$100 × 3) + (\$500))	\$1,000	60,000	240
\$1,000	\$1,000	60,000	240
\$24,000	\$24,000	480,000	30

Get a "\$\$" (DBL\$) symbol, win double the prize shown automatically.
 Get a "CHEST" (CHEST) symbol, win all 8 prizes shown.

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 24K 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 24K, prize money from winning Pennsylvania 24K 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 24K 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 24K or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-1290. Filed for public inspection July 29, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by EMPT, Inc. seeking to lease highway right-of-way located along SR 0050 at 150 Millers Run Road, South Fayette Township, Allegheny County, containing 2,700 ± square feet or 0.062 ± acre, for the purpose of customer parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H.

Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Jeff Powell, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BARRY J. SCHOCH, P. E.,
Secretary

[Pa.B. Doc. No. 11-1291. Filed for public inspection July 29, 2011, 9:00 a.m.]

Finding Armstrong County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning to replace the structurally deficient bridge on SR 0068 over Sugar Creek in Brady's Bend Township, Armstrong County. The project will require acquisition of 0.217 acre of deminimis right-of-way from the Jim Kelly Youth Baseball Fields which qualify as a Section 4(f)/Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Categorical Exclusion Evaluation (CEE) document has been developed for the subject bridge replacement project. The CEE includes a Determination of Section 4(f) DeMinimis Use, Section 2002 No Adverse Use, Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land (Section 4(f) document to evaluate the potential environmental impacts caused by the subject project. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the CEE and the Section 4(f) documents.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-1292. Filed for public inspection July 29, 2011, 9:00 a.m.]

HOUSING FINANCE AGENCY

2012 Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the Administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed Pennsylvania 2012 Low Income Housing Tax Credit Allocation Plan (Plan). This public hearing will be held on Thursday, August 18, 2011, at 10 a.m. at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed allocation Plan are available upon written request at the following address, by phone at (717) 780-3948 or through the Agency's web site at www.phfa.org.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the Agency by Tuesday, August 16, 2011, to discuss how the Agency may best accommodate their needs.

Individuals wishing to comment on the Plan, but unable to attend the scheduled hearing, are invited to provide written comments to Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869, no later than Tuesday, August 16, 2011.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 11-1293. Filed for public inspection July 29, 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 Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulation. 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>
125-145	Pennsylvania Gaming Control Board Accounting and Internal Controls; Commencement of Slot and Table Game Operations 41 Pa.B. 2581 (May 21, 2011)	6/20/11	7/20/11

Pennsylvania Gaming Control Board Regulation #125-145 (IRRC #2894)

Accounting and Internal Controls; Commencement of Slot and Table Game Operations

July 20, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the May 21, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

CHAPTER 401a. PRELIMINARY PROVISIONS

1. Section 401a.3. Definitions.—Reasonableness; Need; Implementation procedures; Clarity.

The definition of “complimentary” is being amended to include the following language: “The term does not include points that are awarded to patrons of a licensed facility who are members of the licensed facility’s player rewards program or credits for free slot play.” The Preamble states that credit for free play or promotional

play may be deducted from the total cash or cash equivalent wagers when calculating gross terminal revenue. However, the value of complimentary services, including cash and noncash gifts or reimbursements, may not be deducted from gross terminal or gross table game revenue. What statutory or regulatory provisions provide guidance on complimentary services as they pertain to calculating either gross terminal revenue or gross table game revenue? In addition, would free play or promotional play be deducted from the total cash or cash equivalent wagers when calculating gross table game revenue?

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

2. Section 465a.7. Complimentary services or items.—Reasonableness; Need; Implementation procedures.

Subsection (a)

This subsection requires licensees to develop internal controls for complimentary services and to submit those controls to the Board for approval. A commentator believes that this requirement is unnecessary and burden-

some. What is the need for requiring all operators to submit their internal controls for complimentary services to the Board for approval?

Subsection (b)

Subsection (b)(4) requires that procedures for auditing complimentary services be followed by the licensee's internal audit department. A commentator believes that other departments, such as an accounting department, could perform the necessary functions. Has the Board considered this option?

3. Section 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.—Fiscal impact; Reasonableness; Need; Clarity.

Under Subsection (e), surveillance systems in licensed facilities must continuously record 11 enumerated locations, individuals, activities or transactions. Subsection (e)(10) requires recordings of operations for “automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automated teller machines.” The proposed regulation is being amended to include the following language: “Coverage must include a camera contained within the machine that records the face of each patron transacting business at the machine.”

The majority of comments from the regulated community object to this new language for three reasons. First, installation of these cameras is unnecessary as these transactions are already recorded by the licensee's existing surveillance camera network. Second, commentators argue that outside vendors would be responsible for maintaining the functionality of these cameras, thereby subjecting the licensee to liability for possible regulatory violations beyond their control. Finally, the commentators contend that such installation would impose a significant financial burden on licensees. For example, two approved Pennsylvania gaming service providers and manufacturers (providers) state that refitting their existing kiosks in licensed facilities with these cameras will alone cost approximately \$750 per kiosk.

We ask the Board to explain the need for this additional requirement and to provide a detailed fiscal analysis of the costs imposed on licensees due to implementation of these provisions.

In addition, the providers asked if the term “machine” is specific to automated teller machines or is meant to include all the machines listed in the existing regulation. We recommend that this be clarified in the final-form regulation.

4. Section 465a.11. Slot machine licensee's organization; jobs compendium.—Need; Implementation procedures; Clarity.

This section explains the requirements for the organization charts and jobs compendium of a slot machine licensee. We raise two issues.

First, in Subsection (b)(1)(v), what does the Board consider to be “clandestine” surveillance? The final-form regulation should clarify this term.

Second, Subsection (b)(6) states that: “the employee responsible for the supervision and issuance of credit shall report *directly* to the director of finance.” (Emphasis added.) A commentator suggests that it is more appropriate for this employee to report to the Credit Manager. The Board should consider allowing the report to be delivered

to the Credit Manager, or explain why it is necessary to limit this reporting to the director of finance.

5. Section 465a.17. Bill validators, slot cash storage boxes and table game drop boxes.—Reasonableness; Need; Clarity.

Subsection (f) describes table game drop boxes for non-electronic table games. A commentator questioned why this subsection does not include provisions relating to match play coupons as the temporary regulation does. The final-form regulation should explain the need for this variation between the temporary and proposed rule-making.

6. Section 465a.18. Transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage.—Reasonableness; Need; Implementation procedures.

Subsection (d)(3) explains that the required method for transporting an emergency slot cash storage box to the count room is a trolley. A commentator indicates that normally the drop box is carried to the count room. Why is it necessary to require use of a trolley?

7. Section 465a.19. Acceptance of tips or gratuities from patrons.—Reasonableness; Need; Implementation procedures; Clarity.

This section explains the process for acceptance of tips or gratuities from patrons by employees of a licensed facility. We raise two issues.

First, Subsection (h) indicates that a poker dealer must take the transparent lock box to the cage cashier at the end of the dealer's shift. However, a commentator contends that more flexibility is needed, and dealers should not be limited to taking the boxes only at the end of their shift. The final-form regulation should explain the need for this requirement.

Second, in Subsection (i), the Board should explain what types of “procedures” the certificate holder must develop for reporting tips to the Internal Revenue Service. Are the “procedures” to be included in the internal controls of a licensed facility?

8. Section 465a.20. Personal check cashing.—Implementation procedures.

Subsection (b)(6) includes references to regulations that have not been promulgated. This subsection references §§ 609a.15(c) and 609a.16(b), with an Editor's Note that states that: “Chapter 609a will be adopted on or before the date of final adoption of this proposed rulemaking.” We are concerned that this rulemaking will be finalized before Chapter 609a is finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

9. Section 465a.30. Waiver of requirements.—Clarity.

In both Subsections (a), (b) and (b)(2), existing language that requires various controls and standards be published in the *PA Bulletin* and posted on the Board's website was removed from the proposed regulation. Why was this language deleted? Similar language was also deleted from Section 467a.2.

10. Section 465a.35. Personnel assigned to the operation and conduct of table games.—Reasonableness; Need; Implementation procedures.

This section lists the types of employees licensees must have available to conduct table games. Commentators recommend more staffing flexibility be available in this section. For example, they suggest that pit clerks should not be mandatory personnel. They also suggest various revisions to the amount of tables that floorpersons and pit clerks can supervise. Would the integrity of gaming be compromised if these changes were made to the final-form rulemaking?

11. Section 465a.36. Table inventories.—Reasonableness; Need; Implementation procedures.

Subsection (c) requires table inventory slips to be created even for table games that are not in use. What is the need for this provision? We recommend that the Board either explain the need for inventory slips for unused table games or delete this requirement from the final-form regulation.

12. Section 465a.37. Procedures for opening table games.—Reasonableness; Implementation procedures.

In Subsection (h), if there is a discrepancy greater than \$10 between the amount of table game chips and plaques counted and the amount recorded, then the security department must investigate. Should the licensed facility's surveillance department also participate in these investigations?

13. Section 465a.39. Procedures for removing value chips, coins and plaques from gaming tables.—Reasonableness; Need; Implementation procedures; Clarity.

This section establishes procedures for removing monetary play pieces from table games in order to receive credit. We raise three issues.

First, Subsection (c) is unclear. This subsection requires a "Credit Request Slip" to remain on the table. However, a commentator notes that this slip is not prepared when a licensed facility uses an electronic system to generate table credits. We recommend that the final-form clarify the procedures for the removal of "Credit Request Slips."

Second, without a "Credit Request Slip," how will the Board audit and verify the chip removal? The final-form regulation should clarify this issue.

Finally, Subsection (h)(1) states that when a Credit Slip is prepared manually: "Each series of Credit Slips must be a three-part form and be inserted in a locked dispenser. . . ." A commentator suggests that licensed facilities be permitted to use a four-part form, which would give the chip bank access to a copy of the form that can be used to audit or balance the inventory. The final-form regulation should explain the need for limiting manual credit slips to a three-part form. Similar concerns apply to Section 465a.38(h)(1), which requires three-part forms for manual fill slips.

CHAPTER 467a. COMMENCEMENT OF SLOT AND TABLE GAME OPERATIONS

14. Section 467a.1. Gaming floor plan.—Implementation procedures; Clarity.

In Subsection (a)(2), floor plans must be certified by an architect licensed to practice in the Commonwealth "unless Board staff indicates otherwise." Under what circumstances would the Board allow a deviation from this requirement? The final-form regulation should clarify this issue.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1294. Filed for public inspection July 29, 2011, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, www.irrc.state.pa.us.

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-248	Insurance Department Fraternal Beneficial Societies	7/15/11	8/25/11

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1295. Filed for public inspection July 29, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Advisory Notice—Rate Review Process Determination; Notice No. 2011-06

This notice is issued to all persons and entities impacted by the Accident and Health Filing Reform Act (act) (40 P. S. §§ 3801—3815) concerning the review process for rates in the individual and small group markets. On July 1, 2011, the Federal Department of Health and

Human Services, Center for Consumer Information and Insurance Oversight (CCIIO), issued a letter setting forth its "effective rate review program determination." A copy of the letter can be found at http://www.portal.state.pa.us/portal/server.pt/document/1093572/hhs_rate_review_determination_pdf.

As set forth in the determination letter, CCIIO concluded that based on the Federal criteria, the Commonwealth does not currently have an "effective rate review program" in place for the small group market. As a result, for small group market filings effective on or after

September 1, 2011, affected insurers will need to comply with applicable Federal requirements unless and until rating laws in this Commonwealth for the small group market are determined to be effective.

The act, however, remains in effect. Rates required by the act to be filed with the Insurance Department (Department) must continue to be filed with the Department, regardless of whether they must also be submitted to CCHIO. Thus:

- An entity proposing to use a rate for an individual accident and health insurance policy in this Commonwealth must file it with the Department as required under section 3(c) of the act, 40 P. S. § 3803(c). If the rate is subject to review under section 2794 of the Public Health Service Act (40 U.S.C.A. § 300gg-94), and its regulation in 45 CFR 154.101—154.301, the entity also must submit Parts I and II of the Preliminary Justification as required under 45 CFR 154.215 (relating to submission of disclosure to CMS for rate increases subject to review) to the Centers for Medicare and Medicaid Services (CMS) and to the Department.
- A hospital plan corporation, professional health services plan corporation or health maintenance organization proposing to use a rate for a group accident and health insurance policy in this Commonwealth must file it with the Department if required under section 3(e) of the act. If the rate is subject to review under section 2794 of the Public Health Service Act and its regulations in 45 CFR 154.101—154.301, the entity also must submit Parts I and II of the Preliminary Justification as required under 45 CFR 154.215 to CMS and to the Department, and must submit Part III of the Preliminary Justification to CMS.

Questions regarding this notice may be addressed to the Life, Accident and Health Bureau, Attn: Rate Review Process, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 by letter or ra-rateform@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1296. Filed for public inspection July 29, 2011, 9:00 a.m.]

Allstate Fire and Casualty Insurance Company; Private Passenger Automobile; Rate Revisions

On July 12, 2011, the Insurance Department (Department) received from Allstate Fire and Casualty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 6.0% increase amounting to \$11,850,000 annually, to be effective September 26, 2011, for new business and October 27, 2011, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to September 10, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to 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. 11-1297. Filed for public inspection July 29, 2011, 9:00 a.m.]

Application for Approval to Acquire Control of Lincoln General Insurance Company

TAWA PLC and LGIC Holdings, LLC have filed an application to acquire control of Lincoln General Insurance Company, a Pennsylvania domiciled stock property insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1298. Filed for public inspection July 29, 2011, 9:00 a.m.]

Application for the Merger of Landmark Insurance Company with and into National Union Fire Insurance Company of Pittsburgh, PA

An application has been received requesting approval of the merger of Landmark Insurance Company, a nonadmitted insurance company organized under the laws of the State of California, with and into National Union Fire Insurance Company of Pittsburgh, PA, a stock property insurance company organized under the laws of the Commonwealth. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement.

Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Department

[Pa.B. Doc. No. 11-1299. Filed for public inspection July 29, 2011, 9:00 a.m.]

Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Colonial American Life Insurance Company

Colonial American Life Insurance Company, a domestic stock life insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1300. Filed for public inspection July 29, 2011, 9:00 a.m.]

Keystone Health Plan West, Inc.; Direct Pay Keystone-Blue for Kids; Rate Filing

By filing No. 1A-CHK-11-KHPW, Keystone Health Plan West, Inc. requests approval to increase the premium rates for its Direct Pay KeystoneBlue Kids Plan. The filing requests an increase of about 9.9% or \$12.88 per member per month. This filing will affect approximately 1,000 members and will produce additional income of about \$156,000 annually. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to October 12, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA

17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1301. Filed for public inspection July 29, 2011, 9:00 a.m.]

Philadelphia Regional Office Closing; Notice No. 2011-07

The Insurance Department's Philadelphia Regional Office, located at Room 6062, 801 Market Street, Philadelphia, PA 19107 will be closed, effective August 5, 2011.

Notices of refusal to write, cancellations and/or refusals to renew, under section 2008 of the Insurance Company Law of 1921 (40 P. S. § 991.2008) or section 5(a)(9) of the Unfair Insurance Practices Act should reflect the following address, as soon as possible: Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120, Toll Free Consumer Line (877) 881-6388, fax (717) 787-8585.

Questions or comments regarding this notice may be directed to Peter J. Salvatore, Administrative Officer, Bureau of Administration, 1326 Strawberry Square, Harrisburg PA 17120, (717) 787-4429. Questions or comments may also be sent by e-mail to psalvatore@state.pa.us or by fax to (717) 705-3873.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-1302. Filed for public inspection July 29, 2011, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new sites:

Lebanon County, Wine & Spirits Store #3804 (Relocation), Lebanon, PA

Lease expiration date: Entered 90-day status since October 1, 2010.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space along Quentin Road (Rt. 72) in between Rocherty Road and Poplar Street, Lebanon, PA.

Proposals due: August 19, 2011, at 12 p.m.

Location:	NAICIR P. O. Box 8910, Camp Hill, PA 17001-8910
Contact:	Justin Shoemaker, (717) 731-4525, jshoemaker@naicir.com

Philadelphia County, Wine & Spirits Store #5127, Philadelphia, PA

Lease expiration date: Lease expires April 30, 2012.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 6,000 net useable square feet of new or existing retail commercial space approximately within a 0.5-mile radius of 31st Street and Girard Avenue, Philadelphia, PA.

Proposals due: August 19, 2011, at 12 p.m.

Department: Liquor Control Board
Location: 7114 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Store #5136, Philadelphia, PA

Lease expiration date: Lease expires October 31, 2012.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space approximately within a 1-mile radius of Welsh Road and Roosevelt Boulevard (US Route 1), Philadelphia, PA.

Proposals due: August 19, 2011, at 12 p.m.

Department: Liquor Control Board
Location: 7114 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Store #TBD (New Store), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space approximately within a 0.25-mile radius of 16th and Walnut Streets, Philadelphia, PA.

Proposals due: August 19, 2011, at 12 p.m.

Department: Liquor Control Board
Location: 7114 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Store #TBD (New Store), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space approximately within a 0.25-mile radius of 20th and Hamilton Streets, Philadelphia, PA.

Proposals due: August 19, 2011, at 12 p.m.

Department: Liquor Control Board
Location: 7114 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9671

Snyder County, Wine & Spirits Store #5501 (Relocation), Selinsgrove/Shamokin Dam, PA

Lease expiration date: Entered 90-day status since February 1, 2011.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space along Susquehanna Trail (Rt. 11/15) in between Buchanan Avenue in Selinsgrove and 8th Avenue Shamokin Dam, PA.

Proposals due: August 19, 2011, at 12 p.m.

Location: NAICIR
 P. O. Box 8910, Camp Hill, PA 17001-8910
Contact: Justin Shoemaker, (717) 731-4525,
 jshoemaker@naicir.com

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 11-1303. Filed for public inspection July 29, 2011, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

[OFFICIAL OPINION 2011-1]
 Constitutionality of House Bill 1696

July 7, 2011

The Honorable Tom Corbett
 Governor
 Room 225, Main Capitol Building
 Harrisburg, PA 17120

Dear Governor Corbett:

You have requested our opinion pursuant to Section 204(a) of the Commonwealth Attorneys Act, 72 P.S. 732-204(a), regarding the constitutionality of House Bill No. 1696, which has been passed by both houses of the General Assembly and presented to you for approval or veto. Upon careful review, and after consulting with the Office of General Counsel, we have concluded that HB1696 violates Article III, Section 32 of the Pennsylvania Constitution.

Article III, Section 32 states in part that "The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law:

1. Regulating the affairs of counties, cities, townships, wards, boroughs, or school districts."

HB1696 would bar implementation of a court-ordered countywide reassessment of real property in Washington County for the purpose of levying property taxes in said county. The moratorium would continue in effect until the later of an Act of the General Assembly adopting procedures necessary to ensure uniformity among counties in their property assessment, or November 30, 2012.

The relevant language of HB1696 reads as follows: "No county of the Fourth Class having a population, according to the 2010 United States census, greater than 185,000 but less than 210,000 may implement, effectuate or undertake the process of a court-ordered countywide reassessment of real property for purposes of levying property taxes until the later of:

(1) The General Assembly adopts procedures necessary to ensure uniformity among counties in their property assessment systems; or

(2) November 30, 2012."

The Office of General Counsel has taken the position that HB1696 appears to violate Article III, Section 32 of

the Pennsylvania Constitution. Having reviewed the matter at issue, this Office concurs with the opinion of the General Counsel.

Article III, Section 32 specifically prohibits the General Assembly from enacting local or special laws. The Constitution goes even further in specifically barring local or special laws that attempt to regulate political subdivisions, including counties.

Under the criteria and definitions set out in HB1696, only one county would be covered by this law, Washington County. This narrow classification as applied to a political subdivision would appear to violate the specific prohibition contained in Article III, Section 32.

The case law supports this position. As the General Counsel points out, the Pennsylvania Supreme Court has recently addressed this question in *West Mifflin Area School District v. Zahorchak*, 4 A.3d 1042 (2010). This case involved an attempt by the legislature to regulate the performance of a local school district. In its opinion, the Court set out a test for determining when a statute violates the constitutional prohibition. The law created a closed class that would be closed or substantially closed to future membership. The Court opined that the law was intended to address affairs in one school district and thus was a per se violation of the State Constitution. See also *Heuchert v. State Harness Racing Commission*, 170 A.2d 332, 403 Pa. 440 (1961), *Perkins v. Philadelphia*, 27 A 356, 156 Pa. 539, 554, (1893).

In summary, for the reasons set out herein, it is our opinion, and you are so advised, that HB1696 violates Article III, Section 32 of the Pennsylvania Constitution. Since our opinion is rendered in aid of your decision to approve or veto HB1696, our advice is not binding.

LINDA L. KELLY,
Attorney General

[Pa.B. Doc. No. 11-1304. Filed for public inspection July 29, 2011, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Hearing in the Matter of Office of the Governor v. Bari, et al.; Doc. Nos. 2123 and 2170 CD 2011

**Hearing in the Matter of Office of the Governor v. Bari, et al.; Docket Nos. 2123 and 2170 CD 2011;
Remanded to the Office of Open Records
by Commonwealth Court of Pennsylvania on
May 4, 2011**

A hearing on the previously-captioned Right-To-Know appeal will be held as follows:

Date: Friday, August 19, 2011

Time: 10 a.m.

Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Edward S. Finkelstein, Esq.
Hearing Officer
400 North Street, Plaza Level
Harrisburg, PA 17120
(717) 364-9973, fax (717) 425-5343

This hearing is being conducted under an Order of the Commonwealth Court of Pennsylvania to determine whether certain records are exempt from disclosure under the "confidential proprietary information" exception of section 708(b)(11) of the Right-to-Know Law (65 P.S. § 67.708(b)(11)). The final date to file petitions or notices to intervene is August 5, 2011.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

Persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 346-9903 at least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,
Executive Director

[Pa.B. Doc. No. 11-1305. Filed for public inspection July 29, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers, and The Pennsylvania Universal Service Fund; Doc. No. I-00040105

AT&T Communications of Pennsylvania, LLC et al v. Armstrong Telephone Company Pennsylvania, et al; Doc. No. C-2009-2098380, et al

This letter is to inform interested parties that the Pennsylvania Public Utility Commission (Commission), in a Public Meeting held on June 30, 2011, acted to adopt an Opinion and Order in the previously-captioned proceedings concerning various matters related to the conclusion of the intrastate switched access charge reform investigation for rural local exchange telephone companies and potential modifications to the Pennsylvania Universal Service Fund.

The Opinion and Order was entered on July 18, 2011, and is in excess of 200 pages. In lieu of publishing the entire Opinion and Order in the *Pennsylvania Bulletin*, we hereby inform interested parties that the entered Opinion and Order may be downloaded from and viewed on the Commission's official web site using the following link <http://www.puc.state.pa.us/general/search.aspx>.

After accessing this link enter "I-00040105" in the "Docket Number" field and the entry date of the Opinion and Order, "07/18/2011" in the "From" and "To" fields after the "Document Served Date."

Contact Robert A. Marinko at (717) 783-3930 or rmarinko@state.pa.us, concerning any questions related to this matter.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1306. Filed for public inspection July 29, 2011, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 15, 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-2011-2246075 Rides Are Us Incorporated (1134 Brill Street, Philadelphia, PA 19124)—corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Richard Grickis t/a Richard Grickis Mobile Home; Doc. No. C-2011-2234458; A-00099431

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 Richard Grickis, t/a Richard Grickis, Mobile Home, Respondent, maintains his principal place of business at 491 Route 61 South, Schuylkill Haven, PA 17972-9725.
2. That Respondent was issued a Certificate of Public Convenience by this Commission on May 17, 1976 at A-00099431.
3. That on August 25, 2010, Respondent received an initial assessment of \$104.00. Respondent failed to pay this assessment; therefore, a balance is due in the amount of \$104.00.

4. That Respondent has an outstanding assessment of \$104.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to 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: _____

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1307. Filed for public inspection July 29, 2011, 9:00 a.m.]

Transfer of Customers and Assets

A-2011-2252809; A-2011-2252810; A-2011-2252812; A-2011-2252813. Birch Communications, Inc., Cordia Communications Corporation, My Tel Company, Inc., and Northstar Telecom, Inc. Joint application of Birch Communications, Inc., Cordia Communications Corporation, My Tel Company, Inc., and Northstar Telecom, Inc., for approval to transfer customers and assets from Cordia Communications Corporation, My Tel Company, Inc. and Northstar Telecom, Inc., to Birch Communications Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 15, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: Birch Communications, Inc., Cordia Communications Corporation, My Tel Company, Inc., Northstar Telecom, Inc.

Through and by counsel: Susan E. Bruce, Esquire, McNees, Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1308. Filed for public inspection July 29, 2011, 9:00 a.m.]

Universal Service Low Income Support; Notice to Telecommunications Providers and Interested Parties

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending petitions for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support. Petitions pending include:

YourTel America, Inc.—Doc. No. P-2011-2226044

Conexions, LLC, d/b/a Conexion Wireless—Doc. No. P-2011-2229393

The Commission, at its July 29, 2010, public meeting, adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petitions pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 10 days of publication of this notice. Interested parties may review the pending petitions at the Commission web site <http://www.puc.state.pa.us/>, or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact person for questions regarding this notice is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1309. Filed for public inspection July 29, 2011, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Proposed Penalty Schedule

Comments are being solicited for review and implementation of a proposed Penalty Schedule for use in conjunction with the Philadelphia Parking Authority's (PPA) forthcoming taxicab and limousine final-form regulations (126-1). The proposed rulemaking was published at 41 Pa.B. 485 (January 15, 2011).

Industry members and members of the general public wishing to submit comments regarding the proposed PPA Taxicab and Limousine Division (TLD) Penalty Schedule must adhere to the following schedule and protocol: the open comment period ends on August 9, 2011. Formal comments must be submitted in paper and electronic form (CD or e-mail) to cmilstein@philapark.org by close of business on August 9, 2011. Handwritten copies will not be accepted. A signed original must be submitted along with a CD unless e-mail is used for the electronic version. Send comments to PPA TLD, 2415 South Swanson Street, Philadelphia, PA 19148, Attention: Charles Milstein, Esq., Assistant to the Director.

Owner Violations

<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.3 § 1051.3	Using Driver w/expired PPA Driver's Cert.	\$500	\$1,000	\$1,000
§ 1011.3 § 1051.3	Using Driver w/o PPA Driver Cert.	\$1,000	\$1,000	\$1,000
§ 1011.3 § 1051.3	Using Driver w/Susp. or Rev. PPA Driver Cert. (Notice to Owner)	\$1,000	\$1,000	\$1,000
§ 1011.3 § 1051.3	Operating with expired rights	\$500	\$1,000	\$1,000
§ 1011.3 § 1051.3	Operating with suspended or revoked rights	\$1,000	\$1,000	\$1,000
§ 1011.4 § 1051.4	Failure to pay assessments	\$100	\$350	\$500
§ 1011.5 § 1051.5	Failure to remove owner/officer after felony conviction	\$1,000	\$1,000	\$1,000
§ 1011.8 § 1051.7	Failure to allow facility inspection	\$1,000	\$1,000	\$1,000
§ 1011.9 § 1051.8	Unauthorized service provider (Hack)	\$1,000	\$1,000	\$1,000
§ 1011.9 § 1051.8	Using Driver w/expired driver's license (BMV)	\$350	\$500	\$1,000
§ 1011.9 § 1051.8	Using Driver w/susp. or rev. drivers' license (BMV)	\$1,000	\$1,000	\$1,000
§ 1011.11 § 1051.10	Failure to retain required records	\$500	\$1,000	\$1,000
§ 1011.11 § 1051.5	Failure to provide trip log	\$350	\$500	\$750
§ 1011.12 § 1051.11	Aiding or Abetting	Assumes grade of primary offense		
§ 1011.13 § 1051.12	Failure to report interruption of service	\$100	\$225	\$350
§ 1011.15 § 1051.14	Failure to report death or incapacitation	\$350	\$500	\$750
§ 1011.20 § 1053.22	Operating outside of rights	\$500	\$1,000	\$1,000
§ 1013.1	Medallion counterfeit	\$1,000	\$1,000	\$1,000
§ 1013.1	Medallion not on vehicle	\$350	\$500	\$750
§ 1013.3	Removing Medallion without PPA approval	\$1,000	\$1,000	\$1,000
§ 1017.5 § 1055.4	Operating Unsafe Vehicle	\$350	\$500	\$750
§ 1017.5 § 1055.4	Any violation of the Department of Transportation (DOT) inspection code	\$350	\$500	\$750
§ 1017.5	Failure to use Certified Dispatcher	\$350	\$500	\$750
§ 1017.5	No protective shield or fails to meet requirements	\$350	\$500	\$750
§ 1017.5	Incomplete communication system	\$350	\$500	\$750
§ 1017.11	Failure to report change in Dispatcher	\$350	\$500	\$750
§ 1017.11	Unauthorized markings or colors	\$1,000	\$1,000	\$1,000
§ 1017.12	Incorrect markings or colors	\$1,000	\$1,000	\$1,000
§ 1017.12 § 1055.5	Vehicle operating w/expired or suspended registration	\$500	\$1,000	\$1,000
§ 1017.13	Failure to remove identifiable markings when removed from service	\$1,000	\$1,000	\$1,000
§ 1017.21	Using meter not approved by PPA	\$500	\$1,000	\$1,000
§ 1017.21	Meter not sealed	\$100	\$225	\$350

NOTICES

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<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1017.21	Meter inoperative	\$350	\$500	\$750
§ 1017.21	Use of unauthorized Credit Card processing system	\$1,000	\$1,000	\$1,000
§ 1017.22	Fast meter	\$350	\$500	\$750
§ 1017.24	Meter cannot be remotely deactivated by PPA	\$350	\$500	\$750
§ 1017.24	Panic button-failure to have device or tampered with	\$350	\$500	\$750
§ 1017.24	Prevent/refuse customer the use of credit card	\$350	\$500	\$750
§ 1017.32 § 1055.4	Inspection/emission stickers (DOT) missing or expired	\$350	\$500	\$750
§ 1017.32 § 1055.16	Operating w/out current PPA inspection	\$1,000	\$1,000	\$1,000
§ 1017.32 § 1055.4	Counterfeited inspection sticker (DOT)	\$1,000	\$1,000	\$1,000
§ 1017.33 § 1055.13	Failure to appear for Scheduled Inspection	\$100	\$225	\$750
§ 1017.35 § 1055.15	Failure to submit to field inspection	\$350	\$500	\$750
§ 1017.36 § 1055.16	Operating vehicle while out of service (w/notice for owner)	\$1,000	\$1,000	\$1,000
§ 1017.37 § 1055.16	Failure to report accident and/or have vehicle reinspected	\$350	\$500	\$750
§ 1017.38 § 1055.2	Operating additional vehicles without reporting or temp. rights	\$1,000	\$1,000	\$1,000
§ 1017.38	Medallion trans. to another vehicle w/o PPA approval	\$1,000	\$1,000	\$1,000
§ 1017.39 § 1055.17	Change of tag w/out PPA inspection	\$350	\$500	\$750
§ 1017.62	Transfer penalty obligations to third party including driver	\$1,000	\$1,000	\$1,000
§ 1017.64	Failure to provide lease receipts to driver	\$100	\$225	\$350
§ 1025.3	Vehicle operating w/o insurance	\$1,000	\$1,000	\$1,000
§ 1027.15	Failure to provide service w/in 30 days of certification	\$350	\$500	\$750
§ 1053.23	Limousine providing service w/out advanced reservation.	\$350	\$500	\$750
§ 1053.42	Failure to register Remote Carrier	\$100	\$225	\$350

Driver Violations

<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.5 § 1051.5	Felony conviction while holding drivers certificate	\$1,000	\$1,000	\$1,000
§ 1011.5 § 1051.5	DUI while in service	\$1,000	\$1,000	\$1,000
§ 1011.10 § 1051.9	Refusal of service without good cause	\$100	\$225	\$350
§ 1011.10	Failure to respond to a hail while in service and available	\$100	\$225	\$350
§ 1011.12 § 1051.11	Aiding or Abetting	Assumes grade of primary offense		
§ 1017.24	Failure to properly activate and display meter	\$100	\$225	\$350
§ 1017.24	Failure to provide printed receipt from the meter	\$100	\$225	\$350
§ 1053.23	Limousine providing service w/o advanced reservations	\$350	\$500	\$1,000
§ 1021.2	Using another's driver's certificate to log in to meter system	\$500	\$750	\$750
§ 1021.2 § 1057.2	PPA Drivers Certificate Suspended or Revoked	\$500	\$750	\$1,000
§ 1021.2 § 1057.2	PPA Driver's Certificate forged or false	\$500	\$1,000	\$1,000

<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1021.2 § 1057.2	Seek/possess multiple Drivers Certificates for a class of service	\$100	\$225	\$350
§ 1021.2 § 1057.2	Unauthorized Service Provider (Hack)	\$500	\$750	\$1,000
§ 1021.11	Gratuity insisted upon	\$100	\$225	\$350
§ 1021.11	Discourage, prevent, refuse use of Credit Card	\$350	\$500	\$750
§ 1021.11	Use of unauthorized Credit Card processing system	\$350	\$500	\$750
§ 1021.11	Refuse service based on intended Credit Card use	\$350	\$500	\$750
§ 1021.11 § 1057.11	Operating while Out of Service by TLD Inspector	\$500	\$1,000	\$1,000
§ 1021.11	Operating with out a medallion attached	\$350	\$500	\$750
§ 1021.11	Multiple meters in the drivers compartment	\$100	\$225	\$350
§ 1021.11 § 1057.11	Any violation of the PA MVC (Title75) (Safe Operation)	\$100	\$225	\$350
§ 1021.11	Vulgar/obscene language or gestures in public or abusive to TLD staff	\$100	\$225	\$350
§ 1021.11	Driver using cell phone or bluetooth device with passenger in vehicle	\$100	\$225	\$350
§ 1021.11	Failure to report or repair damaged or malfunctioning meter	\$100	\$225	\$350
§ 1021.11 § 1055.15	Failure to Allow Inspection	\$500	\$750	\$750
§ 1021.11 § 1057.11	Operating unsafe vehicle	\$100	\$225	\$350
§ 1021.11	Failure to keep radio in operating setting	\$100	\$225	\$350
§ 1021.11 § 1057.11	PPA Inspection Stickers missing or expired	\$100	\$225	\$350
§ 1021.11 § 1057.11	DOT Inspection Stickers missing or expired	\$100	\$225	\$350
§ 1021.11	Appropriate route not used	\$100	\$225	\$350
§ 1021.11 § 1057.11	Failure to comply with any of the passenger rights	\$100	\$225	\$350
§ 1021.12 § 1057.12	PPA Drivers Certificate Expired	\$350	\$500	\$1,000
§ 1021.12 § 1057.12	Operating / Soliciting while outside of Rights	\$350	\$500	\$750
§ 1021.14 § 1057.14	Failure to report invalidation of drivers license	\$100	\$225	\$350
§ 1021.16 § 1057.16	Fail to stop or report accident	\$500	\$750	\$1,000
§ 1021.16	Failure to assist elderly / disabled	\$100	\$225	\$350
§ 1023.1 § 1057.11	Rates charged other than tariff	\$100	\$225	\$350
§ 1023.2 § 1057.11	Overcharge fare	\$100	\$225	\$350
§ 1023.2	Refuse to refund excess paid by customer	\$100	\$225	\$350
§ 1023.3	Refuse to transport parcel without good cause	\$100	\$225	\$350
Correctable Owner Violations*				
§ 1001.51	Failure to provide/update e-mail address	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5	Advertising not in secure or authorized place	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5	Dome light-none, not working, or not working in conj. w/ meter	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Vehicle condition and equipment substandard	\$100 to \$50	\$225 to \$100	\$350

<i>Code</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1017.5 § 1055.4	Failure to use snow or all-weather tires between Oct. 1 and April 1	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Handgrips missing from passenger compartment	\$100 to \$50	\$225 to \$100	\$350
§ 1017.5 § 1055.4	Required postings not displayed in vehicle	\$100 to \$50	\$225 to \$100	\$350
§ 1017.6 § 1055.5	Proof of Insurance not in vehicle	\$100 to \$50	\$225 to \$100	\$350
§ 1017.11	Markings missing or incorrect	\$100 to \$50	\$225 to \$100	\$350
§ 1017.24	Meter does not print	\$100 to \$50	\$225 to \$100	\$350
§ 1017.24	Electronic card readers missing or not working	\$100 to \$50	\$225 to \$100	\$350
§ 1017.26	Failure to report or repair damaged or malfunctioning meter	\$100 to \$50	\$225 to \$100	\$350
§ 1017.39 § 1055.17	Failure to notify PPA of tag change	\$100 to \$50	\$225 to \$100	\$350
§ 1017.62	Lease not provided to driver	\$100 to \$50	\$225 to \$100	\$350
Correctable Driver Violations*				
§ 1017.6 § 1055.5	Failure to carry vehicle registration or insurance card	\$100 to \$25	\$225 to \$100	\$350
§ 1021.2 § 1057.2	Failure to display Drivers Certificate in proper manner	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Any violation of the PA Safety Inspection Code	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Dirty Vehicle (interior, exterior or trunk)	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Dress Code / Appearance	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Failure to display required postings	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Display unauthorized advertising, postings	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11	Failure to have paper / ink in meter	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Wheel covers / hubcaps missing or do not match	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11 § 1057.11	Vehicle Condition and Equipment substandard	\$100 to \$25	\$225 to \$100	\$350
§ 1021.11	Failure to have signed lease in the vehicle	\$100 to \$25	\$225 to \$100	\$350
§ 1021.14	Failure to report / update personal information	\$100 to \$25	\$225 to \$100	\$350
§ 1021.17 § 1057.17	Failure to evidence TLD compliant trip log	\$100 to \$25	\$225 to \$100	\$350

* Correctable violations may be reduced upon inspection by the TLD and payment of penalty within 48 hours of violation

Dispatch Violations

<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1011.3	Reporting, annual requirements not met	\$250	\$375	\$500
§ 1011.4	Failure to pay assessments	\$250	\$375	\$500
§ 1017.24	Credit card service charging over 5%	\$250	\$375	\$500
§ 1019.1	Operating dispatch without rights	\$1,000	\$1,000	\$1,000
§ 1019.2	Intentionally falsifying Authority filings	\$1,000	\$1,000	\$1,000
§ 1019.2	Failure to remove owner/officer after felony conviction	\$1,000	\$1,000	\$1,000
§ 1019.5	Failure to Allow Inspection or inspector access	\$750	\$1,000	\$1,000

<i>Regulation Section</i>	<i>Violation</i>	<i>Penalty 1</i>	<i>Penalty 2</i>	<i>Penalty 3 and up</i>
§ 1019.8	Geographical Redlining	\$1,000	\$1,000	\$1,000
§ 1019.8	Minimum Requirements of Dispatch not maintained	\$500	\$750	\$1,000
§ 1019.8	Operation: Not responding 24 hours per day	\$500	\$750	\$1,000
§ 1019.8	Operation: Taxis not available 24 hours per day	\$500	\$750	\$1,000
§ 1019.8	Failure to respond to panic alert 24 hours per day	\$1,000	\$1,000	\$1,000
§ 1019.8	Dispatching to unauthorized service provider	\$750	\$1,000	\$1,000
§ 1019.8	Failure to notify Authority of driver not responding or refusing call	\$250	\$375	\$500
§ 1019.8	Failure to respond to consumer complaint	\$250	\$375	\$500
§ 1019.8	Poor service to the public or drivers	\$250	\$375	\$500
§ 1019.8	Failure to update contact info., including e-mail address	\$250	\$375	\$500
§ 1019.8	Failure to respond timely to consumer complaint	\$250	\$375	\$500
§ 1019.8	Failure to display advertisement in citywide phone book	\$250	\$375	\$500
§ 1019.9	Failure to notify Authority of enrollment change	\$250	\$375	\$500
§ 1019.11	Failure to disclose conflict	\$250	\$375	\$500
§ 1019.13	Failure to report interruption in service	\$750	\$1,000	\$1,000

VINCENT J. FENERTY, Jr.,
Executive Director

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